

CONGRESSIONAL RECORD:

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CONGRESSIONAL RECORD AND APPENDIX,

FORTY-EIGHTH CONGRESS, SECOND SESSION.

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CEMETERY SITE AT KIRWIN, KANS.

Mr. HANBACK. I desire to call up from the Calendar of the Committee of the Whole House on the state of the Union the bill (H. R. 577) to donate a cemetery site on the public lands to the city of Kirwin, Kans.

The bill was read, as follows:

Be it enacted, &c., That the southeast quarter of the northeast quarter of section 29, township 4 south, of range 16 west of the sixth principal meridian, in the State of Kansas, now occupied by the city of Kirwin for cemetery purposes, be, and the same is hereby, donated to the said city of Kirwin for the use of a public cemetery.

The SPEAKER *pro tempore*. Does the gentleman from Kansas [Mr. HANBACK] desire to be heard in support of this bill?

Mr. HANBACK. Not at present.

The SPEAKER *pro tempore*. The gentleman reserves his time.

Mr. HOLMAN. I call for the reading of the report.

The report (by Mr. ANDERSON) was read, as follows:

The Committee on the Public Lands, to whom was referred the bill (H. R. 577) to donate a cemetery site on the public lands to the city of Kirwin, Kans., having had the same under consideration, beg leave to report as follows:

As appears from the memorial of the mayor and common council, a tract of forty acres adjacent to the town has been used for twelve years, or since the first settlement of that region, as a public burial ground, is so used to-day, and contains the remains of over two hundred persons. It is the only cemetery near the town, and has been fenced, beautified, and otherwise improved, solely for cemetery purposes; and aside from such purposes no part of said ground is used by any person, persons, or corporation.

In February, 1881, the city, finding that one John McClimont had filed a timber-culture entry upon said forty acres, bought his relinquishment thereof for the sum of \$300, to him paid; his title, not having been perfected, is now in the United States, as appears from the certificates of the register and receiver of the land office.

Your committee therefore recommend that the bill donating this land to the city of Kirwin for cemetery purposes be passed.

The representations of the city are as follows:

"The undersigned, representing the people residing in and in the neighborhood of Kirwin, county of Phillips, and State of Kansas, come now and show that for over twelve years last past the SE. $\frac{1}{4}$ of the NE. $\frac{1}{4}$ sec. 29, T. 4, R. 16, has been, and is at the present time, used as a general burial ground, and that during said time there has been over two hundred persons buried on said described tract of land; that a large portion of said forty acres of land has been improved, fenced, and otherwise beautified for solely cemetery purposes; that aside from burial purposes no part of said land is used by any person, persons, or corporation.

"Your petitioners further show that on the 28th of February, 1881, the city of Kirwin, a city of the third class, duly incorporated under the laws of the State of Kansas, did, in her corporate capacity, purchase, for a valuable consideration, viz, \$300, of John McClimont, a relinquishment of his timber-culture entry No. 211, which he had on said forty acres of land, as more fully appears by certificate of the city clerk of Kirwin, and the certificate of the register and receiver of the United States land office at Kirwin, marked, respectively, A and B, and made a part of this showing.

"Your petitioners further show that the title to said forty acres of land is now vested solely in the Government of the United States, as more fully appears by certificate B, hereinbefore referred to.

"That at present there is no provision of statute by which title can inure to the many persons interested in said forty acres of land, and in view thereof your petitioners would most respectfully and earnestly pray that they be aided by a special act of Congress, granting to the city of Kirwin, and its successors in office, the said SE. $\frac{1}{4}$ of NE. $\frac{1}{4}$ of sec. 29, T. 4, R. 16 W., for burial purposes, and to be known as the "Kirwin Cemetery Grant."

"And for which your petitioners will ever pray.

"FRANK L. INGERSOLL,

"Mayor.

"A. STOCKMAN,

"C. S. COBB,

"C. P. BARBER,

"C. S. KNIGHT,

"Councilmen.

"W. E. ROWE,

"W. D. JENKINS,

"T. M. HELM,

"G. W. WHITE,

"N. T. BELFORD,

"V. S. KECKLEY,

"C. L. HARRIS,

"GEO. NOBLE,

"THOMAS FIFE,

"M. H. JOHNSON,

"H. MOULTON,

"W. T. S. MAY,

"W. H. MCBRIDE,

"Citizens."

EXHIBIT A.

KIRWIN, KANS., December 10, 1883.

I, H. E. Campbell, city clerk of the city of Kirwin, Phillips County, Kansas, do hereby certify that, according to the records in my possession of the proceedings of the city council of the city of Kirwin, the said council did, at a regular meeting held February 23, 1881, purchase of John McClimont, agent of the heirs of — McClimont, deceased, all their right, title, and interest to the SE. $\frac{1}{4}$ NE. $\frac{1}{4}$ sec. 29, T. 4 S., of R. 16 W., 6th P. M., to be used as a public cemetery; and on April 11, 1881, the said council ordered a city warrant for \$300 to be issued to the said John McClimont as payment therefor, and received a relinquishment (as to said tract) of timber-culture entry No. 211, then in force on said tract. Since then a portion of said tract has been surveyed and platted, and is being used as the common cemetery of the community as occasion requires.

Witness my hand and seal this 10th day of December, 1883.

[SEAL.]

H. E. CAMPBELL, City Clerk.

EXHIBIT B.

UNITED STATES LAND OFFICE, Kirwin, Kans., December 11, 1883.

We, John Bissell, register, and R. R. Hays, receiver, do hereby certify that the records of this office show that the E. $\frac{1}{4}$ NE. $\frac{1}{4}$ sec. 29, T. 4 S., R. 16 W., is covered by declaratory statement No. 897, made by Peter M. Rominer, on January 23, 1873, alleging settlement January 23, 1873; also on the 27th day of April, 1874, John J. McClimont, jr., made timber-culture entry No. 211, said entry canceled April 13, 1878, per letter C, April 6, 1878, and on June 3, 1878, John McClimont,

made timber entry No. 1955 on said tract, which was canceled as to the SE. $\frac{1}{4}$ NE. $\frac{1}{4}$ said section on July 18, 1881, by Commissioner's letter C of July 12, 1881. JOHN BISSELL, Register.
R. R. HAYS, Receiver.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill? The Chair hears none.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HANBACK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT SARATOGA SPRINGS, N. Y.

Mr. WEMPLE. I desire to call up from the Speaker's table the bill (S. 1725) for the erection of a public building at Saratoga Springs, N. Y.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults, for the accommodation of the United States court, the post-office, and other Government offices, at Saratoga Springs, State of New York. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of \$100,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for said building shall be available until a valid title to the site for said building shall be vested in the United States, not until the State of New York shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

SEC. 2. That the sum of \$50,000 is hereby appropriated for the purchase of a site and commencement of work.

Mr. WEMPLE. I call for the reading of the report.

The report (by Mr. WEMPLE) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 3716) for the erection of a public building at Saratoga Springs, N. Y., having had the same under consideration, respectfully report:

That Saratoga Springs having become famous as the greatest watering place in the world has a transient population of some 50,000 during the season, or for four or five months of the year, and from the hotel registers and arrivals by the various railroads show that at least half a million people visit that place during that time. The resident population is over 12,000.

The post-office at Saratoga is a second-class office and is a distributing office. The gross receipts for the year 1883 were \$28,015.65. During the summer months they distributed from this office on an average 9,600 letters per day, exclusive of packages and papers. The postmaster estimated them to be some 4,000 daily. The amount of mail matter received exceeded the amount dispatched. There were received and dispatched from this office during the year 1883 7,052 registered letters. There were money-orders issued amounting to \$67,327.73, and paid amounting to \$54,094.24.

The amount of rent paid for this post-office is \$1,500. It is located in a wooden building and of such a dangerous character that it can not be insured for less than 3 per cent. The mails received at this office are very valuable.

At Saratoga are located manufacturing establishments; a large female seminary; two large medical institutes; and the hotels of necessity the very largest in the country, one costing for its erection \$2,500,000 and another \$1,500,000. There are six large first-class hotels, twenty-five smaller hotels, and some one hundred and fifty boarding houses.

Saratoga is steadily increasing in population, business, and wealth. The Adirondack Railroad is being extended through to the Saint Lawrence River, going through the vast timber and mineral wealth of the Adirondacks and ending at Saratoga, connecting with the Delaware and Hudson Canal Company, Boston, and New York.

Although there are no stated terms of the United States courts held at Saratoga there are many special terms appointed to be held at Saratoga on account of the convenience to both the court and clients, and in consideration of the comparatively small additional expense to prepare a court-room in the upper part of the building it is recommended that it be done.

The amount judged suitable for such a building was determined upon after consultation at the office of the Supervising Architect of the Treasury.

In view of the foregoing facts your committee recommends the passage of the bill, amending the same by striking out the second section thereof.

The SPEAKER *pro tempore*. Does the gentleman from New York [Mr. WEMPLE] desire to be heard?

Mr. WEMPLE. I reserve my time.

The SPEAKER *pro tempore*. The gentleman has two minutes remaining.

Mr. HOLMAN. Mr. Speaker, I think there should be inserted in this bill a provision similar to that which has been adopted with reference to most of the public buildings authorized during this session, imposing on the Secretary of the Treasury, not the Supervising Architect, the duty of seeing that the expense of constructing the building, after the site has been purchased, shall not exceed the amount of the appropriation then remaining.

Mr. VAN ALSTYNE. It is regarded as important by all the citizens of Saratoga that we should have a public building there; and I beg to assure the gentleman from Indiana [Mr. HOLMAN] that the amendment he suggests, if adopted, would hazard the passage of this bill during the present Congress.

Mr. HOLMAN. I am satisfied that such an amendment would not jeopardize the passage of the bill. I think it of the highest importance that the cost of this building should not be permitted to exceed the amount which Congress may now appropriate. That is the real peril against which we should guard. In view of the determination of the House yesterday that this provision against extravagance was not necessary in the case of the building at Chattanooga, I would hardly feel justified, so far as I am concerned, in insisting on applying the provision to other bills. But I should feel very much gratified, I should feel

that we were legislating with much greater security and safety, if the gentleman in charge of this bill would himself propose such an amendment and have it adopted. It will not imperil the final passage of the bill.

Mr. WELLER. I desire to ask the gentleman having this bill in charge whether he will, so far as he is concerned, consent that this appropriation shall be made and paid only in standard silver dollars. [Laughter.]

Mr. WEMPLE. So far as I am personally concerned I should be perfectly willing that should be done; but this bill comes from the Senate, and an amendment of such a character would virtually kill the bill.

Mr. WELLER. Oh, no; it is the easiest thing in the world for the Senate to adopt this amendment; and the gentleman having the bill in charge is entitled to have his views incorporated in it.

Mr. PAYSON. I wish to ask the gentleman from New York [Mr. WEMPLE] whether any Federal courts are held at Saratoga.

Mr. WEMPLE. No, sir.

Mr. PAYSON. Then the only object of this building is to accommodate the post-office?

Mr. WEMPLE. It is for the purpose of a post-office strictly.

Mr. BUCKNER. What does the Government pay as rent for the building now used as a post-office?

Mr. WEMPLE. The Government pays \$1,500 rent for a building which does not furnish proper post-office facilities, which is not adequate for the transaction of the public business.

Mr. WELLER. Would 6 per cent. interest on the amount of appropriation now proposed exceed the rent now paid by the Government?

Mr. WEMPLE. If the Government rented a building affording proper facilities for the transaction of the public business, it would not.

The SPEAKER *pro tempore*. The time for debate on this bill has expired. Is there objection to the present consideration of this bill?

Fifteen members rose to object.

So the bill was not considered.

CHRISTOPHER SCHAEFNOCKER.

Mr. LAWRENCE. I call up for consideration the bill (H. R. 7305) for the relief of Christopher Schaeffnocker.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Christopher Schaeffnocker, late second lieutenant of Company D, One hundred and ninth Pennsylvania Volunteers, the pay and allowances of a second lieutenant from the 24th day of May, 1862, to the 4th day of August, 1862.

The report (by Mr. ROWELL) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 2610) for the relief of Christopher Schaeffnocker, late second lieutenant of Company D, One hundred and ninth Pennsylvania Volunteers, report as follows:

From the records of the War Department it appears Christopher Schaeffnocker entered the service May 24, 1862, as a second lieutenant, Company D, One hundred and ninth Pennsylvania Volunteers, and served in that capacity until August 4, 1862; that he has not been paid for said service for the reason that the paymaster decided that his muster was not legal.

It appears from the sworn statements of the officers of the company and regiment of which the said Schaeffnocker was a second lieutenant, and other reliable witnesses, that Schaeffnocker did actually serve in the capacity and discharge the duties of second lieutenant from the 24th of May, 1862, to August 4, 1862.

In view of the fact that the Government justly owes the claimant the allowances of a second lieutenant, your committee report herewith a substitute for the bill and recommend its passage.

Mr. STEELE. I would like to inquire of the gentleman from Pennsylvania whether this claimant could not have been mustered under the act of June 3, 1874.

Mr. LAWRENCE. There is some difference of opinion about that act. This bill was reported favorably at the last session of Congress. The gentleman from Illinois [Mr. ROWELL] reported it from the Committee on War Claims, and I suppose there can be no objection to it. This House passed a similar bill the other day. It only involves about \$60—

Mr. SPRINGER. Better give it to him than waste any more time about it in discussion.

The SPEAKER *pro tempore*. The Chair hears no objection, and the bill is before the House for present consideration.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LAWRENCE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

THOMAS T. STRATTON.

Mr. YOUNG. I call up for present consideration the bill (S. 305) for the relief of Thomas T. Stratton, assignee of W. B. Waldran.

The bill was read, as follows:

Be it enacted, &c., That there be, and is hereby, appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of \$3,256.98, to be paid by the Secretary of the Treasury to Thomas T. Stratton, as assignee of W. B. Waldran, in full payment and satisfaction of said Waldran's claim and demand against the United States for and on account of work and labor done on the United States court-room, offices, and judges' chambers at Mem-

phis, Tenn., under contract with and direction of J. M. Timony, United States marshal for the western judicial district of Tennessee, which claim and demand was by the said W. B. Waldran assigned and transferred to the said Thomas T. Stratton.

Mr. YOUNG. I am so hoarse this morning I can scarcely be heard, and therefore will yield to my colleague [Mr. McMILLIN] to occupy the time.

Mr. HOLMAN. Let the report be read.

Mr. McMILLIN. Does the gentleman from Indiana want the report read, or would he prefer to hear a statement from me?

Mr. HOLMAN. I will hear the gentleman's statement.

Mr. McMILLIN. At the request of my colleague [Mr. YOUNG] I will make a statement concerning this claim, as it will take more than the five minutes provided by the rule to read the report.

The facts are these: The Federal court in the city of Memphis was being held in rooms inadequate to its accommodation. In fact, both of the judges holding the court certify they were unfit for occupation, opening only upon an alley, and upon the third floor, and not properly furnished. The marshal and deputy marshal came to Washington for the purpose of getting authority to provide other apartments. They had an agreement by which they could rent certain other rooms at two thousand and odd dollars a year, provided the Government should make appropriation to furnish them. The Secretary of the Interior, the marshal and deputy marshal both certify and swear, authorized the expenditure of the money. The expenditure was made. Stratton, the owner of the property, being in straitened circumstances, furnished the money. The amount authorized by the Secretary of the Interior was \$3,500; the amount expended was thirty-two hundred and odd dollars, as provided for in this bill. That was in 1867.

The judge of the court certifies as follows:

The United States to W. B. Waldran, Dr.

Nov. 1. For material furnished and for work and labor done on U. S. court-room, offices, and judges' chambers, at Memphis, Tennessee, under orders of U. S. Marshal J. M. Timony, and approval of his Hon. Connally F. Trigg, United States district judge, as per itemized accounts and bills hereto attached, all of which were paid by me as the work progressed, \$3,256.98.

MEMPHIS, TENN., Nov. 16, 1869.

Received of J. M. Timony, U. S. marshal western district of Tennessee, thirty-two hundred fifty-six and $\frac{98}{100}$ dollars in full of the above account.

W. B. WALDRAN.

I have examined the within account and accompanying affidavit of W. B. Waldran, and believing the account all right, I approve the same and recommend payment thereof.

CONNALLY F. TRIGG,
United States District Judge.

Afterward the judge was called upon to make another statement about it, and he certified as follows:

I don't see what statement other than my original approval of the account stated within is necessary to pass the account mentioned, unless it is that I had personal knowledge of the improvements and necessity of them. I now state this, and think the account ought to be paid.

The other judge made this statement:

The rooms formerly occupied by the courts and their officers were neither decent nor comfortable. The new arrangement was cordially approved by the district judge and the district attorney, and it has my entire approbation.

The reason why it was not paid when presented was that under the act of 1853 they held that authorization for more than \$50 had to be made in writing. That fact seemed to be lost sight of, and it was not made in writing.

The gentleman from Alabama [Mr. OATES] knows the facts in this case.

The SPEAKER. The gentleman's time has expired.

Mr. WELLER. I take the floor and yield my time to the gentleman from Tennessee for further explanation.

Mr. McMILLIN. I only desire further to make this statement, Mr. Speaker. When the apartments were occupied, I think for seven years, at the rental agreed upon, the verbal understanding was thereby carried out to that extent, and when the Government moved its offices and established them in better quarters in another part of the city, they carried the very property, or all of it that could be used, which this money is to pay for. The bill provides only for the payment of the original amount without interest. The committee were unanimous in thinking it should pass.

I now yield to the gentleman from Alabama [Mr. OATES], who knows all the facts.

Mr. OATES. In the Forty-seventh Congress I examined this claim, and will state to the House that after careful examination the proofs in my judgment sustained the justice of the claim, and I believe the money ought to be paid.

There was no objection.

The bill was taken up and read a first and second time, ordered to a third reading; and was accordingly read the third time, and passed.

Mr. YOUNG moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

PUBLIC BUILDING, VICKSBURG, MISS.

Mr. JEFFORDS. I call up the bill (S. 173) to provide a building for the use of the United States courts, post-office, custom office, and internal-revenue office at Vicksburg, Miss.

The Clerk read as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be constructed a suitable building, with fire-proof vaults, at Vicksburg, in the State of Mississippi, for the accommodation of the United States courts, post-office, custom office, and internal-revenue office, of a cost not exceeding \$100,000, including cost of site: *Provided,* That no part of said sum shall be expended until the plans, specifications, and full estimates for said building shall have been made according to law, and a valid title to the land for the site of said building shall be vested in the United States, and the State of Mississippi shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein: *And provided further,* That the site so purchased shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys.

Mr. JEFFORDS. I have but a few words to say. Vicksburg, Miss., is the most important city in the State commercially, and it is the most important city between Memphis and the city of New Orleans. There are railroads converging there. It has a population of 15,000 people. I ask the Representatives in this House to consider the fact that in Vicksburg, during its occupation by the Army, many private buildings were torn down and frequent fires occurred in consequence of such occupation, and the Government of the United States can not do anything better than erect a building for public uses as mentioned in the bill, thus rendering some compensation for the injuries which were inflicted and were incidental to a state of war. I appeal to members on both sides to give this building to the city of Vicksburg.

Mr. COOK. May I ask the gentleman a question?

Mr. JEFFORDS. Certainly.

Mr. COOK. I wish to ask whether there is a Federal court held there now?

Mr. JEFFORDS. There is not now, but there ought to be. It is the most important river town, and it is expected that we will have a term of the Federal court there on account of the admiralty jurisdiction, for it all comes from the city of Vicksburg, although the court is held at Jackson, some fifty miles away. We can have a term of the Federal court there, and propose to have it. I reserve the remainder of my time.

The SPEAKER *pro tempore*. The gentleman has two minutes of his time remaining.

Mr. COOK. Mr. Speaker, I shall object to this bill. During the last twenty years we have been extending the jurisdiction of the Federal courts, and I believe the time will soon come when Congress will be required to revise and reduce the jurisdiction of the Federal courts as well as to reduce the number of places where they are to be held.

In the State of Iowa one of the greatest abuses under which we labor is this matter of the Federal courts. Nearly every railroad corporation is organized outside of the State. Every road that runs through the State of any importance is operated as a foreign corporation.

Our people are dragged from the local courts to the cities where Federal courts are held a great distance, and required to litigate in these courts instead of the local tribunals. Believing that it is time to inaugurate here as far as we can an effort to diminish the number of places where Federal courts are held and restrict their jurisdiction, I shall object to the construction of public buildings at any places in the States outside of the capitals, or at such points at which the Federal courts are already held.

Mr. HOLMAN. Will the gentleman permit me to ask him a question?

Mr. COOK. Yes, sir.

Mr. HOLMAN. Is there a term of the Federal court held now at this point?

Mr. COOK. No, sir; not as I am informed on a question I addressed to the gentleman from Mississippi; but they are trying to get one established there.

Mr. WELLER. I desire to ask the gentleman from Mississippi a question. Would you consent that this appropriation be made to be paid in standard silver dollars?

Mr. JEFFORDS. I would be glad to have it made and paid in standard silver dollars.

Mr. VAN EATON. But this is a Senate bill, and would have to go back if amended.

Mr. JEFFORDS. The only objection would be that it would necessitate the sending of the bill back to the Senate.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill?

Eighteen members rising in opposition to the bill the House refused to consider it, and the bill went back to the Speaker's table.

ACCOUNT FOR ARMS, STATE OF SOUTH CAROLINA.

Mr. DIBBLE. Mr. Speaker I ask the consideration of Senate bill 1412, authorizing the Secretary of War to adjust and settle the account for arms between the State of South Carolina and the Government of the United States.

The SPEAKER *pro tempore*. The Clerk will report the bill.

The bill is as follows:

Be it enacted, &c., That the Secretary of War be, and is hereby, authorized and directed to adjust the account for arms between the State of South Carolina and

the Government of the United States, and balance the same by so reducing the overcharge made against said State in A. D. 1869, under the act approved the 23d of April, A. D. 1868, and the several acts amendatory thereof, as that the amount paid on said account by said State for the ten years last past be taken in full satisfaction of the same.

Mr. DIBBLE. Mr. Speaker, this bill has passed the Senate, and a bill exactly in similar terms has been favorably reported by the Military Committee of this House. A bill of similar terms passed the Senate in the Forty-sixth Congress, as well as in the Forty-seventh, and was reported favorably in the last House by the Military Committee, but failed to be reached for consideration.

This bill merely proposes that in the annual distribution of arms to the militia of the States the State of South Carolina shall be permitted to draw her share the same as her sister States. Owing to some confusion in the accounts several years ago South Carolina has not drawn her quota for fifteen years. This bill does not ask the back quota, but only that she shall get in the future her proportion the same as the other States.

I suppose there will be no objection to the bill, but I reserve the remainder of my time.

Mr. McMILLIN. Mr. Speaker, I will state that I have examined this bill quite carefully, and in my judgment it is a proper measure, and ought to pass.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

There being no objection, the Senate bill was taken from the Speaker's table, read by its title a first and second time, ordered to a third reading, read the third time, and passed.

Mr. DIBBLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LOSSES BY GOVERNMENT STEAMER J. DON CAMERON.

Mr. LYMAN. Mr. Speaker, I ask consent to call up for present consideration Senate bill 1347 for the relief of the sufferers by the loss of the Government steamer J. Don Cameron, and put it upon its passage.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to examine into, ascertain, and determine the losses of private property of the officers, enlisted men, and laundresses of the Fifth Regiment United States Infantry by reason of the sinking of the Government steamer J. Don Cameron, in the Missouri River, on or about the 18th day of May, 1877; and the sum of \$25,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to enable the Secretary of War to adjust and the accounting officers of the Treasury to pay the claimants the amount of their said losses, as allowed and approved under authority of this act, not to exceed the amount for baggage allowed to said officers, soldiers, and laundresses by law and the Army regulations: *Provided,* That each person claiming remuneration under this act shall furnish to the Secretary of War, or accounting officers of the Treasury, a statement, duly verified, of the value of the property by him lost, and also of the amount of insurance, if any, received thereon, which amount shall be deducted from the value of said property on settlement by the accounting officers of the Treasury: *Provided also,* That the award of the Secretary of War for such losses shall be final, and the payment thereof to the several claimants shall be held and taken as a complete relinquishment and satisfaction of all claims for damages sustained by them by reason of the sinking of said Government steamer J. Don Cameron as aforesaid.

Mr. LYMAN. This bill, I will state in brief, is to pay certain officers of the United States Army and some poor laundresses for property lost some years ago by the sinking of that United States steamer, entirely through the fault of the officers of the United States, and for which loss the United States is liable. This bill has been reported unanimously by the Senate Committee as well as the House Committee. It passed in the Senate in the Forty-sixth, Forty-seventh, and Forty-eighth Congresses, and now awaits the action of the House.

Mr. MAGINNIS. It has passed the House twice.

Mr. LYMAN. Yes; it has passed the House twice. There is no question about the justice of the claim. If there is no objection I will not call for the reading of the report.

Mr. WELLER. I ask for the reading of the report.

Mr. LYMAN. The Clerk will please to read only the parts of the report which are marked and which contain the gist of it. I reserve my time.

The Clerk commenced to read the passages marked in the report.

Mr. WELLER (interrupting the reading). I understand the gentleman from Montana [Mr. MAGINNIS] is prepared to give a brief explanation of the bill; and that he may do so I withdraw the demand for the reading of the report.

Mr. MAGINNIS. The report is very long, and I think I can explain the matter very easily. These officers and soldiers were placed on an unseaworthy steamer against their protest. The steamer struck a snag and sank. Those who had insured their property went to the courts and were defeated, on the ground that the Government had placed an unlicensed pilot in charge of the boat. This bill was reported by General Bragg and passed the House. It passed the House a second time and has passed the Senate three times.

Mr. STEELE. As I understand the bill, unless the Secretary of War awards from this appropriation what these parties ask they are not to have it.

Mr. MAGINNIS. In that case they are not to have it. I think there can be no possible objection to the bill.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. LYMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PURCHASE OF WHARF IN WILMINGTON, N. C.

Mr. GREEN. I call up the bill (S. 1251) to authorize the purchase of a wharf for the use of the Government in Wilmington, N. C.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the United States Treasury be, and he is hereby, authorized to cause an examination to be made of the wharf in front of the custom-house and other property at the port of Wilmington, N. C., offered by E. E. Burress, president of the First National Bank of Wilmington, namely, the following real estate: One hundred and sixty-six feet front on the Cape Fear River, lying between Market and Princess streets and Waterstreet and the river; and also the brick fire-proof two-story warehouse, together with the land on which it is situated, adjoining the custom-house on the south, the said warehouse occupying a space of thirty feet front and running east ninety-two feet; and on inquiry as to their necessity for use for the revenue-marine service and other customs purposes at that port, and if it shall be found advantageous and necessary for such purposes, to purchase the same at a reasonable price: *Provided*, That it shall not exceed \$30,000, which amount shall be paid out of any money in the Treasury not otherwise appropriated.

Mr. GREEN. The reasons for the proposed purchase are fully set forth in a letter of the late Secretary of the Treasury which I hold in my hand, and which I send to the Clerk's desk to be read.

The Clerk read as follows:

TREASURY DEPARTMENT, February 5, 1883.

SIR: I have the honor to acknowledge the receipt of your letter of the 1st instant, transmitting Senate bill No. 2386 to authorize the purchase of a wharf for the use of the Government in Wilmington, N. C., in which you request, on behalf of the Committee of Commerce, such information or suggestions as I may deem proper touching the necessity for the purchase therein provided for, and the propriety of the passage of said bill.

In reply I have respectfully to state that the present wharf and storage facilities at Wilmington are represented as inadequate to the wants of the customs service.

The Department has been for some time hiring a wharf and storage houses for customs purposes at considerable annual cost. The storehouse for coal for revenue vessels, hired by the Department, is located more than a mile from the custom-house wharf, and is reported unfit for the purpose. The Department, however, has not been able to secure one nearer, nor any suitable structure for what is deemed a reasonable rental.

Immediately in front of the custom-house is a small wharf in which is reserved a right of wharfage for revenue-cutters and other customs purposes. This wharf is not, however, of sufficient length to accommodate the vessels of the Government which are employed at the present time, it being but ninety-nine feet long, while the revenue-cutter stationed at Wilmington is one hundred and seventy-five feet long.

To make this wharf available for the Government's use at least one hundred feet should be added to it. If this were done the Government storehouse might be located thereon, and besides the storage for coal, &c., it could be availed of for storing merchandise or heavy articles belonging to the customs service.

The Department has received several applications for increase of facilities at Wilmington, such as the possession of the property named in the bill would supply.

Should the wharf be secured it would afford landing facilities for vessels of the revenue marine and other Government vessels at that port.

The bill seems guardedly drawn, and I see no objection to its passage.

Very respectfully,

CHAS. J. FOLGER, *Secretary*.

Hon. S. J. R. McMILLAN,
Chairman Committee on Commerce, United States Senate.

A true copy:

E. W. CLARK,
Chief Revenue Marine Division.

The SPEAKER *pro tempore*. The time of the gentleman from North Carolina has expired. Unless some gentleman desires to occupy the time in opposition, the Chair will ask for objections. [After a pause.] Is there objection to the consideration of the bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. GREEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM H. CROOK.

Mr. RAY, of New York. I ask to take from the Speaker's table for present consideration the bill (S. 458) for the relief of William H. Crook. I desire to say in regard to this bill, very briefly, that it has already passed the Senate without opposition.

The SPEAKER *pro tempore*. The bill will be read.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William H. Crook, out of any money in the Treasury not otherwise appropriated, the sum of \$4,000, as compensation for services as secretary to the President to sign land-patents for the fiscal years of 1879, 1880, 1881, and 1882, inclusive, and which services were additional to his regular duties as executive clerk and disbursing agent, the amount being the same as was formerly paid for such service.

Mr. RAY, of New York. Mr. Speaker, from the year 1836 down to the year 1878 we paid for the performance of these services the sum of \$1,500 per annum. In the year 1878 the appropriation to pay for them was omitted, and for the ensuing four years Mr. Crook performed these services, for which \$1,500 had previously been paid, working nights and working out of regular office hours, and during that time he signed, examined, and countersigned many thousands of these land-patents each year.

Mr. RAY, of New Hampshire. Over 40,000.

Mr. RAY, of New York. Over 40,000 a year. The bill has passed the Senate and it was reported favorably by the House Committee on Claims without any opposition whatever. They recommend that Mr. Crook shall receive the sum of \$2,000. The minority report is that he should have the sum of \$4,000. There is no question of the value of these services. There is no question but that they were performed ably, promptly, and efficiently in all respects, and that this man earned the money out of office hours and in addition to his regular duties incumbent upon him by virtue of the ordinary clerkship—duties which he had to perform.

I would like to say, in addition, that last year this Congress restored the office and is now paying for the performance of this duty the sum of \$1,500 per annum. Therefore it seems to me there can be no question but that this man, having performed the services for the Government and having earned the money, should receive his pay. Four thousand dollars is \$500 a year less than the Government paid from 1836 to 1878, and is \$500 a year less than the Government is paying today for the performance of these same services.

Mr. WELLER. I desire to ask the gentleman a question, if he will permit me.

Mr. RAY, of New York. Willingly.

Mr. WELLER. I desire to inquire if this party did not know that there was no authority of law for him to render these services with the anticipation of being paid?

Mr. RAY, of New York. The services were rendered at the request of officers of the Government—at the request of the Secretary of the Interior, Mr. Teller, under the direction of the President and upon the representation and understanding that they would be paid for.

Mr. WELLER. That is one of the points I desire to understand.

Mr. RAY, of New York. The work was done with that understanding, as the committee report.

Mr. WELLER. And these services were in addition to the regular duties of this man's position?

Mr. RAY, of New York. Yes, sir; but he performed these services at night. He performed his regular duties during the daytime, and then devoted the nights to this work.

Mr. WELLER. Does the sum of \$4,000 cover the entire charge against the Government?

Mr. RAY, of New York. It does, and the amount provided for is \$2,000 less.

The SPEAKER *pro tempore*. The time for debate in favor of this bill has expired.

Mr. HOLMAN. Mr. Speaker, this is a proposition to pay an employé of the Government extra compensation for extra services rendered by him. The amount is not large, but that principle is involved. I believe this gentleman was receiving a salary of \$1,600 a year at the time he performed these services.

Mr. RAY, of New York. Fifteen hundred dollars was his regular salary.

Mr. HOLMAN. Heretofore the signing of these patents for the President has been done by clerks detailed for that purpose, and if I understand this claim correctly, it is based upon the ground that that duty was devolved upon the executive officer, and this clerk was detailed to perform it. I will ask the gentleman from Tennessee [Mr. McMILLIN] if I am correct in that?

Mr. McMILLIN. That is the way I understand the case. As the gentleman from Indiana [Mr. HOLMAN] calls upon me I will make this statement: Congress abolished the officer who had heretofore discharged this duty and required that the executive department should have the work performed by the clerical force. Thereupon the Executive devolved the duty upon this officer, and he did the work according to order, and now he comes and seeks pay for it. The committee reduced the amount that was recommended by the Senate. The Committee on Claims thought that there ought not to be a payment of \$4,000, and declined to recommend it; and, if I may be permitted to make my own statement, I believe I opposed the payment of anything.

Mr. RAY, of New York. I beg the gentleman's pardon. He voted for the \$2,000, as did every member of the committee.

Mr. McMILLIN. I do not remember how that was, but I remember that I stated at the time that it was a case of the payment of two salaries to an employé of the Government.

The SPEAKER *pro tempore*. The hour under the special rule has expired and the bill goes over.

CHANGE OF REFERENCE.

The SPEAKER *pro tempore*. The Chair asks consent of the House to correct an erroneous reference. The bill (H. R. 8048) was referred

to the Committee on Invalid Pensions, when it should have been referred to the Committee on Pensions. If there is no objection it will be so referred.

MEXICAN PENSION BILL.

Mr. RAYMOND, by unanimous consent, presented a memorial of the Legislative Assembly of Dakota for the passage of the Mexican war pension bill; which was referred to the Committee on Pensions.

DIVISION OF DAKOTA.

Mr. RAYMOND, by unanimous consent, also presented a joint resolution and memorial of the Legislative Assembly of Dakota to the Congress of the United States, praying for the division of Dakota, and for the admission of the southern portion of said Territory as a State; which was referred to the Committee on Territories.

RECORDS OF THE WAR.

Mr. REED, of Maine, by unanimous consent, introduced a joint resolution (H. R. 333) directing the Public Printer to print and bind a certain additional number of copies of the first five volumes of the Official Records of the War of the Rebellion, to supply such libraries, organizations, and individuals designated as have not received the first five volumes; which was referred to the Committee on Printing, and ordered to be printed.

JOSEPH HABIG.

Mr. ENGLISH, by unanimous consent, introduced a bill (H. R. 8251) granting a pension to Joseph Habig; which was referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM BEYERS.

Mr. ENGLISH, by unanimous consent, also introduced a bill (H. R. 8252) granting a pension to William Beyers; which was referred to the Committee on Invalid Pensions, and ordered to be printed.

COL. JOHN C. DUANE.

Mr. RAY, of New Hampshire. Mr. Speaker, I ask unanimous consent to make a report from the Committee on Claims, as I was not present when the committee was called.

The SPEAKER *pro tempore*. If there be no objection, the report will be received.

Mr. RAY, of New Hampshire, from the Committee on Claims, reported back favorably the bill (H. R. 2470) for the relief of Colonel John C. Duane, Corps of Engineers, brevet-brigadier general United States Army; which was referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

RIDER HENRY AND J. J. COUGHLIN.

Mr. DIBBLE, by unanimous consent, introduced the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Committee on Accounts be, and are hereby, requested to provide for the payment to Rider Henry and John J. Coughlin the sum of \$242.50 each for services rendered in Clerk's document-room.

COL. SAMUEL M. THOMPSON.

Mr. HEWITT, of Alabama, by unanimous consent, reported back favorably from the Committee on Pensions the bill (S. 2570) granting an increase of pension to Col. Samuel M. Thompson; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM LOCKHART.

Mr. HEWITT, of Alabama, by unanimous consent, also reported back favorably from the Committee on Pensions the bill (S. 357) granting a pension to William Lockhart; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

THOMAS MATHEWS AND OTHERS.

Mr. HERBERT, by unanimous consent, reported back with amendments from the Committee on Ways and Means the bill (H. R. 7106) for the relief of Thomas Mathews and others; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ESTATE OF WILLIAM B. THAYER.

Mr. HERBERT, by unanimous consent, also reported from the Committee on Ways and Means a bill (H. R. 8253) for the relief of George F. Roberts, administrator of the estate of William B. Thayer, deceased, surviving partner of Thayer Bros.; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

VENEZUELAN AWARDS.

Mr. RICE, by unanimous consent, reported from the Committee on Foreign Affairs a joint resolution (H. Res. 334) providing for a new mixed commission in accordance with the treaty of April 25, 1866, with the United States of Venezuela; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

REGISTRATION OF STEAMSHIPS.

Mr. CLARDY, by unanimous consent, reported back from the Committee on Commerce, with amendments, the bill (H. R. 6662) to authorize the registration of certain steamships as vessels of the United States; which was referred to the House Calendar, and the accompanying report ordered to be printed.

AMENDMENT OF RULES.

Mr. PAYSON. I submit a proposition to amend Rule XXIV.

Mr. NELSON. I object to the introduction of the resolution.

Mr. PAYSON. A proposition to amend the rules is privileged.

The SPEAKER *pro tempore*. Does the gentleman from Illinois present this for reference to the Committee on Rules?

Mr. PAYSON. Yes, sir.

The SPEAKER *pro tempore*. The Clerk will report it.

The Clerk read as follows:

Amend Rule XXIV by adding thereto the following clause: "It shall be in order during the remainder of this session immediately after the expiration of the hour set apart by the special order of February 5, 1885, to move to take from the Speaker's table messages from the Senate and House bills with Senate amendments and have the same referred to the appropriate committees, to be decided by a majority vote and without debate."

Mr. HEWITT, of Alabama. I make the point that this must go to the Committee on Rules.

The SPEAKER *pro tempore*. The Chair was about to give it that reference. It will be so referred.

M'MINNVILLE AND MANCHESTER RAILROAD.

Mr. CULBERSON, of Texas, by unanimous consent, reported back with amendments from the Committee on the Judiciary the bill (H. R. 2727) directing the Quartermaster-General to settle with the McMinnville and Manchester Railroad Company, and for other purposes; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WOONSOCKET NATIONAL BANK.

On motion of Mr. SPOONER, by unanimous consent the bill (S. 2600) for the relief of the Woonsocket National Bank, of Woonsocket, R. I., was taken from the Speaker's table, read twice, and referred to the Committee on Ways and Means.

ELECTION CONTEST—M'LEAN VS. BROADHEAD.

Mr. ELLIOTT, from the Committee on Elections, submitted a report upon the contested-election case of McLean *vs.* Broadhead, from the ninth Congressional district of Missouri.

The resolution appended to the report was read, as follows:

Resolved, That James O. Broadhead was duly elected a member of the Forty-eighth Congress from the ninth district of Missouri and is entitled to retain his seat.

The report was laid on the table and ordered to be printed.

Mr. HART. I desire to present the views of a minority of the Committee on Elections in the case of McLean *vs.* Broadhead. I ask that they be printed with the report of the committee.

The SPEAKER *pro tempore*. The Chair hears no objection, and it will be so ordered.

FREDERICK BENO.

Mr. BUDD, by unanimous consent, reported back favorably from the Committee on Invalid Pensions the bill (H. R. 2595) to grant an increase of pension to Frederick Beno; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

HUGH O'NEIL.

Mr. STOCKSLAGER, by unanimous consent, reported back favorably from the Committee on Pensions the bill (S. 1183) granting a pension to Hugh O'Neil; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

FREDERICK HERCHER.

Mr. STOCKSLAGER, by unanimous consent, also reported back with amendments from the Committee on Pensions the bill (H. R. 8048) to increase the pension of Frederick Hercher; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

BRIDGE ACROSS SAINT CROIX RIVER.

Mr. WASHBURN. I submit the following privileged report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3258) to authorize the construction of a bridge across the Saint Croix River at the most accessible point between Stillwater and Taylor's Falls, Minn., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 6, 8, 10.

That the House recede from its disagreements to the amendment of the Senate numbered 2, 3, 4, 9, 11, 12, 13; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Strike out the word "other" in the part proposed to be inserted by the said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: Strike out the word "other" in the part proposed to be inserted by the said amendment; and the Senate agree to the same.

W. D. WASHBURN,
E. W. SEYMOUR,
S. R. PETERS,
Managers on the part of the House.
O. D. CONGER,
S. J. R. McMILLAN,
G. G. VEST,
Managers on the part of the Senate.

The SPEAKER *pro tempore*. The Clerk will now read the statement which accompanies the report under the rules of the House.

The Clerk read as follows:

Statement of conference report on H. R. 3258 "to authorize the construction of a bridge across the Saint Croix River at the most accessible point between Stillwater and Taylor's Falls, Minn."

AMENDMENTS.

1. Page 2, line 8, strike out "of such;" so that it will read: "Of the bridge and accessory works."
2. Page 2, line 8, after "works" insert "provided for in this act;" so that it will read: "Of the bridge and accessory works provided for in this act."
3. Page 3, line 9, after "and" insert "the best;" so that it will read: "At an accessible and the best navigable point."
4. Page 3, line 15, after "boats" insert: "Vessels and other water craft: Provided, however, That no bridge shall be built under the provisions of this act except there also be built, at the time of the erection of the piers, proper sheer-booms or other proper protections to safely guide boats, vessels, rafts, and other water craft through said draw-spans, and at the expense of the company or corporation erecting said bridge."
5. Page 4, line 7, strike out "said;" so that it will read: "Bridge or accessory works."
6. Page 4, line 9, after "war" insert: "Not, however, to be in anywise inconsistent with the provisions or conditions of this act."
7. Page 4, line 25, after "bridge" insert: "And the United States shall have the right of way for postal telegraph and telephone lines, free of charge, across said bridge."
8. Strike out section 6, which is: "That this act shall take effect and be in force from and after its passage."
9. At the end of the bill insert the following sections:
 SEC. 6. That it shall be the duty of the Secretary of War to require the company or persons owning said bridge to cause such aids to the passage of said bridge authorized by the provisions of this act to be constructed, placed, and maintained at their own cost and expense, in the form of booms, dikes, piers, and other suitable and proper structures for confining the flow of water to a permanent channel, and for the guiding of rafts, steamboats, and other water craft safely through the draw and raft spans, as shall be specified in his order in that behalf; and on the failure of the company or persons aforesaid to make and establish such additional structures within a reasonable time, the said Secretary shall proceed to cause the same to be built or made at the expense of the United States, and shall refer the matter without delay to the Attorney-General of the United States, whose duty it shall be to institute, in the name of the United States, proceedings in any circuit court of the United States in which such bridge, or any part thereof, is located, for the recovery of the cost thereof; and all moneys accruing from such proceedings shall be covered into the Treasury of the United States.
 SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved; and the right to require any changes in said structure, at the expense of the owners thereof, whenever Congress shall decide that the public interests require it, is also expressly reserved.

The report was adopted.

Mr. WASHBURN moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INTERNAL REVENUE.

Mr. HEWITT, of New York, from the Committee of Ways and Means, reported back a bill (H. R. 8254) to amend an act entitled "An act to reduce internal-revenue taxation, and for other purposes," approved March 3, 1883; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

COMMITTEE CLERK.

Mr. DOCKERY, by unanimous consent, submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That from and after the 4th of March, 1885, the clerkship of the Committee on Accounts be made an annual clerkship, with compensation at \$2,000 per annum.

EVENING SESSIONS.

Mr. KING submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That on and after to-morrow (Thursday, February 19), there will be night sessions of the House of Representatives, commencing at 8 p. m. each day, for the consideration and passage of general appropriation bills.

DISTRIBUTION OF SURPLUS COPIES OF THE JOURNALS.

Mr. SMITH, of Pennsylvania, from the Committee on Printing, reported back favorably joint resolution (H. Res. 313) providing for the distribution of surplus copies of the Journals of the two Houses of Congress; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

DISTRIBUTION OF DOCUMENTS.

Mr. SMITH, of Pennsylvania, from the Committee on Printing, also reported back favorably the following resolution.

The Clerk read as follows:

Resolved, That all documents and books ordered to be published by the present Congress, and which are actually printed prior to the first Monday of December next, together with documents and books heretofore ordered to be printed which

have not been actually printed, to which members of the present Congress are or would have been entitled if published prior to the 4th of March next, and which are actually printed prior to the first Monday of next December, shall be allotted, as heretofore, to members of the present Congress and transmitted to their residences as fast as printed, unless otherwise ordered by the members themselves.

The SPEAKER *pro tempore*. The resolution and accompanying report will be referred to the House Calendar, and ordered to be printed. Mr. SMITH, of Pennsylvania. I ask that the resolution be considered now.

The SPEAKER *pro tempore*. Is there objection.

Several members objected.

Mr. SPRINGER. I understand this to be a privileged resolution.

The SPEAKER *pro tempore*. It is not. It is in regard to the printing and distribution of documents.

INTERNATIONAL POLAR EXPEDITION.

Mr. BRATTON, from the Committee on Printing, reported a joint resolution (H. Res. 335).

The Clerk read as follows:

Resolved, &c., That 2,000 additional copies of Lieut. P. H. Ray's report of the international polar expedition to Point Barrow, Alaska, be printed for distribution by the Chief Signal Officer of the Army.

The resolution was adopted.

Mr. BRATTON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CLAIM AGENTS AND ATTORNEYS IN PENSION CASES.

Mr. ROGERS, of Arkansas. I am instructed by the Committee on the Payment of Pensions, Bounty, and Back Pay to report back favorably the act (S. 2511) relating to claim agents and attorneys in pension cases. I ask for the reading of the bill and report, and when they have been read I shall demand the previous question on the passage of the bill.

The bill was read, as follows:

Be it enacted, &c., That no agent, attorney, or other person shall demand or receive any fee for his services in pension, arrears of pension, or bounty-land claims until the allowance of the claim.

SEC. 2. That all fees in pension claims shall be paid by the agent for paying pensions out of the first installment of pension due the claimant; and no agent, attorney, or other person shall receive any fee for his services in a pension claim except through the agent for paying pensions, under such regulations as the Commissioner of Pensions may prescribe.

SEC. 3. That the fee in all pension, arrears of pension, or bounty-land claims shall be \$10, except in cases of special written contract, filed in the Pension Office and approved by the Commissioner of Pensions, as hereinafter provided. The claimant may contract with his attorney of record, in writing, in such form as the Commissioner of Pensions may prescribe, for a fee to an amount not exceeding \$25, subject to revision by the Commissioner of Pensions as to the amount to be paid, except in claims for increase of pension where no new disability is alleged, in cases of pensions for service, and in all claims filed in the Pension Office after June 20, 1878, and prior to the 4th day of July, 1884, in which cases no fee above \$10 shall be contracted for; and in all claims filed prior to the passage of this act the attorney shall file a statement, under oath, duly attested, setting forth the amount of fee already received by him, and the amount already received shall be deducted from the fee allowed by this act.

SEC. 4. That the Secretary of the Interior may prescribe rules and regulations governing the recognition of agents, attorneys, or other persons representing claimants before his Department, and may require of such persons, agents, and attorneys, before being recognized as representatives of claimants, that they shall show that they are of good moral character and in good repute, possessed of the necessary qualifications to enable them to render such claimants valuable service and otherwise competent to advise and assist such claimants in the presentation of their cases; and such Secretary may suspend, debar, dismise, and disbar from further practice before his Department any such person, agent, or attorney shown to be incompetent, disreputable, or who refuses to abide by the said rules and regulations, or who shall in any manner deceive, mislead, or threaten any claimant or presumptive claimant by word, circular, letter, or by advertisement.

SEC. 5. That any agent or attorney or other person instrumental in prosecuting any claim for pension, or arrears thereof, who shall directly or indirectly contract for, demand, or receive and retain any compensation for his services or instrumentality for prosecuting a claim for pension, or arrears thereof, under such contract, greater than is herein provided, or in any other manner than herein provided, or shall willfully or knowingly make a false statement in regard to the amount of fee already received, shall be deemed guilty of a high misdemeanor, and, upon conviction thereof, shall for every such offense be fined not exceeding \$1,000, or be confined at hard labor not exceeding two years, or both, at the discretion of the court, and be forever afterward debarred from practicing before the Pension Office.

SEC. 6. That no agent or attorney shall either demand or receive, on account of the prosecution of any claim provided for under the provisions of this act, where such claim was filed after the 20th day of June, 1878, and prior to the 4th day of July, 1884, any fee or sum of money in excess of \$10; nor shall said \$10, or any part thereof, be paid to any agent or attorney until he make and file in the office of the Commissioner of Pensions the affidavit provided for in section 3 of this act; and if it shall appear from said affidavit, or in any other way, that all or any part of said \$10 has been paid, it shall be deducted therefrom, and the residue, if any, shall be paid to such attorney as hereinbefore provided; Provided, That this act shall not be so construed as to interfere with any contracts entered into fairly and without fraud or duress in accordance with the laws existing at the time of making such contract; and that any person who shall violate the provisions of this act shall be, upon conviction, punished as provided in the fifth section of this act: And provided further, That in all cases filed after June 20, 1878, and prior to July 4, 1884, where new contracts have been entered into under the act of July 4, 1884, no deduction for attorneys' fees shall be made by any pension agent from the pension allowed, but the whole amount of said pension shall be paid directly to the claimant; and in all such cases the Commissioner of Pensions shall certify to the pension agent paying the pension the fact that a new contract has been filed in the Pension Bureau, and on account thereof no deduction shall be made.

SEC. 7. That this act shall not be so construed as to prohibit any claimant the prosecution of whose claim has been or may be abandoned by his attorney

from employing another attorney or agent, but in no such case shall the fee paid such attorney exceed the sum of \$10, under the penalties of the fifth section of this act: *Provided*, That if such new attorney successfully prosecute such claim, the original attorney or agent shall not be allowed to demand or receive any part thereof, under the penalties of the fifth section of this act.

Sec. 8. That hereafter no person or persons who may have been heretofore engaged in the prosecution of pension or bounty-land claims of any character whatsoever, and who may have heretofore collected on account thereof any sum whatever, shall be allowed to sell, assign, convey, or make over to any other person any such claim or claims, so as that it shall be lawful for any vendee or assignee of such claim or claims to demand or receive any other or greater fee than is hereinbefore provided for; nor shall such vendee or assignee be allowed to receive anything therefor until the vendor or assignor of such claim or claims, if alive, shall make and file in the office of the Commissioner of Pensions the affidavit provided for in the third section of this act; and any person or persons who shall violate the provisions of this section shall be subject to the penalties imposed by the fifth section of this act: *Provided*, That the provisions of this act authorizing contracts for a fee of \$25 shall be limited to attorneys or agents residing in the State or Territory or the District of Columbia where the claimant resides, and shall not extend to agents or attorneys residing in a State or Territory or the District of Columbia of which the claimant is resident to enter into partnership with or otherwise to divide the fee of \$25 with any attorney or agent residing in the District of Columbia.

Sec. 9. That all of the provisions of the act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1885, and for other purposes, approved July 4, 1884, relating to claim agents and attorneys in pension cases, are hereby repealed: *Provided*, That as to offenses committed under said act all the provisions thereof shall remain in full force.

Passed the Senate February 6, 1885.

Attest:

ANSON G. MCCOOK, Secretary.

Mr. KEIFER. I make the point of order that notwithstanding this committee has the right under the order of the House to report at any time, it does not carry with it the right of consideration; that the bill must be referred for consideration to the Committee of the Whole House on the state of the Union if it be of that character required to be so considered.

The SPEAKER *pro tempore* (Mr. THOMPSON in the chair). The point is not well taken at this time. The right to report at any time includes the reading of the bill and report, after which the Chair will recognize the gentleman to make his point of order.

Mr. KEIFER. I understood the bill was brought here for present consideration. I am required by the rules to make my point of order before the consideration of the bill has been entered upon.

Mr. PRICE. I rise to a parliamentary inquiry whether it is in order to move a substitute for the present bill?

The SPEAKER *pro tempore*. It is not.

Mr. ROGERS, of Arkansas. I call for the reading of the report.

The Clerk read as follows:

The Committee on the Payment of Pensions, Bounty, and Back Pay, having had under consideration Senate bill 2511, beg leave to report the same with the recommendation that it pass.

The said bill is in substance the same as an amendment to the House pension appropriation bill, which passed the House at its present session. It embodies also the same principles as the amendment to the House pension appropriation bill which passed the House last session, so that the present bill or the principles embodied in it have twice met the approbation of the House of Representatives in the Forty-eighth Congress, and once in the Senate.

The only difference in this bill of any importance from the amendment to the House pension appropriation bill of the present session is this:

In the amendment to the House pension appropriation bill there was a provision absolutely abrogating all contracts for a greater sum than \$10, executed and filed under the act of July 4, 1884, in cases filed under the act of June 20, 1878, under which last act the fee in all cases was fixed by law at \$10.

This bill does not directly abrogate that class of contracts, but it prohibits the pension agents from paying the pension attorneys anything, directs the check when issued to be turned over to the claimant, and remits the attorney and client to settle the fee between themselves, as the law provided when the claim was filed and the work undertaken. The committee preferred its own bill, but thought this bill would correct the evils of the act of July 4, 1884, if not entirely at least substantially. It at least accomplishes two purposes: First, it saves a considerable per cent. of the force in the Pension Office—for the legitimate work of the office, which, under the act of July 4, 1884, was employed in collecting fees for pension attorneys; second, it prevents pension attorneys from exacting the execution of twenty-five-dollar contracts from clients they had agreed to serve for \$10, by forbidding them from demanding or receiving any fee until the claim is allowed, and it will save to claimants hundreds of thousands, if not millions of dollars, which they would have paid out to attorneys under the act of July 4, 1884. The committee gives its sanction to this bill without dissent and without amendment rather than run any risk of permitting the act of July 4, 1884, to remain longer upon the statute-books, believing as it does that that act never would have received the sanction of Congress if it had been considered properly in either branch thereof.

The committee recommend that this bill be put upon its immediate passage and without amendment.

Mr. ROGERS, of Arkansas. I demand the previous question upon the adoption of the report.

The SPEAKER *pro tempore* (Mr. THOMPSON in the chair). The gentleman from Ohio is entitled to be heard upon his point of order.

Mr. KEIFER. I make the point of order against the consideration of this bill in the House. My point of order is that the bill should first be considered in the Committee of the Whole House on the state of the Union, and I call the attention of the Chair to these provisions of the bill.

By section 1 of the bill it will be found that it undertakes to provide—

That no agent, attorney, or other person shall demand or receive any fee for his services in pension, arrears of pension, or bounty-land claims until the allowance of the claim.

Section 2 of the bill provides—

That all fees in pension claims shall be paid by the agent for paying pensions

out of the first installment of pension due the claimant; and no agent, attorney, or other person shall receive any fee for his services in a pension claim except through the agent for paying pensions, under such regulations as the Commissioner of Pensions may prescribe.

It will be understood, and there is no dispute about it, that the agent for the payment of pensions named by the second section of the bill is the agent of the Government for the payment of pensions, and not the agent of the claimants for pensions, but is the person who pays out the money of the Government under its appropriation for pensions. By this provision it will be seen that money belonging to the Government which has been appropriated under the laws of Congress to be paid directly by these persons who are called pension agents is paid in another sense to persons who represent the claimants.

Now I call the attention of the Speaker to paragraph 3 of Rule XXIII:

All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

Now, Mr. Speaker, you will note the particular language that applies to this point of order. It is that this bill contains a proposition "authorizing payments out of appropriations already made." That is out of the moneys of the United States appropriated for the purpose of paying pensions. It is a payment to be made by virtue of the provisions of section 2 out of the moneys of the United States. It does not make any difference whether that is to be charged over as against the persons to whom the pensions are allowed. That makes no difference, because this is a provision in the bill for the purpose of paying out money already appropriated; and therefore I maintain that this bill requires its first consideration in the Committee of the Whole House on the state of the Union, and I make the point of order on that ground at this time. I make this point of order because it is in accordance with the previous rulings so far as I know of the various Speakers who have presided here.

Mr. HOLMAN. Just a word on the point of order. I am very confident, Mr. Speaker, that a careful inquiry into this question will disclose the fact that the point of order is not well taken. It comes fairly within the law, and not at all within the rule to which the gentleman from Ohio refers.

The bill simply proposes, out of money already appropriated, or which shall be appropriated, when it shall become the money of the pensioners themselves, that a certain limitation shall be imposed upon the expenditures, not of the money of the United States, but of the amounts to be paid to the party securing the allowance of the pension. It is not therefore an appropriation of the money of the Federal Government, money belonging to the public Treasury, but a designation as to how money appropriated by the Government and belonging to the pension claimants shall be applied when it becomes the money of the pensioners.

I concede if an appropriation was sought to be made of money belonging to the United States, while still remaining its money, a bill proposing to appropriate that money, or diverting its appropriation, or appropriating money out of it, it being money of the United States, that it would fall clearly within the rule to which the gentleman calls attention. In that case it would be a direct application of the money of the United States for purposes not warranted under the rule, and would require its consideration, were the point of order made in the Committee of the Whole. I submit therefore that the point of order is not well taken; and that this is a limitation upon money which becomes the property of somebody else, and is not the property of the United States when the appropriation which this bill provides is made out of it.

I hope the rule will be read in this connection.

Mr. STEELE. I desire to have this dispatch read on the point of order. It is from the commander of the Grand Army of the Republic of the United States.

The SPEAKER *pro tempore*. The gentleman will send the dispatch to the desk.

The Clerk read as follows:

TOLEDO, OHIO.

Hon. GEO. W. STEELE—

Mr. ROGERS, of Arkansas. I object to the reading of that. How does it come in here?

The SPEAKER *pro tempore*. The gentleman from Indiana has a right to be heard upon the point of order.

Mr. HOLMAN. In addition to the suggestion I made a moment ago, I wish to add that this committee had unanimous consent to report at any time.

Mr. RANDALL. And the right to report at any time implies the right to consider.

The SPEAKER *pro tempore*. The Clerk will read what the gentleman from Indiana sends to the desk, on the point of order.

The Clerk read as follows:

TOLEDO, OHIO, February 18, 1885.

Hon. GEO. W. STEELE:

In my opinion the pension-fee bill will work an injury to soldiers and should not pass.

JNO. T. KOUNTZ.

The SPEAKER *pro tempore*. The Chair is prepared to rule on the point of order.

Mr. KEIFER. I desire to be heard in reply to the gentleman from Indiana.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. KEIFER] is recognized.

Mr. KEIFER. I desire to say in answer to the gentleman from Indiana [Mr. HOLMAN], before the Chair rules on the point of order, that we have discovered for the first time in the history of the Government, if that gentleman's construction of the bill is correct, that we have a right, after money has become the property of an individual to say how he shall spend it and to take it away from him almost by force and apply it as we please.

The gentleman from Indiana argues that this bill proposes not to use the money of the United States, while it is still the money of the United States, but after it has become the money of the pensioner to say how a portion of it shall be applied. But that is not the fact. Under the bill, if it should become a law, it will be enacted that so much of the first payment that goes to a pensioner shall be paid to the claim agent; and therefore it only reduces the amount of the money that goes on the first payment to the pensioner. The other part the Government holds and would keep, under the bill, to be applied to pay a person who represented a pensioner. It is for that reason the Government is allowed to direct it, and it is in this way that we legislate when we undertake to pay the attorney who represents the pensioner. We undertake to pay it out of the money of the United States, not out of the pensioner's money, because we would not have any such right or authority as that. I do not know the Government of the United States has in any instance undertaken, by any law, to say how a person's property should be applied and used. I think there is no instance of it.

It is an attempt to argue out of or around the rule to say we are undertaking to fix the amount that shall be paid the pension agent who represents the pensioner. It is a mere attempt to go around the rule, and is not within the spirit of it.

The law is plain and the rule is plain that where we undertake to apply money that has already been appropriated the bill shall have its first consideration in Committee of the Whole House.

Mr. SPRINGER addressed the Chair.

The SPEAKER *pro tempore* (Mr. THOMPSON). The Chair is ready to rule on the point of order.

Mr. SPRINGER. Very well.

The SPEAKER *pro tempore* (Mr. THOMPSON). The Chair holds the point of order taken by the gentleman from Ohio [Mr. KEIFER] is not good. The Chair does not think this is an appropriation of the public money or such an authorizing of payments out of appropriations of the public money already made as brings it within the rule quoted by the gentleman from Ohio [Mr. KEIFER].

Mr. HERR. I rise to a privileged question. I raise the question of consideration on this bill.

The SPEAKER *pro tempore*. The gentleman from Michigan raises the question of consideration.

Mr. SPRINGER. I submit that it is too late to raise the question of consideration. We have proceeded to consider the bill.

Mr. HERR. I beg the gentleman's pardon; we have not done so.

Mr. STEELE. I gave notice that I reserved the right to raise the question of consideration.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. KEIFER] raised a point of order on this bill which was reserved till the reading of the report. The point of order has been ruled against. Now, the gentleman from Michigan [Mr. HERR] raises the question of consideration against the bill.

Mr. SPRINGER. The report has been read, the point of order has been discussed and ruled upon, and the bill is now pending before the House. The time to raise the question of consideration was when the gentleman from Arkansas called up the bill.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. KEIFER], in raising the point of order, went further and also raised the question of consideration. He made the point that this was not a privileged bill except for the purpose of report. The Chair ruled that it was privileged for the purpose of report, and that that made it privileged for the purpose of consideration. But any gentleman has the right, of course, at any time before consideration begins to raise the question of consideration.

Mr. HERR. No doubt of it.

The SPEAKER *pro tempore*. And the gentleman from Michigan was in time, because the report was read by unanimous consent and not as a matter of right.

Mr. ROGERS, of Arkansas. I had the floor, and demanded the reading of the report while holding the floor.

The SPEAKER *pro tempore*. The point of order was pending at the time; and the report could only be read, while the point of order was pending, by unanimous consent.

Mr. SPRINGER. What is the question now?

The SPEAKER *pro tempore*. The question is, Will the House now consider this bill?

The question being taken, there were—ayes 78, noes 67.

Mr. HERR. I call for tellers.

Mr. KEIFER. I call for the yeas and nays.

The SPEAKER *pro tempore* proceeded to put the question on ordering the yeas and nays.

Mr. CANNON. I make the point that a quorum did not vote.

The SPEAKER *pro tempore*. The House is now dividing on the question whether it will order the yeas and nays.

On the question of ordering the yeas and nays there were ayes 23—not a sufficient number.

Mr. ROGERS, of Arkansas. I now call the previous question.

Mr. HERR. I demanded tellers because there was no quorum.

The SPEAKER *pro tempore*. The gentleman has the right to a vote by tellers.

Mr. HERR. I demand them.

The SPEAKER *pro tempore*. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Arkansas, Mr. ROGERS, and the gentleman from Michigan, Mr. HERR.

Mr. HOLMAN. Tellers were called for too late.

The SPEAKER *pro tempore*. The call for tellers on the original motion is not too late; a call for tellers on the yeas and nays would be too late.

Mr. PAYSON. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. PAYSON. There is some misapprehension in this part of the Chamber as to the precise question upon which we are voting, and I desire to ask the Chair to state the question.

The SPEAKER *pro tempore*. The Chair will state the question. Tellers have been ordered upon the question of consideration of this bill, and all who are in favor of considering the bill at the present time will pass between the tellers; and the Chair designates the gentleman from Michigan, Mr. HERR, and the gentleman from Arkansas, Mr. ROGERS, to act as tellers.

The House divided; and the tellers reported 110 voting in the affirmative; and 100 in the negative.

The SPEAKER *pro tempore*. The ayes have it.

Mr. ROGERS, of Arkansas. Mr. Speaker, I now demand the previous question on the passage of the bill.

Mr. HERR. Mr. Speaker—

The SPEAKER *pro tempore*. The Chair has recognized the gentleman from Michigan twice—

Mr. HERR. Mr. Speaker, I wish to state that the result as announced does not come within twenty votes of according with the tally which I kept, and I kept it as accurately as I could.

The SPEAKER *pro tempore*. The Chair can only take the vote as reported by the clerk at the Speaker's table.

Mr. HERR. Well, it is a mistake.

The SPEAKER *pro tempore*. In justice to the clerk, the Chair will state that it was a vote taken after such a fashion as made it difficult, if not impossible, for the clerk or for the tellers to ascertain the result accurately.

Mr. CANNON. Mr. Speaker, I rise to a point of order. If a challenge of the vote is made by one of the tellers, or by any member of the House, there is but one thing to do, namely, to take the vote over again.

The SPEAKER *pro tempore*. The Chair thinks that is but fair, as the manner in which the vote was taken was the fault of the House. The ayes were not counted at one time, nor were the noes. The Chair will ask the tellers to resume their places, that the vote may be taken again.

Mr. ROGERS, of Arkansas. Mr. Speaker, is it in order now to demand the yeas and nays?

The SPEAKER *pro tempore*. The Chair thinks it is not, because the yeas and nays have been refused.

Mr. CANNON. But you can reconsider that.

Mr. HATCH, of Missouri. I move to reconsider the vote by which the yeas and nays were refused.

The question was taken; and the motion of Mr. HATCH was agreed to.

Mr. HATCH, of Missouri. Now, Mr. Speaker, I demand the yeas and nays on the motion of the gentleman from Michigan [Mr. HERR] on the question of consideration.

The yeas and nays were ordered.

The SPEAKER *pro tempore*. The yeas and nays have been ordered, and the Chair will state the question is on proceeding to the consideration of this bill at this time.

Mr. HEWITT, of Alabama. Mr. Speaker, does this bill antagonize the river and harbor bill?

The SPEAKER *pro tempore*. The Chair hardly thinks that is a parliamentary inquiry.

Mr. RANDALL. Mr. Speaker, the pensioners of this country ought not to be left another year under the present system, which is one of extortion on the part of claim agents.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. RANDALL] is not in order.

Mr. HEWITT, of Alabama, and Mr. RANDALL both further addressed the Chair, but the confusion was such that they could not be heard.

Mr. BROWNE, of Indiana. Mr. Speaker, I rise to make a parliamentary inquiry, which the Chair need answer.

The SPEAKER *pro tempore*. The Chair will not recognize any gen-

tleman until order is restored in the Hall. There is so much confusion that the Chair must direct the Sergeant-at-Arms to see that members come to order and resume their seats.

The Sergeant-at-Arms, bearing the mace, proceeded through the Hall until order was restored.

The SPEAKER *pro tempore*. The Chair will now hear the gentleman from Indiana [Mr. BROWNE].

Mr. BROWNE, of Indiana. Mr. Speaker, I simply desire to inquire whether this is a Senate bill or a House bill.

The SPEAKER *pro tempore*. The Chair does not think that that is a parliamentary inquiry. The Clerk will proceed with the call of the roll.

The question was taken; and it was decided in the negative—yeas 116, nays 136, not voting 72; as follows:

YEAS—116.

Alexander,	Dingley,	Millard,	Smith, A. Herr
Anderson,	Dockery,	Morgan,	Smith, H. Y.
Arnold,	Dorheimer,	Moulton,	Springer,
Bagley,	Eaton,	Murray,	Stockslager,
Beach,	Elliott,	Nelson,	Stone,
Bennett,	Ellwood,	Nicholls,	Storm,
Bland,	English,	Nutting,	Strait,
Boutelle,	Ermentrout,	Paige,	Struble,
Boyle,	Everhart,	Parker,	Sumner, D. H.
Bratton,	Ferrell,	Payson,	Swope,
Broadhead,	Follett,	Perkins,	Thomas,
Brown, W. W.	Geddes,	Peters,	Tully,
Browne, T. M.	Greenleaf,	Pettibone,	Vance,
Burnes,	Hamback,	Potter,	Wadsworth,
Campbell, J. M.	Hancock,	Randall,	Wakefield,
Carleton,	Hardy,	Ray, G. W.	Wallace,
Cassidy,	Hatch, W. H.	Reid, J. W.	Ward,
Cobb,	Haynes,	Reese,	Warner, A. J.
Collins,	Hewitt, A. S.	Rice,	Weaver,
Converse,	Holman,	Rogers, J. H.	Wemple,
Cook,	Holmes,	Rogers, W. F.	White, Milo
Congrove,	Hopkins,	Rosecrans,	Whiting,
Cox, S. S.	James,	Rowell,	Wilkins,
Cox, W. R.	Jones, J. K.	Seney,	Winans, E. B.
Culbertson, W. W.	Kleiner,	Shively,	Winans, John
Cullen,	Lovering,	Singleton,	Wood,
Curtin,	Lowry,	Skinner, C. R.	Worthington,
Davis, R. T.	Matson,	Slocum,	Yaple,
Denster,		Smalls,	York.

NAYS—136.

Atkinson,	Dibrell,	Jones, B. W.	Pusey,
Ballentine,	Dixon,	Jones, J. H.	Reagan,
Barbour,	Ellis,	Jones, J. T.	Robertson,
Barksdale,	Evans,	Keifer,	Robinson, W. E.
Barr,	Findlay,	Kelley,	Russell,
Bayne,	Finerty,	King,	Seymour,
Biabee,	Foran,	Lacey,	Skinner, T. G.
Blackburn,	Forney,	Lanham,	Snyder,
Blanchard,	Funston,	Lawrence,	Spooner,
Blount,	Glascok,	Lewis,	Steele,
Bowen,	Goff,	Libbey,	Stephenson,
Brainerd,	Graves,	McCold,	Stephens,
Breckinridge,	Green,	McComas,	Stewart, Charles
Bretting,	Guenther,	McCormick,	Sumner, C. A.
Buchanan,	Halsell,	McMillin,	Talbott,
Buckner,	Hammond,	Miller, J. F.	Taylor, J. D.
Budd,	Hardeman,	Miller, S. H.	Taylor, J. M.
Burleigh,	Harmer,	Milliken,	Thompson,
Cabell,	Hart,	Mills,	Tillman,
Caldwell,	Hemphill,	Money,	Turner, H. G.
Campbell, Felix	Henderson, T. J.	Morrill,	Turner, Oscar
Campbell, J. E.	Hensley,	Muldrow,	Valentine,
Candler,	Hewitt, G. W.	Murphy,	Van Eaton,
Cannon,	Hill,	Neece,	Wait,
Clardy,	Hiscock,	Oates,	Warner, Richard
Clements,	Hoblitzell,	Ochiltree,	Wellborn,
Covington,	Holton,	O'Neill, Charles	Weller,
Crisp,	Horr,	Patton,	White, J. D.
Culbertson, D.	Houseman,	Payne,	Williams,
Dargan,	Howey,	Peel,	Willis,
Davidson,	Hunt,	Pierce,	Wilson, James
Davis, G. R.	Hurd,	Poland,	Wise, G. D.
Davis, L. H.	Jeffords,	Price,	Wolford,
Dibble,	Johnson,	Pryor,	Young.

NOT VOTING—72.

Adams, G. E.	Fiedler,	Le Fevre,	Ray, Osian
Adams, J. J.	Garrison,	Long,	Reed, T. B.
Aiken,	George,	Lore,	Riggs,
Belford,	Gibson,	Lyman,	Robinson, J. S.
Belmont,	Hatch, H. H.	McAdoo,	Rockwell,
Bingham,	Henderson, D. B.	Maybury,	Ryan,
Brewer, F. B.	Hepburn,	Mitchell,	Shaw,
Brewer, J. H.	Herbert,	Morrison,	Spriggs,
Brum,	Hitt,	Morse,	Stewart, J. W.
Chalmers,	Hooper,	Muller,	Taylor, E. B.
Clay,	Houk,	Mutchler,	Throckmorton,
Connolly,	Hutchins,	O'Ferrall,	Townsend,
Craig,	Jordan,	O'Hara,	Tucker,
Cutcheon,	Kean,	O'Neill, J. J.	Van Alstyne,
Dowd,	Kellogg,	Phelps,	Washburn,
Dunham,	Ketcham,	Post,	Wilson, W. L.
Dunn,	Laird,	Rankin,	Wise, J. S.
Eldredge,	Lamb,	Ranney,	Woodward.

So the House refused to proceed to the consideration of the bill.
Mr. HENDERSON, of Illinois. I ask that the reading of the names be dispensed with.

Mr. WARNER, of Ohio. I object.
The Clerk having reported the vote, the following pairs were announced:

On all political questions until further notice:
Mr. MORRISON with Mr. JOHN S. WISE.

Mr. SHAW with Mr. LAIRD.

Mr. RANKIN with Mr. KELLOGG.

Mr. LAMB with Mr. KETCHAM.

Mr. THROCKMORTON with Mr. EZRA B. TAYLOR.

Mr. SPRIGGS with Mr. O'HARA.

Mr. JORDAN with Mr. DUNHAM.

For this day:

Mr. AIKEN with Mr. RYAN.

Mr. LE FEVRE with Mr. HOOPEE.

Mr. DUNN with Mr. ROCKWELL.

Mr. GIBSON with Mr. BREWER, of New Jersey.

Mr. FIEDLER with Mr. HENDERSON, of Iowa.

Mr. MAYBURY with Mr. HEPBURN.

Mr. MULLER with Mr. BREWER, of New York.

Mr. CONNOLLY with Mr. CRAIG.

Mr. HERBERT with Mr. HOUK.

On this vote:

Mr. MORSE with Mr. RAY, of New Hampshire.

Mr. CLAY with Mr. BINGHAM.

Mr. TOWNSEND with Mr. WASHBURN.

The SPEAKER *pro tempore*. On this question the yeas are 116, the nays 136. The House refuses to proceed with the consideration of this bill. The bill will go to the House Calendar and the report be printed.

ORDER OF BUSINESS.

Mr. HUTCHINS. I move to dispense with the morning hour.

The motion was agreed to, two-thirds voting in favor thereof.

Mr. WILLIS. I move that the House now resolve itself into Committee of the Whole on the state of the Union, my purpose being to call up the river and harbor bill.

Mr. HUTCHINS. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of taking up the naval appropriation bill.

Mr. WILLIS. I hope the gentleman will not make that motion. I think it was the understanding distinctly and plainly yesterday and to-day—

Several members called for the regular order.

The SPEAKER *pro tempore*. The regular order is called for.

[Mr. WILLIS, Mr. KEIFER, Mr. HISCOCK, and Mr. HUTCHINS, amid some confusion, engaged in a brief colloquy on the order of business.]

The SPEAKER *pro tempore*. Debate is not in order. The regular order has been demanded. The reporters will not put into the RECORD anything that may have occurred since the regular order was demanded.

Mr. WILLIS. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman in a moment for his parliamentary inquiry. The gentleman from New York [Mr. HUTCHINS] moves that the House now resolve itself into Committee of the Whole on the state of the Union for the purpose of proceeding to the consideration of general appropriation bills. Does the gentleman from Kentucky [Mr. WILLIS] rise to a parliamentary inquiry?

Mr. WILLIS. I can not, of course, under the rules express my surprise, and I do not [laughter]; but I rise to ask, if this motion be voted down, whether we can not go into Committee of the Whole to call up the river and harbor bill.

Mr. STORM. Nobody knows that better than the gentleman from Kentucky.

The SPEAKER *pro tempore*. The Chair would certainly say that is in the province of the House. The question is on the motion of the gentleman from New York.

Mr. KEIFER. I ask unanimous consent for a little time for debate in order to determine this matter; it will save time when we get into committee.

The SPEAKER *pro tempore*. The Chair will only say that the regular order has been demanded, and the Chair has no power to indulge debate. The question is on the motion of the gentleman from New York that the House resolve itself into Committee of the Whole House on the state of the Union to consider general appropriation bills.

The question being taken, there were—ayes 81, noes 99.

Mr. HUTCHINS. I call for the yeas and nays.

The yeas and nays were ordered.

DEFICIENCY APPROPRIATION BILL.

Mr. BURNES, from the Committee on Appropriations, reported a bill (H. R. 8255) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1885, and for prior years, and for other purposes.

Mr. WILLIS. All points of order are reserved on that bill.

The bill was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. BURNES. I give notice that I will call up this bill as soon as the naval bill is disposed of.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The question will now be taken by yeas and nays on the motion of the gentleman from New York [Mr.

HUTCHINS] that the House resolve itself into Committee of the Whole on the state of the Union to consider general appropriation bills.

The question was taken; and it was decided in the negative—yeas 102, nays 139, not voting 83; as follows:

YEAS—102.

Alexander,	Elliott,	McAdoo,	Springer,
Anderson,	English,	McComas,	Steele,
Barr,	Ermentrout,	Matson,	Stewart, J. W.
Bayne,	Evans,	Millard,	Stockslager,
Beach,	Everhart,	Mitchell,	Storm,
Belmont,	Ferrell,	Morgan,	Struble,
Blount,	Follett,	Morrill,	Sumner, D. H.
Boutelle,	Fyan,	Moulton,	Swope,
Boyle,	Geddes,	O'Neill, Charles	Townshend,
Broadhead,	Halsell,	Parker,	Turner, H. G.
Brown, W. W.	Hardeman,	Patton,	Turner, Oscar
Browne, T. M.	Hardy,	Pierce,	Van Alstyne
Burnes,	Harmer,	Poland,	Wadsworth,
Campbell, J. M.	Hatch, W. H.	Potter,	Wait,
Campbell, J. E.	Hewitt, A. S.	Price,	Ward,
Cobb,	Hiscock,	Randall,	Warner, A. J.
Collins,	Holman,	Ranney,	Warner, Richard
Converse,	Hopkins,	Reed, T. B.	Washburn,
Cosgrove,	Howe,	Reese,	White, J. D.
Cox, W. R.	Hutchins,	Rice,	Wilkins,
Crisp,	Jones, B. W.	Riggs,	Winans, E. B.
Deuster,	Kean,	Rogers, J. H.	Winans, John
Dixon,	Lanham,	Rosecrans,	Wood,
Dockery,	Long,	Seney,	York.
Dorsheimer,	Lowry,	Smith, H. Y.	
Eldredge,	Lyman,	Spooner,	

NAYS—139.

Atkinson,	Finerty,	Lewis,	Skinner, T. G.
Bagley,	Foran,	Libbey,	Siocum,
Ballentine,	Forney,	Lore,	Smalls,
Barbour,	George,	McCoid,	Smith, A. Herr
Barksdale,	Glascock,	McCormick,	Snyder,
Beaumont,	Goff,	McMillin,	Stephenson,
Bisbee,	Green,	Miller, J. F.	Stevens,
Blackburn,	Greenleaf,	Miller, S. H.	Stewart, Charles
Blanchard,	Guenther,	Mills,	Sumner, C. A.
Bland,	Hammond,	Money,	Talbot,
Brainerd,	Hanback,	Muldrow,	Taylor, J. D.
Bratton,	Hart,	Murphy,	Taylor, J. M.
Breckinridge,	Hatch, H. H.	Neece,	Thomas,
Breitung,	Hemphill,	Nelson,	Thompson,
Budd,	Henderson, T. J.	Nicholls,	Tillman,
Burleigh,	Henley,	Oates,	Tucker,
Cabell,	Hobbitz,	Ochiltree,	Tully,
Caldwell,	Holmes,	O'Neill, J. J.	Valentine,
Campbell, Felix	Holton,	Payne,	Vance,
Cannon,	Horr,	Payson,	Van Eaton,
Carleton,	Houseman,	Peel,	Wakefield,
Clements,	Hunt,	Perkins,	Wallace,
Cook,	Hurd,	Peters,	Weaver,
Culberson, D. B.	James,	Phelps,	Wellborn,
Culberson, W. W.	Jeffords,	Pryor,	Weller,
Cullen,	Jones, J. H.	Fusey,	Williams,
Dargan,	Jones, J. K.	Ray, G. W.	Willis,
Davis, G. R.	Jones, J. T.	Reagan,	Wilson, James
Davis, L. H.	Kelley,	Reid, J. W.	Wilson, W. L.
Dibble,	Klein,	Robertson,	Wise, G. D.
Dibrell,	Kleiner,	Rowell,	Wolford,
Dowd,	Lacey,	Shively,	Worthington,
Ellis,	Lawrence,	Skinner, C. R.	Yaple,
Ellwood,			Young.
Finlay,			

NOT VOTING—83.

Adams, G. E.	Curtin,	Houk,	Ray, Ossian
Adams, J. J.	Cutcheon,	Jordan,	Robinson, J. S.
Aiken,	Davidson,	Kelley,	Robinson, W. E.
Amot,	Davis, R. T.	Kellogg,	Rockwell,
Belford,	Dingley,	Ketcham,	Rogers, W. F.
Bingham,	Dunham,	Laird,	Russell,
Bowen,	Eaton,	Lamb,	Ryan,
Brewer, F. B.	Fiedler,	Le Fevre,	Seymour,
Brewer, J. H.	Fulton,	Loving,	Shaw,
Brumby,	Garrison,	Maybury,	Singleton,
Buchanan,	Gibson,	Morrison,	Spriggs,
Buckner,	Graves,	Morse,	Stone,
Candler,	Hancock,	Muller,	Strait,
Cassidy,	Haynes,	Murray,	Taylor, E. B.
Chalmers,	Henderson, D. B.	Mutchler,	Throckmorton,
Clardy,	Hepburn,	O'Hara,	Wemple,
Clay,	Herbert,	Pettibone,	White, Milo
Connolly,	Hill,	Post,	Whiting,
Covington,	Hitt,	Rankin,	Wise, J. S.
Cox, S. S.	Hooper,		Woodward.
Craig,			

So the House refused to consider the naval appropriation bill.

During the roll-call,

Mr. WILLIS moved by unanimous consent to dispense with the reading of the names.

Mr. HUTCHINS objected.

The following additional pairs were announced from the Clerk's desk:

Mr. ROBINSON, of New York, with Mr. CUTCHMON, for to-day.

Mr. DAVIDSON with Mr. KELLEY, on this vote.

Mr. BEACH with Mr. STRAIT, for this day.

The vote was then announced as above recorded.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. WILLIS. I move that the House resolve itself into the Committee of the Whole House on the state of the Union. I announce it to be my purpose to call up for consideration the river and harbor appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HAMMOND in the chair.

The CHAIRMAN. When the committee rose it was dividing on the proposition of the gentleman from Minnesota [Mr. WASHBURN], when no quorum appeared, and the tellers will resume their places.

Mr. WASHBURN. Before that, Mr. Chairman, I wish to say the chairman of the Committee on Rivers and Harbors proposes to change this harbor board in such a way as to meet my views, and therefore I will withdraw the point of no quorum.

So there may be no mistake, I desire to say that it is proposed this harbor board or commission or whatever it may be called shall be constituted of three members of the Engineer Corps of the Army, one from the Coast and Geodetic Survey, and three civilians.

Mr. WILLIS. I believe the outcome will be what the gentleman states, but we have not as yet come to any agreement. The drift, however, is in that direction.

Mr. WASHBURN. I withdraw the point of order.

Mr. WHITE, of Kentucky. I want to understand what this agreement is.

Mr. WASHBURN. I withdraw the demand for a quorum on the last vote.

Mr. WHITE, of Kentucky. But what was it all about?

The CHAIRMAN. The question was on the amendment of the gentleman from Minnesota [Mr. WASHBURN] to the amendment of the committee. Is the Chair right in that?

Mr. WASHBURN. Yes.

The CHAIRMAN. The yeas were 38 and the noes 66, so the amendment to the amendment is rejected.

Mr. WHITE, of Kentucky. I offer an amendment to strike out lines 213 to 305, inclusive, and in lieu thereof to insert what I send to the Clerk's desk to be read.

The Clerk read as follows:

The Secretary of War is hereby directed at his discretion to cause examinations or surveys, or both, and estimates of cost or improvements proper to be made at Galveston Harbor, Texas, and to ascertain and report what further work, if any, is necessary at that locality.

Mr. WHITE, of Kentucky. I have been asked whether this is not precisely the same amendment I offered before. It is not. The one I offered before was to strike out from lines 213 to 231 inclusive. In this amendment I propose to strike out from line 213 to 305 inclusive and to insert what has been read by the Clerk.

Now, Mr. Chairman, the idea is this, if I can get the ear of the committee, that during the past we have been led into this error by the member from Texas [Mr. REAGAN], late ex-postmaster-general of the confederacy, to believe that Galveston Harbor could be improved, and from time to time we have given various sums of money, which in the aggregate amounted to nearly \$2,000,000. It is in testimony and undisputed that this harbor has cost the Government nearly \$2,000,000, and that the result has been a great deal of property has been destroyed in Galveston and only about two inches of water have been gained in the harbor.

I think, this being the case, and inasmuch as we provide in section 9 of the bill that hundreds of thousands of dollars shall be spent to make these surveys under the direction of the Secretary of War and to report to Congress whether they should be improved—I make this point in view of the fact we are wasting nearly \$2,000,000 under the leadership of the distinguished gentleman to whom I have alluded—I say it is high time we should stop and let the Secretary of War have new surveys and new reports made to Congress, and let the next Congress, which will be run in large measure by that spirit which did not control us successfully about twenty years ago—let the next House under the influence which will then control it from the White House to both wings of this Capitol—let them take the responsibility, and let not the Republican administration or this House with so many Republican members be led into the error of trying to establish a harbor where there is no water.

The CHAIRMAN. There are two amendments to strike out the same lines and insert new matter in lieu thereof. The first in order is that of the committee.

Mr. HART. I desire to offer an amendment, which I ask the Clerk to read.

The Clerk read as follows:

Add to the amendment of the committee:

"The United States harbor board provided for in this bill, in the discharge of their duty, shall not confine their examinations to reports on what is known as the jettty system, but shall also examine and report upon such other plans as give reasonable assurance of success in the improvements of the rivers and harbors of the country."

Mr. HART. That is not the amendment I intended to forward.

The CHAIRMAN. That is the amendment the gentleman sent to the desk.

Mr. HART. My amendment in substance is this: That the United States harbor board appointed by this bill—

The CHAIRMAN. The Chair suggests the gentleman had better correct his amendment and send it to the desk.

Mr. HART. Very well; I will forward it in writing.

Mr. WILLIS. The gentleman's amendment comes in better at section 5, and I ask him to reserve it until then. The harbor board is

constituted and its duties prescribed. I, however, only make the suggestion.

Mr. HART. I will defer offering my amendment until later in the bill.

The CHAIRMAN. The question, then, is on agreeing to the amendment of the Committee on Rivers and Harbors, proposed by the chairman of the committee.

The question was taken; and on a division there were—ayes 97, noes 1.

Mr. WHITE, of Kentucky. No quorum.

The CHAIRMAN. A quorum being demanded, the Chair will order tellers.

Mr. WHITE, of Kentucky, and Mr. BRECKINRIDGE were appointed tellers.

Mr. WHITE, of Kentucky. Mr. Chairman, there seems to be a misunderstanding about the proposition we are called to vote upon. [Cries of "Regular order!"]

The CHAIRMAN. It is whether the committee will adopt the amendment proposed by the Committee on Rivers and Harbors.

Mr. WHITE, of Kentucky. I ask that it be read.

Mr. BLANCHARD. I object. [Cries of "Regular order!"]

The CHAIRMAN. The question is on agreeing to the amendment, and the tellers will take their places.

The committee again divided; and the tellers reported—ayes 155, noes 8.

So the amendment was agreed to.

Mr. BLAND. I desire to offer an amendment after line 843.

Mr. HOLMAN. I wish to offer an amendment to the proposition which has just been adopted.

The CHAIRMAN. The gentleman will send it to the desk.

The Clerk proceeded to read the amendment.

Mr. WHITE, of Kentucky. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. WHITE, of Kentucky. I offered an amendment to this paragraph which has not been voted upon.

The CHAIRMAN. As the Chair understands the rule, when a motion to strike out and insert has been adopted, another motion to strike out the same lines and insert yet something else is not in order.

The first amendment, being the amendment proposed by the committee to strike out and insert, having been adopted, in the opinion of the Chair the amendment of the gentleman from Kentucky on the left to strike out the same words and insert something else is not in order.

Mr. WHITE, of Kentucky. Do I understand the Chair to hold that when an amendment is adopted it is not in the power of the committee to adopt another which would progress a little further in the same direction?

The CHAIRMAN. It is impossible for the Chair to state what the gentleman from Kentucky understands [laughter]; but the Chair stated what the Chair understands to be the rules and practice of the House in this respect.

Mr. WHITE, of Kentucky. I appeal from the decision of the Chair.

Mr. BLAND. I make the point of order that it is too late.

The CHAIRMAN. The Chair thinks that the gentleman from Kentucky rose in time.

Mr. WHITE, of Kentucky. And on that appeal I desire to be heard.

The CHAIRMAN. The gentleman from Kentucky is entitled to the floor if he wishes to be heard on the appeal.

Mr. WHITE, of Kentucky. Mr. Chairman, I call the attention of the Chair to page 1686 of the RECORD of the proceedings of this House, and I ask to have read the agreement which was entered into in regard to the offering of amendments in the consideration of this bill. I can not turn to the page just now, but will ask the Clerk to read from the desk in the hearing of the House what took place, to the effect that any person who desired to do so might offer amendments to this section of the bill and have three minutes in which to explain them; and I contend that I have the right under this agreement to have a vote in the committee upon the amendment.

Mr. WILLIS. I hope if the gentleman contends only for a vote that the committee will allow that to be done.

Mr. WHITE, of Kentucky. I have now before me the RECORD to which I refer, and I will read myself.

Upon the motion of my colleague from Kentucky [Mr. WILLIS], that the House resolve itself into Committee of the Whole to proceed with the consideration of the river and harbor bill, the following proceedings took place:

Mr. WHITE, of Kentucky. Pending the motion of my colleague from Kentucky, I move that when the House resolve itself into Committee of the Whole and resume consideration of the river and harbor bill, it shall be in order to have all the amendments read which may be offered; and that each person offering an amendment shall be allowed five minutes—or three minutes I will say—to explain each one of his amendments.

The SPEAKER pro tempore. The Chair hardly thinks the motion of the gentleman from Kentucky is in order.

Mr. WILLIS. I would not object to that.

The SPEAKER pro tempore. The House has made an order as to the debate that shall be allowed in Committee of the Whole House on the state of the Union, and the chairman of that committee would have the discretion as to the matter of recognition.

Mr. WHITE, of Kentucky. I ask unanimous consent. I believe it will facilitate business.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky [Mr. WHITE]? There was no objection.

Now, when the chairman took the chair to preside over the Committee of the Whole, the same gentleman who now occupies the Chair, he said:

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the river and harbor appropriation bill. Since the last sitting of the committee the House has directed that when amendments shall hereafter be offered each gentleman offering the same shall be entitled to three minutes to explain it. That the Chair understands to be in addition to the hour and a half already allotted for debate.

Now I complain that it would be perfectly ridiculous to give any person the right to offer an amendment and three minutes in which to discuss it under this agreement unless it carried with it the privilege to demand a vote in the committee. I am well aware of the fact that the committee, by some agreement with the gentleman from Wisconsin [Mr. WASHBURN], has offered a substitute in place of what the bill carries, but that substitute gives Galveston \$500,000.

Mr. BLANCHARD. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLANCHARD. I make the point of order that the gentleman from Kentucky is not discussing the question of order raised by himself.

The CHAIRMAN. The Chair thinks the gentleman should be allowed to proceed to state his question of order.

Mr. WHITE, of Kentucky. And the point of order I make is that, notwithstanding the fact that the chairman of the committee and some members of the committee and the gentleman from Wisconsin have agreed upon a certain amendment to this bill which has been voted upon and incorporated into the bill, it is still within the power of the committee, if it chooses, to vote on my amendment, which provides that the Secretary of War shall make a preliminary investigation before expending the money which is provided in the bill. Now I hope we shall have a vote upon that amendment.

The CHAIRMAN. The gentleman from Kentucky has appealed from the decision of the Chair. The Chair has already ruled upon the question; and the pending question before the committee now is: Shall the decision of the Chair stand as the judgment of the committee?

The question being taken on the appeal, the decision of the Chair was sustained.

The CHAIRMAN. The Clerk will report the next amendment.

Mr. HART. Before the Clerk proceeds further—

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] has sent up an amendment which is next in order.

The Clerk read the amendment proposed by Mr. HOLMAN, as follows:

Amend the amendment by adding the following:

"Provided, That no more of this appropriation shall be expended than is actually necessary to protect the work now done by the Government engineers, and to make the necessary surveys and maps, until the private corporations, namely, the Galveston Wharf Company, the City Land Company, and the Gulf, Colorado and Santa Fé Railroad Company shall have constructed a pile breakwater or training wall on the south side of the channel in Galveston Harbor and on the north end of their property along said channel, said work to commence at the east or lower end of the wharf company's present works, and extending across the ends of the above-mentioned properties to and connecting with the Government works at Fort Point."

Mr. HOLMAN. I am not sufficiently familiar with the subject-matter to know whether this work is indispensably necessary in the improvement of that harbor or not. I submit the proposition at the instance of a very intelligent gentleman who submitted it to me. And inasmuch as it seems that the improvement of that harbor in a large degree inures to the benefit of those three corporations, it seems eminently proper they should incur the expense of the improvement which directly and immediately benefits their property. I am told the construction of the works indicated will be necessary in connection with this improvement of Galveston Harbor, and that those works would immediately increase the value of their property.

Gentlemen can judge as well as I can whether the public money should be appropriated to improve private property without that private property contributing to the result.

Mr. REAGAN. I ask unanimous consent, because the chairman of the Committee on Rivers and Harbors said he would not object to debate in good faith, to say a word in answer to what has been submitted in favor of this invidious and improper proposed amendment.

Mr. BRECKINRIDGE. The chairman of the committee does not mean to say that any debate is necessary. There is no propriety in that amendment.

Mr. MILLS. Let us vote it down.

Mr. HISCOCK. It is impossible in this part of the Hall to hear what is transpiring.

Mr. REED, of Maine. I wish to inquire whether the amendment has been assented to by the Committee on Rivers and Harbors.

Mr. BRECKINRIDGE. By no means.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Indiana.

The question being taken, there were—ayes 44, nays 73.

So (further count not being called for) the amendment was not agreed to.

The CHAIRMAN. The Clerk will report the next amendment. The Clerk read the following amendment, offered by Mr. LORE.

Amend by adding after line 306 the following:
"Improving harbor at Wilmington, Del., \$25,000; which shall include the \$15,000 hereinbefore in this bill appropriated for that purpose."

Mr. WILLIS. I am compelled very reluctantly to make the point of order on that amendment. We have passed that point of the bill. The appropriation for the harbor at Wilmington, Del., is made at line 170, page 8, of the bill.

Mr. LORE. I withdraw the amendment for the present.

The CHAIRMAN. The Clerk will report the next amendment, which is that offered by the gentleman from Ohio [Mr. HART].

Mr. HART. The proposition is to amend the amendment of the committee.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add to the amendment adopted the following:
"And the harbor board, if they find it impracticable to construct a first-class harbor at Galveston at a reasonable cost, are hereby authorized and required to examine and report as to the practicability of constructing such a harbor at some other point on the Gulf of Mexico within the State of Texas."

Mr. REAGAN. I make the point of order that that amendment is offered too late.

The CHAIRMAN. The Chair thinks the amendment is in order.

Mr. REAGAN. The amendment is offered after the committee has acted on other amendments and passed from that part of the bill.

The CHAIRMAN. The gentleman from Texas is mistaken on the question of fact. The committee has not passed from that part of the bill.

Mr. REAGAN. I understand the Clerk is reading amendments as we pass along the bill, and that he is not reading the bill by paragraphs.

The CHAIRMAN. That is true; but the gentleman from Ohio proposes to offer an amendment to come in at line 305, at the end of the paragraph for which the substitute has been adopted.

Mr. REAGAN. Can amendments be made to that paragraph all the time? I submit that we have acted on an amendment offered to a subsequent clause relating to the harbor at Wilmington.

The CHAIRMAN. The gentleman from Texas is mistaken as to the matter of fact. An amendment was proposed to the preceding clause relating to the harbor at Wilmington and was withdrawn. It was not acted upon. The question is on the amendment proposed by the gentleman from Ohio [Mr. HART].

The question being taken, there were—ayes 25, noes 73.

So (further count not being called for) the amendment was not agreed to.

Mr. REED, of Maine. I wish to inquire of the Chair whether it would be in order to move to strike out from the amendment in relation to Galveston Harbor the sum of "\$500,000" and insert "\$200,000."

The CHAIRMAN. The Chair thinks not. That portion of the section having been amended by striking out and inserting is not subject to amendment.

Mr. REED, of Maine. That being the decision of the Chair, I wish to say there was \$200,000 or \$250,000 once offered for that harbor and rejected; and now it seems to get \$500,000 on precisely the same conditions.

The CHAIRMAN. Discussion is out of order.

The Clerk read from line 306 to line 310 of the bill, as follows:

Improving Sabine Pass, Texas and Louisiana: Continuing improvement, \$125,000.
Improving harbor at Ashtabula, Ohio: Continuing improvement, \$8,500.

Mr. WILLIS. Mr. Chairman, as I understand it, it is not the reading of the bill that is now in order, but the calling up of the next amendment.

The CHAIRMAN. The gentleman is correct. The Clerk will read the next amendment.

The Clerk read the next amendment (offered by Mr. FORAN), as follows:

After the word "dollars," in line 314, insert the following:

"Provided, That said amount shall be expended in the construction of a section of breakwater of the same size and character of the present lake arm of said harbor of refuge, to begin at a point three hundred and fifty feet north from the northeast corner of the east end of the lake arm and extending 4,000 feet in a direction east nine degrees north, or as near that direction as future soundings may decide: And provided further, That the \$100,000 appropriated for continuing the improvement of said Cleveland Harbor by act of Congress approved July 5, 1884, and entitled 'An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes,' is hereby made available for the construction of said section of breakwater as aforesaid."

Mr. WILLIS. Mr. Chairman, as I understand it that amendment does not in any way increase the appropriation, but merely directs the manner of its expenditure in accordance with the plans of the engineers, and the committee see no objection to it.

The amendment was agreed to.

The Clerk read the next amendment (offered by Mr. WARNER, of Ohio), as follows:

In line 332, strike out the word "fifteen" and insert the word "thirty;" so that it will read:

"Improving ice-harbor at the mouth of Muskingum River, Ohio: Continuing improvement, \$50,000."

Mr. WARNER, of Ohio. Mr. Chairman, I ask unanimous consent that that amendment be passed over for the present until I can have certain papers bearing upon the necessity for it.

The CHAIRMAN. No objection being made, the amendment will be passed over for the present.

The Clerk read the next amendment (offered by Mr. SHIVELY), as follows:

In line 345, substitute for the word "forty" the word "fifty;" so that the paragraph will read:

"Improving the harbor at Michigan City, Ind.: Continuing improvement, \$50,000."

Mr. SHIVELY. Mr. Chairman, I trespass on the attention of the committee only to indicate that this amendment is entirely compatible with reasonable and discreet economy in the expenditure of the public funds. It will be observed that the United States Chief of Engineers recommends for the continued improvement of this harbor an appropriation of \$200,000. The River and Harbor Committee allow but 20 per cent. of this amount. My amendment simply increases this allowance to \$50,000, or 25 per cent. of the sum recommended by the War Department. Situated as this harbor is, at the southern extremity of Lake Michigan, bringing the commerce of the lake into direct connection with the Michigan Central, the Louisville and New Albany, the Wabash, Saint Louis and Pacific, and in close proximity to the Chicago and West Michigan, and the Lake Shore and Michigan Southern Railroads, and being, as official statistics demonstrate, a distributing point for and a potent factor in the commerce of Indiana, Michigan, Ohio, Kentucky, Illinois, Missouri, and Kansas, its importance can not be overestimated nor its claims disregarded.

Within the past year over 226,000,000 feet of lumber have passed over the docks at Michigan City. This represents an increase of 70,000,000 feet over two years ago, to say nothing of the proportionate or even greater increase in the amount of iron ore, pig-iron, and merchandise handled through this harbor during the same time. Now, Mr. Chairman, while it is impossible in the three minutes allowed for debate on amendments to fully state the merits of this case, I respectfully submit to the committee that this amendment is entirely justified by the report of the Chief of Engineers, entirely justified by the importance of this harbor, entirely justified by precedent, and entirely justified by that prudence and discretion which should prevail in perfecting bills of this character.

The question was taken upon the adoption of the amendment; and there were—ayes 45, noes 54.

A MEMBER. No quorum.

Tellers were ordered.

The CHAIRMAN. The tellers will take their places. The Chair designates the gentleman from Indiana, Mr. SHIVELY, and the gentleman from Kentucky, Mr. WILLIS, to act as tellers on the pending question.

Mr. BRECKINRIDGE. Will the Chair please state the question?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. SHIVELY], which the Clerk again will read.

The Clerk read as follows:

In line 345, strike out the word "forty" and insert "fifty;" so that the paragraph will read:

"Improving harbor at Michigan City, Ind.: Continuing improvement, \$50,000," &c.

The committee proceeded to divide again; but before the count by tellers was concluded,

Mr. SHIVELY. I do not insist on a further count.

So the amendment was not agreed to.

The CHAIRMAN. The next amendment is one submitted by the gentleman from Wisconsin [Mr. PRICE], which will be read.

The Clerk read as follows:

Amend by striking out on page 18, lines 414 to 424, both inclusive, and inserting in lieu thereof the following:

"Improving harbor at Superior Bay and Harbor, and Saint Louis Bay, Wisconsin: Continuing improvement, \$30,000. And the engineer in charge, in his next annual report, shall submit an estimate of the cost of a dredge-boat, or other facilities that may be needed for dredging the harbors of Duluth and Superior. Fifteen thousand dollars of the money hereby appropriated are to be expended in dredging in said Superior Bay and Harbor and in repairing piers at natural entry, and \$15,000 in dredging in said Saint Louis Bay, from deep water at Connor's Point toward deep water at Grassy Point."

Mr. PRICE. I think that after a little explanation this amendment will be adopted without any difficulty. I am informed by a gentleman near me that this expectation is exceedingly absurd; possibly it may prove so.

The recommendation of the engineers for one part of this improvement was \$75,000. That recommendation was in the possession of the Committee on Rivers and Harbors; and upon it they gave \$12,500. There was a supplemental report from the engineers for \$70,000 additional, making \$145,000 as the total recommendation of the engineers as the amount that could be judiciously expended during the coming year.

I say the committee was not in possession of the supplemental recommendation. I tried to get it to them but signally failed. The House, however, is now in possession of the fact that the amount recommended by the engineers for the work contemplated in this paragraph is \$145,000.

I ask the adoption of an amendment that will give a little less than 25 per cent. of this; that is all I ask.

The appropriation proposed in the bill is less than 9 per cent. of the amount recommended by the board of engineers. The report of the committee in this respect arose partially from mistake, partially from want of correct understanding of the facts. The majority of the committee, however, do now understand this matter, and admit that the bill does not treat this subject fairly. But they say, "Go to the Senate." I reply, "Go to." [Laughter.] I say here is where I want this question understood. Here is where I expect the appropriation to be made. I merely ask to have this appropriation increased to something less than 25 per cent. of the amount recommended by the engineers, the bill providing for only 9 per cent.

The commerce of that section is infinitely in excess of other places for which this bill appropriates 500 per cent. of the amount recommended by the engineers. I could show, if I had time, that the commerce there is worth taking care of. There are five railroads being built; two are already built; two extensive flouring mills are going up; two elevators are being built. The future of that section of the country, if it be only decently taken care of, can scarcely be foreseen or foretold. I hope that the Committee of the Whole will favorably consider this amendment. I ask nothing but what is right; I would not ask for anything else. I know that the committee did not know, and they would not know. This Committee of the Whole does know.

[Here the hammer fell.]

The question recurred on Mr. PRICE's amendment.

The committee divided; and there were—ayes 62, noes 74.

Mr. PRICE. No quorum has voted.

The CHAIRMAN appointed as tellers Mr. PRICE and Mr. WILLIS.

The committee again divided; and the tellers reported—ayes 68, noes 98.

So the amendment was rejected.

Mr. PRICE. I desire to send up another amendment to this proposition, which I ask the Clerk to read.

The Clerk read as follows:

Amend by striking out, on page 18, lines 414 to 424, both inclusive, and insert in lieu thereof the following:

"Improving harbor at Superior Bay and harbor at Saint Louis Bay, Wisconsin: Continuing improvement, \$28,000; and the engineer in charge, in his next annual report, shall submit an estimate of the cost of a dredge-boat or other facilities that may be needed for dredging the harbors of Duluth and Superior; \$14,000 of the money hereby appropriated to be expended in dredging in said Superior Bay and harbor and in repairing piers at Natural Entry, and \$14,000 in dredging in said Saint Louis Bay from deep water at Coxmer's Point toward deep water at Grassy Point."

Mr. WILLIS. I reserve the point of order until the gentleman has been heard.

Mr. PRICE. I will occupy the floor for just a moment. Now, Mr. Chairman, the simple reason why this did not pass the Committee on Rivers and Harbors, and therefore the reason it is not included in this river and harbor appropriation bill, is because that committee was not acquainted with the facts which have since been communicated to Congress. The support given to the original proposition was so encouraging I have brought forward this proposition, having reduced the amount somewhat, and now take the opportunity to say to this House there is no living man who can raise a reasonable objection against the proposed amendment, unless it be simply this, that the work of the committee is so sacred it must not be infringed upon or else chaos and confusion will come again and reign in our midst.

I say to you in any court among honest men [laughter]—that is the word—I say no honest men would do as we are doing. I doubt not the intelligence and integrity of this House, but the point I make is this, that we have additional information on this subject than that which we had when this bill was drawn up. We now have a new and supplementary report before this House which was not before the Committee on Rivers and Harbors. They knew nothing of it. In the opinion of the engineer \$70,000 should be appropriated for one purpose I have indicated and the committee have not given a cent for it. They have extended the provisions of the bill, for which I am indebted to the courtesy of the gentleman from Louisiana [Mr. BLANCHARD]. The estimates of the engineers for the two works is \$145,000; it is really but one scheme, and the bill provides for less than 9 per cent. of the estimate. Now, will you say this bill is so sacred, even with new evidence and new communications before the committee, that no amendment is to be made to it, that it must be adopted just as it has been reported from the committee?

If there was anything in opposition to public interests embodied in the amendment, or if there is anything right that we are going to subserve by carrying the bill through without any amendments, then, of course, I would expect you to reject my amendment. But, for the reason stated, I hope the committee will agree to it.

Mr. THOMAS. Will the gentleman permit me to ask him if it is not true that the engineers report only fifteen vessels as having entered that port during the last year?

Mr. PRICE. I have not the information before me to answer the gentleman's suggestion.

Mr. THOMAS. I have it before me, and the committee had it before them when this bill was made up.

Mr. PRICE. I am not in condition to refute that statement of the gentleman, not having the papers before me.

Mr. THOMAS. I repeat that only fifteen vessels entered that port during the last year, as shown by this report, and we gave 25 per cent. of the estimates made by the engineers.

Mr. PRICE. I regret, Mr. Chairman, that I have not time to make fitting answer to that. I have now lying on my desk the last report of the engineers, showing an estimate of \$75,000 for this work, and upon my desk also rests another report—

The CHAIRMAN. The time of the gentleman has expired. The question is on agreeing to the amendment submitted by the gentleman from Iowa.

The question was taken.

Mr. WILLIS. If I may be permitted to make a statement I will say that there has been an additional report made by the engineers since the committee acted on this proposition, and I am willing that this amendment shall be agreed to, reserving the right to take a vote in the House upon it.

Mr. PRICE. That is entirely acceptable to me.

The CHAIRMAN. The Chair will submit the request of the gentleman from Kentucky to the committee. The gentleman asks unanimous consent that this amendment be considered as agreed to in the Committee of the Whole, subject to a vote in the House.

Mr. WELLER. I object.

The CHAIRMAN. The Chair will again submit the question to the committee.

The question was taken on agreeing to the amendment of Mr. PRICE; and on a division there were—ayes 80, noes 24.

So (no further count being demanded) the amendment was agreed to.

The CHAIRMAN. The Clerk will now report the next amendment proposed by the gentleman from Minnesota [Mr. NELSON].

The Clerk read as follows:

Amend line 435 by striking out "\$31,500" and insert in lieu thereof "\$50,000."

Mr. NELSON. Mr. Chairman, I beg leave to make a few statements to the committee in reference to the importance of this harbor, and I believe they will be satisfactory as indicating the necessity for this increase.

The city of Duluth has now grown to be a great shipping point in the Northwest on the furthestmost end of Lake Superior. It is the terminus of the Northern Pacific Railroad, and the Saint Paul and Duluth Railroad, and over these lines of road and through that port 15,000,000 bushels of wheat are shipped annually. This class of commerce requires for its accommodation vessels of the largest size, as large as can possibly pass through the Saint Mary's Canal. It is essential that this harbor at Duluth should be deepened to accommodate vessels drawing at least sixteen feet of water. From the local engineer's report, Mr. Wells, it appears that in many places the harbor is only thirteen, fourteen, and less feet in depth. His recommendation is that it be dredged to a uniform depth of not less than eighteen feet, so as to enable the free entrance of vessels drawing sixteen feet.

I may say further in reference to this harbor of Duluth that it is to some extent an artificial harbor. It is situated in the innermost part of Superior Bay, but the entrance to it is through a canal. This canal every spring when the ice breaks up, owing to the sandy formation of the bed and the upheaval of sand bars, is placed in such a condition as to require extra work, and the piers also require extra work, hence the Government engineer reported that a fund of \$10,000 is necessary for emergencies. Take out this emergency fund of \$10,000 and it will leave only \$21,000 as the bill is now fixed. I trust that the committee will agree to this amendment.

[Here the hammer fell.]

The question being taken on the adoption of Mr. NELSON's amendment, the committee divided; and there were—ayes 57, noes 40.

Mr. STORM. No quorum has voted. I demand tellers.

The CHAIRMAN. Does the gentleman from Pennsylvania demand tellers?

Mr. STORM. I have demanded tellers.

The CHAIRMAN. The Chair will appoint tellers.

Mr. STORM and Mr. NELSON were appointed tellers.

Before the announcement of the vote,

Mr. STORM withdrew the demand for a quorum.

So (no further count being demanded) the amendment was agreed to.

The CHAIRMAN. The Clerk will now report the next amendment, submitted by the gentleman from Mississippi [Mr. VAN EATON].

The Clerk read as follows:

After line 446 insert:

"Improving harbor at Natchez, Miss.: Continuing improvement, \$75,000."

Mr. WILLIS. I will suggest that this amendment is not in order until we reach the paragraph relating to the Mississippi River, and I make the point of order that it is not applicable here.

The CHAIRMAN. The Chair thinks that under the order fixed by the House it will be in order to propose an amendment at any time. The Chair suggests, however, that the gentleman from Mississippi might be willing to postpone the amendment for the present.

Mr. VAN EATON. I will let it be passed over temporarily, to be

considered when the paragraphs of the bill relating to the Mississippi River are reached.

The CHAIRMAN. The Chair would suggest, then, that the gentleman had better change the number of the line where the amendment is to come in, so that the Clerk will know when to offer it.

The Clerk will now report the next amendment submitted by the gentleman from Rhode Island [Mr. SPOONER].

The Clerk read as follows:

In line 436, amend by striking out "twenty-five" and insert in lieu thereof "fifty;" so that the paragraph will read:

"Improving Providence River and Narraganset Bay, Rhode Island: Continuing improvement, \$50,000."

Mr. SPOONER. This is but a small amount of the appropriation for this improvement that was recommended by the engineers. It is to carry on a most important work. In Narraganset Bay we have a depth of thirty feet of water extending from the ocean to about five miles from the city of Providence. The change in the character of sea-going craft necessitates an increased depth and width of channel, which is provided for by the improvement now in progress.

The tonnage of that port and the number of vessels there, going to that port and sailing therefrom, and the importance of its commerce, to which I referred the other day, all justify the very reasonable request that is made for the appropriation that is provided for by this amendment.

This is not asked for the improvement of any trout stream; it is not for macadamizing any road; it is not to build anything for the advantage of private property. But, sir, it is for the benefit of an existing national commerce. I ask consideration for that which actually existing circumstances justify me in demanding consideration for; not for something that is problematical; not for something that may be, but for something that actually is. And I trust the committee will do that justice to the necessities of the work in my locality which is called for by this amendment.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Rhode Island [Mr. SPOONER].

The question being taken, there were—ayes 45, noes 69.

Mr. SPOONER. No quorum.

The CHAIRMAN. A quorum not having voted, the gentleman from Rhode Island, Mr. SPOONER, and the gentleman from Kentucky, Mr. WILLIS, will act as tellers.

The committee again divided; and the tellers reported—ayes 56, noes 109.

So the amendment was not agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read the following amendment (proposed by Mr. WAIT):

In line 464 strike out "\$30,000" and insert "\$30,000;" so that it will read: "Improving Thames River, Connecticut: Continuing improvement, \$30,000."

Mr. WAIT. The river Thames probably in proportion to its size has more commerce than any other river in the Union. Two great lines of railroad center at Norwich: the New London, running in a northwesterly direction from Norwich through Connecticut and Massachusetts and connecting with lines of railroad in Vermont, &c., to the Canadian line; and the Norwich and Worcester, running in a northeasterly direction through Connecticut and Massachusetts, connecting with lines of railroad reaching into Maine. Those railroads concentrate there. And the raw material that goes to all the great manufacturing and mechanical establishments in the New England States passes over this river on steamboats and propellers and goes to the interior to supply those establishments.

That river is frequently lined from one end of it to the other with barges and vessels that carry coal to drive the machinery of the mechanical establishments in New England that require steam in addition to the water power. Lumber is brought from the East and taken up there, and then scattered throughout New England. Heretofore this committee has given \$30,000 and \$35,000 for the improvement of this river. In this bill it appropriates only \$20,000. All I ask is this addition of \$10,000 to carry the appropriation up to what has been given in years past. As a matter of economy, let me say, it will cost just as much to get your steam-dredges there and your boats to carry off the excavations to carry out an expenditure of \$20,000 as with an expenditure of \$30,000. When you get the dredges and the mud-diggers and the scows there to relieve the river, you may just as well go on and spend the additional \$10,000; for all the machinery and implements are there that are necessary to protect the improvement.

I certainly trust that when all I ask is the sum which has been meted out to us in the past the House will be willing to give it to that river with its vast amount of commerce.

I want to say one word more. The products of the great manufacturing and mechanical establishments that dot the New England States, and which are to be carried to a market in the city of New York or in the South, pass over the railroads that I have named and by water communication over the river Thames to New York. With a view to carrying these products to market it is of vital importance that the navigation of this river should be improved.

The question being taken on agreeing to the amendment offered by Mr. WAIT, there were—ayes 49, noes 74.

So (further count not being called for) the amendment was not agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read the following amendment (offered by Mr. BOUTELLE):

Insert after line 464:

"Improving the mouth of the Narraganset River at Millbridge, Me., \$15,000."

Mr. BOUTELLE. An amendment somewhat similar was offered by me at a previous session of the committee asking an appropriation of \$20,000. It was lost on the narrow margin of 81 to 84 votes. I have now reduced the amount, bringing it within the pro rata established by the Committee on Rivers and Harbors, and I desire to have a vote of the Committee of the Whole upon it.

I do not intend to debate this amendment any further. I simply wish to remind the House that it is based upon the report of the engineer made in 1880, and the only objection, so far as I know, made by the Committee on Rivers and Harbors has been that it was not embraced in the estimates presented this year. I have corresponded with the district engineer and find that a new survey is unnecessary. If a survey should be ordered the engineers would report against it, and that the present report in the Book of Estimates of 1880 is ample for this improvement. Upon that statement I trust the Committee on Rivers and Harbors will approve the insertion of this amendment for this needed improvement.

Mr. WILLIS. I must insist on the point of order that we have passed that part of the bill.

The CHAIRMAN. The gentleman from Kentucky raises the point of order.

Mr. WILLIS. I am compelled to do it in order that we may get on with the bill.

The CHAIRMAN. The gentleman from Kentucky [Mr. WILLIS] raises the point of order that this matter has already been passed over in the bill and voted on.

Mr. BOUTELLE. I ask, as a parliamentary inquiry, is not this an entirely different amendment from the other?

The CHAIRMAN. The Chair will state that under the five-minute debate any variation of a proposition would make a different question and authorize gentlemen to be heard pro and con; but, by the direction of the House, it was ordered that we should proceed from the point at which the bill had been read by paragraphs to finish the balance of it, taking up amendments that were on the Clerk's desk in their order, each amendment to be debated for three minutes in its favor, nothing being allowed in reply. The Chair thinks that by a fair construction that meant that all behind that point should be considered as passed, and this is as if we had passed away from a paragraph and a request was made to go back to it.

Mr. BOUTELLE. But I submit, Mr. Chairman, that we have just returned to paragraphs affecting this very same section of country.

The CHAIRMAN. The Chair is not advised of any recurrence beyond the place at which the House directed that debate should be closed.

Mr. BOUTELLE. Well, Mr. Chairman, I am not willing to take up the time of the House for \$15,000.

The CHAIRMAN. The point of order is sustained, and the Clerk will read the following amendment.

The Clerk read the next amendment (offered by Mr. HISCOCK), as follows:

Strike out lines 465 and 466 and insert:

"For removing obstructions in East River and Hell Gate, New York: For completing excavation at Flood Rock and Frying-Pan in Hell Gate, \$60,000; for grappling and removing in part the broken stone of the explosion of Flood Rock, \$300,000."

Mr. HISCOCK. Mr. Chairman, I find by the engineer's report which we have here that it is estimated that \$500,000 will be required for the improvements indicated in this amendment. The committee have recommended an appropriation of \$20,000. I do not suppose it is necessary here for me to demonstrate by facts and figures the necessity of improving the harbor of New York, and I would like to understand from the chairman of the Committee on Rivers and Harbors why it is that with these estimates before them the committee recommended the meager appropriation of \$20,000.

Mr. WILLIS. It is because last year the committee gave \$260,000, the full amount that was asked, to explode that rock, and the engineer said that \$20,000 in addition was all that would be needed for that work.

Mr. HISCOCK. Mr. Chairman, in reply to that I have this to say, that for the simple purpose of this explosion \$20,000 is all that is needed. But, so far as the other works there are concerned, the committee have failed to make any recommendation, and the engineer in his report, which he has submitted to you, has stated that \$600,000 is necessary for the removal of broken rock.

Mr. WILLIS. That follows after the other is done, and they have \$371,000—

Mr. HISCOCK. It follows after the other is done, and I have before me a letter from the Chief Engineer saying that the work will be entirely suspended next October unless this appropriation is made—that the explosion will take place on the 1st day of October, or some time in

October, and that then work must cease entirely unless more money is appropriated. Now, I appeal to the chairman of the Committee on Rivers and Harbors to accept this amendment which I have offered. I have not asked more than 33 per cent., which I understand to be the proportion of the estimates allowed under the general rule of the committee.

The question was taken on the amendment offered by Mr. Hiscock, and there were—ayes 67, noes 69.

So the amendment was not agreed to.

The CHAIRMAN. The Clerk will read the next amendment.

The Clerk read the next amendment (offered by Mr. PARKER), as follows:

Amend by inserting, after line 468, the following:

"Improving Salmon River to a 9-foot channel, between Fort Covington and the boundary line, \$20,000; but this money shall not be expended until the Secretary of War shall be satisfied that the Canadian Government has provided for a like improvement of said river from the boundary line to the Saint Lawrence River."

Mr. PARKER. Mr. Chairman, in this case the report was not received and printed until after the bill was reported to the House from the Committee on Rivers and Harbors, and, therefore, the committee did not pass upon this item. The amendment is offered upon the recommendation of the engineer in charge, and I will not occupy time in discussing it, but will simply read from the report of the Secretary of War, based upon a former report of the engineers, which in part is as follows:

Extracts from communication made to the House by the Secretary of War, under date of January 26, 1885.

[From report of Lieutenant-Colonel Robert.]

UNITED STATES ENGINEER OFFICE,
Oswego, N. Y., December 31, 1884.

SIR: I have the honor to submit the following report on the survey of the Salmon River, at and below Fort Covington, N. Y., just completed, under my direction, by Assistant Engineer L. Y. Schermerhorn.

The report of the preliminary examination of this locality, made by me personally, was submitted under date of the 4th of last October. Of the five miles of the Salmon River below Fort Covington, one mile lies in the United States and about four miles in the Dominion of Canada.

I would then recommend the following project for the improvement of the Salmon River at and below Fort Covington, N. Y.

The river should be dredged from the boundary line up to Salmon street, in Fort Covington, a distance of about 4,300 feet, to a width of about 75 feet, except at sharp bends, where it should be increased to 100 feet, and to an available depth of 9 feet at low water, ultimately to be increased to 12 feet; provided the depth of the dredging in no case exceeds that which the Chief of Engineers is satisfied is to be attained on the lower portion of the river.

[From report of Assistant Engineer L. Y. Schermerhorn.]

MATERIAL TO BE REMOVED.

The river bed consists of blue clay, both free from and mixed with stone, as shown on the profile in the accompanying map. Borings were made at frequent intervals, and in the parts of the river bed marked "blue clay" the bottom was quite soft, and the iron rods could be forced to the indicated depth with great ease. In the parts marked "clay and stone" the iron bars required heavy driving, but the resistance encountered was more due to stone than to the hardness of the clay with which the stones were associated.

ESTIMATE.

For a dredged channel about 4,300 feet in length, extending from the boundary line to a point abreast of Salmon street, in Fort Covington, seventy-five feet in width except at bends, and nine feet available depth at low water, the estimate would be as follows:

40,000 cubic yards mud, soft clay, and gravel, at 25 cents.....	\$10,000
13,000 cubic yards clay mixed with stones, at 50 cents.....	6,500
Contingencies.....	3,500

Aggregate.....	20,000
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CANADIAN CO-OPERATION.

It is stated by parties interested in the general improvement of the Salmon River that the Canadian Government is ready to undertake the improvement of the river within their borders if that part of the river between Fort Covington and the boundary line is to be improved by the United States.

RECENT IMPROVEMENTS.

The recently completed United States and Canadian Railroad, which extends from Fort Covington northeasterly to the boundary line, connects Fort Covington with the railroad systems of Canada and the United States by branches of the Canada Grand Trunk Railroad, one connection reaching Montreal and another Rouse's Point, N. Y. An extension of the railroad from Fort Covington westward to Norwood is in process of construction; this extension will connect the previously described railroad lines with the western connections of the Rome, Watertown and Ogdensburg Railroad.

AN OBJECT OF THE IMPROVEMENT.

With the improvement of the Salmon River it is proposed to make Fort Covington a point of distribution by rail of coal received by water transit, and also for the water shipment of iron ore from the mines of Northern New York. These demands, together with the agricultural products of a productive belt of country tributary to such water and rail facilities, will, it is thought, make Fort Covington an important receiving and distributing point, and justify the expenditure by the National Government of the amount required to make the Salmon River navigable between Fort Covington and the boundary line.

RECOMMENDATION OF THE SECRETARY OF WAR.

From the facts presented by Lieutenant-Colonel Robert of the present and prospective demands of commerce it appears that an improvement to the extent of a dredged channel seventy-five feet wide and nine feet deep at low water between Fort Covington and the boundary line, estimated to cost about \$20,000, would be judicious at this time if its continuation by the Canadian Government could be assured.

This stream rises in the Adirondacks and flows into the Saint Lawrence north of the international boundary line. At present there is regular steamboat navigation with the ports upon the Saint Lawrence

up to the town of Dundee, one mile below Fort Covington, where the Canada and United States Railroad crosses the Salmon River, and to which point this improvement is intended to reach.

This proposition, which has the recommendation of the engineer and is approved by the Secretary of War, is to make one mile of navigation above the boundary line so as to connect with the present and prospective navigation in the same stream below, connecting with the navigation of the Saint Lawrence and the lake. Therefore I ask that the amendment be adopted.

The amendment was not agreed to.

The next amendment (by Mr. VAN ALSTYNE) was read, as follows:

In line 470, strike out the words "twenty thousand dollars" and insert in place thereof the words "thirty-five thousand one hundred and two dollars and forty-six cents."

Mr. VAN ALSTYNE. Mr. Chairman, if this bill is to pass, it is right that this amendment should prevail. It will close out the unappropriated estimate which is required for the completion of this contemplated improvement. By reference to the report of the engineers it will be found that the unappropriated estimate is the sum named in the amendment. The report also states that this sum can profitably be expended during the next fiscal year.

Sir, I feel almost ashamed to say anything to this intelligent auditory on the subject of the Hudson River. It is no new discovery. It is named on the earliest maps of this country. It is a stream of the utmost importance with reference to commerce. It is not a meadowbrook, but a maritime river, on which the tide has its influence for one hundred and fifty-six miles.

It was stated here the other day that nearly two-thirds of the commerce of this country centers in the city of New York. If that be true, one-half of it passes up and down the valley of the Hudson, and a large proportion of it passes on the waters of the Hudson.

The proposed improvement is not problematical. It has been going on for a series of years, and actual results have shown that the improvement is calculated to accomplish the result intended—the construction of longitudinal dikes to fill in the places between the islands formed by the alluvial drift of this river.

And, sir, we do not rely exclusively upon the assistance of the Federal Government in the matter. I see before me a gentleman who has been a member of the canal board of New York, and he knows that the tonnage of the canals of our State which floats upon the waters of this river amounts on the average to 5,500,000 tons, and that is only a small proportion of the tonnage of the river. The State of New York has been appropriating year after year \$30,000 for the improvement of this river over the very stretch where its improvement by the Federal Government has been going on. I hope the amendment will be accepted by the chairman of the committee.

[Here the hammer fell.]

The question being taken on agreeing to the amendment of Mr. VAN ALSTYNE, there were—ayes 53, noes 59.

Mr. VAN ALSTYNE. No quorum.

Tellers were ordered; and Mr. VAN ALSTYNE and Mr. WILLIS were appointed.

The committee again divided; and the tellers reported—ayes 54, noes 66.

Mr. VAN ALSTYNE. I will not insist further on the point that no quorum has voted.

So the amendment was not agreed to.

The next amendment (by Mr. KEAN) was read, as follows:

At line 478 insert the following:

"Continuing improvement of Raritan River, New Jersey, \$60,000; of which \$20,000 shall be expended in improving the South Channel."

Mr. KEAN. Mr. Chairman, in a bill which seeks to appropriate so many thousands of dollars to the improvement of the commerce and navigation of the country where commerce and navigation do not at the present time exist, due respect it seems to me should be had for the commerce that does now exist.

The commerce of the Raritan River is now over 2,000,000 tons per annum, and its money value more than \$40,000. When a river has such a commerce, I think, Mr. Chairman, this committee should give a reasonable sum for its improvement.

Mr. PHELPS. I wish to say only a word in support of the suggestion made by my colleague [Mr. KEAN]. It seems to me that all amendments of this character strengthen this bill in a direction where it is weak. The criticism is made that the appropriations in this bill are very generous to rivers and harbors where commerce may be, but very niggardly and scanty to rivers and harbors where commerce is. Here is a small river requiring a small expenditure for its improvement, a river on which commerce now exists in conspicuous abundance, 20,000 vessels passing through it each year. For these vessels and for this commerce it seems to me accommodation ought to be provided, especially when so small a sum will do it, and when the provision instead of weakening will strengthen the general merits of the bill.

Mr. WILLIS. My friend will permit me to say that nine-tenths of the rivers embraced in this bill receive only 25 per cent. of the estimate of the engineers, while this river receives 33 per cent.

Mr. PHELPS. In that point of view I acknowledge the appropri-

tion in the bill is just; but we should consider the amount of business which this river does in comparison with some of the others.

[Here the hammer fell.]

The question being taken on the amendment of Mr. KEAN, it was not agreed to, there being—ayes 43, noes 85.

The next amendment, also by Mr. KEAN, was read, as follows:

After line 479 insert:

"Improving South River, New Jersey: Continuing improvement, \$5,000."

The CHAIRMAN. Does the gentleman from New Jersey desire to be heard on his amendment?

Mr. KEAN. I do. This improvement was provided for in a river and harbor appropriation bill some years ago; but since 1882 no appropriation has been made for it. The Government work already done will be entirely lost unless some appropriation be made at this time for it. Navigation demands it, and commerce also. I trust the chairman of the Committee on Rivers and Harbors will listen to that amendment and allow it to go into the bill.

The committee divided; and there were—ayes 39, noes 76.

Mr. KEAN. No quorum.

The Chair appointed as tellers Mr. KEAN and Mr. WILLIS.

Mr. WILLIS. I hope the gentleman from New Jersey will withdraw his point of no quorum.

Mr. KEAN. Very well. I will withdraw the point of no quorum. So the amendment was rejected.

The next amendment (by Mr. RAY, of New York) was read, as follows:

After line 497, insert:

"And for improving the Susquehanna River in New York and Pennsylvania, \$1,000,000,000, to be expended under the direction of the Secretary of War."

[Laughter and applause.]

Mr. RAY, of New York. I desire to say a word on that amendment.

Mr. WILLIS. I rise to a point of order.

Mr. RAY, of New York. I desire to say, Mr. Chairman, in support of this amendment that if adopted it will inaugurate the grandest scheme of the nineteenth century.

The CHAIRMAN. Gentlemen will resume their seats and preserve order. It is impossible to hear what is going on.

Mr. WILLIS. The point of order I make is this: I am sure my friend from New York was not here when the arrangement was made. General debate was limited to an hour and a half, and when that time had expired my friend from Kentucky in order to facilitate gentlemen desiring to make remarks in legitimate explanation of amendments they have offered asked that it might be enlarged so as to allow three minutes in each case for that purpose. I submit now to my friend from New York whether this amendment comes within the terms of that consent. If he thinks it does I will waive the point of order.

Mr. RAY, of New York. I trust the gentleman will waive his point of order. It will give me only three minutes. I certainly have not burdened the House with remarks up to this time.

Mr. WILLIS. I do not insist on the point of order.

Mr. RAY, of New York. Mr. Chairman, the Susquehanna takes its rise in the beautiful Otsego Lake, amid the vine-clad hills of Central New York, and winding in graceful curves through fertile valleys and between rugged mountains, it makes its way through the southern part of New York and the great State of Pennsylvania and pours its waters into the Chesapeake Bay. It is a grand old river, old as the continent. Its waters are pure and limpid. Its banks, from its source to its mouth, are dotted with great, busy cities and picturesque villages.

Wealth and prosperity abound along its banks, and the possibilities for the commerce that may float upon its bosom are unbounded. This amendment proposes to transform the entire five hundred miles traversed by this river into a busy mart of commerce. The modest sum proposed to be appropriated by this amendment will, judiciously expended, simply inaugurate the grandest scheme of the nineteenth century. It will give employment to thousands of men, and the housewives and children fed by the judicious expenditure of these paltry thousand millions of dollars will have reason to rise up and call this Congress blessed.

Let us do something for suffering humanity; let us employ the industrious, feed the poor, clothe the naked, and hand our names down to posterity as the most lavish of the generous; let us adopt this amendment and go out of existence surrounded by a halo of magnanimous glory; let us prove to the world that we are not stingy or penurious or behind the spirit of the age in the expenditure and distribution of other people's money. Such seems to be the object, the purpose, the general scheme of this bill. Let us then adopt every proposition that shall tend to perfect the measure.

This magnificent stream is not disfigured by sand or mud bars. The finny tribes which disport themselves in its waters are longing for the beneficent influences of an appropriation. The dairymen who dwell upon its banks pine for the music of the steamboat whistle and the commercial facilities an ever-open and unobstructed navigation will give them. The Otsego Lake is navigable for small steamboats now. A part of this river is navigable for small steamboats a portion of the year now. By the expenditure of this sum of \$1,000,000,000 it may be made navigable the whole distance. [Laughter.]

At the present time, Mr. Chairman, the banks are so far apart and the bed of the stream is so near the surface that it can not be navigated the whole distance. But at all seasons of the year there is water enough in it to float small steamboats. By the expenditure of this small sum of money (\$1,000,000,000) a canal can be dug in the bed of this stream and then steamboats could start from Otsego Lake, in Central New York, and course their way to the sea. [Laughter and applause.]

With a portion of this money steam-heaters can be erected with which to break the icy fetters that bind the waters for about six months of the year, and thus we shall see the tide of commerce rolling in one unceasing current, one unbroken wave (so to speak), from the icy North to the sunny South. All we want is enterprise, energy, and this appropriation. We are not extravagant in our demands. This appropriation will commence the work, and we will trust to the future for such encouragement as shall be needed to make this work a complete success, and a monument to the enterprise and bounty of this Congress.

I ask the gentleman to accept the amendment and allow us to have this great highway, this great water course through the State of Pennsylvania and the State of New York, so that steamboats from my Congressional district can go unvexed to the sea. [Renewed laughter and applause.]

[Here the hammer fell.]

The amendment was disagreed to.

The next amendment (by Mr. WHITE, of Kentucky) was read, as follows:

Amend lines 530 to 534, inclusive, by striking out the following and inserting, so that the paragraph as amended shall read as follows:

"Improving Big Sandy River, West Virginia and Kentucky: Continuing improvement, \$50,000; of which sum \$10,000 are to be expended on Tug Fork, and \$10,000 are to be expended on Lavisa (i. e. Louisa) Fork of Big Sandy River."

The CHAIRMAN. The House will come to order, as it is impossible to hear what is going on in the confusion on the floor.

Mr. WHITE, of Kentucky. I am willing to surrender two minutes out of the three minutes allowed me for debate for the purpose of indulging this confusion, for while we have squandered half a million of dollars on Galveston Harbor the country still lives and the Senator from Illinois, Mr. LOGAN, has been elected to succeed himself. [Applause on Republican side.] Now, in regard to the amendment for the Big Sandy River and for the Lavisa River, which the Clerk has just read, I ask the attention of the committee to the fact that we have had in this Congress a bill to prevent extortion by railroads. The only way, in my opinion, in which we can prevent extortion by railroads is to improve the navigable rivers of the nation. The Big Sandy River is one of these navigable rivers, and yet the committee recommends for its improvement the paltry sum of \$25,000. The engineers in their report say next year they can expend profitably \$50,000 on that river.

Under the influence of the ex-postmaster-general of the Southern confederacy this House passed a bill for the purpose of preventing railroads charging too much for carriage of freight or passengers. That same gentleman proposes to allow members of Congress to ride free. The author of that bill is left at liberty when he chooses to ride on free passes. Discrimination in that direction is not the way to accomplish the purpose. The better way in my judgment would be by legislation appropriating money to improve navigable rivers like the Big Sandy and the Lavisa. Then if we have railroad lines rushing out from Grundy to Norfolk and Wilmington and to Baltimore, in that way we can cheapen transportation. It can not be done by your lap-sided interstate-commerce bill that left out the gist of the whole matter; that is, the enactment of some provision for the purpose of preventing the giving of free passes. It is to be done by liberal appropriations to improve navigable rivers like the Big Sandy.

The CHAIRMAN. The gentleman's time has expired.

The amendment was rejected.

The next amendment (by Mr. WARNER, of Ohio) was read, as follows: Strike out the words "for this improved navigation," in line 543, and insert the words "on this river."

Mr. WILLIS. There is no objection to that amendment.

The amendment was agreed to.

Mr. BROWN, of Pennsylvania. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend line 493, page 21, after "Maryland," by inserting "and Pennsylvania." Amend line 493 by striking out "seven" and inserting "twenty-two." Amend line 494 by inserting after the word "dollars," "seven thousand five hundred of;" and after the word "bridge," in line 497, add "and \$15,000 shall be expended for improving the West Branch of said river."

Mr. WILLIS. I must make the point of order upon that amendment. We have passed that part of the bill.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard on the point of order, that portion of the bill having been already passed over?

Mr. BROWN, of Pennsylvania. I understand that, but at the time we passed that portion of the bill there was so much confusion in the Hall that I did not hear the reading. There was a magnificent speech being made by the gentleman from New York, which attracted the attention of the committee, and the reading of the bill immediately after was not heard in this part of the Hall.

The CHAIRMAN. Does the gentleman from Kentucky insist upon the point of order?

Mr. WILLIS. I must insist upon it in the interest of the progress of this bill. I desire to complete the bill as soon as possible, and feel it my duty to insist upon the point of order.

The CHAIRMAN. The Chair must sustain the point of order, and the amendment is ruled out.

The next amendment (by Mr. YORK) was read, as follows:

After line 561, insert:

"Improving the Yadkin River, North Carolina, from the railroad bridge, near Salisbury, to Wilkesborough, \$50,000, twenty-five thousand to be spent on the Wilkesborough end and twenty-five thousand on the Salisbury end."

Mr. YORK. Mr. Chairman, I hope the amendment will be adopted. The Yadkin River is a river of considerable importance in Western North Carolina. There has been quite a large amount of money spent there in the improvement of that river from first to last. It runs through a very fertile section of North Carolina, which, however, is entirely destitute of railroad facilities. It is much needed by the people of that section for the commerce of that portion of the State, and I hope it will be the pleasure of the committee to adopt the amendment.

The question was taken on the adoption of the amendment; and on a division there were—ayes 19, noes 73.

So the amendment was not adopted.

The next amendment (by Mr. O'HARA) was read, as follows:

After the word "dollars," in line 570, add: "Improving Moccasin River, North Carolina: Continuing improvement, \$2,500."

Mr. O'HARA. I do not desire, Mr. Chairman, to take up the time of this committee in arguing the question of the importance of this appropriation. I will simply refer briefly to the report of the engineers, which is found on page 172. In their report they speak of it as Contentnea Creek. That report shows that during the last year over 6,600 bales of cotton were transported over that stream.

It passes through four of the largest counties of the State. It is proposed to continue the improvement so that we shall have an uninterrupted navigation on that river for seventy-five miles. The estimate made by the engineers for the next fiscal year is \$10,000; and I only wish to say to the gentleman in charge of this bill that it is absolutely necessary we should have this small appropriation which I ask in this amendment for the purpose of protecting the work already done and keeping it from injury.

I hope the committee will not object to this amendment.

The question was taken; and on a division there were—ayes 45, noes 70.

So the amendment was not agreed to.

Mr. GREEN. I ask consent to offer an amendment at this point.

The Clerk read as follows:

After line 570, insert:

"Improving New River, North Carolina: Continuing improvement, \$10,000."

Mr. GREEN. Mr. Chairman, the amendment first read is certainly worthy of adoption. The mouth of this river is one of the most important harbors of refuge for small craft on our dangerous coast. Last session \$5,000 were appropriated for its improvement, as a like sum had been by the preceding Congress. If the work is to stop here these sums might as well have been thrown in New River, so far as the good effected is involved. The engineers in their estimate recommend an appropriation of \$15,000 to continue the work; but it has pleased the committee to ignore its claims altogether. For what reason I can not conceive. I was told last summer by a gentleman living near there that a short time previously a steamer in a crippled condition attempted to put in that inlet in a storm, but being unable to cross the bar was compelled to put to sea again, and as a consequence was lost, with all on board. In view of these and other reasons I do most earnestly trust that the amendment may be adopted.

The question was taken; and on a division there were—ayes 32, noes 65.

So the amendment was not agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The next amendment (by Mr. VAN EATON) was read, as follows:

In line 653, insert:

"Improving Horn Island Pass, Mississippi: Continuing improvement, \$15,000."

Mr. VAN EATON. Mr. Chairman, this is a very important amendment for my people and for a large portion of the commerce of the Gulf. The harbor inside Horn Island is one of the most important on the coast. The trouble is the water is deeper in the harbor than in the pass, and the object is to deepen the pass between Horn Island and Petit Bois Island so vessels of deep draught can pass into the harbor and out with full loads, and thus result in a great saving to the immense lumber region of that country.

The engineer's report estimates \$43,000 for this work. Five thousand dollars were appropriated last year. If this amendment is adopted the work of deepening the pass can go on; if not, the \$5,000 alone will be of little use. I hope the amendment will be adopted.

The amendment was not agreed to.

The following amendment (offered by Mr. VAN EATON) was read:

After line 911, insert:

"Improving and protecting harbor at Natchez, Miss., and Vidalia, La., \$125,000."

Mr. VAN EATON. I had occasion the other day to say a word in favor of substantially this amendment. And I wish to say, in opposition to some objections that were made on that day, that there is no proposition here to improve private property. The harbor between Natchez and Vidalia, which already accommodates the shipping at those two points, is as good a harbor as there is on the Mississippi River. No private property is sought to be benefited. The trouble is that a cut-off is threatened a mile or two above, and, unless it is guarded against, it will ruin the harbor at Natchez by leaving the current several miles perhaps from the present landing.

More than that, it will entirely sweep away not only the harbor but the entire town of Vidalia. The engineers have made their report. They say that this work is absolutely necessary, and I appeal to this House to say whether one of the most magnificent and useful harbors upon the river should be left liable to be destroyed in this way.

The committee say this is a landing, and that they will not vote a dollar for any landing upon the river. Why, Mr. Chairman, what benefit will it be to the river to improve the navigation if there is no place where commerce can be accommodated at these harbors? I appeal to the committee to insert this amendment.

The question being taken on the amendment offered by Mr. VAN EATON, there were—ayes 34, noes 62.

So (further count not being called for) the amendment was not agreed to.

The following amendment (offered by Mr. SINGLETON) was read:

At the end of line 658, insert:

"Continuing improvement from Carthage to Edinburg, \$2,000."

Mr. SINGLETON. This is for the improvement of a section of Pearl River which penetrates my State from the Gulf of Mexico, about five hundred miles. An appropriation is made in the bill for the improvement of the navigation from Jackson down, and then for the improvement of the navigation from Jackson up to Carthage. But from that up to Edinburg, where the improvement is most needed, by some fatality, I can not understand what the committee have left out that part of the river altogether. Although a small appropriation was made in the last river and harbor bill for that part of the river, they have failed to make any appropriation for it at this time.

I have here in my hand the report of the assistant engineer who has examined this river. He states that it is important this river should be cleaned out between Carthage and Edinburg.

There are 25,000 bales of cotton carried down that river. Through a large section of country the people have no access to market except by the Pearl River. There are two steamboats on it which now carry freight to the railroads.

I hope no member of the House will oppose this small appropriation. It is a singular thing that the Committee on Rivers and Harbors should have overlooked this portion of the river. The work is recommended not only in the report of the assistant engineer but it is indorsed by the Engineer-in-Chief. I may add that in the present condition of the roads a bale of cotton can not be hauled to market.

The question being taken on agreeing to the amendment offered by Mr. SINGLETON, there were—ayes 40, noes 73.

So (further count not being called for) the amendment was not agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read the following amendment, offered by Mr. WHITE, of Kentucky:

Amend line 743 by adding the following:

"And \$10,000 of said \$100,000 shall be expended for the improvement of Cumberland River above the mouth of Jellico, in the State of Kentucky."

Mr. WHITE, of Kentucky. The Government has entered upon the improvement of the Cumberland River above the mouth of Jellico. It has expended some money in that work and it ought to be continued. There is no belt of coal and timber land in the United States within my knowledge—after reading a number of the geological reports, I state, without any fear of successful contradiction, that there is no equal number of acres of land in the United States where there are finer virgin forests of all the hard woods known in this country, where there is more bituminous coal, where there is more coking coal, where there is more iron ore within easy access, where there is more sandstone and limestone necessary to work the iron ore than there is on the river above Jellico. The Government has already expended a few thousand dollars to improve it. I ask that this small sum be expended in the further improvement of that river.

The amendment was not agreed to.

The next amendment (offered by Mr. BROWN, of Pennsylvania) was read, as follows:

Amend by adding, after line 755, as follows:

"Improving West Branch of the Susquehanna River, \$7,500."

Mr. WILLIS. I am compelled to make the point of order. We have passed that part of the bill. There was an order of the House this morning, I may say to my friend, requiring these amendments to be presented in the order in which the paragraphs are; and the paragraph relating to the Susquehanna River has been passed.

Mr. BROWN, of Pennsylvania. This is another stream entirely, and I do not know of anything in the order to which the gentleman from

Kentucky alludes that prevents the consideration of this amendment at this point. I thought at one time it would be proper—and perhaps it would be entirely proper—to offer it at the point the gentleman has suggested; but I see no reason, since it is an entirely different stream, why the amendment should not go in at this point.

The CHAIRMAN. The Chair will state that it is not in possession of such facts as will enable it to decide whether this amendment be in order or not.

Mr. BLANCHARD. On page 21, line 493, is the Susquehanna River. We are now on page 33, at line seven hundred and odd.

Mr. BROWN, of Pennsylvania. This is not the Susquehanna River.

Mr. BLANCHARD. What does your amendment relate to?

Mr. BROWN, of Pennsylvania. The West Branch of the Susquehanna River.

Mr. BLANCHARD. Then it is the Susquehanna River.

Mr. BROWN, of Pennsylvania. You can as well say the Mississippi is the Mississippi.

Mr. HISCOCK. Mr. Chairman, do I understand that any order has been made that an amendment can not be offered to a section at any time after we have passed the section?

The CHAIRMAN. The Chair will inform the gentleman from New York [Mr. HISCOCK] of an order which was made in the House early this morning, and which the gentleman perhaps did not hear. The order was to the effect that the amendments to this bill should be submitted to the Committee of the Whole in the order in which they come on the bill; so that when we passed from a matter it should be as if a paragraph were passed from in the House under the regular rule.

Mr. REED, of Maine. But there may be new paragraphs inserted anywhere, may there not?

The CHAIRMAN. The Chair thinks so, but the rule of the House as put upon the committee was that these amendments coming in should be—I believe they are called in the order—*bona fide* amendments, not going back to other matters. The whole idea of the order was to cut off any retrograde movement.

Mr. HISCOCK. Mr. Chairman, do I understand that when we have reached the very end of this section we are precluded from offering amendments to it if we have commenced the reading of another section? I do not understand that any order of that kind has been entered here.

The CHAIRMAN. The Chair has stated the effect of the order as he understands it.

Mr. HISCOCK. I would like to have the order read. We are considering this bill by sections, and if we are considering it by sections—

Mr. WILLIS. We are considering it under a consent order entered this morning.

Mr. HISCOCK. I would like to have the order read.

The CHAIRMAN. The Chair is in that natural confusion which grows out of departing in this case from the regular rule; but he desires to have it understood that in endeavoring to carry out the order of the House, as the Chair understands it, matters that have been passed over can not be recurred to. Of course, when the end of the section is reached, any distinct paragraph that is offered in order may be acted upon.

Mr. BROWN, of Pennsylvania. This is a distinct paragraph, Mr. Chairman.

The CHAIRMAN. Of course the Chair is not informed as to the geography of these rivers, and does not know whether this and the Susquehanna are the same river or not.

Mr. CURTIN. The West Branch runs into the Susquehanna, but it is not the Susquehanna, and is not so called.

The CHAIRMAN. The Chair is much obliged to the gentleman for that lesson in geography. If that is true, the point of order against this amendment is not well taken, and the gentleman from Pennsylvania [Mr. BROWN] will proceed.

Mr. BROWN, of Pennsylvania. Mr. Chairman, I have only to say that the West Branch of the Susquehanna River is the greatest lumber stream in the State of Pennsylvania, and—

Mr. BRECKINRIDGE. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BRECKINRIDGE. My point is that this discussion is out of order.

The CHAIRMAN. The Chair has ruled, on the statement of the gentleman from Pennsylvania [Mr. CURTIN], that this is a different river from any that has been heretofore considered, and that, therefore, the point of order is not well taken.

Mr. BRECKINRIDGE. Then the gentleman is in order?

The CHAIRMAN. That is the decision of the Chair.

Mr. HISCOCK. If I understand the Chair, if we pass from a river we can not subsequently return to that same river in making amendments to the bill.

The CHAIRMAN. That is what the Chair understands to be the effect of the rule.

Mr. WILLIS. After a river has been acted upon, it can not be again considered.

The CHAIRMAN. That is what the Chair understands to be the instruction of the House in the order which it made.

Mr. BROWN, of Pennsylvania. Mr. Chairman, I was saying that this Western Branch of the Susquehanna is the greatest lumber stream east of the Alleghany. More lumber is floated upon it than I may say upon all the other streams in the State of Pennsylvania, and I can not understand why the Committee on Rivers and Harbors did not allow to this stream the appropriation that was asked for its improvement. I yield the balance of my time to my colleague from Pennsylvania, Governor CURTIN.

Mr. CURTIN. Mr. Chairman, the West Branch of the Susquehanna rises in the mountains and runs out into the district which I have the honor to represent. It has been properly stated by my colleague from Pennsylvania [Mr. BROWN] that it is the largest lumber stream in that State. The navigation of the river is obstructed by rapids and falls, and the object of this amendment is to clear out those obstructions so that the men who cut the lumber in the Alleghany Mountains on the various branches of the river may have a safe passage for their property down the stream to market. That is all—nothing more. This is not the Susquehanna River; it is a different river, which runs into the Susquehanna at Northumberland. The North Branch of that river, as it is called, rises in the State of New York, passes into Pennsylvania, and goes back into New York, thus looping together as with a silver thread the two great States of New York and Pennsylvania.

The CHAIRMAN. The time for debate upon this bill is exhausted. Mr. CURTIN. Mr. Chairman, you would have heard something interesting if you had let me go on. [Laughter.]

The CHAIRMAN. The Chair asks unanimous consent that the gentleman from Pennsylvania be allowed to proceed one minute longer.

There was no objection.

Mr. CURTIN. A minute! That is a short time to some gentlemen on this floor; but it is a long time to me, for I do not often trouble this House. Sir, if we desire to clean rivers, to furnish facilities for navigation and trade, to afford the produce of the farm and the forest the means of reaching markets, this amendment is perfectly proper.

I am in favor of giving to the people of this great nation all the facilities they require for commerce and trade. Commerce in its true interpretation is the exchange of commodities; and while you appropriate money for improvements in the West and on the Mississippi and the Missouri and the Ohio, I would not deny to the people of the West Branch the means of reaching a market with the lumber of that region. I am in favor of voting any amount of money to give the people of this great nation the exchange of commodities which commerce means. [Applause.]

The question being taken on the amendment of Mr. CURTIN, there were—ayes 52, noes 54.

Mr. WELLER. I withdraw my vote.

Mr. CURTIN (to Mr. WELLER). Vote the other way.

Mr. WELLER. No; I can not vote the other way.

The CHAIRMAN. Are tellers demanded?

Mr. PARKER. I withdraw my vote in the negative.

Mr. WELLER. I change my vote back to the original status.

Mr. WILLIS. I object to this proceeding as irregular.

The CHAIRMAN. The Chair has no knowledge how either gentleman voted. Are tellers demanded?

Mr. BROWN, of Pennsylvania. I call for tellers.

Mr. WILLIS. I hope my friends from Pennsylvania will not press this amendment. This is a work which is not in the Book of Estimates at all; we have no survey.

Tellers were ordered; and Mr. BROWN, of Pennsylvania, and Mr. WILLIS were appointed.

The committee again divided; and the tellers reported—ayes 71, noes 59.

The CHAIRMAN. Does the gentleman from Pennsylvania insist on the point that no quorum has voted?

Mr. BROWN, of Pennsylvania. I do not.

The CHAIRMAN. The amendment is adopted.

Mr. BRECKINRIDGE. I reserve the right to vote in the House on this question.

The CHAIRMAN. There is no necessity for any reservation.

The next amendment (by Mr. WOLFORD) was read, as follows:

In line 737, strike out "four" and insert "six;" so that the clause will read: "Improving South Fork of the Cumberland River, Kentucky: Continuing improvement, \$6,000."

Mr. WOLFORD. It generally happens in these appropriation bills for the improvement of our rivers and harbors that those who ask for large things get them. I am asking for a very small thing. I think this amendment should be adopted without any opposition. The South Fork of the Cumberland River runs through a region having some of the finest timber in the United States—large oaks, lofty poplars. Besides, there is fine cultivable land. The people there raise corn, wheat, and almost everything that would go into the commerce of the world if they had a way to get it out. But that region is almost cut off from the rest of the world because it has no navigation. Four thousand dollars was appropriated for this object last year, and it did the people there a great deal of good.

That country, too, is rich in mineral wealth. There is iron ore there—almost everything that could make the people rich. But, as I have remarked, there is no way to get it out. The Committee of the

Whole, by voting this little appropriation, will help a long-suffering people, a people who support all your appropriations.

[Here the hammer fell.]

Mr. WHITE, of Kentucky. My colleague [Mr. WOLFORD] will allow me to say that the engineers have recommended an appropriation of \$10,000 for this purpose.

The question being taken on the amendment of Mr. WOLFORD it was not agreed to, there being—ayes 44, noes 63.

The next amendment (by Mr. WHITE, of Kentucky) was read, as follows:

Amend lines 75, 78, 79, by striking out the words "two hundred thousand" and inserting in lieu thereof the following: "nine hundred and thirty-one thousand four hundred;" so that the paragraph will read as follows:
"Improving Kentucky River, Kentucky: Continuing improvement, \$931,400; of which sum \$46,000 are to be used to complete the lock and movable dam at Bentlyville, at junction of Three Forks of Kentucky River."

Mr. WHITE, of Kentucky. We have appropriated from the foundation of the Government till 1882 \$111,000,000 for the improvement of rivers and harbors; and if this bill be passed the amount will have reached \$154,000,000. Out of this entire sum Kentucky has received but \$447,000.

The Chief of Engineers reports that \$941,438 can be profitably expended for this work during the next year. I want to remind gentlemen from Pennsylvania and Ohio that they are interested in improving the navigation of this river. Every lock and dam you put in the Kentucky River assists in enabling Pittsburgh coal and Ohio salt to come into competition with Kentucky coal and Kentucky salt. It enables also Toledo lumber to come into competition with the abundant lumber of Kentucky.

This improvement has been started. The \$931,000 which the engineers tell us can be profitably expended during the coming year is about one-third of all that will be required to complete navigation to the heart of that abundant coal and lumber region in our State.

I speak of the coking coal on the Cumberland River. And there is no part of the United States where there is such a quantity of canal coal or of walnut or hickory and other valuable woods or of mines.

[Here the hammer fell.]

The CHAIRMAN. The gentleman's time has expired.

Mr. WHITE, of Kentucky. I must call for a division on this amendment. This is a most important river.

Mr. PAINE. Is there any water in the river?

Mr. WHITE, of Kentucky. Yes; there is always water there.

The committee divided; and there were—ayes 18, noes 83.

So the amendment was rejected.

Mr. COSGROVE. I move to strike out the following, in lines 758 and 759:

Improving Kentucky River, Kentucky: Continuing improvement, \$200,000.

The amendment was rejected.

The next amendment (by Mr. WHITE, of Kentucky) was read, as follows:

Insert after line 761 the following:

"Improving Licking River, Kentucky, \$100,000."

Mr. WHITE, of Kentucky. After the success I have had it seems persistency, or even good looks, as represented by my friend from New Jersey [Mr. KEAN], have no effect with this obdurate committee; and when the Speaker of the House informs the little gentleman from New York, whose shadowy figure I do not see before me, that the only way to improve Licking River is to macadamize the mouth of it, I suppose I shall be defeated in this attempt to get an appropriation for the Licking River, a river which drains the whole region between the Kentucky River and the Big Sandy River. It is a vast territory, over three hundred miles long. It has a great deal of commerce. South of the Chesapeake and Ohio Railroad, any time at high water, steamboats now run. No improvement has been made in that important navigation. I suppose it will come. When Kentucky goes back to the old Whig doctrine an attempt will be made to improve the Licking River. She did it once herself before Kentucky seceded. [Laughter.] And let it be remembered that Kentucky never did secede until the war was over. [Laughter and applause on the Republican side.] One of these days the Republican party or the temperance party or some other party besides the seceded Democrats will have control of that grand old Commonwealth of Kentucky. The Whig party built the locks and dams on the Kentucky River, which, through the parsimony of the Democratic party, have been turned over to the National Government. That river some day will be improved, I trust, by the liberality of her people.

[Here the hammer fell.]

The amendment was rejected.

The next amendment (by Mr. HOLMAN) was read, as follows:

Add at the end of line 766 the following words:

"And a sum thereof not exceeding \$40,000 shall be expended in arresting the formation of the bar now forming in said river below the mouth of the great Miami and opposite the city of Lawrenceburg, by confining the Great Miami River at and near the point of its junction with the Ohio River to its present channel."

Mr. HOLMAN. I wish to submit a word in behalf of that proposition and hope I will have the ear of my friend from Kentucky. It is not proposed to increase the amount of the appropriation, but only to

appropriate \$40,000 of the amount named in the bill to confine the Miami River to its natural channel. The great floods within the last two years have overflowed the town of Lawrenceburg and reduced its people to poverty. Those floods are changing gradually the course of the Ohio River and forming an extensive bar in front of the town. Navigation in the last two years, growing out of the influences I have mentioned, has been much impaired, and I think no part of the money appropriated can be used to better advantage than in arresting the formation of that bar. I admit the effect is to save this town of 7,000 people from destruction. The amendment proposes to confine the Miami River to its natural channel, and thus prevent the formation of bars affecting navigation.

[Here the hammer fell.]

Mr. REED, of Maine. I move that the committee rise.

Mr. WILLIS. Only wait a few moments.

Mr. REED, of Maine. We are thinning out fast and soon will be without a quorum.

The CHAIRMAN. Does the gentleman insist on his motion?

Mr. REED, of Maine. No, I shall not.

The amendment was rejected.

The next amendment (by Mr. STOCKSLAGER) was read, as follows:

Add in line 770, page 32, the following:

"And authority is hereby given to any individual or corporation to strengthen, repair, or rebuild the bridge across the Louisville and Portland Canal, at Eighteenth street, in said city of Louisville, now owned by the United States, without cost to the Government, and to use the same for railroad and other purposes free of charge from the Government, provided it shall in no way interfere with the free navigation of said canal."

Mr. STOCKSLAGER. This does not propose to appropriate any money. It simply authorizes any person desiring to build a railroad bridge across the canal, for the purpose of transporting more than 4,000 car-loads of cement manufactured there annually, to do so at the expense of the parties so repairing or rebuilding the bridge for that purpose.

Mr. BLAND. I make the point of order that this is not germane to the bill.

Mr. STOCKSLAGER. The Government is not to pay for the rebuilding of the bridge.

Mr. REED, of Maine. There is another reason why this is not germane to the bill—it does not make any appropriation. [Laughter.]

Mr. STOCKSLAGER. The chairman of the Committee on Rivers and Harbors knows all about it, as it is in his own city. My people are interested in the transportation across the canal. The bridge is now an old and rickety structure.

There is an old bridge there that will not do at all for railroad purposes, and this proposes to allow parties to build a new one.

Mr. WILLIS. I will state, if the gentleman will permit me to interrupt him, that this bridge belongs to the canal and the canal belongs to the Government. This is not making an appropriation to build a bridge, but simply to authorize it to be done and not to interfere with the right of way.

Mr. STOCKSLAGER. It is simply to permit private parties to build the bridge, and there can be no objection to it.

The question being taken upon the amendment of Mr. STOCKSLAGER, it was agreed to; there being on a division—ayes 50, noes 5.

Mr. WILLIS. I will state to the committee that in a few minutes, after we pass over one other point, I will move that the committee rise.

The Clerk reported the next amendment, offered by Mr. JOSEPH D. TAYLOR, as follows:

After line 770 insert:

"Constructing ice-breakers and ice-harbor at the city of Bellaire, Belmont County, Ohio, at the point designated and recommended by the United States engineers, \$15,000."

Mr. JOSEPH D. TAYLOR. I desire to occupy the floor but two minutes, and will yield one minute then to the gentleman from West Virginia [Mr. GOFF].

Mr. Chairman, the survey for an ice-harbor at Bellaire, Ohio, was made in 1881. The construction of ice-breakers at that place is strongly recommended in the volume I hold in my hand, which is the report of the Chief of Engineers, made in that year. On page 1951 will be found the reports of Engineers Merrill and Harlow, strongly favoring this work, giving reasons why it should be constructed, and showing how necessary it is to the safety of steamboats and other craft on the Ohio River.

The appropriation was not made at that time, for the reason that the Chief of Engineers recommended that some adjustment should be made in regard to riparian rights lest the owners of the adjacent land should be entitled to charge wharfage. That has been recently arranged, and satisfactorily. The owners of the adjacent land have entered a release and have agreed to make no claim for wharfage in the harbor which would be created by the ice-piers.

This work has been recommended by chambers of commerce, boards of trade, and by the people all along the Ohio River for five hundred miles, all of whom are deeply interested in the improvement of the navigation of the river. It is proposed to build ice-cribs between the piers of the Baltimore and Ohio Railroad bridge over the Ohio River at Bellaire. This will create an ice-harbor below the bridge and between

it and McMahon's Creek 1,100 feet long and 250 feet wide at the moderate expense, as shown by the engineers' report, of \$15,000.

There is certainly no more desirable place on the Ohio River for a harbor than at Bellaire. It has railroad, telegraph, telephone, mail, and banking facilities. It is the coaling place of all river craft going up and down the river. It is a growing manufacturing city.

And besides, there are large numbers of people in that section of the country interested in manufacturing. It is the center of a population of at least 100,000 people, who are interested in the prosperity and growth of Bellaire and the adjacent towns of Bridgeport, Wheeling, and Martin's Ferry. Other manufacturing towns on the Ohio River are deeply interested in this improvement. It is important to the people of Pittsburgh who are engaged in the coal traffic.

The immense fleets of coal boats going to and returning from Cincinnati would be greatly benefited by this harbor. They greatly need an ice-harbor and ice-breakers at this point, which is about midway between Pittsburgh and the ice-harbor at the mouth of the Muskingum River. No gentleman who understands the importance of this work will object to the small appropriation that I ask. It would save from destruction millions of dollars' worth of property and greatly encourage the large number of owners of boats and river craft at that place and all along the Ohio River. I know of no place where such a small amount of money will accomplish so much good.

The CHAIRMAN. Does the gentleman from Ohio desire to yield any of his time? The Chair understood him to state that he wanted to yield a portion of it to the gentleman from West Virginia.

Mr. JOSEPH D. TAYLOR. I want to yield one minute of it.

The CHAIRMAN. The gentleman has already occupied two and one-quarter minutes.

Mr. JOSEPH D. TAYLOR. I yield the remainder to the gentleman from West Virginia [Mr. Goff].

Mr. GOFF. Mr. Chairman, I trust the Committee on Rivers and Harbors will not object to this amendment. This matter has been considered by the engineers especially requested to examine the subject, and they have reported uniformly in favor of the construction of this ice-harbor. The people in the entire valley of the upper Ohio River are interested in this work and ask its construction.

[Here the hammer fell.]

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Ohio.

The committee divided; and there were—ayes 50, noes 69.

Mr. JOSEPH D. TAYLOR. No quorum.

Mr. WILLIS. Pending the demand for a quorum, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union having had under consideration the river and harbor bill had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. REED, of Maine. I move that the House do now adjourn.

Mr. THOMPSON. I rise to a question of the highest privilege.

The SPEAKER *pro tempore*. The gentleman from Maine moves that the House do now adjourn, pending which the gentleman from Kentucky states that he rises to a question of the highest privilege, which he will state.

Mr. THOMPSON. I rise to enter a motion to reconsider a vote taken to-day, which is a question of the highest privilege.

The SPEAKER *pro tempore*. The Chair will recognize the motion.

Mr. THOMPSON. I enter a motion to reconsider the vote by which the House refused to consider Senate bill No. 3511.

Mr. KEIFER. That would not avail anything if it was done now.

Mr. THOMPSON. I enter the motion, at any rate.

Mr. KEIFER. A motion to reconsider would not bring it up for consideration this evening.

Mr. THOMPSON. I am aware of that fact.

Mr. KEIFER. It would not bring it up for consideration.

The SPEAKER *pro tempore*. The Chair is hardly called upon to decide what would be the effect of the motion.

Mr. THOMPSON moved to reconsider the vote of the House refusing to consider Senate bill 2511, and also the vote by which it was referred to the House Calendar.

The SPEAKER *pro tempore*. The motion will be entered.

Mr. WILLIS. I move that the House take a recess until to-morrow at 10 o'clock, and will state that if this is done I will move an adjournment before 11 o'clock.

Mr. REED, of Maine. I will agree to that.

The question was taken on the motion of Mr. WILLIS; and it was agreed to.

The SPEAKER *pro tempore*. Pending the announcement of the result of the vote the Chair asks unanimous consent to submit some executive communications.

There was no objection.

EXPENSES FOR DEPUTY MARSHALS, ETC., AT ELECTIONS.

The SPEAKER *pro tempore* laid before the House a letter from the

Secretary of the Treasury, in response to a House resolution calling for information as to expenditures for supervisors and deputy marshals at elections; which was ordered to be printed and referred to the Committee on Expenditures in the Department of Justice.

Mr. DOCKERY. I ask that this communication be printed in the RECORD.

There was no objection, and it was so ordered.

TREASURY DEPARTMENT, February 18, 1885.

SIR: In compliance with the resolution of the House of Representatives of the 5th instant, "that the Secretary of the Treasury be directed to inform the House of Representatives what has been the total amount of expenses incurred under the law providing for the appointment of deputy marshals, chief supervisors, and supervisors of elections, and in what States the money has been expended, showing the separate amounts expended in each State, and also the accounts for such services which remain unadjusted," I have the honor to transmit herewith the information called for, prepared in the office of the First Comptroller of the Treasury.

Very respectfully,

H. McCULLOCH, Secretary.

The honorable SPEAKER of the House of Representatives.

Statement of expenses incurred under the law providing for the appointment of special deputy marshals, supervisors, and chief supervisors of elections.

Districts.	Year.	Amount.
PAYMENTS TO SPECIAL DEPUTIES.		
Alabama, southern.....	1876	\$2,530 00
Do.....	1878	1,000 00
Do.....	1880	1,380 00
Do.....	1882	870 00
Do.....	1884	*1,445 00
California.....	1871	2,090 50
Do.....	1872	2,820 00
Do.....	1875	2,220 00
Do.....	1876	4,607 50
Do.....	1879	7,545 00
Do.....	1880	4,525 00
Do.....	1882	2,485 00
Do.....	1884	16,660 00
Delaware.....	1880	3,350 00
Do.....	1882	3,515 00
Do.....	1884	1,980 00
Georgia, northern.....	1882	200 00
Do.....	1884	70 00
Illinois.....	1876	1,105 00
Do.....	1878	4,651 86
Do.....	1880	7,300 00
Do.....	1882	16,210 00
Do.....	1884	*10,265 00
Louisiana, eastern.....	1872	10,300 00
Do.....	1874	5,700 00
Do.....	1876	5,690 00
Do.....	1878	5,000 00
Do.....	1880	2,110 00
Do.....	1882	3,800 00
Do.....	1884	4,420 00
Maryland.....	1870	2,389 12
Do.....	1872	1,730 00
Do.....	1884	2,005 00
Do.....	1876	8,085 00
Do.....	1878	4,594 10
Do.....	1880	10,096 75
Do.....	1882	2,335 00
Do.....	1884	7,540 00
Massachusetts.....	1876	1,170 00
Do.....	1878	2,935 00
Do.....	1880	2,380 00
Do.....	1882	2,335 00
Do.....	1884	*2,840 00
Missouri, eastern.....	1876	19,110 00
Do.....	1880	6,305 00
Do.....	1882	6,830 00
New York, northern.....	1872	5,845 00
Do.....	1874	12,285 00
Do.....	1876	7,915 00
Do.....	1878	8,655 00
Do.....	1880	6,570 00
Do.....	1882	7,690 00
Do.....	1884	*4,300 00
New York, southern.....	1872	58,515 00
Do.....	1874	15,150 00
Do.....	1876	40,480 00
Do.....	1878	25,300 00
Do.....	1880	36,105 00
Do.....	1881	12,250 00
Do.....	1882	23,820 00
Do.....	1884	*38,880 00
New York, eastern.....	1872	20,275 00
Do.....	1874	9,770 00
Do.....	1876	12,664 21
Do.....	1878	6,037 00
Do.....	1880	4,845 50
Do.....	1882	5,765 00
Do.....	1884	*7,580 00
New Jersey.....	1872	1,200 00
Do.....	1874	2,300 00
Do.....	1876	5,085 00
Do.....	1878	2,880 00
Do.....	1880	6,325 00
Do.....	1882	3,280 00
Do.....	1884	*8,865 00
Ohio, southern.....	1880	1,220 00
Do.....	1882	1,520 00
Do.....	1884	*14,567 00
Pennsylvania, eastern.....	1872	2,355 00
Do.....	1874	250 00
Do.....	1876	3,500 00

* Estimated.

† Unadjusted.

Expenses incurred in the appointment of special deputy marshals, &c.—Continued.

Districts.	Year.	Amount.
PAYMENTS TO SPECIAL DEPUTIES—Continued.		
Pennsylvania, eastern	1878	\$7,730 00
Do	1880	6,830 00
Do	1882	4,985 00
Do	1884	7,515 00
Pennsylvania, western	1874	450 00
Do	1876	650 00
Do	1878	95 00
Do	1882	150 00
Do	1884	2,175 00
South Carolina	1878	700 00
Do	1880	625 00
Do	1882	480 00
Do	1884	50 00
Tennessee, western	1880	245 00
Do	1882	250 00
Do	1884	*400 00
Texas, eastern	1874	200 00
Do	1882	140 00
Texas, western	1884	*625 00
Virginia, eastern	1874	2,640 00
Do	1876	1,785 00
Do	1878	500 00
Do	1880	350 00
Do	1882	255 00
Do	1884	*1,175 00
Total to special deputies		651,830 22
PAYMENTS TO SUPERVISORS.		
California	1871	2,575 00
Do	1872	4,010 00
Do	1875	5,195 00
Do	1876	5,220 00
Do	1879	14,370 00
Do	1880	10,435 00
Do	1882	13,850 00
Do	1884	*9,415 00
Alabama, southern	1876	500 00
Do	1878	830 00
Do	1880	455 00
Do	1882	745 00
Do	1884	770 00
Arkansas, eastern	1884	70 00
Delaware	1880	885 00
Do	1882	510 00
Do	1884	795 00
Georgia, northern	1882	40 00
Do	1884	20 00
Georgia, southern	1884	120 00
Illinois, northern	1876	5,640 00
Do	1878	4,450 00
Do	1880	7,890 00
Do	1882	7,870 00
Do	1884	*18,660 00
Indiana	1880	395 00
Do	1884	1,500 00
Kentucky	1880	875 00
Do	1882	840 00
Do	1884	*920 00
Louisiana, eastern	1874	18 00
Do	1876	4,115 00
Do	1878	3,600 00
Do	1880	4,905 00
Do	1882	2,990 00
Do	1884	2,545 00
Maryland	1876	2,950 00
Do	1878	2,945 00
Do	1880	2,955 00
Do	1882	7,130 00
Do	1884	*3,600 00
Massachusetts	1876	660 00
Do	1878	8,460 00
Do	1880	8,540 00
Do	1882	10,100 00
Do	1884	*13,630 00
Michigan, eastern	1878	1,300 00
Do	1882	2,630 00
Do	1884	2,690 00
Missouri, eastern	1876	1,330 00
Do	1880	1,815 00
Do	1882	2,865 00
Do	1878	3,280 00
Do	1878	3,414 90
Do	1878	3,050 00
Do	1880	9,865 00
Do	1882	5,370 00
Do	1884	*10,790 00
New York, northern	1872	12,520 00
Do	1874	7,345 00
Do	1876	7,120 00
Do	1878	10,505 00
Do	1880	11,920 00
Do	1882	10,650 00
Do	1884	16,455 00
New York, southern	1872	23,945 00
Do	1874	24,660 00
Do	1876	31,780 00
Do	1878	30,125 00
Do	1879	11,335 00
Do	1880	36,000 00
Do	1881	111,415 00
Do	1882	33,870 00
Do	1884	*58,880 00
New York, eastern	1872	13,255 00
Do	1874	10,535 00

* Estimated. † Unadjusted. ‡ Special election.

Expenses incurred in the appointment of special deputy marshals, &c.—Continued.

Districts.	Year.	Amount.
PAYMENTS TO SUPERVISORS—Continued.		
New York, eastern	1876	\$11,645 00
Do	1878	10,475 00
Do	1880	14,040 00
Do	1882	10,745 00
Do	1884	*7,580 00
Ohio, southern	1878	890 00
Do	1880	1,137 00
Do	1882	1,169 00
Do	1884	*1,260 00
Pennsylvania, eastern	1872	35,065 00
Do	1874	59,790 00
Do	1876	37,460 00
Do	1878	27,030 00
Do	1880	41,340 00
Do	1882	34,820 00
Do	1884	*36,305 00
Pennsylvania, western	1876	2,250 00
Do	1878	3,075 00
Do	1880	3,160 00
Do	1882	3,800 00
Do	1884	*4,040 00
South Carolina	1878	610 00
Do	1880	1,400 10
Do	1882	770 00
Do	1884	*1,410 00
Tennessee, western	1880	100 47
Do	1882	85 00
Do	1884	90 00
Texas, eastern	1876	1,800 00
Do	1880	220 00
Do	1882	250 00
Do	1884	*470 00
Virginia, eastern	1876	1,630 00
Do	1878	620 00
Do	1880	690 00
Do	1882	695 00
Do	1884	*1,375 00
Virginia, western	1882	85 00
Do	1884	80 00
Total to supervisors		928,334 47
PAYMENTS TO CHIEF SUPERVISORS.		
Alabama, southern	1872	978 14
Do	1874	2,584 58
Do	1876	2,394 33
Do	1878	1,551 71
Do	1880	1,081 52
Do	1882	1,522 55
Alabama, northern	1882	572 00
Do	1884	182 10
Alabama, middle	1880	457 34
Do	1882	277 25
Do	1884	94 95
California	1871	835 45
Do	1872	169 60
Do	1875	244 60
Do	1876	1,584 99
Do	1878	841 40
Do	1880	7,762 95
Do	1882	3,453 96
Do	1884	5,405 52
Colorado	1882	35 25
Delaware	1880	287 65
Do	1882	136 00
Do	1884	27 60
Florida, northern	1878	75 00
Do	1880	199 55
Do	1882	159 30
Do	1884	262 20
Georgia	1872	350 35
Do	1874	634 20
Do	1876	429 85
Georgia, northern	1880	149 67
Do	1882	365 00
Do	1884	126 95
Georgia, southern	1884	143 45
Illinois, northern	1880	113 30
Do	1884	455 03
Kentucky	1878	116 00
Do	1882	31 59
Louisiana, eastern	1872	1,858 50
Do	1874	139 00
Do	1876	4,463 33
Do	1878	1,313 00
Do	1880	101 05
Do	1882	1,660 65
Do	1884	2,352 20
Louisiana, western	1884	63 48
Maryland	1874	177 60
Do	1876	977 55
Do	1878	351 03
Do	1880	2,094 70
Do	1882	1,575 77
Do	1884	776 28
Massachusetts	1872	39 50
Do	1874	157 40
Do	1876	253 20
Do	1878	1,857 04
Do	1880	2,317 80
Do	1882	4,269 46
Do	1884	*9,854 30
Mississippi, northern	1876	50 50
Do	1880	150 70

* Estimated. † Unadjusted.

Expenses incurred in the appointment of special deputy marshals, &c.—Continued.

Districts.	Year.	Amount.
PAYMENTS TO CHIEF SUPERVISORS—Continued.		
Mississippi, northern.....	1882	\$483 10
Do.....	1884	465 80
Mississippi, southern.....	1880	75 97
Do.....	1882	224 11
Do.....	1884	189 07
Missouri, eastern.....	1876	187 40
New Jersey.....	1872	574 90
Do.....	1874	1,097 60
Do.....	1876	3,771 19
Do.....	1878	3,931 44
Do.....	1880	10,404 95
Do.....	1882	9,434 30
Do.....	1884	9,147 85
New York, northern.....	1872	4,252 34
Do.....	1874	4,245 59
Do.....	1876	7,723 70
Do.....	1878	6,523 05
Do.....	1880	5,107 89
Do.....	1882	5,246 49
Do.....	1884	5,425 44
New York, southern.....	1872	18,555 35
Do.....	1873	11,409 75
Do.....	1874	10,970 15
Do.....	1876	19,363 36
Do.....	1878	19,492 59
Do.....	1880	25,398 86
Do.....	1881	15,381 14
Do.....	1882	21,439 92
Do.....	1884	25,487 24
New York, eastern.....	1872	1,299 90
Do.....	1874	11,069 95
Do.....	1876	12,154 22
Do.....	1878	10,448 28
Do.....	1880	10,843 95
Do.....	1882	12,464 07
North Carolina, eastern.....	1876	527 11
Do.....	1882	436 69
Do.....	1884	158 90
North Carolina, western.....	1876	64 73
Ohio, southern.....	1878	740 45
Do.....	1880	425 45
Do.....	1882	221 10
Pennsylvania, eastern.....	1872	1,774 73
Do.....	1874	2,006 61
Do.....	1876	3,449 40
Do.....	1878	1,896 30
Do.....	1880	1,849 73
Do.....	1882	2,356 70
Do.....	1884	1,854 18
Pennsylvania, western.....	1876	179 40
Do.....	1878	100 85
Do.....	1880	65 30
Do.....	1882	78 10
South Carolina.....	1876	879 14
Do.....	1878	579 35
Do.....	1880	682 10
Tennessee, western.....	1876	129 60
Do.....	1884	53 30
Texas, northern.....	1882	53 85
Texas, eastern.....	1876	249 92
Do.....	1880	523 21
Do.....	1882	384 06
Do.....	1884	345 10
Virginia, eastern.....	1876	651 05
Do.....	1878	496 83
Do.....	1880	1,503 73
Do.....	1882	1,166 05
Do.....	1884	568 05
Virginia, western.....	1876	296 80
Do.....	1880	872 90
Do.....	1882	242 25
Do.....	1884	1,048 55
Total to chief supervisors.....		393,752 07

* Unadjusted. † Special election.

RECAPITULATION.		
Special deputies.....		\$651,830 22
Supervisors.....		923,334 47
Chief supervisors.....		393,752 07
Total.....		1,968,916 76

NOTE.—Amounts marked "estimated" were advanced to marshals for disbursement, but accounts have not yet been received at this Department. In cases marked "unadjusted," accounts have recently been received but are not yet examined.

YORK HARBOR, MAINE.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting report from the Chief of Engineers of a survey and examination of York Harbor, Maine; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

LEAVE TO PRINT.

By unanimous consent leave was granted to Mr. HOPKINS to print in the RECORD some remarks on land grants, alien land-owners, &c.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CUTCHESON, indefinitely, from Monday last, on account of severe illness.

To Mr. DUNN, indefinitely, on account of sickness in his family.
To Mr. CONNOLLY, on account of sickness.
To Mr. GRAVES, indefinitely, on account of sickness in his family.

WITHDRAWAL OF PAPERS.

On motion of Mr. COBB, by unanimous consent leave was given to withdraw papers filed with House bill No. 1931 for the relief of the Mobile and Girard Railroad Company without leaving copies.

The result of the vote on the motion of Mr. WILLIS was then announced; and accordingly (at 6 o'clock and 5 minutes p. m.) the House took a recess until 10 o'clock a. m. to-morrow.

AFTER RECESS.

The recess having expired, the House reassembled at 10 o'clock a. m. (Thursday, February 19, 1885).

ORDER OF BUSINESS.

Mr. WILLIS. I ask unanimous consent, in the interest of public business, that the hour for the opening of the session of Thursday be extended from 11 to 12 o'clock, my object being to get out of the way of the Appropriations Committee.

The SPEAKER *pro tempore*. The gentleman from Kentucky asks unanimous consent that the session of Thursday shall begin at 12 o'clock instead of 11 o'clock. Is there objection?

Mr. HOLMAN. What is the object of that?

Mr. WILLIS. Simply to get out of the way of the Committee on Appropriations.

The SPEAKER *pro tempore*. Is there objection? The chair hears none, and it is so ordered.

FORT BRADY, MICHIGAN.

Mr. ROSECRANS, by unanimous consent, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (S. 1374) to provide for the sale of the old site of Fort Brady, Michigan, and for a new site and for the construction of suitable buildings thereon; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. WILLIS. I ask unanimous consent that when the House shall in Committee of the Whole House on the state of Union resume the consideration of the river and harbor appropriation bill the consideration of the item in regard to the Hennepin Canal, on which a point of order is now pending, shall be postponed until the close of the session is reached. I make that request with the consent, I believe, of all who are interested.

The SPEAKER *pro tempore*. The gentleman from Kentucky asks unanimous consent that, in the Committee of the Whole House on the state of the Union, when the item in the river and harbor bill in relation to the Hennepin Canal shall be reached its consideration shall be postponed until the conclusion of the pending section of the bill.

Mr. PAYSON. Would it be in order to ask an explanation as to the object of this request? It is as a friend of the Hennepin Canal that I ask it.

Mr. WILLIS. The object is to facilitate the passage of matters on which a quorum will not be demanded. There will be a quorum demanded on the item I have indicated.

Mr. PAYSON. I do not object.

Mr. HOLMAN. I think that is a matter for the Committee of the Whole to determine, and not for the House.

The SPEAKER *pro tempore*. The Chair thinks the order if made must be made by the House. The Committee of the Whole has no power to make such an order, in the judgment of the Chair.

Mr. HOLMAN. The reason I make some question as to the propriety of this proposed order is that when that matter is reached in its course it is subject to the point of order, and it seems to me the point of order should be disposed of when the paragraph is reached.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Indiana that if there be objection in Committee of the Whole it requires the order of the House to control in a matter such as that in regard to which the gentleman from Kentucky has made this request. If there be no objection the order will be made, and the paragraph indicated by the gentleman from Kentucky will be considered at the conclusion of the first section of the bill.

There was no objection.

SURETIES OF GEORGE F. ELLIOTT.

Mr. McMILLIN. I ask unanimous consent to take from the Speaker's table for reference to the Committee on Claims the bill (S. 535) for the relief of the sureties of George F. Elliott. I have a communication from the Secretary of the Treasury which, I think, shows it to be important to have this bill considered.

There being no objection, the bill (S. 535) for the relief of the sureties of George F. Elliott was taken from the Speaker's table, read a first and second time, and referred to the Committee on Claims.

FRENCH AND AMERICAN CLAIMS COMMISSION.

Mr. HOLMAN, by unanimous consent, introduced a preamble and joint resolution (H. R. 336) relative to the French and American Claims

Commission; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

ORDER OF BUSINESS.

Mr. GUENTHER. I ask unanimous consent that when the House in Committee of the Whole House on the state of the Union shall resume consideration of the river and harbor appropriation bill the consideration of all the amendments relative to the Fox River, Wisconsin, be postponed until after the section has been completed.

Mr. WILLIS. I have no objection to that.

Mr. THOMAS. Does the gentleman from Wisconsin propose to have these amendments considered at the close of the pending section?

Mr. GUENTHER. Yes, sir.

Mr. THOMAS. I do not want to have them carried over outside that section.

Mr. GUENTHER. That is not my purpose.

There was no objection, and it was so ordered.

Mr. O'NEILL, of Pennsylvania. I call for the regular order.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. WILLIS. I move that the House resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. HAMMOND in the chair), and resumed the consideration of the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The CHAIRMAN. The pending question is on the amendment offered by the gentleman from Ohio [Mr. JOSEPH D. TAYLOR].

Mr. WILLIS. I think if the committee will indulge me one minute I can make a suggestion by which this matter can be settled. I have examined the report as to this improvement. There was a question in regard to riparian rights which has now been settled. The recommendation is \$15,000. If the gentleman will make the amount \$7,500, to which I understand he agrees, to be taken, as he proposes, from the appropriation for the Ohio River, I think there will be no objection to his amendment thus modified.

Mr. HOLMAN. I do not think there is any necessity for taking this appropriation out of the Ohio River fund.

The CHAIRMAN. Does the gentleman from Ohio move his amendment in the shape suggested?

Mr. JOSEPH D. TAYLOR. I will consent that the amount shall be fixed at \$7,500.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

After line 770 insert:

"Constructing ice-breakers and ice-harbor at the city of Bellaire, Belmont County, Ohio, at the point designated and recommended by the United States engineers, \$7,500."

Mr. WILLIS. To be taken out of the Ohio River appropriation. Mr. JOSEPH D. TAYLOR. I can not consent to that; I did not understand that to be the amendment.

The CHAIRMAN. The Chair will state that if this modification is not made by consent the tellers will have to be ordered, that being the condition of the business when the committee rose last evening.

Mr. WILLIS. As far as I am able to do so I am willing to consent to this amendment in that shape.

The CHAIRMAN. The gentleman from Ohio objects that it shall not come out of the appropriation for the Ohio River.

Mr. WILLIS. What difference does it make?

Mr. JOSEPH D. TAYLOR. The only difference is that the engineers in their report recommend this amount in addition to the estimates for the Ohio River. However, I shall not object, if the gentleman insists upon it, because it is important that this work should be done.

Mr. HOLMAN. I do not think this should be taken from the Ohio River appropriation.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Ohio as now modified.

The question was taken; and on a division there were—ayes 33, noes 4.

Mr. HOLMAN. I do not wish to break a quorum, but I do not think this ought to be taken out of the Ohio River appropriation.

Mr. WILLIS. I have no objection myself, but since the appropriations for the Ohio are most liberal in amount, I think it but right that it should be taken out of that appropriation.

Mr. HOLMAN. I do not think it is proper to make that condition. The importance of the improvement of this river justifies the objection.

Mr. THOMAS. I would like to appeal to the gentleman from Indiana not to demand the presence of a quorum this morning, in view of the fact that a very liberal estimate has been made for this river. The largest percentage, in fact, that we have given to any of the rivers has been given to the Ohio; and to increase that appropriation by the additional amount for this ice-harbor would be unjust to other streams.

Mr. HOLMAN. I think the Ohio River is entitled to greater consideration on account of the vast importance of its commerce.

The CHAIRMAN. The Chair will state that debate at this time is only proceeding by unanimous consent.

Several members demanded the regular order.

The CHAIRMAN. Does the gentleman from Indiana insist upon the presence of a quorum?

Mr. HOLMAN. I think I will be compelled to raise the question of a quorum at this time.

Mr. WASHBURN. I would ask the gentleman from Indiana if he will not consent that this matter be passed over for the present until a quorum is present, so that we may proceed with the consideration of the rest of the bill?

Mr. HOLMAN. I think it ought to be disposed of at once.

Mr. STEVENS. I would like to ask the gentleman a question if he will permit it.

Mr. WILLIS. I hope the gentleman from Indiana will not insist upon a quorum, since he knows of course the effect of it. We are trying in good faith to get this bill out of the way of the Committee on Appropriations, and certainly I hope the gentleman will not endeavor to hamper us in that effort.

Mr. HOLMAN. We should have a quorum here.

The CHAIRMAN. The Chair will then appoint tellers.

Mr. WILLIS. I ask my friend to withdraw the objection and let us proceed with the bill.

Mr. HOLMAN. Under ordinary circumstances I should not hesitate, but I regard this as an exceptional case. This river is of vast importance.

Mr. PAYSON. Would it be in order, Mr. Chairman, to move that the committee rise, with a view to moving a call of the House?

The CHAIRMAN. If the committee finds itself without a quorum, the rule requires that it shall rise and report the fact to the House.

Mr. HOLMAN. In view of the condition of the public business I will let this go, but I regard it as a very unfair discrimination.

So (no further count being demanded) the amendment of Mr. JOSEPH D. TAYLOR was agreed to.

Mr. REAGAN. Mr. Chairman, I would ask if I may now offer an amendment to line 498?

The CHAIRMAN. Not without unanimous consent.

Mr. REAGAN. I ask unanimous consent to be permitted to offer an amendment at the point indicated in the bill.

Mr. WILLIS. I hope my friend will wait until we get through with this section of the bill, and then I shall not object as far as I am concerned to his offering his amendment at the point indicated.

Mr. REAGAN. Then I will not ask unanimous consent at the present time, but will withhold the amendment.

The next amendment (submitted by Mr. MAYBURY) was read, as follows:

Amend by adding after line 772:

"To improve and further protect the superstructure of the dikes by sheet-piling on the channel-face and by dredging the channel in the line of the Saint Clair River at the point commonly known and designated as the Saint Clair Flats improvement, \$66,000."

Mr. BRECKINRIDGE. In regard to that amendment I wish to state, if the gentleman will permit, that it is an item inadvertently passed over by the committee. It was not in the index, and consequently failed to be seen when preparing the bill.

The committee, I will say, had no index for some time in the preparation of this bill. I think it is a proper item to go in; but would suggest to my friend from Michigan to make the amount \$50,000 instead of \$66,000, which, if he consents to, I think will obviate any opposition on the part of the committee.

Mr. MAYBURY. Whatever may be the percentage of \$132,000, recommended by the engineers for this work, which the committee have given for other improvements, I am willing to accept.

Mr. BRECKINRIDGE. The amount I suggest will be more than the percentage allowed ordinarily.

Mr. MAYBURY. I will agree then to that, and fix the sum at \$50,000 in the amendment.

The CHAIRMAN. The Chair understands the gentleman to modify his amendment by fixing \$50,000 instead of \$66,000?

Mr. MAYBURY. Yes, sir.

The CHAIRMAN. Does the gentleman desire to be heard on his amendment?

Mr. MAYBURY. I desire to say but a word. I ask that this amendment shall have the same consideration here that it would have received by the Committee on Rivers and Harbors had it been before them, in view of the fact, as the gentleman from Arkansas has said, that the matter was overlooked; and I present it now in good faith for adoption.

I have nothing further to say.

The amendment was agreed to.

The Clerk read the next amendment (submitted by Mr. WASHBURN), as follows:

At the end of line 774 add the following:

"The Secretary of War is hereby directed to cause an examination and survey of the Saint Mary's Falls Canal and locks with a view to obtaining an estimate of the cost of enlarging the same, or of the construction of an additional

canal or locks to meet the increasing demands of commerce, as shown in Executive Document No. 102, House of Representatives, Forty-eighth Congress, second session."

Mr. WILLIS. Mr. Chairman, I must make the point of order on that. The surveys are not in this section at all; they are in the ninth section; therefore this amendment is not germane to this portion of the bill.

Mr. WASHBURN. Mr. Chairman, I call the attention of the gentleman from Kentucky [Mr. WILLIS] to the fact that in the very next paragraph there is a provision of this same kind. I do not believe the gentleman will object to having this provision go in here. I desire to call the attention of the committee to the most extraordinary growth and development of the commerce passing through this canal.

Mr. WILLIS. Mr. Chairman, I suggest that that amendment be passed for the present, so as to give us an opportunity to look at it.

Mr. BLANCHARD (to Mr. WASHBURN). The surveys are not in this section at all.

Mr. WASHBURN. I know; but you have a similar provision near the top of the thirty-third page.

Mr. WILLIS. That is for the improvement of the Fox and Wisconsin Rivers—not for any survey.

The CHAIRMAN. By order of the House that has been passed over until the end of the section shall have been reached. Does the gentleman from Minnesota [Mr. WASHBURN] insist upon his amendment at this time?

Mr. WASHBURN. I should very much prefer to have it considered now. I desire to call the attention of the House to the most extraordinary growth and development of the commerce that goes through this canal.

I have the report of the resident engineer at Detroit, and I called the attention of the committee to it the other day when I spoke upon this subject. In all the internal improvements that have ever been made in this country there is no parallel to the advantages and benefits derived from the improvement of these falls and the construction of this canal, and the resident engineer says that if the growth continues as it has been doing the past year, within four years the canal will have outgrown its capacity. Yet the Committee on Rivers and Harbors have made no provision whatever for that work, and it can not be completed in time even if an appropriation be made by this Congress. I am surprised that the gentleman from Kentucky [Mr. WILLIS] would object to a provision of this kind going into the bill. I desire to say further that there is no better illustration of the wisdom and propriety of river and harbor improvements than is afforded in this very case. Here this great inland—

The CHAIRMAN. The time for debate on this amendment has expired.

Mr. WILLIS. I suggest to the gentleman from Minnesota [Mr. WASHBURN] that he had better hold this back until the next section is reached, and in the mean time we will examine the matter.

A MEMBER. Regular order.

The CHAIRMAN. The Chair is not informed of the condition of this question. Does the gentleman from Minnesota [Mr. WASHBURN] insist upon his amendment now?

Mr. WASHBURN. I have stated that I should prefer that the amendment should go into this portion of the bill; but if the chairman of the committee objects of course I shall not insist.

Mr. WILLIS. I hope the gentleman will withhold it until we can have an opportunity to examine it.

Mr. WASHBURN. Then I withdraw the amendment for the present.

The CHAIRMAN. The Clerk will read the next amendment.

The Clerk proceeded to read the next amendment (submitted by Mr. PRICE), as follows:

Amend by striking out, in line 788, the words—

The CHAIRMAN. The Chair will inquire if this is not one of the amendments which was passed over until the end of the section should be reached? It includes the Fox River as well as the Wisconsin.

Mr. GUENTHER. Mr. Chairman, I only asked consent that the amendments relative to the Fox River should be passed over until after the section should have been completed.

Mr. PRICE. It has no connection with this amendment.

Mr. BLANCHARD. This is for the Chippewa River.

The CHAIRMAN. The Chair is informed that it was only the amendment proposed by the gentleman from Wisconsin [Mr. GUENTHER] that was passed over. The amendment which the Clerk was about to read is now in order.

Mr. WASHBURN. Let it be reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read the amendment (submitted by Mr. PRICE), as follows:

In line 788 amend by striking out the words "thirteen thousand five hundred" and inserting the words "thirty thousand;" so that, if amended as proposed, the paragraph will read:

"Improving Chippewa River, Wisconsin: Continuing improvement, \$30,000; including Yellow Banks, and the removal of the bar at or near the city of Eau Claire."

Mr. PRICE. Mr. Chairman, I think a brief history of the condition of the work to which this amendment refers will secure for the proposition the support not only of the Committee of the Whole but the Com-

mittee on Rivers and Harbors. There are two regular appropriations for the Chippewa River, one at the mouth of the jetties, the other half way up the river at the Yellow Banks. The amounts recommended by the engineers have been fairly dealt with by the Committee on Rivers and Harbors. But late last fall a very extraordinary rise occurred in the Chippewa River, and since that time there has been no survey made there by the board of engineers. By that rise in the river two or three entire blocks, with the mills thereon, were lifted right out of the city of Eau Claire and placed in the Chippewa River. Thus there has been created an impassable barrier to the navigation. The simple question now is whether that barrier is worth removing.

We have a line of steamboats plying daily on that river. True, they are small ones, capable of carrying perhaps two hundred passengers and I do not know how much freight. But the business done by these boats is necessary to the commerce of the river. At present there is no possibility of their passing this bar except at exceedingly high water. The commerce of that river in lumber alone amounts to 100,000,000 feet annually, worth \$10,000,000, and it is necessary that this commerce should be enabled to pass that point unobstructed.

There was no possibility of private enterprise removing the obstruction created by the disaster of last fall. The losses to the city of Eau Claire alone amounted, according to the estimate, to over \$1,000,000; and these losses were too severe a tax upon the industry of the people to enable them by individual effort to remove this obstruction.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PRICE. Well, I believe I have told about the whole story. I will modify my amendment by striking out "thirty" and inserting "twenty-five." I think we shall be able to get along with this reduced amount.

The CHAIRMAN (having put the question on the amendment). In the opinion of the Chair, the amendment is not agreed to.

Mr. PRICE. I ask for a division. I do not believe any of the gentlemen who have voted "no" heard the explanation I made.

The CHAIRMAN. Debate is not in order.

The committee again divided; and there were—ayes 17, noes 40.

Mr. PRICE. I call for tellers. No gentleman on the other side would vote against this proposition, if he understood it.

Tellers were ordered; and Mr. PRICE and Mr. WILLIS were appointed. The committee proceeded to divide again; but before the count by tellers was concluded,

Mr. PRICE said: I see very clearly that the Committee of the Whole, without understanding the question, is against me. I will not make the point that no quorum has voted, and I withdraw the call for tellers.

The CHAIRMAN. The call for tellers being withdrawn, the amendment is rejected.

The next amendment (by Mr. DAVIS, of Illinois) was read, as follows:

In line 802 strike out "entire;" so that the clause will read: "Provided, however, That no part of said sum shall be expended, nor of any sum heretofore appropriated, till the right of way," &c.

Mr. WILLIS. That is a verbal change merely, and there is no objection to it.

The amendment was agreed to.

The next amendment (by Mr. POTTER) was read, as follows:

Strike out all after the word "Peoria," in line 812, down to and including the words "public use," in line 842.

Mr. WILLIS. Under the order of the House this amendment in regard to the Hennepin Canal is to be passed over until we reach the close of the section.

The CHAIRMAN. According to the order of the House this amendment will be passed over until the close of the section shall have been reached.

The next amendment (by Mr. SPRINGER) was read, as follows:

After line 812 insert the following:

"Improving the Sangamon River, Illinois, \$10,000."

Mr. SPRINGER. Mr. Chairman, I desire to call the attention of the committee to this very important and hitherto neglected highway of commerce. [Laughter.] When many of you gentlemen were in your cradles the great martyr of liberty Abraham Lincoln was navigating this stream on a flatboat, carrying the produce of that region to the Illinois River and thence to the great Mississippi. [Laughter and applause.]

Mr. Chairman, it will be found upon examination that there are in this bill appropriations for two or three hundred streams which can not be compared in magnitude to this river. Its length, according to the report of the engineers, is sixty-six and one-half miles.

Mr. MILLS. Is it a river or a rivulet?

Mr. SPRINGER. It is a river. The average width of the stream at low water—now let those who advocate the improvement of creeks listen to this—the average width of this river at low water from Petersburg to the mouth of Salt Creek is 109 feet and thence to the Illinois River 140 feet. At high water it spreads over a vast area of country.

Mr. WELLER. How deep is it at low water?

Mr. WILLIS. I ask that the rule as to time be enforced; we desire to proceed with the public business.

Mr. SPRINGER. I hope I shall not be disturbed. According to

the report of the engineers there is in this river, except when at the very lowest, sufficient water to run the smaller boats navigable in that region.

Now, if I had time to call attention to the great resources of that region, I could show that one county tributary to this river produces twice as much of the leading cereals as the whole State of Maine. The estimate for this whole improvement is \$60,000, but I have asked only \$10,000 with which to begin the work.

[Here the hammer fell.]

Mr. VAN EATON. I once taught school on the banks of that river, and I know that it sadly needs improving.

The CHAIRMAN (having put the question on agreeing to the amendment). In the opinion of the Chair the amendment is not agreed to.

Mr. SPRINGER. I see that this Committee of the Whole is determined not to improve the really navigable waters of the country, and I withdraw the amendment.

The next amendment (by Mr. BLAND) was read, as follows:

Add after the word "dollars," in line 846: "Provided, That so much of the amount herein appropriated for the Osage River shall be used for surveying the same from its mouth to Tuscumbia, Mo., and report thereon as to the cost and possibility of improving the same by movable locks and dams;" so it will read:

"Improving Osage River, Missouri: Continuing improvement by snagging, \$1,500: *Provided*, That so much of the amount herein appropriated for the Osage River shall be used for surveying the same from its mouth to Tuscumbia, Mo., and report thereon as to the cost and possibility of improving the same by movable locks and dams."

Mr. BLAND. This amendment does not make any further appropriation, but simply asks that so much of that which has already been made as may be necessary shall be applied to the survey of the river to obtain information as to the cost and possible improvement of the river by movable locks and dams.

Mr. WILLIS. The amendment does not make any additional appropriation, and there is no objection to it.

The amendment was agreed to.

The next amendment (by Mr. WELLER) was read, as follows:

At the end of line 901 add as follows: "Also, of which the sum of \$8,000, or so much thereof as may be necessary, shall be applied to riprap the west bank of the river at and above Guttenberg, Iowa, to prevent substantially the erosion of the bank by high-water current;" so it will read:

"Improving Mississippi River from Saint Paul to Des Moines Rapids: Continuing improvement, \$200,000; of which sum \$8,000, or so much thereof as may be necessary, shall be applied to the removal of the rock at Duck Creek Chain, at the Rock Island Rapids; also of which the sum of \$8,000, or so much thereof as may be necessary, shall be applied to riprap the west bank of the river at and above Guttenberg, Iowa, to prevent substantially the erosion of the bank by high-water current."

Mr. WILLIS. I am told by the gentleman from Iowa that the gentleman from Illinois [Mr. HENDERSON] representing that stretch of the river has no objection to it. It does not increase the appropriation, but merely directs the engineer to one point.

The CHAIRMAN. If there be no objection the amendment will be considered as agreed to.

Mr. COSGROVE. Will the gentleman from Iowa accept an amendment providing this shall be paid in silver dollars?

Mr. WELLER. Most cheerfully and heartily. [Laughter.]

Mr. COSGROVE. Then I offer that amendment.

Mr. WELLER. I would like to suggest to the gentleman from Missouri that I contemplate offering an amendment to cover the whole question at the end of the bill.

Mr. COSGROVE. Very well, then I shall withdraw my amendment for the present.

Mr. WELLER's amendment was adopted.

The next amendment (by Mr. McCOID) was read, as follows:

Insert after line 901 the following: "Provided, That the sum of \$20,000 of the sum herein appropriated shall be applied to continue the improvement of the harbor and adjacent channel at Fort Madison, Iowa;" so it will read:

"Improving Mississippi River from Saint Paul to Des Moines Rapids: Continuing improvement, \$200,000; of which sum \$8,000, or so much thereof as may be necessary, shall be applied to the removal of the rock at Duck Creek Chain, at the Rock Island Rapids, provided that the sum of \$20,000 of the sum herein appropriated shall be applied to continue the improvement of the harbor and adjacent channel at Fort Madison, Iowa."

Mr. McCOID. I believe there is no objection to that.

Mr. WILLIS. If the gentleman will add the words: "Provided in the judgment of the Mississippi River Commission, which has charge, it shall be necessary."

Mr. McCOID. I will accept that as a modification of my amendment.

Mr. HOLMAN. I hope the gentleman will not prejudice the action of the Mississippi River Commission.

The CHAIRMAN. Three minutes of debate are allowed in favor of the amendment, but none in opposition. The question is on the amendment of the gentleman from Iowa.

Mr. WILLIS. That amendment was modified so as to insert the words "provided in the judgment of the Mississippi River Commission such improvement be necessary."

Mr. McCOID. The Chairman need not put that in. The work has already been done.

The CHAIRMAN. Did the gentleman accept the modification of his amendment?

Mr. McCOID. I have no objection, as they are just finishing the work up.

The amendment as modified was agreed to.

Mr. REAGAN. I move at this point to strike out from line 902 to 907, inclusive.

The CHAIRMAN. The Clerk will read the words which it is proposed to strike out.

The Clerk read as follows:

For continuing operations upon the reservoirs at the headwaters of the Mississippi River, \$35,000: *Provided*, That in the opinion of the Chief of Engineers the expenditure of this appropriation and the ultimate completion of this part of the reservoir system will adequately improve navigation.

Mr. REAGAN. The provision in the bill contemplates for the improvement of the Mississippi River reservoirs covering some 18,000 square miles in order to affect a river which drains 2,000,000 square miles. It contemplates a large expenditure of money. It may result in forming water-power for private parties and enable them more readily to float logs, but it never can affect the navigation of the Mississippi River, and I do not think it should remain in the bill.

Mr. WASHBURN. I demand a division on the motion to strike out.

The committee divided; and there were—ayes 39, noes 37.

Mr. WASHBURN. No quorum has voted.

The CHAIRMAN. Debate is out of order.

Mr. WASHBURN. It seems to me hardly fair to strike out a provision of that character.

Mr. MILLS. Have a yea-and-nay vote in the House.

Mr. WASHBURN. I propose to have a vote here.

The CHAIRMAN appointed as tellers Mr. WASHBURN and Mr. REAGAN.

Mr. WASHBURN. Mr. Chairman, I believe—

The CHAIRMAN. Debate is not in order.

Mr. WASHBURN. Can I ask for unanimous consent?

The CHAIRMAN. Is there objection to the gentleman from Minnesota being heard on the amendment?

Mr. MILLS. I object.

Mr. BRECKINRIDGE. The gentleman [Mr. REAGAN] is greatly mistaken about the purpose and effect of this.

The CHAIRMAN. The tellers will take their places.

The committee again divided; and the tellers reported—ayes 23, noes 56.

Mr. MILLS. No quorum has voted. [After a pause.] I withdraw the point of no quorum.

Mr. TURNER, of Kentucky. I renew it.

Mr. WILLIS. I ask by unanimous consent that this be passed over until the section has been concluded.

Mr. WASHBURN. I object.

The tellers resumed the count, and having completed it, reported—ayes 39, noes 125.

So the amendment was not adopted.

The Clerk reported the next amendment (offered by Mr. RIGGS):

Insert immediately at the end of line 910 the following words:

"Including also the strengthening of the Snicarte levee where it crosses the Snicarte slough and other sloughs referred to in the report of Engineer Maj. A. Mackenzie to the Chief of United States Army Engineers, dated January 26, 1885, which work of strengthening said levee shall be done according to the suggestions and estimates made by said Mackenzie as set forth in his report."

Mr. RIGGS. Mr. Chairman, I send to the Clerk's desk an amendment to be inserted immediately after line 910, and the adoption of which I now move, and desire to submit a few remarks. I am well aware that the policy of Congress heretofore, and the policy of the Committee on Rivers and Harbors in this House, have been against the building of levees, except in so far as they may be required strictly for the improvement of river navigation.

The adoption of the amendment now under consideration will not be a departure from the policy of the committee; neither does its adoption involve any present increase of the appropriation proposed by the committee for the reach of the Mississippi from Des Moines Rapids to the mouth of the Illinois; and I hope gentlemen will bear this latter fact in mind when they vote on the amendment. And now, Mr. Chairman, I wish to make a short statement of the facts regarded as material in the fair consideration of this amendment. The levee named in the amendment was begun, if I am not mistaken, in 1872 and completed in 1875. It is situated on the east bank of the river, commencing at a point about nine miles below Quincy, in Adams County, Illinois, and extending in a southerly direction down the river about fifty-one miles, to Hamburg Bay, in Calhoun County. It was built and has been maintained entirely by private enterprise, and cost several hundred thousand dollars—according to my recollection over a half million.

In its construction the slough or outlet from the Mississippi to the Snicarte and some other sloughs were effectually closed, thus confining within the banks of the river a large volume of water which before then escaped through these side chutes. The result has been, I believe, to cut away and remove certain bars which previously existed in the river between Quincy and Hannibal, and which from time imme-

morial had been great obstructions to navigation in that part of the river. I am fully aware that there are Government engineers who deny that the closing of these side chutes has been as beneficial to navigation as I claim, but I believe it is not denied that some benefit has resulted. Maj. A. Mackenzie, engineer in charge of that reach of the river, in an official letter to the Chief of Engineers, United States Army, on the 9th of September, 1884, says:

Some benefit has resulted from the construction of the levee, the value of such benefit being the cost of such work as the Government would have undertaken for closing these side sloughs. So far as such work is concerned there is a claim against the Government which is worthy of consideration, and it would seem proper that the facts and estimates should be laid before Congress for its action.

I would, therefore, suggest a survey sufficient in detail to enable me to determine to what extent side sloughs have been closed, the condition of the levee closing such sloughs, and the probable cost to the United States of works which would be built in the interest of navigation if such levee did not exist.

The Mississippi River Commission, in its last report, laid before this House by the Secretary of War on the 6th of last month, says:

The system of improvement now being carried out between the Des Moines Rapids and the mouth of the Illinois River, which consists in closing side chutes and reducing the stream to a uniform width, will in time accomplish all the results claimed for it, and that this system is generally indorsed, and has greatly benefited commerce, is conclusively shown by the report of the select Senate committee, published in Senate Document No. 36, Forty-eighth Congress, first session.

Major Mackenzie, speaking of this matter in a report made to the Chief of Engineers on the 26th of last month, says:

It is a fact that the levee crosses certain sloughs which the Government might, in the course of time, have determined to close with properly located brush and stone dams built to a height of six feet above low water, not that the amount of water carried off by these sloughs played any very important part in the question of river improvement, but for the reason that if not closed they might possibly deepen or become wider in future.

I admit this engineer says in the same connection that the closing of side chutes by this levee has not resulted in so much good to navigation as others claim. But the closing of side chutes is an established portion of the plan for the improvement of this reach of the river. The levee in question has closed, without any expense to the Government, some important side chutes, and it is but equitable that the Government should now aid in maintaining those portions of the levee which constitute useful "closing dams." Major Mackenzie, under a provision contained in the river and harbor bill passed at the last session, has made a survey of this work and submitted a report, with estimates, in which he admits that by strengthening portions of this levee, as provided by the amendment now pending, "permanent benefit to navigation" will result. I quote his language, including that portion covering his estimates:

The cost of such work as will strengthen the above-mentioned portions of the levee so as to provide a permanent benefit to navigation depends on its nature and amount. The estimate which, in my opinion, most nearly satisfies the requirements of the Congressional inquiry is one for placing 6,278 cubic yards of rock, at \$1.50 per yard, and 5,678 cubic yards of brush, at \$1.25 per yard, amounting in all to \$16,515.85.

These amounts are such as would have been required to close the four sloughs, heretofore referred to, in accordance with the Government methods.

I call attention to the fact that in the concluding sentence he states that the closing of the four sloughs (or chutes) contemplated by the amendment is involved in the Government plan of improving this river. Mr. Chairman, in the light of the facts which I have stated I think the amendment ought to be, and I hope it will be, adopted.

The amendment was agreed to.

The Clerk read the next amendment (offered by Mr. CLARDY), as follows:

Amend the paragraph commencing on line 914, by striking out "\$400,000," in line 916, and inserting "\$600,000;" and by adding after the word "stream," in line 921, the following:
"And \$30,000 shall be used in continuing improvement at Cape Girardeau, Mo."

Mr. CLARDY. The amount required for the completion of the improvement between the mouths of the Illinois and Ohio is, according to the report of the engineer, Major Ernst, who is in charge of the work, in round numbers \$13,000,000. In the last session of the Forty-sixth Congress the sum of \$600,000 was appropriated, and in each session of the last Congress the same sum was allotted for this improvement. Last year the Committee on Rivers and Harbors proposed to reduce the amount, and the House did reduce the amount to \$520,000. Now it is proposed to reduce it to the sum of \$400,000 and to divert \$50,000 of that amount to an improvement at Cairo.

While the committee has increased the appropriation for the Mississippi River from Cairo to the passes \$1,450,000, it has seen proper to reduce the appropriation for the improvement of the river between the mouths of the Illinois and Ohio, a distance of two hundred and twenty-nine and one-half miles, \$120,000 less than was appropriated in the last session, and \$200,000 less than had uniformly been allotted for the improvement of this reach of the river. I have here a telegram from the engineer in charge of the work, who says that at the end of the fiscal year not a dollar of the money heretofore appropriated will remain unexpended, and that if no more than \$400,000 be annually appropriated, it will require many millions more to complete the improvement than the amount of the original estimate; and that the completion of the work will be postponed to future generations. Now, some of our people

are willing that future generations may share with them the glory of paying the national debt; but they are in favor of realizing some of the practical advantages of improved navigation in the Mississippi River themselves.

The smaller the annual appropriations the greater the final cost. The estimate of the engineer of the amount required for the completion of the work was based upon the supposition that Congress would make annual appropriations in accordance with the estimates submitted by him. He estimates that \$1,000,000 can be judiciously expended in the ensuing fiscal year. My amendment contemplates the appropriation of \$600,000, the amount that has been appropriated by former Congresses; the amount that has been appropriated for a number of years, if we except the last year. I trust that the committee will accede to this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. CLARDY].

Mr. THOMAS. I desire to move an amendment to the amendment. I move to strike out "\$30,000" and insert "\$40,000."

I want to say to the committee that there was an appropriation of \$520,000 made for the Mississippi River between the mouths of the Ohio and the Illinois Rivers in the last appropriation bill. The report of the engineer shows up to the time of the making of his report that less than \$80,000 of that money had been expended. There is an appropriation of \$400,000 in the bill this year, which makes \$900,000 in the hands of the engineer for two hundred and thirteen miles of river. It is enough and more than can be expended during the next year, as any one knows who lives in that section of country.

Now, as to the appropriation for Cape Girardeau, that harbor needs no improvement at all. The building of the wing-dams on the opposite side of the river had the effect of costing the people on the Illinois shore within my district more than \$3,000,000 by overflowing their lands and destroying their crops.

I withdraw my amendment.

Mr. WILLIS. I ask for a vote.

Mr. HATCH, of Missouri. I offer an amendment to the amendment.

The CHAIRMAN. The Chair is obliged to put the question on the amendment proposed by the gentleman from Missouri [Mr. CLARDY], unless that is withdrawn.

Mr. HATCH, of Missouri. Does the Chair state that I can not make an amendment to an amendment?

The CHAIRMAN. The Chair did not state the gentleman from Missouri could not make an amendment to the amendment; but the gentleman has made none.

Mr. HATCH, of Missouri. I addressed the Chair, and stated I rose for the purpose of offering an amendment to the amendment.

The CHAIRMAN. But it has not been offered.

Mr. HATCH, of Missouri. I move to strike out "\$30,000" and insert "\$35,000;" and I yield my time to the gentleman from Missouri [Mr. CLARDY].

Mr. WILLIS. I submit to the Chair that that is not in accordance with the understanding as to the time allowed for explaining amendments.

The CHAIRMAN. The Chair will regard this as a *pro forma* amendment, which was cut off by direction of the House.

Mr. CLARDY. Will the Chair permit me to make this statement: The gentleman from Illinois [Mr. THOMAS] offered an amendment to the amendment, but his subsequent action showed he did not do so in good faith.

The CHAIRMAN. The Chair did not know anything as to that until his subsequent action.

Mr. THOMAS. The statement of the gentleman from Missouri is hardly justified.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Missouri [Mr. CLARDY].

The question being taken, there were—ayes 63, noes 50.

Mr. THOMAS. No quorum.

The CHAIRMAN. A quorum not having voted the Chair will order tellers, and appoints the gentleman from Illinois, Mr. THOMAS, and the gentleman from Missouri, Mr. CLARDY.

The committee again divided.

Before the tellers announced the vote.

Mr. THOMAS. I withdraw the point of order, reserving the right to take a yea-and-nay vote in the House.

The tellers reported—ayes 103, noes 51.

So the amendment was agreed to.

The Clerk read the next amendment (submitted by Mr. O'NEILL, of Missouri), as follows:

Amend line 916 by striking out the words "four hundred thousand" and inserting "one million."

Mr. WILLIS. Mr. Chairman, I ask a vote on that.

The amendment was not agreed to.

The Clerk read the next amendment (submitted by Mr. BROADHEAD), as follows:

Strike out all after the word "dollars," where it occurs in line 916, down to and including the word "stream," where it occurs in line 921.

Mr. BROADHEAD. Mr. Chairman, I offer this amendment not to increase the appropriation but to strike out this appropriation of \$50,000 for the benefit of the Cairo Land Company. The gentleman from Illinois [Mr. THOMAS] is opposed to the improvement of the Mississippi River unless he can get this \$50,000 for the benefit of the Cairo Land Company.

Mr. THOMAS. Mr. Chairman, I desire to say—

Mr. BROADHEAD (continuing). That improvement has not been recommended by the engineer in charge of the work on the Mississippi. On the contrary, he has reported against it, and in his last annual report his language is this:

The work done here, however valuable to the city of Cairo, has been of no permanent benefit to the navigation interest.

That is what the engineer says about it. The work that was undertaken under the last appropriation has proved a failure, and he has commenced another improvement by the use of mattresses, and that, he says in his present report, is a most difficult work.

Now, I say this appropriation is not intended for the benefit of the navigation of the Mississippi River, and this \$50,000 ought to go for the benefit of those improvements which have been useful to navigation; for there is no improvement that has been made in the channels of the Mississippi that has been more beneficial to navigation than the work done between the mouth of the Illinois River and the mouth of the Ohio. On the bars there where this work has been done, where the channel was formerly only four feet deep at low water, it is now from seven and a half to nine feet. Therefore I say that work has been highly beneficial to navigation all through. There has been no recommendation in favor of this Cairo improvement. On the contrary, the report of the engineer the year before last was against the appropriation for that purpose as being of no benefit at all to navigation. Therefore I say it ought to be stricken out and this \$50,000 should be used on that portion of the river where the work has proved beneficial to navigation.

The CHAIRMAN. The time for debate on this amendment is exhausted.

Mr. THOMAS. I move to amend, Mr. Chairman—

Mr. BROADHEAD. Mr. Chairman, I object to the gentleman offering a formal amendment, as he did before, and then withdrawing it.

The CHAIRMAN. The gentleman from Illinois has not offered any amendment yet.

Mr. THOMAS. I move to amend line 916 by striking out "six hundred thousand" and inserting "five hundred thousand."

Mr. COSGROVE. Mr. Chairman, I rise to a parliamentary inquiry. The CHAIRMAN. The Chair will hear the gentleman.

Mr. COSGROVE. The committee a few minutes ago inserted "six hundred thousand" in the line to which this amendment is offered. Now the gentleman from Illinois proposes to reduce that amount \$100,000. I submit, sir, that that can not be done. After the Committee of the Whole have inserted "six hundred thousand" it is not now in order to move to amend by making the amount \$500,000.

Mr. CLARDY. That was made six hundred thousand on the amendment which I offered. I suggest, Mr. Chairman, that that line of the bill has been passed.

The CHAIRMAN. The matter of striking out and inserting being indivisible, and the motion to strike out "four hundred thousand" and insert "six hundred thousand" having been made and agreed to, the motion of the gentleman from Illinois is out of order.

Mr. THOMAS. Then, Mr. Chairman, I move to amend by increasing the amount from six hundred thousand to seven hundred thousand.

The CHAIRMAN. After a motion to strike out and insert, the section can no longer be amended.

Mr. THOMAS. I submit that it is not in the nature of a substitute, and this section—

The CHAIRMAN. Does the gentleman from Illinois appeal from the decision of the Chair?

Mr. THOMAS. I do not want to take up time in that way, but I protest against the decision of the Chair.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. BROADHEAD].

The question was taken; and there were—ayes 27, noes 81.

So the amendment was not agreed to.

The next amendment (by Mr. JEFFORDS) was read, as follows:

After line 921 insert the following:

"Improving the harbor of Greenville, Miss., \$150,000."

Mr. JEFFORDS. Mr. Chairman, this is similar to the amendment offered by me the other day with reference to Vicksburg Harbor. I will not repeat what I said on that occasion. The appropriation I now ask is in accordance with the estimate embraced in the report of the Mississippi River Commission for the improvement and protection of this harbor. I hope that the amendment will be adopted.

The question being taken on the amendment of Mr. JEFFORDS, it was not agreed to.

The next amendment (by Mr. WHITE, of Kentucky) was read, as follows:

Amend by striking out lines 922 to 932 inclusive, and inserting the following: "Improving Mississippi River from the head passes to Cairo: Continuing im-

provement, \$150,000; of which sum \$75,000, or so much thereof as may be necessary, is hereby appropriated for the immediate construction of a light-draft side-wheel steamer, with dredge attached, and of sufficient power to move from place to place, also ten wing-dam barges, each one hundred feet in length, and a small light-draft boat to be used in sounding and placing the barges in position on shoal water, which machinery and portable wing-dam apparatus shall be placed under the control of a thoroughly practical river-man, which sum, together with the sums herein appropriated for the Mississippi River from the head passes to Cairo, shall be expended under the direction of the Secretary of War."

Mr. WILLIS. I ask a vote on that amendment.

The amendment was not agreed to.

The next amendment (by Mr. TURNER, of Kentucky) was read, as follows:

After the word "river," in line 926, insert the following:

"Including the preservation and improvement of harbors at Natchez, Vicksburg, Greenville, Memphis, Hickman, and Columbus."

Mr. TURNER, of Kentucky. This amendment proposes no increase of the appropriation. By this bill \$2,800,000 is appropriated for the improvement of the Mississippi River. All that I ask in this amendment is that the same harbors that are the termini of important railroads, and that were included in the last river and harbor bill, shall be included in this bill. The Committee on Rivers and Harbors have stricken out all the harbors except New Orleans. I want this House to put them in this bill; it is right and proper that they should be embraced in the bill. They are important points for receiving and discharging freight—important to the commerce of the country.

Natchez, Vicksburg, Greenville, Memphis, Hickman, and Columbus are the important harbors between Cairo and the mouth of the Mississippi River. It is useless to improve the navigation of the Mississippi River if you permit the harbors to be destroyed on the river from which the freight is received by the boats and vessels. We ask no increase of appropriation, but merely that these harbors shall be included in this bill as they have been heretofore, for improvement and preservation, the work being subject to the judgment, approval, and control of the Mississippi River Commission or whoever may control the work, and I hope they will improve the harbors at Hickman, Columbus, and the other points.

Mr. BRECKINRIDGE. As I understand, the amendment which the gentleman proposes conforms to the bill of last session, and does not increase the amount to be appropriated. I think there will be no objection on the part of the committee to his proposition.

Mr. TURNER, of Kentucky. If there is no objection to the amendment by the Committee on Rivers and Harbors let it be adopted. They left these important harbors out, and I am glad they offer no opposition now.

[Here the hammer fell.]

Mr. WILLIS. This amendment is the same as the provision in last year's bill.

The question being taken on the amendment of Mr. TURNER, of Kentucky, it was agreed to, there being—ayes 53, noes 10.

The next amendment (by Mr. HISCOCK) was read, as follows:

Strike out, in lines 923, 924, 925, and 926, the words, "including the rectification of the Red and the Atchafalaya Rivers at the mouth of Red River, and for keeping open a navigable channel through the mouth of Red River into the Mississippi River;" so that the clause will read:

"Improving Mississippi River from the head of the passes to the mouth of the Ohio River: Continuing improvement, \$2,800,000," &c.

Mr. HISCOCK. Mr. Chairman, I have submitted this amendment because I want the question squarely presented to this Committee of the Whole whether it proposes to commit Congress to the building of 6-foot levees from the mouth of the Atchafalaya River to the head of the passes. The reports which have been submitted by the Mississippi River Commission agree, I believe, in this, that according to any of the plans submitted for the rectification of the mouths of these two rivers, it will be absolutely necessary for the confinement of the increased flood of the Mississippi that levees shall be built from the mouth of the Atchafalaya to the head of the passes.

Mr. BLANCHARD. That is a mistake of my friend.

Mr. HISCOCK. It is not a mistake. I am willing to appeal to the gentleman from Pennsylvania [Mr. BAYNE], who has investigated this question; I am willing to appeal to the gentleman from Illinois [Mr. THOMAS], who has also investigated it; and I believe both those gentlemen will say that these levees are a matter of necessity from the mouth of the Atchafalaya River to the head of the passes, if, according to either plan submitted, the mouths of those two rivers are rectified. There is only this difference between the plans submitted: according to one plan and one estimate it is believed that a three-foot levee will be sufficient; according to another plan which has been submitted it is believed that a six-foot levee is necessary. The only difference between the engineers who have submitted their views on this subject is whether the levees shall be three feet or six feet.

[Here the hammer fell.]

Mr. HISCOCK. If I may be pardoned a moment—

The CHAIRMAN. The time for debate on the amendment is exhausted.

Mr. HISCOCK. If the Chair will pardon me one moment—

The CHAIRMAN. The gentleman from New York [Mr. HISCOCK] asks unanimous consent to be heard longer. Is there objection?

Mr. BLANCHARD. I object, unless I can reply.

Mr. WILLIS. I must object.

Mr. HISCOCK. Mr. Chairman—

The CHAIRMAN. The Chair has no discretion in this matter.

Mr. HISCOCK. I desire to ask a question.

The CHAIRMAN. It would be the pleasure of the Chair to hear gentlemen as long as they might desire to speak, but the order of the House is that three minutes' debate shall be allowed in favor of each amendment, and that no further debate shall be had.

Mr. HISCOCK. Now, if the Chair will allow me a single question, not in the way of debate, I understood the gentleman from Kentucky [Mr. WILLIS] to say— [Cries of "Regular order!"]

Mr. BLANCHARD. I object to the gentleman proceeding unless I can reply.

Mr. HISCOCK. Let the gentleman from Kentucky [Mr. WILLIS] take charge of your bill, and you will get along more rapidly.

Mr. BRECKINRIDGE. Let somebody take charge of the gentleman from New York [Mr. HISCOCK] and keep him in order, and we will get on more rapidly.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from New York.

Mr. HISCOCK. I demand a division.

The committee divided; and there were—ayes 50, noes 70.

Mr. HISCOCK. No quorum has voted.

The CHAIRMAN appointed tellers Mr. HISCOCK and Mr. WILLIS. The committee again divided; and the tellers reported—ayes 64, noes 104.

So the amendment was rejected.

The next amendment (by Mr. NEECE) was read, as follows:

Add after the word "dollars," in line 927, the following:

"Ten thousand dollars, or so much thereof as may be necessary, shall be used in closing Niota River chute, in Hancock County, Illinois, which chute is opposite the city of Fort Madison, in the State of Iowa."

Mr. WILLIS. I am compelled to make the point of order against that amendment.

Mr. NEECE. I will withdraw it so as to let it come in at the end of the section.

The next amendment (by Mr. BAYNE) was read, as follows:

In line 927, strike out "\$2,000,000;" so it will read:

"Improving Mississippi River from the head of the passes to the mouth of the Ohio River, including the rectification of the Red and the Atchafalaya Rivers at the mouth of Red River, and for keeping open a navigable channel through the mouth of Red River into the Mississippi River: Continuing improvement, \$500,000."

Mr. WILLIS. If my friend will yield to me I will move that the committee rise. By unanimous consent the hour of meeting was changed from 11 o'clock until 12 o'clock, and I wish to keep the promise I made that previous to 12 o'clock I would move the committee rise, and then that the House adjourn.

Mr. BAYNE. I would rather take three minutes now with a full House than to have five minutes with only six or seven members present.

Mr. WILLIS. I will ask my friend to bear in mind the facts I have stated.

Mr. BAYNE. Mr. Chairman, if this amendment be adopted and modification be made of the provision relating to the board of engineers, this bill, in my judgment, will be but a reasonable, fair, and good river and harbor bill. But with the expenditure of \$3,000,000 in round numbers on the Lower Mississippi River, two and a half millions of which are thrown away and wasted, this bill is objectionable in the highest degree, and neither the results of that expenditure nor the data now available will justify this vast appropriation of money.

The proposition to rectify the mouths of Atchafalaya and Red Rivers and thus to increase the height of levees will cost millions upon millions of dollars. The present wasteful system of expending money on the lower Mississippi River will result in loss to this Government of millions upon millions, and possibly hundreds of millions upon hundreds of millions of dollars.

With some knowledge of the facts I advise and admonish Congress now that this appropriation in round numbers of \$3,000,000 for the lower Mississippi River is all but thrown away by the Government, except small portions of that money may be used in dredging bars and removing snags from the channel of that river; and I for one will not consent to this appropriation of such a vast and extravagant amount in this bill. I will be constrained by my sense of duty to vote against it unless the bill shall be rectified. [Cries of "Vote!"]

The CHAIRMAN. The gentleman's time has expired.

Mr. BAYNE. I desire to add to my remarks the article published in the Chicago American Engineer of January 23 last. The article will bear a close and critical examination:

[The American Engineer, Chicago, January 23, 1865.]

MISSOURI AND MISSISSIPPI IMPROVEMENT.

In response to a general wish the country has undertaken the improvement of these rivers, and has committed the work into the hands of mixed commissions. Of these the Missouri River Commission is of recent creation, and has made only a preliminary report, but its constitution determines that its plans and methods shall be similar to those of the older Mississippi River Commission. It is allowable, therefore, to join the two rivers in a general discussion of the plans now proposed and the methods now employed.

There are three distinct grounds of complaint against these rivers in their natural condition, namely:

1. The navigation is obstructed by bars.
2. The bottoms are often overflowed.
3. The banks are wasted by erosion.

The commissions have elaborated plans and developed methods of work by which they promise to remove all these grounds of complaint permanently.

The works on the Mississippi have now been in progress three years, and the commission has formally claimed that certain results have been obtained; therefore it can not consistently be objected that it is too early for a criticism of the effort, especially of the general features of the plan. The commission has undertaken—

1. To bring a river varying from one-half mile to two or more miles in width to an approximate uniformity in width of about 3,500 feet.
2. To protect the banks against erosion.
3. To raise the banks high enough to keep floods in the channel and off the bottoms.

4. As a finality, to lower the river in its bed.

The means by which these objects are to be attained are, respectively, in the order stated:

1. Permeable dikes and jetties to contract the water way and recover from the river a part of its present width.
2. Grading the banks and covering the slope with mattresses or other protection against erosion.
3. Levees in greater or less proximity to the banks to restrain floods.
4. Concentrated action of currents to deepen the bed and so increase the capacity for discharge at flood, while affording a freer navigation.

To the accomplishment of these ends by the means proposed there are certain limitations which the commission has not presented, or even acknowledged the existence of, except incidentally, when an excuse for non-success has been wanted.

The agency relied on to accomplish the first and fourth objects is said to be the forces of the river itself, men's skill and resources being employed only to the extent of directing these forces. It is argued that, if the banks are held against erosion and flood waters are confined to the channel, the natural and concentrated force of the stream will deepen the channel where deepening is desired, and under the persuasive influence of certain dikes, transverse and longitudinal matter borne by the current will be deposited in the places where width is excessive to an extent that will rapidly, (i. e., within the life of very perishable structures) bring extended areas up to the level where vegetation will thrive. Such vegetation will be a supplement to and substitute for the dikes employed at lower levels, and the process of filling will go on until the reclamation is complete.

The limitations to levee building are money, men, machinery, and season; to dike building and bank protection there is, in addition, the procurement of material for construction, embracing production and transportation, both of which have already proven to be serious embarrassments, and much more serious will they prove to operations on a scale commensurate with the magnitude of the undertaking. Of all these limitations the bare mention is sufficient.

A more extended consideration must be given the limitations to the utilization of the natural resources furnished by the river, the measure of those resources, and the extent to which they can be controlled.

In proposing to bring the river to an approximately uniform width, the commission does not undertake, or even wish for, the widening of such portions as are less than the ideal standard, but limit their efforts to the reduction of width in reaches where it is now excessive. Therefore, the river is asked to contribute vast quantities of material for deposit, to convey it to a desired point and there drop it. At the same time it is demanded of the river that it refrain from erosion of its banks, and lest it may disregard this request they propose to protect the banks and to progress with this work as well as with that of contraction downstream.

The quantity of material borne by the river though great is limited. Of the quantity which passes into a wide reach but a small part will traverse the area where deposit is desired; consequently the resources upon which draught can be made to accomplish a given fill are quite narrowly limited, and even then not all available, for the effluent water will carry away some material.

Considered merely as a matter of arithmetic the time required, if forces were constant, to accomplish reclamations would be as the areas, and the material as the cubic contents. But the actual conditions are manifold more unfavorable success as areas increase than the geometrical ratios of area and contents.

Cubic yards of fill, average depth (much less extremes), and acreage upon which fill has occurred afford no measure of success, though imposing figures may and have been quoted as evidence of marvelous progress. Distribution is the important feature, and unless this is as it should be, rapidity of fill will be an effectual bar to final success.

There is no need to speculate concerning the manner and conditions under which accretions are formed, for the process may at any time be watched. And it must be remembered that the accretions sought are to be permanent and therefore must be solid from the original bank outward. Detached sand bars have come and gone since the beginning, and will continue to do so without bringing improvement, but the contrary. Observations show that wherever the current is gradually deflected from the bank a deposit may be expected under the bank and along the bank.

Going down-stream one will observe that at first the accretion is highest next the bank, farther down it becomes flat, afterward hollow, and finally separated from the bank by a deep pool of still water. This shows that there is a natural limit to the width of solid accretion, and when the reason why the deposit takes this form is apprehended, experience has shown that the presence of dikes, so far from overcoming, exaggerates the tendency to leave a depression alongshore when the width between that shore and the sand-carrying current is considerable, for dikes determine a more positive arrest of velocity and deposit of the heavier particles at greater distance from the bank, and so a more decided exterior ridge.

Reference to the sketches which illustrate recent reports of operations on the Mississippi will show that the formation of detached sand bars is conspicuous, and would be much more so if transverse sections of the deposits were furnished as well as outlines. The works below Saint Louis furnish the fairest illustration, being older and further advanced than any others. Moreover, the series of sketches for several years afford opportunity for comparison. These results furnish an experimental demonstration that solid accretions from the bank out can not be obtained in the way now practiced.

The next question is: Can the results be permanent unless the accretions are solid? Practically it would seem that the Mississippi Commission thought, or at least hoped so, when they laid out the works at Plum Point and Lake Providence, for they strike out boldly from shore to midriver in some cases and so dispose their works as to build up the detached ridge, making no serious attempt to secure deposit in the alongshore channel—Osceola, Plum Point, and Baleshed, Lake Providence, for example.

Two years ago these midriver lines awakened persistent questioning in Congressional committees as to the danger of the river breaking through the line, but without eliciting satisfactory answers. Later experience has enforced the question and answered it also. In several instances the lines have been broken through, and surveys prove that deepening has occurred on the wrong side of the works with disheartening frequency, thus demonstrating the worthlessness

of the system as one intended to secure permanent improvement. The main argument upon which the plans were defended before the committee was that there was no apparent reason why works which in the first place secure a deposit should not also be effective to maintain it when obtained. Since this argument is equally good when applied to the causes producing sand bars generally, no one need be at a loss to know that it is fallacious.

Owing to differences in form of cross-section and in the direction of currents at extremes of stage, we find generally that deposits made at high stage are liable to be destroyed at low, and the converse tendency of high stages is to fill low-water channels even more decidedly. There is therefore a known good reason why the works which secure a deposit at one stage are unable to afford it protection at another, for the line of attack is from another and unforeseen direction.

The failure of the system of longitudinal extension with unguarded flank is therefore already manifest. In the works below Saint Louis persistent efforts have been made to obtain solid attachment to the bank and at the same time obtain a deposit of the full width desired. The results prove that a permanent accretion of the breadth necessary to bring the channel to a width which will secure good navigation can not be obtained at one step.

Any one of the wide places where narrowing is required is the result of a process which has run through many years. It is sheer folly to expect that the work of reclamation can be accomplished more rapidly than that of destruction, especially since the natural tendency is in the other direction.

These widenings and the caving-in bends have furnished material for bars, islands, and growth under points, and the commission's own figures show a progressive widening of the river; that is, the sum of eroded areas exceeds that of the fills. This brings into view an absolute practical limit which shuts out the possibility of success from the prosecution of the present system. For not only is unlimited time required, but the material for extended reclamations depends upon corresponding erosions; that is, the reclamation of a thousand acres from the river bed requires that more than a thousand acres be eroded not very far from the locality of reclamation.

The quantity of material brought into the delta section of the river is nearly the equivalent of the material carried out into the Gulf, as shown by the estimates based on sediment observations. This must be the case, else the bed would be gradually filled up or indefinitely enlarged. The perfected channel must discharge this quantity, no more, no less. It is, therefore, certain, first, that this quantity can not furnish an appreciable fraction of the material for reclamations; second, erosions and deposits, by the way, practically balance.

The commission lays down the principle that works for channel correction should progress down-stream; hence, as they attain linear extension, the banks being protected from erosion, the present supply of available material must rapidly diminish and with it the chances of success.

In presenting these unfavorable aspects of the plans and methods now prosecuted it must not be supposed that temporary local amelioration of channel will not be obtained; it has been and will be to some extent. But temporary benefit is not what the commission has promised, is not what is desired by the public who employ and sustain the commission, and is not worth the cost, which, when the field is extended to the whole river, not even the resources of the General Government can sustain. The situation is much as if one undertook to swim across a rapid current; at first, the progress is very promising, but soon the swimmer's strength is spent in holding his own, with exhaustion in near prospect.

Since 1880 several millions have been spent on the Mississippi between the Illinois and the Ohio and other millions below the Ohio; a large sum in the aggregate has also been spent in similar work on the Missouri. Will any one claim that there is even one mile of permanently improved river as a result? What proportion of later expenditures have been for repair and supplementary additions to the work of former years, whereby a *status quo* is barely maintained? What proportion of the works has disappeared? In the light of actual experience for how great a length can such works, as stand at all, be extended until all available resources of money and material must be expended in repairs?

These questions are pertinent and timely when the commissions are asking for additional millions to continue a worthless system.

Y.

Mr. WILLIS. I hope the committee will indulge me in saying the whole of the bill, except Hennepin and the Lower Mississippi portions, can be completed in an hour. Now, in accordance with the agreement when the hour of meeting was changed from 11 to 12, I move that the committee rise.

Mr. HISCOCK. The gentlemen will yield to me for a moment while I send up to the Clerk's desk an amendment to be read.

The Clerk read as follows:

But the mouths of said rivers shall not be rectified upon any plan that, in the opinion of the Mississippi River Commission, will render it necessary to build levees upon the Mississippi from the mouth of the said Atchafalaya River down the Mississippi River.

Mr. WILLIS. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union having had under consideration the river and harbor bill had come to no resolution thereon.

Mr. WILLIS. I move that the House adjourn.

The motion was agreed to; and accordingly (at 11 o'clock and 58 minutes a. m., February 19, 1885) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BEACH: Petition of citizens of Scotchtown, N. Y., in reference to the Mormon question—to the Committee on the Judiciary.

By Mr. S. S. COX: Memorial of N. McKay, of New York, as to a navy—to the Committee on Appropriations.

By Mr. EVERHART: Petition of citizens of Pennsylvania, urging the passage of a bill to check the increase of Mormonism—to the Committee on the Judiciary.

By Mr. D. B. HENDERSON: Petition of G. H. Hill and 89 others, citizens of Independence, Iowa, urging legislation on the Mormon question—to the same committee.

By Mr. KEIFER: Petition of W. E. Thomas and 95 others, of Marion,

Ohio, praying for early legislation to suppress the evils of Mormonism—to the same committee.

By Mr. LAWRENCE: Petition of citizens of Cannonsburg, Washington County, Pennsylvania, for the passage of any act, now under consideration in Congress, calculated to curtail or suppress polygamy in States or any of the Territories—to the same committee.

By Mr. LOVERING: Petitions of 56 posts of the Grand Army of the Republic, and also of 600 citizens and ex-soldiers, asking for the passage of H. R. bill 6463—to the Committee on Invalid Pensions.

By Mr. MILLER: Petition of citizens of Fredonia, Pa., in favor of legislation to check the increase of Mormonism—to the Committee on the Judiciary.

By Mr. MORSE: Petition of 13 citizens of Somerville, Cambridgeport, and Belmont, Mass., praying for the passage of a bill for the relief of Laura M. Towson, widow of John Towson, late of Company E, Second New York Cavalry—to the Committee on Invalid Pensions.

By Mr. PERKINS: Petition of O. B. Bartlett, James W. Taylor, O. S. McDowell, and 1,805 others, ex-soldiers and citizens of Kansas, asking for the necessary appropriation to purchase ten acres of ground adjacent to the field on which one hundred and thirty-two Union soldiers were massacred by Quantrill's guerrilla band on the 6th day of October, 1863, near Baxter Springs, Kans., and asking that the said ten acres of ground be preserved and maintained as a national cemetery, and the soldiers so massacred, with other soldiers, be buried there—to the Committee on Military Affairs.

By Mr. W. F. ROGERS: Petition of Pratt & Co. and other manufacturers, merchants, and bankers of the city of Buffalo, N. Y., for the passage of the bankrupt bill—to the Committee on the Judiciary.

By Mr. YOUNG: Papers relating to the claims of Ella M. Guy; of Thomas F. Perkins, administrator of Eliza M. Dawson, of Shelby County, Tennessee, and of Patrick G. Meath, of Memphis, Shelby County, Tennessee—to the Committee on War Claims.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. BRENTS: Of citizens of Fairview, of La Center, of Vancouver, of Tacoma, of Dayton, of Spangle, of Theon, and of Colfax, Wash.

By Mr. T. M. BROWNE: Of 116 citizens of Farmland, of 32 citizens of Saratoga, of 62 citizens of Middletown, Ind.

By Mr. W. W. BROWN: Of 72 citizens of Shunk, and of 55 citizens of Hill's Grove, Sullivan County; of 34 citizens of North Bingham, and of 110 citizens of Oswayo, Potter County, Pennsylvania.

By Mr. J. M. CAMPBELL: Of citizens of Wittenburg, Pa.

By Mr. W. W. CULBERTSON: Of 199 voters of Vanceburg, Ky.

By Mr. FERRELL: Of citizens of Goshen, Cape May County, New Jersey; of Leaville, of Alloway, and of Gloucester City, N. J.

By Mr. D. B. HENDERSON: Of L. Stevens and 20 others, citizens of Butler County; of H. A. Dunham and 51 others, citizens of Waterloo, and of 48 citizens of Clarksville, Butler County, Iowa.

By Mr. HOLMAN: Of Wills Johnson and 211 others, citizens of Ripley County, Indiana.

By Mr. HOLMES: Of H. C. Chapin and 49 others, citizens of Hardin County; of G. B. Smith and 44 others, citizens of Steamboat Rock; of A. M. Adams and 57 others, citizens of Humboldt County; of John Van Raden and 63 others, citizens of Hardin County, and of L. H. Trash and 63 others, citizens of Humboldt County, Iowa.

By Mr. LACEY: Of Samuel Pollock and 79 others, of Charlotte, Mich.

By Mr. SPOONER: Of Isaac Crocker and 88 others, citizens and veteran soldiers of Providence, and of George C. Lawton and 236 others, citizens and veteran soldiers of Newport, R. I.

SENATE.

THURSDAY, February 19, 1885.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting sundry papers regarding the leasing of lands for grazing purposes upon the Crow Indian reservation in Montana Territory, received since his report on the subject of December 30, 1884, in answer to a resolution of December 17, 1884; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of the surveyor-general of New Mexico in the case of the New Mexico private land claim No. 117; which, with the letter of the Commissioner of the General Land Office, was ordered to be printed, and, with the accompanying papers, referred to the Committee on Private Land Claims.

PETITIONS AND MEMORIALS.

Mr. MITCHELL presented a petition of the Board of Trade of Erie, Pa., praying for the acquisition by the United States of the Lake Superior and Portage Lake Canals; which was referred to the Committee on Commerce.

Mr. PENDLETON. I present the petitions of sixteen publishing houses in Ohio, praying for a reduction of postage on second-class mail matter, and that a uniform rate of postage be charged on all papers sent out from the houses of publication. I move that the petitions be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. PLUMB presented a petition of citizens in the military service of the United States resident at Fort Sill, Ind. T., praying for the construction of a wagon-road from Caldwell, Kans., via Fort Sill and other places, to Wichita Falls, Tex.; which was referred to the Committee on Appropriations.

He also presented the petition of Junction City Post, No. 132, Department of Kansas, Grand Army of the Republic, praying for the publication in Official Records of the War of the Rebellion of certain photographic illustrations; which was referred to the Committee on Military Affairs.

MARBLE BUST OF LA FAYETTE S. FOSTER.

Mr. SHERMAN. I am directed by the joint committee on the Library to report to the Senate that the committee has received a bust of the late La Fayette S. Foster, formerly a Senator from Connecticut and presiding officer of this body, presented to the Senate of the United States by his widow, accompanied with a letter, which I ask to have read.

The PRESIDENT *pro tempore*. The Senator from Ohio reports from the Committee on the Library that the committee has received a bust of the late La Fayette S. Foster, formerly President of this body, with a letter from his widow, and asks that the letter be read. If there be no objection, the letter will be read.

The Secretary read as follows:

NORWICH, CONN., January 15, 1865.

MY DEAR SIR: I have the honor to present to the United States Senate, as a memorial of my late husband, Hon. L. F. S. Foster, of Connecticut, who was one of its former members and presiding officers, his marble portrait-bust.

It was executed by Charles Calverly, of New York, in 1873. It will reach Washington in a few days, where I have sent it for that purpose.

May I venture to ask its acceptance through you, as his last remaining colleague in that honorable body, and as chairman of the Joint Committee on the Library.

Yours, very respectfully,

Mrs. L. F. S. FOSTER.

Hon. JOHN SHERMAN, United States Senator.

Mr. SHERMAN. The committee direct me also to report resolutions, for which I ask present consideration.

The PRESIDENT *pro tempore*. The resolutions will be read.

The Chief Clerk read the resolutions, as follows:

Resolved, That the Senate accept the marble bust of Hon. La Fayette S. Foster, deceased, formerly a Senator from Connecticut and President *pro tempore* of the Senate, presented by his widow, with thanks to the donor.

Resolved, That, until otherwise directed, the bust be placed on a suitable pedestal in the room of the Vice-President.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolutions? The Chair hears none. The question is on agreeing to them.

The resolutions were agreed to.

REPORTS OF COMMITTEES.

Mr. JACKSON, from the Committee on Claims, to whom was referred the bill (S. 2598) for the relief of Mrs. Lizzie D. Clarke, of New Orleans, reported it without amendment, and submitted a report thereon.

Mr. JACKSON. I am also instructed by the Committee on Claims, to whom was referred the bill (S. 688) for the relief of Alexander K. Shepard, to report it with amendments. Accompanying the report are the views of the minority. I ask that they be printed with the report.

The PRESIDENT *pro tempore*. If there be no objection, the views of the minority will be printed.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 2626) for the relief of William E. Blunt, reported it with amendments, and submitted a report thereon.

Mr. PLUMB, from the Committee on Appropriations, to whom was referred the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. PIKE, from the Committee on Claims, to whom was referred the bill (H. R. 6270) for the relief of John P. Peterson, reported it without amendment, and submitted a report thereon.

Mr. MAHONEY, from the Committee on Post-Offices and Post-Roads, reported an amendment intended to be proposed to the Post-Office appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

REMOVAL OF POLITICAL DISABILITIES.

Mr. GARLAND. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 7585) for the relief of M. Gard-

ner, to report it favorably with an amendment. I ask for the present consideration of the bill.

Mr. ALLISON. What is the bill?

Mr. GARLAND. It is a bill removing political disabilities.

Mr. ALLISON. I do not object.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on the Judiciary was, in line 4, after the word "upon," to insert the word "William;" so as to read:

That all political disabilities imposed upon William M. Gardner, a citizen of the State of Georgia, by the fourteenth article of amendments to the Constitution of the United States, be, and the same are hereby, removed.

The amendment was agreed to.

Mr. CONGER. Is there a petition accompanying the bill?

Mr. GARLAND. Yes, there is a petition. The party's accounts with the United States are settled. There is nothing due the Government. Everything has been settled up.

Mr. CONGER. Let the petition be read.

The PRESIDENT *pro tempore*. The petition will be read if there be no objection.

The Chief Clerk read as follows:

To the Senate and House of Representatives:

The undersigned, a citizen of Floyd County, Georgia, and an ex-captain in the United States Army, having served in the late civil war in the confederate army, prays to have his political disabilities removed.

W. M. GARDNER.

DECEMBER 8, 1884.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed (two-thirds of the Senators present voting in the affirmative).

The title was amended to read: "A bill for the relief of William M. Gardner."

Mr. GARLAND. I am also instructed by the Committee on the Judiciary, to whom was referred the bill (H. R. 7584) for the relief of A. B. Montgomery, to report it without amendment, and I ask for its present consideration. It is a bill to remove this man's political disabilities, he being a citizen of Georgia.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed (two-thirds of the Senators present voting in the affirmative).

Mr. GARLAND. I am also instructed by the Committee on the Judiciary, to whom was referred the bill (S. 2623) to remove the political disabilities of Alexander W. Stark, to report it favorably and without amendment, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CONGER. I suppose in all these cases there has been a personal application. I merely make the inquiry.

Mr. GARLAND. Yes, sir; the petition is with the bill, signed by the party applying for the removal of disabilities.

The PRESIDENT *pro tempore*. The Chair will state that it is the inexorable rule of the Judiciary Committee that there shall be a petition in writing of the applicant in proper form, and that his accounts at the Treasury shall be clear.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed (two-thirds of the Senators present voting in the affirmative).

INAUGURATION CEREMONIES.

Mr. ALLISON. I am instructed by the Committee on Appropriations, to whom was referred the joint resolution (S. R. 125) to provide for the expenses of the inauguration ceremonies on the 4th day of March, 1885, to report it with an amendment in the nature of a substitute, so as to change the phraseology somewhat. I ask that the substitute may be read, and I should be glad to have the joint resolution considered now, as I think it will take but a moment.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent that the reading of the original joint resolution may be dispensed with, and that the amendment proposed by the Committee on Appropriations may be read. Is there objection? The Chair hears none. The amendment will be read.

The CHIEF CLERK. The Committee on Appropriations report to strike out all after the resolving clause and to insert:

That to defray the expenses incurred under the resolution of the Senate of February 12, 1885, directing a committee of three Senators to make the necessary arrangements for the inauguration of the President-elect of the United States on the 4th day of March, 1885, the sum of \$2,500, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be expended under the direction of said committee. And said committee is hereby authorized to have any necessary printing done at the Government Printing Office.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended to read: "A joint resolution providing for the expenses of the inauguration ceremonies on the 4th day of March, 1885."

AMENDMENTS TO BILLS.

Mr. DOLPH and Mr. FRYE submitted amendments intended to be proposed by them severally to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. DOLPH submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DOLPH submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. GARLAND submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SLATER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. VOORHEES submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. McPHERSON submitted an amendment intended to be proposed by him to the bill (H. R. 6771) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1873, both in amendment of said first-mentioned act; which was ordered to be printed.

Mr. FRYE submitted an amendment intended to be proposed by him to the Post-Office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3258) to authorize the construction of a bridge across the Saint Croix River at the most accessible point between Stillwater and Taylor's Falls, Minn.

The message also announced that the House had passed a joint resolution (H. Res. 335) to print 2,000 additional copies of Lieut. P. H. Ray's report of the international Polar expedition to Point Barrow, Alaska; in which it requested the concurrence of the Senate.

COACHEO RIVER IMPROVEMENT.

Mr. PIKE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to communicate to the Senate the report of the engineer, or a copy of the same, for the current fiscal year relative to the improvement of the Coacheo River at Dover, N. H.

DISTRICT TAXES AND EXPENDITURES.

Mr. MORGAN. I rise to offer a resolution, but before doing so I wish to ask the chairman of the Committee on the District of Columbia, the Senator from Kansas [Mr. INGALLS], whether he is informed of any report having been made by the commissioners of the District of Columbia in reply to the resolution of the Senate of the 24th of June, 1884. That resolution reads as follows:

Resolved, That the commissioners of the District of Columbia be directed to report to the Senate the aggregate amount collected from taxation for each of the fiscal years from 1875 to 1884 inclusive, in each of the four quarters of the city of Washington, in Georgetown, and in the county of Washington outside of said cities. Also, the aggregate amount expended in each of said six divisions for each of said ten years for street improvements of all kinds, including the replacement of wood, stone, and macadam pavements, new pavements, laying sidewalks, regulating, grading, and filling up streets, repairs to concrete pavements and macadam roadways, parking, for permit work, and for repairs to streets, avenues, alleys, county roads, suburban streets, &c.

Also, a statement of the taxes that have been assessed or special assessments made against each of the railroad companies in the District of Columbia, whether operated by steam or other power, for each year since 1874, and the amount of taxes collected from each of said companies for each of said years, and the amount remaining uncollected, if any, for each of said years.

Resolved further, That the commissioners of the District of Columbia be required to report to the Senate a statement of the receipts and disbursements on account of the water department, or water fund, for each year from 1878 to 1884, inclusive, stating the amount received from each separate source, and when, where, and for what purpose the money has been expended.

Mr. INGALLS. My recollection is that the commissioners of the District of Columbia responded as far as the books under their control en-

abled them to do so. The Senator will remember that the form of government was changed about 1874, and that previous to the date when the commissioners took possession the records had not been kept in such form as to make the information accessible. But if the Senator will suspend for a brief space I will make the inquiry and inform him, so that he can offer his resolution later in the afternoon.

Mr. MORGAN. I inquired at the office of the Secretary of the Senate and was informed that no response had been filed there to the resolution, and I suppose that none has been made. I will, however, offer the resolution, and it can go over until to-morrow.

The PRESIDENT *pro tempore*. The resolution will be read.

The resolution was read, as follows:

Resolved, That the commissioners of the District of Columbia be directed to immediately inform the Senate of the causes that have prevented them from complying with the resolutions of the Senate adopted on the 24th of June, 1884, relating to the taxes collected from 1875 to 1884, and to receipts and disbursements on account of the water department or water fund for each year from 1878 to 1884.

The PRESIDENT *pro tempore*. The resolution will be printed, and go over until to-morrow on the objection of the mover of it.

CONSIDERATION OF LAND-GRANT-FORFEITURE BILLS.

Mr. MORGAN. I desire to make an inquiry of the Chair in regard to the progress of business under the resolution introduced by the Senator from Tennessee [Mr. HARRIS]. As I remember that resolution, it relates to cases that are on the Calendar. I have not a copy of it before me.

The PRESIDENT *pro tempore*. The order adopted on the 14th of February directed that—

The Senate will proceed to the consideration, in their order, of House bills and resolutions on the Calendar favorably reported by a Senate committee, and continue such consideration until 1 o'clock each day, until all of such bills and resolutions have been considered.

Mr. MORGAN. Does the Chair construe that order as requiring those causes to be considered under Rule VIII?

The PRESIDENT *pro tempore*. The order of the Senate suspends one part of Rule VIII, quoting it, and substitutes this in its place, the Chair understands, so that bills taken up will be subject to the five-minute limitation of debate under Rule VIII, and will be subject to a motion to proceed notwithstanding an objection. That is the impression of the Chair. Of course the Chair has no pending question before it to decide. The Chair thinks that the interpretation of the rule is as he now understands it.

Mr. MORGAN. I desire to give notice that with the consent of the chairman of the Committee on Public Lands, who introduced the bill and reported it to the Senate, I shall ask the Senate to consider House bill 3953, forfeiting the land grant of the Texas Pacific Railroad Company, as soon as the hour of 1 o'clock has arrived, and I shall press that motion to-day or on any other day when the Senate shall find itself in a position to consider the question.

The PRESIDENT *pro tempore*. The Chair will state to the Senator that the Chair was notified yesterday by the Senator from Nebraska [Mr. VAN WYCK] that he intended to get the floor this morning at the earliest possible moment to make a motion to proceed to the consideration of the bill forfeiting the land grant of the Texas Pacific Railroad Company.

Mr. MORGAN. The bill is not in my charge; it was reported by the chairman of the Committee on Public Lands. Of course I do not presume to take it out of his hands, but I wish to make a statement in connection with it.

The PRESIDENT *pro tempore*. If there be no objection the Senator from Alabama will proceed.

Mr. ALLISON. I hope the Senator will not take up the time of the morning hour, as the bill will undoubtedly come up at 1 o'clock unless—

Mr. MORGAN. The question which I wish to state involves a parliamentary inquiry, which I think ought to be disposed of at this time. It will take but a moment.

The Chair and the Senate are aware that the committee of conference on House bill 7162, forfeiting the unearned lands granted to the Atlantic and Pacific Railroad Company, made a report to this body. At the moment of making the report the Senate was otherwise occupied in very important business, and I did not insist then on the privilege that I had of having the motion as to whether the Senate would further insist upon its amendments considered. The motion was not made. At a subsequent day I called up the question and claimed that it was a question of privilege. The Chair ruled, however, that the motion for consideration not having been made at the time of making the report, the privilege was lost. That of course did not place the case on the Calendar, and therefore it would not be one of the cases coming within the rule which the Senate adopted on the motion of the Senator from Tennessee.

The PRESIDENT *pro tempore*. The Chair thinks it did place the bill on the Calendar with the report of the Senate conferees on the subject.

Mr. MORGAN. It was not so ordered.

The PRESIDENT *pro tempore*. It is on the Calendar now.

Mr. MORGAN. In that category?

The PRESIDENT *pro tempore*. Yes; it is in the category in its due order on the Calendar, No. 9452.

Mr. MORGAN. I was not aware that it had gone on the Calendar.

Now, one other question in regard to that matter. In referring to the proceedings of the House of the 17th of January, 1885, I find that the conferees on the part of the House reported that bill to the House, and they asked that the House would further insist—

The PRESIDENT *pro tempore*. It is not in order to refer to any proceedings of the House of Representatives.

Mr. MORGAN. I am obliged to refer to what has been done there in order to show that the action of the House has not reached us.

The PRESIDENT *pro tempore*. The Senator can not refer to any action of the House of Representatives that has not been communicated to this body.

Mr. MORGAN. Well, I have the right then, I hope, to refer to the fact that no communication has come from the other House in respect to this bill. That is a fact which the Senate knows. Now, I leave it to the imagination of Senators how that could happen, and I merely ask Senators to refer to a public document, published by authority of Congress, in which they will find that some body of men in the United States have acted upon a bill which they assumed was before that body and which action has not yet come to the Senate. My purpose was to try to get informed myself, by the ruling of the Chair, whether that action of the other House should be waited for or whether we should proceed notwithstanding the action taken by the House.

Mr. FRYE. The Senator does not mean the House, he means that other body.

Mr. MORGAN. I mean that other body, of course; I do not mean the House of Representatives.

The PRESIDENT *pro tempore*. The Chair will state that he thinks it is competent under the principles of parliamentary law for either House of Congress to send a message to the other reminding it of some bill that appears to have been overlooked in the other House that has not been heard from. The Senator understands that allusions to or comments upon the proceedings of the other body are not in order.

Mr. MORGAN. I was not going to comment upon the proceedings in the House, but I was going to state the result that had been attained there as shown by the RECORD; that was all. But of course if I am not in order in doing that, I shall refrain from doing it. Still I have been very much embarrassed in proceeding with this matter, expecting that a communication would come from the House of Representatives in respect to the bill, when I knew the bill was here, however, and knew that it was subject to the jurisdiction of this body. I have not known whether it was my duty as chairman of the committee of conferees to call up the bill that is before the Senate and act irrespective of anything that may have been done elsewhere, or whether it was my duty to wait until the action of the other branch of Congress had been communicated to the Senate. That is the awkward situation in which we are placed here.

Now I wish to make progress with that bill whenever I can, and my purpose in rising and making this statement was merely to get the assistance of the Chair in a proper form of parliamentary procedure to bring the question to the attention of the Senate, which of course it is my duty to do.

The PRESIDENT *pro tempore*. If the bill is in the possession of the Senate, as the Chair supposes it to be, as the report of the Senate conferees was made, then it is of course obvious that the only body that can act upon the bill is the body which has possession of it.

Mr. MORGAN. The bill is in the possession of the Senate; it has been here ever since the conference report was made.

Now I wish to say that to save the time of the Senate, which is getting to be very precious indeed, and to prevent a multiplicity of debate upon questions like this, I am willing to consider that question in connection with the Texas Pacific Railroad case, and to allow the decision upon that case to stand as an instruction to the conference committee on the part of the Senate. Of course the Senate conferees wish to do nothing that the Senate does not advise them to do and that it is not the will and pleasure of the Senate to do.

Therefore, when the bill for the Texas Pacific Railroad forfeiture comes up, I shall ask the Senate, by unanimous consent, to consider the disagreement of the two Houses on the Atlantic and Pacific Railroad case along with the other, or, if it can not be done in that way, that it may lie over until the Texas Pacific Railroad case is disposed of and immediately taken up and instructions given to the Senate conferees.

Mr. MORRILL. The President of the Senate has informed the Senator that he was notified by the Senator from Nebraska that he would bring up the Texas Pacific Railroad question, but he neglected to say also that I had notified him that I should endeavor to bring up the trade-dollar bill at the earliest possible moment. That bill was postponed for a day in consequence of the absence at the moment of the Senator from Ohio [Mr. SHERMAN] who had the floor to address the Senate upon the question. It was partly considered, and I feel it my duty to push the bill at the earliest possible moment.

The PRESIDENT *pro tempore*. It is the duty of the Chair to say that there is no question pending before the Senate. The debate proceeds by unanimous consent.

Mr. PLUMB. I ask unanimous consent to make a statement. I

understood the Senator from Alabama [Mr. MORGAN] to state that at 1 o'clock he would move to take up the Texas Pacific forfeiture bill.

Mr. MORGAN. If that met the approval of the chairman of the committee in charge of it.

Mr. PLUMB. The Senator from Alabama has stated the fact that the Senate at a previous session adopted his motion against the objection of the chairman of the committee to send the forfeiture question to the courts, and that is the question pending between the two Houses, and the only one that is pending between the two Houses, on the bill mentioned by him. If that were out of the way there would be no difficulty about the passage of that bill, and I hope several others also. I only want to say that I shall support the motion of the Senator from Alabama and hope he will make it at the time named, and not permit the Senator from Vermont or any other Senator to get another measure up at that time.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. 1251) to authorize the purchase of a wharf for the use of the Government in Wilmington, N. C.; and

A bill (H. R. 8039) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1886, and for other purposes.

DES MOINES RIVER LANDS.

The PRESIDENT *pro tempore*. If there be no further concurrent or other resolutions that order is closed, and the Chair lays before the Senate the Calendar under Rule VIII.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1886) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes.

The PRESIDENT *pro tempore*. The pending question is on agreeing to the amendment proposed by the Senator from New York [Mr. LAPHAM].

Mr. LAPHAM. At the time I was taken from the floor yesterday I was considering the extraordinary proposition of the honorable Senator from Iowa [Mr. WILSON], in which he likened this case to the case of a bill forfeiting a land grant to a railroad. When I asked why the owners of these lands who were non-residents of Iowa should be further subjected to prosecution, especially why they should be subjected to prosecutions on behalf of the Government of the United States, the honorable Senator answered me by quoting what I said in reference to the bill forfeiting a grant to one of the Oregon railroads. I accept that as an acknowledgment on the part of the advocates of this bill that it is in truth and in fact a bill to forfeit the titles of *bona fide* purchasers from the State of Iowa under the acts of Congress to which reference has been so often made. That is the theory of the bill. I say this is truly a bill to forfeit the titles of those who purchased the lands from the Des Moines River Navigation Company under the protection of acts of Congress, and it is a significant fact that when I appeal to the advocates of this bill for any authority for including these persons within the provisions of this bill, the only answer that can be made is, why, this is like the forfeiture of a railroad grant. The proposition itself is an argument in favor of the amendment we are now considering that this particular class of Iowa lands, amounting to some one hundred and seventy-odd thousand acres out of over 500,000 acres that were given to the State of Iowa, shall be excepted from the operation of this bill.

Mr. President, I desire to read for the consideration of the Senate in support of this amendment a passage or two from the minority report in the other House in the Forty-seventh Congress. I believe I have a right to refer to that:

How far the United States will aid unfortunate settlers who have been misled by the opinions of local land officers and settled upon private property supposing it to be public land may deserve the serious consideration of Congress.

But never, it is believed, has Congress done what this bill proposes—authorized suits in the name and at the expense of the United States to endeavor to reclaim the land from prior grantees and private owners of the lands in order to confer it on such mistaken settlers.

The minority are opposed to it, especially as it places the purse and power of the Government upon one side in a private controversy, regardless of title.

The minority are not in favor of this bill, because its enactment would have the appearance of providing by law for further litigation by and in support of the titles of parties who have already had the judgment of the Supreme Court upon their cases. It would actually direct new trials in cases now determined, for the names of Hannah Riley and George Criley are found on House Executive Document No. 25, Forty-third Congress, first session, page 13, as parties to have the benefit of the proposed legislation.

I have already said that this bill in effect is to reverse the judgment of the Supreme Court of the United States against those two claimants, and permit them to institute, with the aid of the Government, a new suit for the purpose of prosecuting the successful parties in each of those suits.

We do not believe that Congress has the right to compel the holders of its title to go to the expense of further litigation, when they protest against such interference with their rights of private property, and protest against being sent again into the courts, with the purse and power of the United States against them.

The protestants claim that the enactment of any such bill will prolong, and

designed by the promoters of it to prolong, this controversy, and protect the settlers in continuing their illegal possession of the lands from which they are annually gathering the crops without paying either taxes or rent.

The suits provided for in section 2 will not be brought against citizens of Iowa, as the Iowa settlers on the lands are to have confirmation; but they are to be brought solely against the non-resident owners of the lands residing in other States.

It is respectfully submitted that Congress ought not to favor the people of one State to the detriment of citizens in other States.

Again, this measure for instituting the suits proposed by this bill has not been introduced on the recommendation of any head of any Executive Department, nor has the Attorney-General been asked his opinion in the premises.

Prior legislation and executive action conferring title to lands have been fully, repeatedly, and unanimously interrupted by the United States Supreme Court adversely to the settlers whom this bill seeks to relieve by enacting an opposite construction of the laws involved, and instructing the United States Attorney-General to unite with the settlers in attempts to enforce this new construction by instituting new suits in the name and at the expense of the United States, but for the sole benefit of litigants defeated and disappointed by the existing judicial decisions. This is, in the opinion of the minority, entirely wrong, and affords sufficient reason why the bill (H. R. 6597) ought not to pass.

Mr. President, there is wisdom and good sense in the position thus taken in this minority report of the House Committee. These owners have for a series of years been subjected to expensive litigation to determine the question of their titles. They have traveled over the whole road of judicial inquiry. They have finally succeeded in establishing their claims as valid by a multiplicity of decisions embracing every possible phase of this question. In suits with settlers on the lands, in suits with railroad companies that became subsequent grantees, in every possible form this question has been litigated in the dozen suits which have come to the Supreme Court and in various suits in the State of Iowa, and everywhere they have been triumphant. Now why should we open again the flood-gates of litigation as to them? Why should we again subject these gentlemen to a retrial of their questions of title? They have been kept out of the use of that portion of the land occupied by these settlers for twenty-odd years without the payment of a farthing of rent or the payment of any of the taxes.

Their road has been a thorny one. They have not realized the dream of the poet that—

There is a tide in the affairs of men,
Which, taken at the flood, leads on to fortune.

This has been an expensive business to these owners, but yet they have prevailed and they have the solemn judgments of the tribunals of the country in their favor. All they ask is to be let alone. True, they are open yet to private prosecutions by these settlers; but that they are willing to meet. True, they are open to have the question tried in every case where it has not been already tried; they are willing to meet the case in that aspect of it; but to reverse all that has been done, to declare these lands public lands, as this bill proposes, to reopen the flood-gates of litigation and to take the Treasury of the United States into the scale against them, is a wrong so monstrous that it seems to me the idea of inflicting it ought not to be tolerated for a moment.

I hope, therefore, that the amendment now pending, which is but a modification of that clause of the bill which was stricken out on my motion, will be adopted by the Senate. As it was contained in the bill it declared the title to these lands perfect except where there were settlers on them. I was not willing to accept any such provision as that. As I have it, it excepts these titles from the operation of the bill absolutely. That was the view, I repeat, of an amendment proposed by Senator McDonald, of Indiana, when he had a seat in this body, as one essential, as one demanded by justice, as one which ought to prevail.

I have no desire to multiply words upon this particular amendment. I have said all that I need to say in support of it, and I trust the Senate will see its propriety and vote for its adoption.

THE PRESIDING OFFICER (Mr. HARRIS in the chair). The question is, Will the Senate agree to the amendment proposed by the Senator from New York?

Mr. ALLISON. I hope not.

Mr. LAPHAM. That very, very brief speech from the honorable Senator from Iowa has a world of meaning in it. He hopes not.

Mr. ALLISON. I withdraw it, then.

Mr. LAPHAM. There have been extraordinary efforts made on this floor with reference to this legislation. A word is significant. I hope the amendment will prevail. I stand here as the advocate of men whose legal title has been established by Congress and by the courts in every form; and I hope it will prevail. We may as well take the yeas and nays upon this question.

The yeas and nays were ordered; and being taken, resulted—yeas 19, nays 20; as follows:

YEAS—19.

Bayard,	Gibson,	Lapham,	Pike,
Blair,	Groome,	McMillan,	Saulsbury,
Camden,	Hampton,	Miller of N. Y.,	Vance,
Colquitt,	Harris,	Morgan,	Vest.
Gariand,	Kenna,	Pendleton,	

NAYS—20.

Allison,	Cullom,	Ingalls,	Plumb,
Bowen,	Frye,	Miller of Cal.,	Pugh,
Call,	George,	Mitchell,	Sherman,
Cameron of Wis.,	Hale,	Morrill,	Van Wyck,
Conger,	Hill,	Platt,	Wilson.

ABSENT—37.

Aldrich,	Edmunds,	Jones of Nevada,	Sabin,
Beck,	Fair,	Lamar,	Sawyer,
Brown,	Farley,	Logan,	Sewell,
Butler,	Gorman,	McPherson,	Slater,
Cameron of Pa.,	Harrison,	Mahone,	Voorhees,
Chace,	Hawley,	Manderson,	Walker,
Cockrell,	Hoar,	Maxey,	Williams,
Coke,	Jackson,	Palmer,	
Dawes,	Jonas,	Ransom,	
Dolph,	Jones of Florida,	Riddleberger,	

So the amendment was rejected.

Mr. LAPHAM. Mr. President, I offer the following amendment as an additional section:

SEC. 3. Before the commencement of any action or actions by the Attorney-General, in pursuance of this act, the person or persons in whose interest and for whose benefit the same is to be prosecuted shall deposit with the clerk of the court a bond or bonds (to be approved by the court or a judge thereof as to the form and penalty of the same) conditioned to pay to the person or persons to be prosecuted all costs and expenses of the defense or defenses of such action or actions in case the plaintiff shall fail to recover therein.

Mr. President, no one can fail to see that the object of this bill is to aid private settlers in the recovery of lands. No one can fail to see that as far as those private settlers have had their rights tried by the courts they have been defeated. No one can fail to see that as to these lands they are not a part of the public domain, but they are the private property of those who purchased and paid for them under the grant to the Des Moines River Navigation Company. What does this bill then propose to do? It proposes first to declare that these lands are public lands. It is, as the Senator from Iowa well said yesterday, a proposition to forfeit the title of *bona fide* purchasers and to restore the lands, which they have purchased, to the public domain.

Mr. WILSON. I ask the Senator from New York to state, if he will allow me to interrupt him, which Senator from Iowa made such a statement yesterday.

Mr. LAPHAM. The honorable Senator who is now addressing me used as the only argument against my amendment the view I took of the proposition to forfeit the Oregon railroad grant.

Mr. WILSON. If the Senator will allow me to reply I will say that I stated yesterday that if he would apply the precedent of his speech on the Oregon railroad grant to this bill it would answer my purpose entirely, because in that he advocated—

Mr. LAPHAM. I did not yield for a speech.

Mr. WILSON. He advocated the propriety of allowing each person interested, no matter how humble he might be, an opportunity to be heard in court. These settlers have not had it. That is all we ask and all the bill does.

Mr. LAPHAM. I said in that case inasmuch as the Government was going to resume the title which had been forfeited for the non-performance of a condition subsequent, it was the right of every lienholder upon that land to have a day in court. I stand by that position still. This is not such a case as that unless, as I now claim, the effect of this bill is to forfeit an actual grant by the Government to those whose titles have been determined valid. That is the effect of this bill.

When you declare in this bill that these lands are public lands and authorize the Attorney-General in connection with the settlers to bring suits against the owners of the fee, you declare to all intents and purposes a forfeiture of their title, and in addition to that you subject them to a prosecution by the Government of the United States upon whose faith they advanced and paid their money for these lands. I submit before that shall be allowed there shall be a provision in this bill that every settler upon these lands in whose behalf the Attorney-General prosecutes, if he decides to prosecute at all, shall file security to pay the owners of these lands in case they succeed the costs and expense of the litigation.

Take the case of Hannah Ann Riley, take the case of George Crilley, each of whom has tried the question between them and the owners of these lands and been defeated. Now under this bill they with the Attorney-General may again commence action, and I need not say to the members of the Senate that there can be no costs recovered against the Government. This bill makes no provision that the United States shall be liable for costs, and we are driven to the expense of a litigation of precisely the same question we have already successfully litigated. We are driven to the expense of litigating this question at our own expense. Although successful, although we re-establish our title, although we show that these lands are our own and that there is no valid claim against them, as has been so repeatedly decided, although we establish all this, yet we are to be prosecuted by the Government without any redress for the expenses of the litigation on our part.

Mr. President, the object of this amendment is to provide as it reads that before the Attorney-General institutes an action in conjunction with a settler (and as I have said he must institute just as many actions as there are settlers), that settler for whose benefit the Government is authorized by this bill to prosecute shall give a bond in such form and with such penalties as the court or a judge of the court shall prescribe, conditioned that in the event of a failure to recover, in the event of the re-establishment of the title of these purchasers, in the event of a successful resistance to the prosecution, all the costs and expenses of the defense shall be paid to these owners. Who can object

to so fair a provision as this? Why are the advocates of this bill unwilling that there shall be at least this much protection to these purchasers?

Mr. President, I have shown over and over again that those settlers are not *bona fide* settlers. The Judiciary Committee of this body four years ago so found and reported. What is there in their case that should prompt this extraordinary legislation in their behalf? I can not understand why it is that these gentlemen, who are non-residents of the State of Iowa, should again by the authority of this Government be subjected to a renewal of this litigation at the peril of being compelled to defend the actions at their own expense although they succeed, and therefore I urge, and urge with great earnestness, and with great confidence I may say, upon the consideration of the Senate that this amendment, this poor protection to these already vexed land-owners, at least shall be furnished them by the vote of this body if this bill is to become a law.

I have said all that I think it necessary to say in support of this amendment. I commend it to the consideration of the Senate, and ask that at least they will preserve to these settlers the poor right of being reimbursed in case they succeed in the litigation, for the costs and expenses to which they will be subjected by this extraordinary bill, and upon this I ask that the yeas and nays be taken.

Mr. WILSON. Mr. President, I regret to feel called upon to say another word to the Senate concerning this bill. It has already occupied more time than it should have taken, but I do not desire to have a vote taken on this amendment without a fair understanding by the Senate of the issue this bill presents. Now let me read from the first section of the bill its purpose:

That all the lands "improperly certified to Iowa by the Department of the Interior under the act of August 8, 1846, as referred to in the joint resolution of March 2, 1861," for which indemnity lands were selected and received by the State of Iowa, as provided in the act of 1861, are, and are hereby declared to be, public lands of the United States.

What lands? Lands improperly certified to the State of Iowa, not lands to which the parties that the Senator from New York appears for here hold good and valid title, for they can hold no such title if these lands have been improperly certified; nor can the courts hold these lands to be public lands if they have been properly certified, for that means that they shall have been certified in pursuance of law.

What next does it provide? In section 2 it is said:

That it is hereby made the duty of the Attorney-General, within ninety days after the passage of this act, to institute, or cause to be instituted, such suit or suits, either in law or equity, or both, as may be necessary and proper to assert and protect the title of the United States to said lands, and remove all clouds from its title thereto.

That is it. If the lands belong to the Government because they have not been properly certified, the Attorney-General is to ascertain that question by judicial proceedings and this provision of the second section, and that is all there is of it; and if in the progress of the proceeding it shall appear that the parties for whom the Senator from New York pleads to-day hold titles in pursuance of lawful certification, that will make their title doubly sure. But he says that these settlers, who for more than a quarter of a century have been making homes and rearing families on these lands alleged to have been improperly certified, shall have no opportunity for a judicial determination unless they come in and by a bond with sufficient sureties agree to make harmless the New York holders of a certain title to these lands first. Mr. President, if a remedy is to be provided at all under this bill, it goes in the name of the United States for the purpose of asserting the United States title and after that affording these settlers of more than a quarter of a century an opportunity under the laws of the United States to prove up their settlement and interest in the land; and now I am willing to submit this amendment to a vote of the Senate.

Mr. LAPHAM. Well, Mr. President, the honorable Senator has been much more unsuccessful in answering this than he was in answering the amendment that I proposed yesterday. He assumes now—and he can stand upon no other proposition—that these lands which the Supreme Court decided were improperly certified to the State of Iowa so far as they lie north of Racoon Fork, in the State of Iowa, are still public lands, and his argument has no force unless it rests upon that proposition. Now what is the truth of this case? Iowa has always claimed until this hour that they were not public lands; Iowa has always claimed that they were properly certified to the State, and that Iowa was authorized to grant them to the Des Moines River Navigation Company under the certificates of the officers of the Land Office. They were certified to the State of Iowa as part of this grant; they were conveyed to the Des Moines River Navigation Company, and the Des Moines River Navigation Company conveyed them to those I represent.

Then what have we? We have the resolution of the 2d of March, 1861, a joint resolution of Congress, declaring that the titles to all the lands certified to the State of Iowa north of the Racoon Fork are, notwithstanding that improper certification, made valid as far as they have become the property of *bona fide* purchasers from the State and its grantees. "Improperly" is not in this question now, sir. There was a time when it was in it. If the joint resolution of the 2d of March, 1861, had not been passed, the position of the honorable Senator would have some force in it; but in the face of that fact that Congress, not-

withstanding they were improperly certified, ratified and confirmed them to these purchasers, what is there upon which this bill can stand—I mean so far as that portion of the lands held by these purchasers is concerned? I showed yesterday that there are over 300,000 acres of land within the compass of this bill which are not affected by the question that I raise. I only ask to have taken from the operation of this bill that portion of the lands which were thus conveyed and the titles to which were confirmed by the joint resolution of 1861.

The honorable Senator from Iowa is too good a lawyer and too shrewd a man to be driven to such a position as he has now advanced, that these lands are still in the condition of lands improperly certified to the State of Iowa, as a basis for this legislation. If he had any other position upon which he could possibly plant himself, he is the last man who would resort to such a subterfuge as that, for it deserves no other name than a subterfuge.

These lands were, as the Supreme Court decided, a portion of them improperly certified; but they had been sold by the State; these gentlemen had purchased them and paid for them, and the State of Iowa asked—not these purchasers—but the State of Iowa asked Congress to pass the joint resolution of 1861 confirming their title; and in every case which has been decided by the Supreme Court and by the courts of Iowa the decisions have been put upon the express ground that that joint resolution cured all defects in the titles of these purchasers; that, although the lands were improperly certified, although at the time they were certified they were not within the compass of the grant to the Territory of Iowa, yet the Territory or State having sold them, and they having gone into the hands of *bona fide* purchasers, it was the duty of Congress to confirm their title; and it was the State of Iowa as she was represented then that asked this confirmatory declaration on the part of Congress.

Now, after all this, and after all this litigation determining these questions of title, the proposition of this bill is that the whole question in regard to this title shall be reopened in favor of those who have been occupying the lands without right, so the Supreme Court has said, of trespassers, of wrongdoers, of men who combined in the way I have described, of men who plunder and threaten to kill and burn, of men who do not pay taxes, of men who do not exercise any of the rights of ownership over this property except to occupy it and take possession without giving any compensation. It is this class of men to whom the bill opens the door of litigation at the expense of the Government, and I insist that this extraordinary privilege should not be granted except upon the condition named in this amendment that every one who prosecutes shall file a bond, to be approved by the court, to pay the defendant, in case of failure, his costs and expenses.

If the honorable Senator from Iowa is right that these are public lands, if he is right in the position that they are improperly certified, and occupies that position now, why does he provide for joining the settlers in an action? Does the Government of the United States need the aid of a squatter to establish its title? The theory of this bill is that the Government has no right except what this bill confers; the theory of this bill is that the squatter is the real party and not the Government, and all I ask by this amendment is that before he prosecutes, as we can not recover costs against the Government which is authorized to bring the suit, a bond shall be filed to pay us the costs and expenses of the litigation in case we succeed.

Mr. MCPHERSON. I do not rise for the purpose of discussing the pending question, but only to give notice that to-morrow morning I shall ask a vote of the Senate on postponing the further consideration of this measure and returning to the Calendar of business. There are many public measures upon the Calendar that ought to be considered. We have now only eleven days remaining of this session, and it is useless to waste time on this bill, for I consider it no better, for we certainly can not reach a decision at this session upon this bill with the many divergent views upon the question found in the Senate. It is a Senate bill, and no consideration can be given to it elsewhere, even if it passes the Senate. For six consecutive days the whole morning has been exhausted and wasted, so to speak, in the discussion of a measure which by no possibility can become a law at this session. Therefore I shall move to-morrow morning—I give notice of it now—to postpone the further consideration of this business and return to what seems to me to be the obvious duty of the Senate in considering other bills of an important public character.

Mr. LAPHAM. I will yield to the Senator to make that motion now if he desires.

Mr. MCPHERSON. Very well; I move now that the further consideration of this measure be postponed indefinitely.

The PRESIDING OFFICER. The Senator from New Jersey moves the indefinite postponement of the further consideration of the bill.

The question being put, there were on a division—ayes 22, noes 19.

Mr. ALLISON. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. ALLISON. I only desire to say one word upon this question. The Senator from New Jersey and the Senator from New York are acting in accord. Here is a bill as much of a public nature and public character as any bill pending in the Senate, and it has been considered. I will not say, because it would be unparliamentary for me to say, this

this bill is debated day after day and day after day by reiteration of old arguments. All that we ask of the Senate is that this bill shall be voted upon in the interest of more than a thousand people who believe they have rights here and ask the privilege of going to the courts of the United States and establishing those rights. That is a poor privilege, I know, but it is a privilege that we ask this Senate to grant these men. Whether or not they be entitled to the rights they claim is a question which the courts will decide. I hope the motion now made will not be adopted.

Mr. McPHERSON. I do not know what right the Senator from Iowa has to say that the Senator from New York and the Senator from New Jersey are acting in accord. So far as the statement relates to me, I think that up to this moment I have made no motion and have said not a single word in respect to this bill.

Mr. LAPHAM. I beg to say that I have never exchanged a word with the Senator from New Jersey on the subject.

Mr. McPHERSON. I do not know really how I shall vote upon the bill, and I think that I have voted upon few if any of the amendments that have been offered to it. I have given but little attention to it. I do not know but that I shall vote for the bill. But at the same time I do submit that this discussion, going on here from day to day for six or seven days, consuming the entire morning hour to the exclusion of the proper consideration of other business at this stage of the session, is not right. If the Senator from Iowa can bring the question to a vote, I have no objection to voting upon the bill now, but those Senators can see and really must see that with the number of appropriation bills now pending, with a large Calendar of business unacted upon, a great many pension cases that ought to be passed and sent to the House of Representatives in order that that body may take action upon them before the close of the session, such measures are driven out of the consideration of the Senate practically by the discussion of a bill which under no condition of circumstances does it seem possible for us to reach a vote upon.

Mr. COCKRELL. Let us vote now.

Mr. McPHERSON. I know nothing about the merits of the bill except what I have heard here on the floor. It is not for any such reason that I am opposing it, but because no vote has yet been reached, and probably none will be for six days to come.

The PRESIDING OFFICER. The question is on the motion of the Senator from New York that the bill be indefinitely postponed, on which the yeas and nays have been ordered.

The yeas and nays were taken.

Mr. CAMERON, of Wisconsin. The Senator from Massachusetts [Mr. DAWES] is paired with the Senator from Louisiana [Mr. JONES]. The result was announced—yeas 23, nays 34; as follows:

YEAS—23.

Bayard,	Gibson,	McPherson,	Sabin,
Candeen,	Groome,	Miller of N. Y.,	Saulsbury,
Cockrell,	Hampson,	Morgan,	Sherman,
Colquitt,	Harris,	Pendleton,	Slater,
Edmonds,	Kenna,	Pike,	Vest,
Gariand,	Lapham,	Pugh,	

NAYS—34.

Aldrich,	Coke,	Hill,	Plumb,
Allison,	Conger,	Hoar,	Sawyer,
Beck,	Cullom,	Ingalls,	Vance,
Blair,	Fair,	Jackson,	Van Wyck,
Brown,	Frye,	Manderson,	Voorhees,
Brown,	George,	Maxey,	Williams,
Call,	Hale,	Miller of Cal.,	Wilson,
Cameron of Wis.,	Harrison,	Morrill,	
Chace,	Hawley,	Platt,	

ABSENT—19.

Batler,	Gorman,	Logan,	Ransom,
Cameron of Pa.,	Jonas,	McMillan,	Riddleberger,
Dawes,	Jones of Florida,	McPherson,	Sewell,
Dolph,	Jones of Nevada,	Mitchell,	Walker,
Farley,	Lamar,	Palmer,	

So the motion was not agreed to.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from New York [Mr. LAPHAM].

Mr. MORGAN. I desire to ask a question of the Senator from Iowa who sits in front of me about this bill. The bill provides that the United States and a citizen or citizens of Iowa may sue other citizens of Iowa or corporations of Iowa, in a suit that is provided for in this bill. I desire to ask the Senator from Iowa if he thinks the Constitution of the United States confers or permits Congress to confer upon any Federal court the right to unite a citizen of Iowa with the United States Government in a suit against a citizen of Iowa in respect to this land. I confess that I have looked as thoroughly as I could, and with some anxiety, to discover that there was some such authority as that, but I have not been able to find it, and I do not believe that the Constitution authorizes any such suit as that to be brought. The language of the Constitution on that subject is that the judicial power of the United States shall extend, among other things, "to controversies to which the United States shall be a party." That is a privilege given to the Government of the United States to sue, or in the event that Congress may give to any citizen the right to sue the United States it is a privilege given to the Government to be sued in its own courts. You can not bring an

action in any State court against the Government of the United States, nor can you bring an action in a Federal court against the Government of the United States until some act of Congress expressly authorizes it to be done; but the Government of the United States can sue in its own courts under this provision of the Constitution and also under the provisions of the judiciary act in regard to any matter of controversy that the court would take jurisdiction of where the sum in controversy was sufficient, or perhaps in any case; but I protest that I have not been able to find any case where a lawyer has been rash enough to unite the United States and a private citizen in a suit against a citizen of the same State, or indeed in any suit. I do not understand how it is that the Government of the United States and any private citizen have a joint interest in a tract of land the title of which was in the Government and the title of which has been conceded by the Government, we will say, to a private person, or has not been conceded. I do not understand it. This bill in that respect has always been a puzzle to me. I have not been able to derive the authority through the Constitution, the laws of the United States, or the practice in the Supreme Court or elsewhere, for the joining of these parties, the Government and a private citizen, in an action.

The bill, I wish to say further, is not only entirely new, but in my judgment it involves a line of legislation that has never before been attempted. We declare the existence of title in the Government of the United States by this bill. That title is declared to exist in the Government in those cases where certificates had improvidently and improperly issued to the State of Iowa. After having made that declaration, as I remarked the other morning in discussing this bill, we then authorize the Government of the United States and a citizen to go into the Federal courts for the purpose of determining the value of that title. The Senator from Iowa says it is upon the ground that we declare that those titles are bad, that the certificates have been improperly issued. Well, we open up a question of controversy that really has been settled in ten adjudicated cases in the Supreme Court of the United States. But granting now that it is just and equitable and that we have the power to go back and open up these various controversies and set aside these judgments and decrees—

Mr. LAPHAM. Will the Senator from Alabama allow me to make a suggestion?

Mr. MORGAN. Yes.

Mr. LAPHAM. This bill does not direct that suit shall be brought even in the courts of the United States.

Mr. MORGAN. I know.

Mr. LAPHAM. The Government under this bill may go into the State courts of Iowa.

Mr. MORGAN. I take it for granted that that is the meaning of the bill, although I admit the bill is imperfect in that particular, and I think attention is called to that in the report of the minority against the bill.

But now after having declared the title to be in the United States contrary to these ten decisions of the Supreme Court of the United States, and in the very cases in which the Supreme Court have decided the question, for this bill covers the whole of them, having reversed these decisions by a decree of Congress and put the parties to litigating those rights again, the question arises can the Congress of the United States authorize a citizen of Iowa to join with the United States Government in a suit in Iowa against a citizen of Iowa for the recovery of this land. I maintain that we have no such power. The Constitution gives us no such right, for while the Government of the United States can sue in the circuit or district court of the United States in that State a citizen of Iowa, a private citizen, can not. We can not confer by any law we may enact constitutionally the right upon a private citizen of Iowa to sue another private citizen of Iowa in the district or circuit court of the United States in that State.

Mr. LAPHAM. Now I desire to ask the honorable Senator another question, and that is, can Congress authorize the Attorney-General of the United States to prosecute in the State courts?

Mr. MORGAN. Yes; I suppose Congress could authorize the Attorney-General of the United States to prosecute in the State courts. The Government of the United States can bring a suit in a State court, and therefore Congress can authorize that to be done. But we are now talking about Federal courts, for that is the object of this bill; that is the meaning of this bill, to allow suits in the Federal courts, as I understand; for surely the Congress of the United States would not reverse the decision of the Supreme Court of the United States in these ten cases and then declare that the local courts in Iowa should have jurisdiction to settle and determine the question. That would be reversing the whole order of proceedings so far as the history of Congress on this subject is concerned. But I wish to submit this question to the Senate, to the lawyers of this body, and I should be very glad to hear a more general expression of opinion upon it. I should be glad if some Senator would cite me to a case in which any lawyer had ever been rash enough to attempt to unite a private party with the Government of the United States in bringing a suit for a tract of land. I have not heard of it. It may be that I have overlooked it, but I can conceive of no reason why it should be done.

Mr. President, I disclaim all feeling or interest in this matter.

Mr. LAPHAM. I can tell why it is done. It is done in this case because the Government is weak and needs the aid of a settler to maintain its right of action.

Mr. MORGAN. I repeat that I have not the slightest feeling or concern about this matter at all, except that I have a sympathy for those people in Iowa who have been entrapped into this state of difficulty not by the decision of the courts, but by the legislation of Congress and the decisions of the Interior Department. Many of them have been entrapped into difficulties, into the expenditure of money in valuable improvements on tracts of lands there, but I have regarded this effort to relieve them through this bill as utterly hopeless. The Committee on the Judiciary took this subject into consideration more than four years ago. They bestowed upon it a great amount of labor. They brought their report in here, following another report which had preceded it, and unanimously declared that Congress had no jurisdiction of this subject.

Now, sir, it is more than the Senate dare to do, in my opinion, to deliberately overrule that decision of the Judiciary Committee without assigning upon the record sound, substantial reasons for their judgment; for after all this is the highest legislative tribunal in the United States excepting the House of Representatives, and the decisions of this body will be appealed to for years, and I hope for centuries to come, for their wisdom, for their sedateness, for their soundness upon all questions of this kind; and I really deplore that spirit of aggressive legislation in this body, which, whether moved by sympathy for suffering people or moved by any other cause whatever, leads us to undo the solemn deliberations of the judiciary of this country, and reverse the decrees of the Supreme Court in respect to private questions of title at our own will and pleasure.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The Senator from Alabama will please suspend. The hour of 1 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the next special order, being Order of Business 500, the title of which will be read.

The CHIEF CLERK. A joint resolution (S. R. 18) proposing an amendment to article 1, section 7, clause 2, of the Constitution of the United States, in relation to the veto power.

The PRESIDENT *pro tempore*. This resolution is before the Senate as in Committee of the Whole.

Mr. VAN WYCK. I move that the Senate now proceed to the consideration of House bill No. 3933, Calendar number 336.

The PRESIDENT *pro tempore*. The Senator from Nebraska moves that the Senate now proceed to the consideration of Order of Business 336, the title of which will be stated.

The CHIEF CLERK. A bill (H. R. 3933) to declare a forfeiture of lands granted to the Texas Pacific Railroad Company, and for other purposes.

Several Senators addressed the Chair.

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. PLUMB. I ask unanimous consent to make a statement.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent to make a statement. Is there objection to the Senator from Kansas debating this proposition? The Chair hears none.

Mr. PLUMB. The bill which is under consideration in the morning hour, and which was reported by me from the Committee on Public Lands, has now occupied a number of days during the morning hour in its consideration, and I do not think I offend anybody when I say that there seems to be a determination that it shall run out the remainder of the session and not be brought to a vote. That, of course, is parliamentary. I do not care to say anything in the nature of reflection on anybody, but it manifestly is the opinion of the Senate that some time should be fixed when the vote can be had upon the bill, because the Senate has repeatedly ruled by decided votes not to lay it on the table and not to postpone its consideration, so that it has the right of way in the morning hour.

I designed to make a motion to continue the consideration of the bill now, but not being nimble enough to get up in time and not having vocal organs of sufficient capacity to reach the presiding officer in time, I did not get the floor to make that motion; and I do not design now to antagonize the motion which the Senator from Nebraska has made, because I had given notice that if the Senator from Alabama did not make the motion I would make it myself at this time, supposing perhaps we should go on as we have heretofore, leaving the Des Moines bill to be considered in the morning hour. But I think it is of the highest importance to the business of the Senate that the morning hour should not continue to be absorbed by this bill, and when I say that I do not mean to reflect upon the bill, because I think the bill ought to be passed. I think it is due to the Senate and due to the interests involved that the Senate shall fix some time when a vote shall be taken, or if that can not be done, that the Senate shall agree that it will sit out this bill on some day to be named. I had hoped it might be to-day, because to-day the bill is under consideration and it might go continuously on, but still I do not care about that. If the Senate is willing to fix some other day, I have no objection.

Now, so far as the measure proposed to be taken up is concerned I

have nothing to say. The Senator from Nebraska [Mr. VAN WYCK] seems to have taken charge of it, and of course the bill ought to be passed. It has been waiting simply upon the convenience of the Senate in regard to the principle involved in another bill which is pending before the Senate on a report of a committee of conference and the decision of which really settles the question not only as to this bill, but as to another and perhaps still another bill which is back of it on the Calendar. I do not care to antagonize that, but I do hope the Senate will make some order in regard to the bill that was before the Senate until the morning hour expired, which will relieve the Senate from the burden of its continuation during the remaining days of this session in the morning hour to the exclusion of all other business.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Nebraska.

Mr. LAPHAM. Mr. President—

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. LAPHAM. I ask unanimous consent to be allowed to say a word in response to what has fallen from the lips of the Senator from Kansas.

The PRESIDENT *pro tempore*. The Senator from New York asks unanimous consent to be heard in reply to the Senator from Kansas. Is there objection? The Chair hears none.

Mr. LAPHAM. All I desire to say is this: When this bill was called up objection was made to its consideration. I claimed that it was a bill which should be taken up in the regular consideration of the Calendar, and one that could not properly be debated in the morning hour. I have been compelled to argue the bill piecemeal from morning to morning, whereas I should have had a right, and the Senate should have had a right, to consider this bill in a continuous session whenever it was taken up. The advocates of the bill objected to that, and insisted upon taking it up in the morning hour. They procured a vote of the Senate to that effect, probably under an apprehension on the part of the Senate that it was a short bill and would not occupy much time. Now that we have spent the morning hour for so many mornings on it, the proposition is to do just what I asked to have done in the outset, and I shall certainly resist that now.

Mr. VAN WYCK. Mr. President—

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. VAN WYCK. I ask unanimous consent to make a statement.

The PRESIDENT *pro tempore*. The Senator from Nebraska asks unanimous consent to be heard on this question. Is there objection? The Chair hears none.

Mr. VAN WYCK. The bill which I have moved for consideration is a bill to declare a forfeiture of lands granted to the Texas Pacific Railroad Company, and for other purposes. That bill has been twice displaced already from the Calendar of Special Orders, first by taking up the silver bill when, as many Senators stated, there was a misapprehension as to the effect of the rule. They did not suppose that voting to take up the silver bill would necessarily throw this bill back on the Calendar, which it did. Then this bill was restored again to the head of the special orders, and again it was displaced by a vote of the Senate to take up the labor-contract bill; and in connection with that I may be allowed to say that many Senators believed there was an understanding, express or implied, which they felt binding on them to vote for the consideration of that bill first before the Texas Pacific forfeiture bill was taken up; but they desire now, I think, that this bill should finally be taken up without any further delay. I merely wished to call the attention of the Senate to this condition of the bill, and to insist that it shall now be taken up.

Mr. HALE. Will the Senator allow me to ask him a question?

The PRESIDENT *pro tempore*. Debate is not in order from the Senator from Maine.

Mr. HALE. I ask unanimous consent.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent to debate this subject. The Chair hears no objection.

Mr. HALE. I do not wish to debate the subject; I only wish to say to the Senator from Nebraska—

The PRESIDENT *pro tempore*. That is debate. The Senator has unanimous consent.

Mr. HALE. I so understood and was going on, Mr. President. I wish to say to the Senator from Nebraska that the agricultural appropriation bill has been hanging for a few days and it ought to be passed to-day. I do not wish to antagonize his motion, but I would like to have an understanding if his bill is laid before the Senate that then I may call up the appropriation bill with his consent.

Mr. VAN WYCK. I presume that is the understanding as to appropriation bills.

Mr. HALE. So that I can get it through to-day.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Nebraska that the bill named by him shall now be considered.

The motion was agreed to.

Mr. HALE. I ask unanimous consent that the bill before the Senate be laid aside informally, and that the Senate proceed to consider the agricultural appropriation bill. It will take but a little time.

The PRESIDENT *pro tempore*. The Senator from Maine asks unan-

imous consent that the pending order be laid aside informally, and that the Senate proceed to consider the agricultural appropriation bill. Is there objection?

Mr. SHERMAN. I object.

The PRESIDENT *pro tempore*. Objection is made. The first amendment reported by the Committee on Public Lands to the pending bill will be read.

Mr. HALE. I do not desire to insist upon the Senate considering the appropriation bill now, if it is the feeling of the Senate that it is better to go on with the bill just laid before the Senate. I will not make any motion at present.

Mr. CULLOM. I do not think the forfeiture bill will take very long.

Mr. HALE. I make no motion.

HOUSE BILL REFERRED.

The joint resolution (H. Res. 335) to print 2,000 additional copies of Lieut. P. H. Ray's report of the International Polar Expedition to Point Barrow, Alaska, was read twice by its title, and referred to the Committee on Printing.

TEXAS PACIFIC LAND-GRANT FORFEITURE.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3933) to declare a forfeiture of lands granted to the Texas Pacific Railroad Company, and for other purposes.

The Chief Clerk read the first amendment reported by the Committee on Public Lands, which was in line 9, of section 1, to strike out the word "that."

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment which has been read.

The amendment was agreed to.

The next amendment was, in section 1, line 9, after the word "lands," to strike out the word "be;" in line 10 to strike out after the word "to" the words "sale and settlement" and to insert the word "disposal;" in line 11, after the word "under," to strike out the word "existing" and insert the words "the general;" and in line 12, after the words "United States," to insert the words "as though said grant had never been made: *Provided*, That the price of the lands so forfeited and restored shall be the same as heretofore fixed for the even sections within said grant;" so as to make the section read:

That all lands granted to the Texas Pacific Railroad Company under the act of Congress entitled "An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of its road, and for other purposes," approved March 3, 1857, and acts amendatory thereof or supplemental thereto, be, and they are hereby, declared forfeited, and the whole of said lands restored to the public domain and made subject to disposal under the general laws of the United States as though said grant had never been made: *Provided*, That the price of the lands so forfeited and restored shall be the same as heretofore fixed for the even sections within said grant.

The amendment was agreed to.

The next amendment was to strike out section 2, in the following words:

Sec. 2. That in any and all cases, as to any lands embraced within the terms of the act named in section 1 of this act, whenever the Department of the Interior, or its officers, or the local land-officers have treated said lands as open to selection, purchase, or homestead entry, and have allowed purchases, selections, and entries of any of said lands under the general laws of the United States, the acts of the Department of the Interior, and its officers, and the local land-officers in permitting such entries, selections, and purchases, in making such sales, and in issuing patents, certificates, and lists thereon, are hereby ratified and validated; and the rights and titles of parties or persons holding patents or claiming right or title under certificates or lists of lands issued or certified by the Secretary of the Interior or the Commissioner of the General Land Office, or certificates issued by the officers of the local land offices, or who have made homestead entries or pre-emption settlements or claims of any kind upon any of said lands under the general laws of the United States, in any way affected adversely by said grant, are hereby confirmed and made valid to the same extent as though said grant had never been made; and all of said lands embraced within the provisions of said acts shall be restored to the public domain, subject to the saving of rights as provided in this section, as though said grant had never been made.

And in lieu thereof insert:

Sec. 2. That the act of March 3, 1875, entitled "An act for the relief of settlers within railroad limits," is hereby repealed.

The amendment was agreed to.

The PRESIDENT *pro tempore*. This concludes the amendments reported from the Committee on Public Lands.

Mr. MORGAN. I offer the amendment which I send to the desk to come in after the text of the bill.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to add as new sections:

Sec. —. That jurisdiction is hereby conferred on the circuit court of the United States for the northern district of Texas to hear and determine all questions and controversies concerning the rights and equities in said forfeited lands that are claimed or asserted by the United States, or by any person or corporation claiming the same under or in consequence of any law of the United States, or any act of its lawfully authorized agents, and to enforce any judgment or decree, either interlocutory or final, that said court shall render in respect of said lands or any interest therein.

Sec. —. That it shall be the duty of the district attorney of the United States for the northern district of Texas, under the direction of the Department of Justice, immediately to proceed in the circuit court of the United States for the said district, by bill in equity, in the name of the United States of America as plaintiff, against any corporations or persons that claim any interest in the lands hereby declared forfeited, arising under said act of Congress approved July 27, 1866, or under this act, so as to bring before said court for its determination the validity of such claim, whether the same be legal or equitable.

Sec. —. That any person or corporation not made a party defendant in said

proceeding, but claiming any interest under the laws of the United States in the lands, or any part thereof, which are declared forfeited by this act, may present such claim by petition in said cause, duly verified by oath; and if the court, upon consideration thereof, shall decide that the adjudication and settlement of such claim are necessary to do complete justice in said cause, the court shall direct that such further proceedings be had upon such petition as that the same may be fully heard and determined, and shall proceed to decree upon the same as fully as if such petitioner had been made a party defendant in said suit: *Provided*, That no such petition shall be filed after twelve months from the date of the filing of the bill in said cause.

Sec. —. That the court, if it shall see fit, may tax all the costs of the suit under the third section of this act against the United States, and shall apportion the costs of any proceeding under the fourth section of this act between the parties according to justice and equity. Any party to the suit instituted under this act shall have the right of appeal from any final decree thereon to the Supreme Court of the United States, in the same manner and under the same conditions as are prescribed by law and the rules of said court for appeals in equity cases; and the Supreme Court shall cause said appeal to be advanced on the docket so that the same shall be speedily determined; but no right of appeal shall exist after six months from the time when said final decree is entered on the records of the circuit court of the United States.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Alabama.

Mr. MORGAN. Mr. President, in supporting the amendment which I have offered I desire to announce at the outset that I am content to vote for the bill just as it is, and that I shall vote for it even if the Senate does not adopt the amendment which I have had the honor to bring forward.

I believe that this land grant ought to be forfeited. I am quite sure that the Texas and Pacific Railroad Company has not earned one foot of the land embraced in its grant. I believe that the attempted transfer of the land grant by the Texas and Pacific Railroad Company to the Southern Pacific Railroad Company was so far in violation of the laws of the United States and the public policy declared by Congress, that it could not become a valid transfer without the express sanction of Congress. Hence I am prepared, notwithstanding the claim set up by the Southern Pacific Railroad Company to this immense land grant, to vote for a declaration of the forfeiture of these lands to the Government of the United States.

I make this announcement in the outset so that I may avoid any possible misunderstanding, or any possible misconstruction of my individual position. However unimportant that may be, it is a matter of interest to me, of course, that I should not be misunderstood. I desire to present, however, in this amendment an opportunity to the Senate to declare whether it will take these lands into the keeping of the United States Government by an absolute decree of Congress, or whether it will relegate the question of the validity and effect of our act in passing this law to the courts of the United States, there to be passed upon and decided by them within a brief period of time.

I will premise by saying in the presence of the Senate, of every lawyer and every layman in the body, and I ask attention to the remark, that it is not possible for Congress to enact any law affecting private rights of property so as to take away from the judicial tribunals of this country the ultimate right to decide upon them. In that declaration I think I shall have the concurrence of every member of the Senate. I repeat it is not possible that Congress shall pass any law affecting private rights of property which will have an absolute and determinate effect upon those rights of property so as to exclude any person from having the right to raise the question and litigate upon the validity of our action in the courts of the country.

The demarkation in the Constitution of the boundary lines between the co-ordinate departments of the United States Government is so clear and so well fixed that I think there is nobody to be found now in this free Government of ours, this constitutional country, who will assert that Congress can intervene between two private persons or between the Government of the United States and a private citizen and by an act of legislation so far conclude and foreclose a question of title to property as that litigation thereafterward about it shall be impossible. If that is so, when we revoke this land grant or when we declare it forfeited, the immense area of lands which are covered by it will become the subject of litigation. We can not prevent them from becoming the subject of litigation. We can not put up bars before any court, either of the States or of the United States, which will shut out parties in interest in this controversy from coming in and demanding of the judges that they shall hear and determine and adjudicate upon their rights of property.

If these propositions are true, then the question that I present in this amendment is simply one of policy, for the adjudication must come sooner or later. The question is whether it shall come in after years and during a series of years, and at the instance of a great number, it may be, of private litigants and in courts to be selected by themselves, or whether it shall come at once, be determined at once in a court of the United States, all in one suit, which can be taken by an appeal to the Supreme Court of the United States, which that court is required to treat as a cause of emergency and to advance on the docket, so that the litigation may be finally ended as soon as possible in view of the administration of justice.

I will suppose that we pass the bill just as it has come from the committee without adding the provision that I have the honor to offer as an amendment to it, and then let us look at the situation. I have but to refer to the fact that for five or six mornings the Senate has been

occupied in an earnest and an honest endeavor to rectify the evils which have come upon a large community in the State of Iowa, growing out of the fact that we did not provide when the controversies first arose in Iowa a court of competent jurisdiction to hear and determine and settle them. I can refer also to another case upon the Calendar, which is being pressed upon the attention of the Senate for settlement, and which for years has been lingering in this body in one form and another, what is called the Sioux City Railroad case. In consequence of the neglect of Congress to provide a tribunal for hearing and determining the controversy in that case, there has sprung up a litigation between parties, which is spreading itself from one tract of land to another throughout a large domain in the State of Iowa, and which is involving Congress and involving the courts in an infinitude of difficulties and troubles, every one of them the result of the neglect of Congress to provide at an early stage for the settlement of those difficulties by a court of the United States having competent jurisdiction and power to decide them.

Again I refer the Senate of the United States in the State of Michigan to a most laborious, intricate, and involved controversy about the Ontonagon land grants and about the transfer of a land grant from one portion of that State to another, and about the question whether the State of Michigan has been compensated by one grant for what it yielded up, or was supposed to have yielded up, under another—a question of the greatest possible difficulty, which has been argued and reargued before the Committee on Public Lands by the ablest lawyers in the United States, and who have had the opinions of Senators upon it. Yet that controversy is not ended, and every Senator here who is acquainted with the facts of those cases must know that if in the early stages of the controversy jurisdiction had been conferred upon a Federal court for the purpose of calling all parties in interest before the court, including the Government of the United States, a settlement would have been completed long ago and peace and prosperity would have ruled and reigned in a country where there is nothing now but discord and strife.

Mr. President, the Congress of the United States is responsible today for a great amount of injustice and wrong that has been done in various locations in this country from not having provided in cases of controversy for the settlement of those controversies in a court of broad, comprehensive, competent jurisdiction. I could cite to you many other cases of this kind. Some have occurred even in my State. They have occurred elsewhere. They occur continually in regard to the Spanish grants. There is a very important case now in the State of California, where parties are seeking to have Congress intervene after a great many years have elapsed, and to establish a tribunal and give jurisdiction to some of the courts for the purpose of settling those controversies that ought to have been settled long ago. An almost incalculable amount of mischief, of waste and expenditure, of heart-burning between citizens and the Government and between citizens themselves, between railroad corporations and others, is wrought throughout the country simply by our having neglected to take care of this subject in a proper manner.

When I had the honor of going upon the Committee on Public Lands and found that nine-tenths of the time of that committee, most laboriously expended, was occupied in the attempt, a vain one so far, to settle these controversies—for not one of them has yet been settled—when I found that numerous bills for the forfeiture of land grants were coming up, that almost every important railroad in the West was being attacked upon the ground that it had not complied with the act granting the lands, and that therefore they were the subjects of forfeiture, it occurred to me as a duty that I could not avoid to suggest to that honorable committee and to suggest to the Senate of the United States that in the beginning of this system of land-grant forfeitures we should adopt a plan which would cause the speedy settlement of all these questions of litigation and controversy. Hence it was, with no ambitious motive surely, but with a desire simply to perform a very plain duty to my mind, that I brought in an amendment to one of those bills.

More than that, I introduced and had referred to that committee a general bill providing that in all cases of land-grant forfeiture the circuit court of the United States in some part of the land-grant domain should take jurisdiction of these cases and proceed to decide them, calling in all the necessary and all the proper parties. When that bill went before the committee, not connected with any special land grant, a majority of the committee required me to report it back favorably. I felt of course sustained by the committee in that particular, and was very much gratified that they took that view of the subject.

But occasionally it has occurred that in respect of some of these cases the majority of the committee, say five to four, have insisted that the amendment was not appropriate in a particular case, that it was not necessary. I have always contended and believed that if it was necessary in one case it was proper in all. It might not be absolutely necessary, but still it was proper in all.

So the Senate will remember in regard to the Oregon land-grant case, where the two Senators from Oregon concurred that it was not necessary in respect of that land grant, the question arose in the Senate, and the Senate decided against the amendment, doubtless upon the ground that it was not necessary to that bill. In the case of the Atlantic and Pacific Railway Company, when the question arose here,

the Senate by a very large vote, upon the call of the yeas and nays and after debate—a vote I think of some 30 or 35 to 11—decided in favor of the amendment.

So the principle of the amendment I now offer has received the sanction of the committee in the general bill; it has received the sanction I believe of four out of five of the committee on this particular bill; and it has received the sanction of the vote of the Senate by the majority which I have just stated upon the Atlantic and Pacific bill. I now offer it to this bill, believing that there is not a single case in all the number that have come before the Senate or that will come before the Senate in which this amendment is more important than it is in this case.

I should very gladly have avoided the labor and responsibility of offering the amendment, for it has caused me to be attacked personally through the newspapers of the country as one who desired to obstruct the forfeiture of land grants, because I pleaded in the Senate that the Government of the United States in instituting a new system of action in regard to the land grants should so provide as that all questions which might arise out of them should be settled early after we had declared the forfeiture, and thereby save to future generations the terrible litigation which has been so expensive and so trying upon a great many communities in this country.

Now, let us consider one category here. The Texas and Pacific Railroad Company have made a transfer bodily of the entire land grant made to them to the Southern Pacific Railroad Company. Arguments were made by men like Hon. William M. Evarts, who talked upon the subject as if he were in dead earnest, and here is his brief—arguments were made by a number of the most important and influential lawyers in the United States—insisting that the Texas and Pacific Railroad Company had the absolute right under the terms of the law to transfer the grant to any purchaser, and that whether they transferred it in a body to a railroad company, or whether they transferred it to mortgagees, as they were authorized to mortgage it, or whether they transferred it by private sale to private individuals in small parcels, made no difference. They insisted that this land grant is property, and that until the Government of the United States had declared the forfeiture of it, that being the only power which can avail itself of the right of forfeiture, the right of the company to transfer the land grant was absolute and perfect. It is provided, they insist, in the act under which the land grant originated that it might be transferred to assigns as well as to mortgagees.

The PRESIDING OFFICER (Mr. HARRISON) rapped for order.

Mr. MORGAN. I am entirely aware that at this stage of a session of the Senate not very much consideration can be given to what is being said in debate, no matter how important the question is. Here is a question which, I understand, involves the title to 20,000,000 acres of land. It is not a question in which I have any personal interest or any motive in the world except that of taking the labor to try and explain it to the Senate. These men claim, whether rightfully or wrongfully, justly or unjustly, lawfully or unlawfully—

The PRESIDING OFFICER. Senators must suspend conversation on the floor. It is impossible for the Senator addressing the Chair to proceed with his remarks.

Mr. MORGAN. I shall not detain the Senate very long. I am as anxious to get through as the Senate is that I should. I am trying now to discuss all these questions in one in order to economize the time of the Senate. That is all that I am trying to do. I do not wish to take up this same question upon every forfeiture bill that arises, and here I am trying now to discuss the question of disagreement between the two House of Congress upon this matter. All that I am anxious to do is to enlighten the Senate as far as I am able upon the propositions that are before it.

It is contended, I repeat, that they have a right to this land, and that they have a right to it under the laws of the United States. It is urged ably and vehemently, and with every apparent mark of sincerity, as I have remarked, by some of the best lawyers in this country, by some of the ablest men in the country, one of whom, a distinguished man from New York, is about to take a seat in this body on the 4th of March, that the Government of the United States conferred by its act granting this land the power to this corporation to transfer it absolutely to the Southern Pacific Railroad Company; that the transfer was made for a good consideration in good faith; and that since the transfer has been made the transferee has given mortgages upon the property to other outstanding persons who are certainly innocent. That is their claim.

Mr. VAN WYCK. Do I understand the Senator to say that the company have given mortgages upon this grant of land?

Mr. MORGAN. So I am informed.

Mr. VAN WYCK. No, sir; nothing of the kind.

Mr. MORGAN. They insist that the mortgages which they gave upon their property include this grant; not that they have since the grant was transferred to them made a new mortgage, but they insist that it inures to the mortgage as part of the mortgaged property. That is what they insist.

I beg the Senate to understand that I am not stating my view of this case; I am stating the view which was insisted upon before the com-

mittee. If the Senate thinks that it is disreputable to insist upon it, let the blame rest upon men like Judge Dillon, Mr. Evarts, and others who make this demand, not upon a Senator who presents it here as a part of the argument that was made before the committee, and which he happened to think was at least worthy of consideration.

I do not set myself up as an infallible judge upon the rights of other men. I do not wish to be a judge of their rights except so far as their rights concern a duty that I must perform; and certainly I do not wish to assume the ermine while I am a Senator of the United States and to undertake to decide judicially upon questions that the Constitution has relegated to a different body of men. But that is claimed in behalf of the corporations here concerned. Suppose it should turn out that the courts of the United States sustain this claim of theirs. I presume Senators here will be wise enough to say that no court ever can sustain it; but suppose it should turn out that they do sustain it, about what time will that judgment ripen and become a matter of record? Probably ten years after to-day. Where will the suit originate in which this matter will be determined? It will originate in any court that the Southern Pacific Railroad Company choose to select. They can originate it in a common pleas court in California, in a district court in California, or in a court of equity in California. They can originate it in any court having jurisdiction of a real action or of a suit in equity in any of the Territories through which the road passes. They can institute it in the State of Texas; perhaps in the State of Louisiana.

They have their choice of States, of localities, and of courts in which to start this proceeding. They begin it. How do they begin it? In some little piepoudre collateral action between A and B about the title to a forty-acre tract of desert land, it may be, or something of that kind—an inconsequential and an inconsiderable piece of land—but the question which grafts itself upon that suit is the whole question in the case. It passes around through court after court, and after awhile it reaches the Supreme Court of the United States, after long delay and great expense and great harassment, and it is there finally decided.

In the mean time the court below pronounces a decision. I will suppose that it pronounces it in favor of the Southern Pacific Railroad Company. After having pronounced that decision the company proceeds to sell its lands, and sells them out to cattle-rangers, to farmers, to vine-growers, to villages, and to towns, until thousands and thousands of people become involved in the question. At the time they are making these sales they have got the decision of a court to back them, which, it will be remembered but a few days back in our debates, was a very important matter in regard to certain grave affairs that have taken place recently in the United States. A court in Kansas, it was said, made a decision that the lands of Oklahoma are public lands open to settlement, and thereupon an army of invasion went into that country and occupied it, demanding and claiming that they had the right, under the decision of that court, to occupy that country. Another army followed, the Army of the United States, with its loaded guns and its bayonets fixed, to drive those men out of that territory.

It has been but two or three days since Senators upon this floor in great anxiety have declared their apprehensions that when the grass springs up again in the Oklahoma country war would be started there because of a dispute between the Government of the United States and the claimants to settlement on the public lands, and that those claimants are backed by a decision of a court and that is enough for them. We understand the force of a tide of immigration, and we understand the demand which the Anglo-Saxon makes for land whenever he gets within reach of it. We have our own examples and our own history to refer to in order to refresh our recollections and to admonish us about matters of this kind.

In view of this case, suppose a court in California, in Arizona, in New Mexico, in Texas, or it may be in Louisiana, shall decide that the Southern Pacific Railway Company did have the right to buy the whole tract of land, and that they have a good title in consequence of the purchase, then your people swarm out upon these lands and buy them, and afterward when that case gets to the Supreme Court of the United States and is reversed, you will have re-enacted upon an immense scale the very controversy which has engaged the attention of the Senate for six mornings in succession, and which would engage it for six more in debate were it not entirely improper to be extended at this late hour of the session.

Suppose the decision is made against the Southern Pacific Railroad Company in the court below, your people spread themselves out into this territory and take up the lands under the laws of the United States under homestead and pre-emption entries. What then? After they have gone upon the lands the litigation is still going on; men are kept in a continual state of agitation; they have not got permanent homes and can not get them in that country, and by reason of that fact that country must necessarily suffer, for a country whose families are located upon possessions that after all are doubtful and disputable as to the right, is a country that can have no real peace and no real prosperity.

Suppose that you want to sell those public lands at private sale, or suppose you want to lease them under an act of Congress to herdsmen and shepherds, your title is embarrassed until the courts have decided. After you have passed your decree in Congress here, any man, it makes

no difference what his dignity may be or how little or how much land he may claim, has the right to question the validity of it. That is one of the liberties of the American people of which we can not deprive them. They have a right to question our acts in their courts, and they do question them. Whenever our action is questioned, of course that question agitates the whole length and breadth of the domain that you are proceeding to dispose of.

Here we turn loose an immense domain amounting perhaps to twenty million acres, and because we refuse to put a limitation upon a bill which will give a court a chance to adjudicate these questions in advance and within a year from the date of the act, we leave these questions open as a cloud upon the public domain, forbidding people to go there and unsettling the titles from the moment that they go. How can you get into one of these new Territories a stable population of good and enterprising and peace-loving men when you force them to go in there under a cloud upon the title to the whole country? When you have your public domain left under the influence of the sort of legislation that we are about to enact, the men who go there are the men who rely upon the pistol and upon the bowie-knife to fight their way through, and they are not the peace-loving men who ought to be invited to go to the West everywhere for the purpose of settling up those communities and fixing a nucleus of society there that in after years shall ripen into blessings upon that community and upon the world.

The quiet, peace-loving man who resides in the East or in the South or in the Middle States, who may desire to migrate to the West for the purpose of settling near to one of these railroads to get the advantage of it, would say to himself, "I can not afford to go there and invite litigation; I can not afford to go there merely to become the toy and plaything of lawyers and judges; I prefer to seek some other country." But the fierce, unsettled, wandering man, who thinks that he can make up the time and make it the occasion of some advantage by going there with his bowie-knife and his gun, will go and locate upon a tract of land in that country; and instead of getting a good, steady, honest, and peace-loving population, you get a belligerent, unsteady, dissatisfied set of people there.

In view of the general public policy and in view of the controversies which will arise, in view of the history that we are making ourselves only too familiar with every day through these distressful controversies that come before this body, in view of the experience of the Committee on Public Lands which has sat upon these questions day after day and night after night, not during this session of Congress only but at preceding sessions, I appeal to the Senate of the United States that they will adopt and adhere to a proposition which has truth and right in it, which has repose in it for titles as well as for people.

Mr. President, I do not think that I shall be moved from my desire in this matter by any apprehension that I subject myself to criticism as being the friend of the railroads. No, sir; I am the friend of justice; I am the friend of peace and security for titles. I am the friend of the communities who settle out in that country. I am the friend of the men who go there and who, instead of going under the threat of a lawsuit, want to go under the protection of the law.

What reason is there why a court of the United States can not settle these questions? I have heard but one stated, and that is that judges are not to be trusted. That is about the only one that can be stated. The judges are not to be trusted; the judges are the creatures of the corporations; the judges are the hirelings of the corporations; the judges are under the influence of the corporations! Suggestions like these are prated around continually as arguments why they can not be trusted to administer upon these matters. Sir, you have got to trust judges after all, and the question is, What judges will you trust? I have an almost inexpressible feeling of gratification and gratitude, too, to the founders of our system of government that they did place rights of property beyond the absolute disposal of the Congress of the United States, and that they put these questions in the hands of the judiciary for final settlement.

We have got to trust the judges or else we have got to reverse the whole system of our Government. Then the question is, what judges will we trust? I have confidence in the judges of the United States courts that they will do justice, and in the Supreme Court of the United States that it will do justice. Some Senators may not have that confidence; I can not help it. In my retrospect of the history of that august tribunal I see no reason to challenge its honesty, or its integrity, or its ability, or to abate in the slightest degree by any remark that I might make the just influence which it exerts over the people and over the States of this great Union. Therefore I dismiss that argument. We must trust judges, and I prefer to trust the judges of the United States courts. We must have litigation; we shall have litigation about this case. I therefore prefer that this litigation shall come off immediately and be settled as soon as justice will admit of its being settled.

What is this amendment? It is simply providing that after this declaration of forfeiture is made, after Congress has declared all that it wants about it and all that it can declare about it, the Government of the United States in its own name, under the direction of the Attorney-General of the United States, shall through its local district attorney file a bill or bring a suit in the circuit court of the United States for the northern district of Texas, that being an organized State and one of the

States through which this line of railway runs, and that bill shall call in the claimant to this property, the Southern Pacific Railway Company, and shall call in any person else claiming the property under the act which made the grant of land to the Texas Pacific Railway Company. The amendment further provides that if there are other parties who are not necessary parties, but who are proper parties to be represented in their persons or in their property claims and interests which require to be litigated and settled, the court, as is the practice in equity courts, may call in those parties either by the direct service of process where they reside within the State, or by publication under the rules of practice where they reside out of the State, that they may come in and make themselves parties to the suit, that they may call them in, and if they are unwilling to become parties make them parties.

The amendment further provides that any person who may have an interest, or believes that he has an interest in these lands under this proposed act or under any act of Congress, may come into that court and file a petition and propound his interest; that the court shall examine it, and if it finds that the party has a sufficient interest to justify him in being brought in to have his rights adjudicated, he is made a party. In this way every human being who is in any wise connected with this title can be brought into the litigation, and that, too, at a very light expense, for the court has the right under its rules of practice and under the amendment to classify the petitioners, so that the decision in one case will be the decision in all, or in all of that class, thereby reducing the expense of the litigation, hastening the progress of the suits, and causing an early determination of the rights affected.

The amendment then proceeds further, and has what is in effect a statute of limitations in it. A person is debarred from his right to come in as a party by petition after twelve months from the date of the filing of the bill. If any appeal is taken to the Supreme Court of the United States from the final decree in the cause it must be taken within six months from the date of its rendition, and then the Supreme Court is required to advance that case on the docket so that there may be a speedy hearing and determination of it.

That may not be a perfect system, and yet it is the best one that I have been able to devise, and it is the one that the Committee on Public Lands, after due examination, have recommended in the general bill which I reported to this body as being proper machinery for the purpose of arriving at the speedy adjudication of all these questions and a settlement of the rights of every man who may have an interest in this controversy hereafter.

I have not heard the reasonableness of this plan attacked. I have heard nobody say that it was an inefficient plan. I have heard nobody say anything about it, except some surmises have been indulged that the object in offering it was to delay the forfeiture, to prevent justice, to shelter the railroads, and to keep them from surrendering up this grant which Congress declares they shall surrender.

Let me inquire what more can Congress do in regard to this case than merely to declare the forfeiture? What Senator in this body will assert that Congress can do more than declare the forfeiture? We declare that in consequence of the fact that this railroad company has not complied with the conditions of the act granting these lands, its title is forfeited to the United States Government, and we go further and dispose of it. We go further than really I think we ought to go, but still I shall vote for that feature of the bill. We go further and place it in the category of the public domain and we subject it to the land laws of the United States in respect of its future disposal.

That is all that Congress can do. What is the effect of that? What is intended to be the effect of it? It makes no difference whether we intend as the effect of that to cut off all future litigation and inquiry in respect of our right to do this thing or not; we can not do that; we have not the power to do it. The courts, as I have often remarked during this argument and heretofore, will take the subject in consideration and will adjudicate upon it. Then we go in this bill just as far as we can go; and yet we do not get the title. We can not get the title by an act of Congress. We can only take the necessary preliminary steps to get it, and the question whether we have got it is a question depending upon how the courts shall decide hereafter upon the validity and effect of our act.

I have not been very curious to inquire whether this declaration of forfeiture is a forfeiture which relates back to the date of the grant. It makes no difference as to that. We can not make it relate back, for in the law and according to justice it does not relate back, for if we were to do that we should do by *ex post facto* legislation the wrongful and unconstitutional thing of taking from a man his property without due course of law, and that we can not do. It is a question for the courts to determine whether it relates back or not, even though we should so declare; but in this case that happens to make no difference; for in the view that I take of it, and in the view of those who are opposed to the amendment, if there be such, this act of forfeiture declared by us has the effect under our law of what is termed office-found, and only that.

I have had occasion to expound this several times in the Senate. I need not have done it, because other Senators understand it as well as or better than I do; but I refer to it for the purpose of showing the status in which this property is left after we make this declaration.

It is precisely in the condition of a piece of real estate in England that was granted by the Crown to a citizen upon a condition-subsequent, as it is called, a condition upon the performance or non-performance of which would depend the completion of the title in the grantee. The Crown sees cause to try the question of title with its grantee. Thereupon it institutes the prerogative writ to which I have heretofore referred, and sends the writ to a judicial officer, to a coroner. The coroner takes further judicial proceeding by summoning a jury. The old common-law jury comes in, except that the number is not limited to twelve, he may make it thirty if he wants. He hears one side of the case; he hears the case of the Crown. It is an *ex parte* investigation. He charges his jury, and his jury find a verdict.

If that verdict is in favor of the Crown it is reported to one of the courts. Then what? Thereupon, if the citizen from whom the land is taken by this *ex parte* proceeding desires to litigate with the Crown, that citizen brings his petition of right, his writ of right, or he brings his bill in equity, and the court being thus put in possession of the case looks back over the whole question, looks back over that part of it which came under the jurisdiction of the coroner, looks back into the right of the thing, as it is termed in the English law-books; and the court thereupon determines whether the Crown is entitled to the property, or whether the citizen is entitled to the property. If the citizen turns out to be entitled to the property the Crown must not only yield the property to him, but it must also yield to him damages for having interfered with his possessory right. That is English law. That is English liberty. That is the power of a citizen under the English system.

Sir, when you come to compare the boasted powers and rights of the American citizen with those of a British subject upon this topic, the American citizen does not approach him in his liberty. We have never provided in our country that any citizen of the United States might sue the Government when the Government undertook to take away from him the title to a tract of land that it had granted. We have only doled out to our citizens once in a while the poor privilege of suing for money claims in a court of claims; but when you come to address yourself to the rights that the people have as individuals against the Government of the United States in respect of this vast domain of land which extended from the States of Pennsylvania and Kentucky and Georgia all the way to the Pacific coast you can not find upon the statute-books of the United States or in its Constitution the scratch of a pen or the impress of the type to show that there has ever been granted to the people of the United States the liberties and rights in respect of that domain which belong to the British subjects under the Crown of Great Britain.

Therefore, when the Congress of the United States undertakes to take a man's land away against his complaint and his protestation, he has nothing to do but to go into some of the State courts, or if perchance he can find his way into some Federal court where he can not bring his action against the United States, he may bring his action against some other citizen, in which suit the question will arise collaterally and not directly; and in that way, working from court to court, he brings the question before the Supreme Court of the United States, and that court may decide ultimately that the Government of the United States has no title to the land. The British subject can sue the Crown immediately. He can bring his petition of right or his bill in equity and try the question of title with the Crown, whereas the American citizen, this boasted inheritor of all the glory of his ancestry and of the light of the world, must probe his way around, fight his way about the piepoudre courts, and in a collateral way and in an inconsequential way have this immense question decided between him and the Government of the United States, and then it remains for Congress, by some act or other, to repair the wrong and the mischief which this system has done.

Now, what do I claim in this case? I claim it in behalf of a company that I believe have no legal right, that they shall still have the right to litigate, and inasmuch as I can not keep them from litigating and I know that they will do it if they choose, as they say they mean to do it, I want to draw that company into a competent court at once, and I want that suit prosecuted in the name of the United States Government, so that all controversy may be ended and that this question of title shall be settled.

Perhaps I have not framed the amendment in the best way. The committee agree with me that it is the best way that they could think of. Some Senator may be able to improve it. If he does, I shall thank him for it. But the principle of it is a very clear one to my mind; the duty of enacting it is a very clear one; and as to the public policy of putting it upon the statute-book for the purpose of having these rights considered and tried, I have no doubt.

My own experience teaches me, if I had nothing else to go to as convincing me that the public policy of this country requires that we should have these controversies settled, now that we are setting out to forfeit land grants and this is to become a fruitful subject of litigation, a very harvest of litigation sown in the land, that we should provide in a timely and proper way so that this matter may be settled early, speedily, by high courts, courts having competent jurisdiction and courts that are courts of justice, whatever other Senators may say about them.

Inasmuch as I shall support the bill just as it is, if my amendment is

voted down, I ought to be allowed to state the reason for that. It is one that I state with great modesty and unaffected diffidence, because it is right in the very teeth of the opinions of some of the greatest lawyers in the United States, and I have no reason to believe that they have made any insincere statement of their opinions. They are honorable men, and I believe that when an honorable man comes before a committee of Congress, or a court, and is questioned as to his opinion upon the law, he will make a statement of it that he thinks he can sustain, and he will not be rash enough to state something that is foolish or something that is impossible to fortify or sustain by reasoning or by precedent.

When Mr. Evarts was arguing this case before the committee I asked him the question: "Do you, sir, ask of the Congress of the United States any affirmative legislation to ratify this grant which you claim that you have bought from the Texas Pacific Railroad Company?" He said, "We do not; we think we have got a good title." There I differ with him, and there it is that I venture to state the ground of my difference as justifying the declaration which I make here that I shall vote for this bill even though the Congress of the United States intends to relegate all these questions of litigation to some unknown court and the decision to some unknown period in the future.

What is my reason for it? I will state it briefly. The Texas and Pacific Railroad Company was organized for the great leading purpose of building a railroad about the thirty-second parallel of latitude to San Diego on the Gulf of California. No road was built under that charter to San Diego or anywhere approximating it. The Texas Pacific Railroad Company never broke ground across the border of Texas for the purpose of building the line to San Diego. They did absolutely nothing. While they were building their line out through Texas to El Paso del Norte a very strenuous effort was made in the Senate of the United States and in both branches of Congress to get for them a subsidy, an indorsement of their bonds in addition to the land grant, and that effort was based upon the idea which is entirely a correct one, that the Texas and Pacific Railroad, if built out to San Diego, would be a competing line with the Southern Pacific Railroad, which was then coming from San Francisco by the way of the Mohave Desert along down toward Yuma, and from Yuma on, as was insisted, to the eastern connection.

The great purpose of Congress in granting this land, and the great purpose of those gentlemen who advocated this bounty or this indorsement (and some of the most respected of my friends advocated it), was that they should get a competing line through to connect to the Pacific coast. They were not willing that the Southern Pacific road, which was alleged to be and is in fact a real part of the Central Pacific road, after having received the bounty of the Government from Ogden westward to San Francisco, should avail itself of the money which it made, the power and influence, the capital and credit which it concentrated, to sweep on down the Pacific coast to come back toward New Orleans, making thereby a mere prolongation of the Central Pacific through the name of the Southern Pacific; because they said, "When that is done you only double their powers of monopoly instead of getting up an opposition line in that country."

So my friends here to whom I have referred warmly insisted upon the assistance of Congress to the Texas and Pacific road. It is true I did not go for that. I did not go against it. The question did not come up finally for settlement by Congress, but that makes no difference; I am trying to prove the proposition that one of the great leading thoughts in regard to the Texas and Pacific Railroad, both in respect of the land grant that we are now about to forfeit, and in respect of the donation of public credit that was sought for, was that we should have a line open to San Diego, and that we should have competition in favor of the farmers and commercial men of this country by having two lines instead of one, and having one at least under the direct control of the Government.

While this was going on the Southern Pacific Railroad Company were here by their agents, lobbyists, &c., earnestly insisting that they did not want any grant of land. They opposed our making a grant of credit to the Texas and Pacific Railroad; they did all they could to keep Congress from building up the Texas and Pacific, for the reason that they did not want any competition. They announced here and everywhere that they could build that road out of their own money, and they did build it out of their own money. They built it down to Yuma in time to earn all their land grant; they built it within the time prescribed by the act which gave them the charter and also the public lands. They earned the land grant to Yuma. Then they came on to El Paso del Norte, saying to Congress and to the country: "We do not want a land grant; we are going to build the road with our own money; and more than that, we do not want you to subsidize this other road; it is useless to do it, because before you get your subsidy passed, almost, we shall have the railroad down to El Paso del Norte;" and they did that.

After getting their road down to El Paso del Norte what do they do? They simply buy out the land grant of the Texas and Pacific, and by a doctrine which I may call *ex pres*, by the substitution of one company for another, they claim that they have performed in substance what was intended to be performed by the Texas and Pacific road and what was required by Congress of that road, and in consequence thereof they

have the right equitably to the grant. But they say, "Whether we have that right or not, whether there was any equity in our favor, treat us as persons who had never any connection with it at all. Your act of Congress under which you have granted these lands is of such a character that you have put it in the power of the Texas and Pacific Railroad Company to sell the entire grant, and we are the purchasers in good faith and for a valuable consideration."

Mr. President, I confess to you that as a lawyer that has been a very hard proposition for me to wrestle with. That same proposition came up in what is called the Louisiana Backbone grant. There the Backbone Company transferred its grant out and out to the New Orleans Pacific road, and upon the very identical pretext that the Southern Pacific claims the land under the transfer of this great body of property in this case. What was the New Orleans Pacific case? I will state it very briefly. It was that a grant had been made to what is called the Backbone road on the east side of the Mississippi River from the city of New Orleans, via Baton Rouge, up to Shreveport. That road was not built; scarcely a shovelful of earth was ever lifted in its construction. The Texas and Pacific road came along toward the east, and finding that they could get into New Orleans on the west side of the river, not on the east, they bought out the whole line of road there and commenced constructing from the end of that line up toward Shreveport, practically over the very territory embraced in the Backbone land grant. They went on without any aid from Congress; they built their road; they made their connection with Shreveport on out until they connected with the whole Texas and Pacific system. Then they went to the Backbone Company and bought the grant out and out; and that grant was brought before the House of Representatives at this session. A very large majority of the committee reported against its validity, but the House of Representatives on consideration ratified the transfer and refused to forfeit the lands.

Now, sir, shall it be said by Senators on this floor that Mr. Evarts, Judge Dillon, and such men as these had no justification whatever in law or morals for the position which they have taken in regard to this matter, when the House of Representatives by a solemn vote in precisely a similar case has ratified the transfer? I can not take that ground. I must meet it in some other way; yet I do not believe that the transfer was valid. Now, why do I not believe that? The reasons, I can say, are simply satisfactory to myself. I do not know that they will be to anybody else. They are not based upon any given precedent that I can cite, for the reason that a case of the kind has never, within my knowledge, arisen, and I will state the reason.

Here was a great public trust created by this act of Congress for a great public purpose, and these lands were dedicated by Congress to the use of the people; they were taken out of the category of lands that were to be sold for the replenishing of the Treasury, and they were dedicated to the use of the people. What people? Those that then occupied the country and the generations to arise that might occupy it in the future. It is a continuing dedication, as much so as a public highway or a park in this city, or a park in the city of New York or Philadelphia, a dedication for the general use and benefaction of those who may be there to enjoy it, and it is one of those things that Congress did not have in contemplation to take back as a dedication at all, for in the acts making these grants, instead of requiring that the lands should be returned to the Government of the United States in the event of a failure, it was merely provided that the Congress of the United States should have the power of substituting another agent for the purpose of executing the trust of the dedication. That is all. I do not think it takes much of a lawyer to see that.

I am opposed to recalling this dedication if I can get along in any other way with it, and I would be opposed to it in this bill but for the fact that communication between San Diego and El Paso del Norte has been established, and that to allow these lands to remain subject to that dedication would be a useless thing so far as the general public is concerned; and I do not want this railroad company, which has not got an honest and a fair standing before the country, to come in under the pretext of enjoying this dedication and preserve it for their private advantage instead of for the public good. That is my ground about it.

I believe that they had no right to transfer the grant without the consent of Congress. When a railroad company is selected by Congress for the purpose of receiving a grant of lands and the grant is made to the railroad company, not to the States; for, mark the difference now, when a particular railroad company comes in and receives from Congress a grant of land it must be assumed, for it is true, that Congress would not make that grant to a set of irresponsible or a set of rascally men, men of bad reputation. The dedication being for the general public use, Congress in selecting the trustees to execute this grand trust would never think of accepting a corporation until after it had canvassed the character of the men upon whom and upon whose faith and responsibility, and respectability also, it was willing to confer the execution of the trust. So it selected this Texas and Pacific Railroad Company, named the individuals who were the corporators in the act, or else required them to be named by the States and Territories through which the road was to pass.

What did Congress do there? Select a body of American citizens to execute a great trust for the building of a great highway through the

land for the benefit of a great section of the country. Can that trust thus conferred upon a particular set of men by act of Congress be transferred by them without the assent of Congress to another corporation? If that may be done, they could transfer it to men none of whom were naturalized citizens of the United States; they could transfer it to men who would prefer to lock up the road, for instance, for the purpose of driving all the burden of commerce away from our own shores across the Canadian Pacific. If you can transfer it to any corporation at all in a body you can transfer it to that corporation which controls the Canadian Pacific Railway, or you can transfer it to that corporation which controls the railway across the Isthmus of Panama. Hence I say that in the very nature of the trust, of the duties to be performed by these men, and of the grand public objects to be encompassed by this legislation, it inheres in the very quality of the act itself that this grant can not be transferred to another corporation bodily without the consent of Congress. That is a necessary condition precedent to the transfer.

That is my argument about it. That is the ground I am content to stand on about it. But I must mistrust my judgment, for I can cite no precedent, I can only argue from analogy and from my conception of the objects and purposes of this enactment against the power and right of transferring this grant bodily, as the Southern Pacific Railroad Company claims the Texas Pacific Railroad Company had the right to do; and I acknowledge that I am confronted by difficulties in the argument; I am confronted by the opinions of men whose opinions stand far above mine in the estimation of the people of this country and of this body also.

In that case can there be any reason why we should not have this question adjudicated? Shall we undertake to cut it off when we can not cut it off, to suppress it when we can not suppress it? And shall we merely postpone it because that will give a fairer field to some political upstart or adventurer who may wish to go out in the country and attitudinize as the destroyer of railroads, the David that slew Goliath with a single sling? It would be a pity to deny to any gentleman the opportunity to figure in this extraordinary attitude; at the same time I think in justice to the people of the United States we had better do with this thing what is wise and proper and allow such gentlemen to take care of themselves.

The PRESIDING OFFICER (Mr. PLATT in the chair). The question is on the amendment proposed by the Senator from Alabama.

Mr. MORGAN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BLAIR. Before the question is taken upon this amendment I wish to submit briefly my views upon the bill itself and upon the amendment.

On a great question of this kind it would be difficult for the humblest member of the Senate to address the body if it was present, and under the circumstances I feel very little inclination to undertake to present such views as I have, for the reason that it is of slight consequence to talk to an absent body; and yet I do not feel that a question of this importance ought to be decided, ought to be voted upon, without giving it considerable consideration. It may be that those who are not present during the debate are already thoroughly grounded in all the important considerations which appertain to the decision that is about to be made.

The bill before the Senate proposes to forfeit about 20,000,000 acres of land granted in the year 1871 to the Texas and Pacific Railway for the purpose of assisting in the construction of a transcontinental route to connect Marshall, Tex., a town in the eastern portion of that State, with the Pacific coast, the general course of the railroad to be constructed along the line of the thirty-second parallel of latitude. The line never was constructed by the railroad company that was endowed with this grant. The portion of the line to be located in the State of Texas was constructed by that company or by those who succeeded to its ownership. The portion of the railroad, which I think to be about seven hundred miles in length, situated in the State of Texas, was endowed with a large land grant from that State, a grant, if I am not incorrectly informed, the same in quantity per mile as that which was received from the United States along that portion of the line which was to be constructed within the Territories of the United States, the Territories of New Mexico and Arizona.

The land grant in Texas coming from the State of Texas was, as we are informed, a very valuable grant. Most of the lands, as is true, I imagine, of substantially all the lands in that great State, were very valuable, valuable for agricultural purposes, and I do not know but some portion of them on account of timber, and it may be on account of other resources located upon or within the soil. But even that portion constructed in the State of Texas was not constructed for many years; was not constructed as under the terms and conditions of the original charter it was supposed the road would be constructed. Arrangements had been made by Colonel Scott and his associates for raising the necessary funds for the building of this road, mainly in London, when the panic of 1873 occurred just before the consummation of his arrangements, and the whole matter fell through.

I ought, before proceeding, to state another thing. At or about the same time that this railway obtained authority to construct its line along the thirty-second parallel through Texas and the Territories and

the State of California to the Pacific coast, a charter-right from the State of California, which was recognized in this grant to the Texas and Pacific Railroad, was given to what was created as the Southern Pacific Railroad to construct a line from San Francisco to the southwest corner of the Territory of Arizona, intersecting with this proposed line, the Texas and Pacific, at Fort Yuma, in the Territory of Arizona, close to the southeasterly corner of the State of California. The conditions and limitations to regulate the construction of these two roads were substantially the same. They were to be undertaken and to be built with equal steps, so that it was contemplated that when the Southern Pacific Railroad should have reached this point of intersection, Fort Yuma, on the Colorado River, the Texas Pacific would be built westerly and would have arrived at the same point.

Thus a third system of transcontinental railway, connecting with San Diego on the Pacific and by way of the Southern Pacific with San Francisco, a line to be seven hundred miles long of itself, would go, as it was contemplated, into operation substantially together. The Southern Pacific branch, the seven hundred miles, was an exceedingly difficult and expensive road to build. It was endowed by a land grant as well as the Texas Pacific. It was built year by year, in accordance with the terms of its grant, and finally, about the year 1875 or 1876, it arrived at the proposed point of junction, Fort Yuma, having built its entire distance in accordance with the requirements of the laws under which it was chartered in the State of California, and in accordance with the conditions imposed by the General Government in the recognition which it gave to this road in the Texas Pacific grant, and I think also in the Atlantic and Pacific grant. It was constructed at a cost of nearly \$35,000,000. That is my recollection in regard to the cost of that road, as I knew it at the time. I may be inaccurate, but not substantially so. When it arrived at the period which I have designated at Fort Yuma, the Texas Pacific had failed utterly in its part of the proposed arrangement. It was still 1,200 miles away at a point called Fort Worth, a little west of the point of commencement, which was Marshall, in Texas, and all this long intervening extent of road was entirely untouched.

Mr. MCPHERSON. How much?

Mr. BLAIR. About 1,200 miles. So that the Southern Pacific road having built in accordance with the laws of the State of California and the laws of Congress, discharging its obligations in every particular, arrived with its investment of \$35,000,000 at Fort Yuma, and of course an investment of \$35,000,000 through that waste country was utterly lost, unless in some way it could find eastern connection.

Mr. MCPHERSON. Will the Senator allow me right there to ask for an explanation? He speaks of a land grant having been promised or given by the State of Texas to the Texas and Pacific Railroad for that portion of the line running through the State of Texas. Fort Worth, if I understand the geography, is in Texas some distance from the line of New Mexico. Can the Senator tell me whether the State of Texas ever gave the Texas Pacific Railroad Company any lands? Did they earn them and were they surrendered over to the Texas Pacific Railroad Company?

Mr. BLAIR. I was about to approach those facts. I can not answer the question directly. I do not know whether there has ever been any actual transfer of the land grant of the State of Texas to the Texas and Pacific Railroad along the line of that portion of its road which has been constructed in that State. I have no doubt, however, that it has been done. The road was by subsequent arrangement constructed westerly to El Paso, which is on the Rio Grande, and is practically the point of intersection with the road built through the Territories, and I have no doubt that the grant has been made by Texas, as in justice and equity of course it ought to be.

Mr. VAN WYCK. Let me suggest, so that there may be no misunderstanding about the facts as to which the Senator is inquiring, that there was no grant by the United States to the Texas Pacific through the State of Texas.

Mr. BLAIR. Certainly not. The United States has no public lands in Texas.

Mr. MCPHERSON. I understand that; but the State of Texas itself made a grant.

Mr. VAN WYCK. The State of Texas did make a grant and the company earned that land. The State of Texas gave it to the railroad company. The State of Texas did give the land. That is all the land the company ever earned.

Mr. MAXEY. I can state that the State of Texas grants a certain number of acres to every railroad which completes as much as one hundred miles of railroad in the State. There was a grant to the Texas Pacific Railroad by the State of Texas which owns her own lands. That company completed its road to a point eighty miles from El Paso and up to the point that it completed the road the State of Texas paid to the Texas Pacific road every acre of land promised.

Mr. MCPHERSON. All they earned?

Mr. MAXEY. All they earned. They earned up to within eighty miles of El Paso and there the road stopped, and up to that point the State paid every acre promised.

Mr. BLAIR. May I ask the Senator to state to the Senate the precise geographical location?

Mr. MAXEY. The road for eighty miles between El Paso east to the Texas Pacific was built by the California Southern. That part of the road does not belong to the Texas Pacific.

Mr. BLAIR. Will the Senator be so kind as to state the geographical location of El Paso?

Mr. MAXEY. El Paso is on the Rio Grande at the extreme western boundary of the State of Texas. It is the last town on the east bank of the Rio Grande. Across the Rio Grande is Mexico.

Mr. BLAIR. One question more, because I did not find that definitely stated in such papers as I have seen. There is a distance of about ninety miles where there is a road which is used in common, a connecting link.

Mr. MAXEY. I can explain that in a moment.

Mr. BLAIR. What is the name of that other place?

Mr. MAXEY. The California Southern runs through from San Francisco to El Paso and then eighty miles east, and there it joins the Texas Pacific road. At that point the California Southern turns southeast and runs to San Antonio, Tex., whereas the Texas Pacific runs east from that point to Fort Worth and Marshall, Tex.

Mr. BLAIR. What is the name of that other point of junction?

Mr. MAXEY. I can not recall it to mind.

Mr. VAN WYCK. Sierra Blanca.

Mr. MAXEY. Sierra Blanca; that is it.

Mr. BLAIR. And that is still in the State of Texas?

Mr. MAXEY. Yes, sir. El Paso is the extreme western point in the State on the Rio Grande. Sierra Blanca, where the roads fork—the Texas Pacific running to Fort Worth and then to Marshall—is eighty miles east of El Paso, and therefore is in the State of Texas.

Mr. BLAIR. Mr. President—

Mr. McPHERSON. Will the Senator from New Hampshire yield to me a moment, because I think we all want to understand this question; but I do not wish to interfere with his argument—

Mr. BLAIR. It does not trouble me.

Mr. MAXEY. I beg the Senator's pardon for interrupting him.

Mr. BLAIR. I was very glad of the interruption, because I obtained information which I could not find in the papers.

Mr. McPHERSON. I understand the State of Texas agreed to give the Texas Pacific road, for each and every mile of its railway in the State of Texas, a certain land grant; that as to a part of the line in the State of Texas, the Texas Pacific Company forfeited it because it did not build the road within the time specified, but the Southern Pacific did build a portion of the line within the territory of the State of Texas. Now, will the Senator answer me another question? Did the State of Texas confer upon the Southern Pacific Railroad for that portion of road it built within the State of Texas the same land grant it intended to confer on the Texas Pacific?

Mr. MAXEY. I will answer that in this way: Under the general railroad law of the State every company which would build and equip twenty-five miles of railroad was entitled to a land grant of 10,240 acres per mile; then for every additional section of five miles the same allowance. The Texas Pacific, as I stated, was paid in land to the point to which it built the road, Sierra Blanca. The eighty miles west of that, between Sierra Blanca and El Paso, were built by the California Southern, and I take it, without being able to state on absolute knowledge, that the California Southern got that land under the general railroad law of the State.

Mr. McPHERSON. So that in fact they have received it.

Mr. MAXEY. I suppose so. I do not know that the State owes an acre of land to any railroad company in the world.

Mr. BLAIR. It comes then to this, that on the entire line from Marshall to San Diego and from Fort Yuma by the San Francisco branch to San Francisco, the portion actually constructed by the Texas and Pacific road has received land grants, and received land grants to the same extent that the Southern Pacific claims itself to be entitled to through the Territories.

Mr. McPHERSON. Under the general railroad law of Texas, and not by reason of any right it may have had as the successors of the Texas Pacific.

Mr. BLAIR. I am only speaking of what the Texas Pacific had a right to. I am not alluding to any land grant which comes to the Southern Pacific in the State of Texas, for it appears now that the Southern Pacific, having constructed about eighty or ninety miles of the line within the State of Texas, did receive a land grant precisely the same as the Texas Pacific itself was entitled to, as the Senator thinks, under the general law of that State.

Mr. MAXEY. I will state to the Senator, so that he may understand it, for I do not think he quite gets my idea, that the California Southern not only built those eighty miles of road, but built several hundred other miles of road around to San Antonio.

Mr. BLAIR. So I understand, by the coast.

Mr. MAXEY. But the junction of the Texas Pacific and the California Southern is eighty miles east of El Paso at a place called Sierra Blanca.

Mr. BLAIR. Precisely.

Mr. MAXEY. Without being able to state of my own personal knowledge that the California Southern got its land for building that

railroad, I have no doubt on earth of the fact, for I never heard of a company that did not draw its land from the State under the general railroad law.

Mr. BLAIR. It results from all this that the Texas and Pacific corporation, for all the railroad that is actually constructed, has received land grants and land grants per mile commensurate with the amount that the Southern Pacific, which constructed a portion of this same line through the Territories of New Mexico and Arizona, claims that it is entitled to under the law.

Mr. McPHERSON. The Senator stated that the Southern Pacific Railroad Company had also received a land grant. From whom was it? From the Government, or from the State of California?

Mr. BLAIR. I stated in regard to that that the Southern Pacific Railroad as originally created and authorized to construct the line connecting San Francisco and Fort Yuma received a land grant. That line, which is now described as located entirely within the State of California, received a land grant of course within the limits of the State of California. It built its road, as I stated earlier, strictly in accordance with the law year by year, the only land-grant railroad that I know anything of that ever did do it, and it received the patents for its land grant in accordance with the discharge of its duty under the law. When it arrived about the year 1877 at Fort Yuma, the Texas Pacific was still lingering 1,200 miles away in Eastern Texas. The Southern Pacific was there with its \$35,000,000 invested connecting with nothing and with nobody, running out into the wilderness, with an absolutely useless waste piece of property, and it must, of course, remain so, this amount of money sunk irretrievably, unless an eastern connection could be obtained.

I state these facts more particularly because I was at the time of the great controversy, that is so often alluded to, a member of the House of Representatives and a member of the Railroad Committee during both those Congresses, and witnessed the struggle between Scott and Huntington and their respective corporations. The failure of Colonel Scott to negotiate his bonds abroad left him without any resources whatever for the construction of the Texas and Pacific road, and he came to the Forty-third Congress, which was before I was a member at all, and proclaimed his utter inability to construct the road without further assistance from Congress. In the Forty-fourth Congress he certainly came and insisted that without a money subsidy or a guarantee of the payment of a large amount of bonds, to be issued upon the road as a security, it was utterly impossible for him to complete the road.

There was a time when public attention was considerably excited over the enormous expanse of the land grants which had been made to various railroad corporations. There had been public scandals connected with the construction of some highways, and there was no inclination then in the public mind, there was no predisposition, to say the least, in the public mind when, as I recollect, the application was here in Congress to favor this pecuniary subsidy. It was perfectly apparent to any man of discretion and sound judgment that the application for a guarantee of \$40,000 per mile, which was what Colonel Scott requested in one of his bills, and in another \$60,000, and later in the controversy it was reduced to a smaller amount. I say there was no likelihood in the judgment of any impartial-minded person that the subsidy could be obtained.

The Southern Pacific was located as I have stated and situated as I have stated. It appeared in Congress asking to be allowed to build easterly, insisted that it was ruin of its capital not to receive that permission. It asked no help from Congress save as usual it requested the benefit of the land grant which had been made to the Texas Pacific. Sometimes it insisted, in its anxiety for permission to build easterly and form an easterly connection, that it would build it without any subsidy even in land. All that it asked, what it pressed upon the committees most emphatically, as I remember, was the privilege of building easterly to save its capital from ruin. It was able to do it, it said, and would do it, and in justice it ought to receive the land grant; but if it could not receive the land grant it would build any way, such was the stress for the saving of its capital already invested and the establishment of its easterly connection. So the controversy proceeded.

The application on the part of the Texas and Pacific for a pecuniary subsidy, which in its largest amount was more than twice what men were building railroads for among the hills of New Hampshire at that time, naturally to any sensible man amounted to a mere application for delay, and the Southern Pacific was not in a condition to endure delay, and therefore there was a direct and very violent collision between these two great captains of industry, as the chairman of our committee, the honorable Senator LAMAR, frequently expressed it during this controversy; and finally these two men and their corporations came to an agreement that the Texas and Pacific would build westerly as far as El Paso, the Southern Pacific would build easterly as far as El Paso, and there they would form a junction, and they would thus construct the line together, divide the land grant together, and fulfill the obligations which had been contracted on the part of the Texas and Pacific to the United States, and prorate. That bill they tried to force through Congress, but they disagreed between themselves in some way, and it fell through.

The result of it all was that, under the management of Colonel Scott, with the Southern Pacific no arrangement was made, and during those two Congresses nothing was done. But meanwhile the Southern Pacific obtained under a general law the creation of two other corporations in the Territories of Arizona and New Mexico, authorized by the Legislatures of those Territories, under and through which, they furnishing the capital, as I suppose, though I do not know in regard to that, the road was built easterly under the forms of law. Thus it came to pass that they constructed their line as far as El Paso. Meanwhile Colonel Scott had died, and the management of the Texas and Pacific fell into other hands. Mr. Gould and his friends got hold of it, I believe, and they having capital, and better times approaching, they built westerly to El Paso. There the two roads formed a junction, and now are jointly operated as one continuous line.

After these failures to obtain subsidy from Congress had come to pass and it was entirely apparent that no further aid could be obtained from Congress, these corporations got together and came to an understanding that if the Southern Pacific, through these two Territorial corporations, built easterly it should receive all the benefits and privileges, including the land grant through the Territories, that the Texas and Pacific road would have been entitled to when it constructed its line according to its charter. They came to that tacit agreement between themselves, and with that tacit agreement or understanding the construction proceeded through the State of Texas westerly by the Texas Pacific under the management of Mr. Gould and his friends, and proceeded easterly from Fort Yuma by the Southern Pacific under cover of two Territorial corporations as far as El Paso, the point of junction. This tacit understanding was reduced to writing in the year 1881, and was finally and definitely and conclusively passed into the form of a legal agreement between these parties in the month of January, 1882, on the 18th day of that month.

Previous to this time there had been an injunction obtained in one of the Territorial courts on the part of the Texas and Pacific against the Southern Pacific building through the Territories. That had lain along. This understanding had arisen meanwhile, and finally, when a conclusive legal agreement was made between these corporations, as a part of the same, there was a judgment entered in court which carried that agreement by the judgment of the court into effect so far as the judgment of the court could carry it into effect. The time limited for the construction of the Texas Pacific road through to the Pacific Ocean was the 3d day of May, 1882; and thus it came to pass that by the joint effort of these two corporations, the Texas Pacific building westerly as I have stated seven hundred miles to El Paso and the Southern Pacific building in the way they did easterly, the entire line was completed in accordance with the general provisions and purposes of the law and the purposes of Congress from Eastern Texas to the Pacific Ocean—a line connecting San Diego on the original survey.

Subsequently there was an effort made to get across by a shorter line directly from Fort Yuma through to San Diego, but Colonel Scott himself I remember stated that that was an impracticable thing to do and they would be obliged to build over the line of the Southern Pacific northerly toward San Francisco, and then diverging southwesterly complete their line to San Diego. That was a point of controversy, the Southern Pacific resisting their right to go over their line and duplicate the road from Fort Yuma northwesterly one hundred and sixty miles as I think the distance was. But, however, during the period of time within which the road might be completed, it was completed from Eastern Texas through that State and through the Territories into the State of California and so down to San Diego.

Mr. MORGAN. I suppose the Senator is aware that that road from Colton was not built by either the Texas Pacific or the Southern Pacific. It was built by a separate company.

Mr. BLAIR. But leased and operated and controlled by the Southern Pacific.

Mr. MORGAN. It is now the property of the Atlantic and Pacific road under a purchase from a Boston company.

Mr. BLAIR. I do not know how that may be. Very likely that is so. The road is completed and it is in running order, and by running arrangements the cars are making their way to the Pacific Ocean, and that within the period limited by law, over the entire line from Marshall, Tex., to San Diego and to San Francisco.

It is true that the Southern Pacific came to Congress and offered, if it might receive the sanction and approval of Congress, if it might be chartered through the Territories, if the right of the Texas Pacific to build westerly beyond the line of Texas should be taken from it and conferred on the Southern Pacific, to build that line, sometimes without land grant at all, frequently pressed its claims to be permitted to build through the Territories and to receive the land grant, but as a matter of fact nothing whatever was done by Congress and no arrangement was made; and all this that I now speak of, the construction of the road under color of the creation of Territorial corporations and by tacit agreement between the two greater corporations, the Southern Pacific and Texas Pacific, was done without any action whatever on the part of Congress.

The Southern Pacific actually built the road from El Paso westerly precisely the same and complied with the laws just as much as did the

Texas Pacific westerly through the State of Texas to El Paso, for which it received by the action of the State of Texas its land grant; and now the Southern Pacific comes to the executive department of the Government and claims that by virtue of the assignment made by the Texas and Pacific of its land grant along that portion of the line actually constructed by the Southern Pacific, it is entitled as the assignee of the Texas Pacific to the land grant. I am not here to say whether that is a just claim or an unjust claim; but I am here to say, because I believe it is justice to say it, that I do not join in the general denunciation of the action, the purposes, and the things really done by the Southern Pacific corporation with reference to the construction of this road.

It found itself, after having complied with the law strictly, with \$35,000,000 invested in a way that was likely to be utterly destroyed. It sought of the Government of its country the privilege of building across its Territories easterly in order to accomplish the great public good for the performance of which the Texas and Pacific had been chartered and which it had failed to perform, and admitted its inability to perform. It asked the privilege of building on precisely the same conditions easterly that the Texas and Pacific had been authorized to build westerly and had failed, and admitted that it was impossible to do otherwise than fail without a subsidy which was sufficient to more than twice build every line of the road along which it asked for the subsidy, for roads were then being built in my State at that lower rate. I sent and got the certificates of the men who were constructing a road for less than \$25,000 a mile, some \$22,500 a mile, in our hard country. Here was a company asking for a subsidy from Congress in addition to its land grant, before it would undertake the construction of the road, of \$40,000 a mile in one bill and as I recollect \$60,000 in another bill, insisting that it could not construct the road across the Territories without it.

Under these circumstances the Southern Pacific did just what any business man would have done, just what it was its duty to do. It pressed for the opportunity to construct itself the road to form its easterly connections; and finally, no action being taken by Congress, it proceeded to this thing which was indispensable to the prolongation of its rights, to build its road, and built it under color of the law by means of the Territorial corporations to which I have alluded. Within the time limited in the original Texas Pacific grant, by these arrangements and understandings between these two corporations, the highway came to be constructed from Marshall, Tex., to San Diego and San Francisco; and the understanding as to the assignment of the land grant was arrived at years before the completion of the road, and it was formally carried into execution and the articles of agreement delivered and sanctioned by the decree of a court within the time limited for the construction of these roads.

I am aware that there is public clamor, and that we are reminded of various things which may not have been right, and are pointed to things which were not right, yet which are utterly irrelevant to the question now before the Senate of the United States, and which never could be urged and ought not to be urged before a jury sitting to try the great rights of property that exist between these parties; but although we are constantly reminded of these things which are entirely aside from the merits of this case, there is great color of justice, to say the least, in the claim of the Southern Pacific Railroad that it is entitled to hold this land grant. The report of the minority of this committee, drawn by my friend who has just addressed the Senate, and signed by myself with two other members, without its being read by myself, taken on the statement of my friend that it was practically a report in favor of his court amendment, contains at the commencement of it a statement of certain facts with reference to the Southern Pacific Railroad Company from which I take this opportunity absolutely and emphatically to dissent.

I do not believe that there is any lack of equity in the claim of the Southern Pacific Railroad to this land grant. Whether it has a right to it in law I do not know, and I am not in favor of giving this land grant in the present condition of our public lands to that corporation unless it can hold it in law; but if that corporation has the right to the land in law, I believe that its claims are re-enforced by the real equity of the case.

Mr. President, I am not here to argue the legal question. This debate has come on quite unexpectedly to me. I thought it would be later in the session. I proposed to look over the authorities somewhat, and I can now only speak from my general recollection of the law, but I understand that this grant having been made to the Texas Pacific, and its successors, and assigns, and being a grant in *presenti*, did give to the Texas and Pacific Railroad Company a right to assign the lands along such portion of the line as any other party might construct the road in such way that that party might hold those lands, provided that that party complied substantially with the conditions-subsequent contained in the grant. That these parties have complied substantially with the conditions-subsequent may be a question of fact. I do not know enough about the particulars of the case to say how that is. I do say, however, that it is one of those important questions of fact that should be judicially investigated. I say that it is one of those important questions of fact which the Senate should ascertain by a careful trial, by

summoning and examining witnesses, finding that fact with as much formality as would a court in any case, if the Senate is to act as a forfeiting body and by a legislative forfeiture undertake to settle this entire transaction.

This is patent upon a general view of the subject that in all great essential particulars the Southern Pacific has constructed this road in accordance with the provisions of the law as it was contained in the charter of the Texas and Pacific, that in all essential particulars there has been a compliance with the grant. I know it is said that the Southern Pacific and Texas Pacific do not now constitute what the original act proposed or contemplated, a great competing line with any other through line of railroad that has been constructed. That is a question of fact which is by no means clear. What other through great competing line is there? All the evidence before the committee was to the effect that if any other corporation owned the Southern Pacific Railroad Company it was the Central Pacific, that the capital came by and through and from the Central Pacific and that portion of the Southern Pacific which is within the State of California.

Is the Central Pacific any great through competing line; for it is a through competing line that is spoken of in the act, and consolidation with which is prohibited, and not any line which is partly across the continent and not a through competing line? There was then no other competing line in existence unless it was the Central and the Union Pacific, which were well known then and are now known to be in hostility with each other, although having running arrangements yet still two hostile corporations. The Southern Pacific is really owned by the Central Pacific if it is owned by any other corporation than itself, and to-day the interests of the Central Pacific are more located along the line of the Southern Pacific, if it is all one corporation, than in that portion of its line which connects San Francisco with the Union Pacific.

It has now its connections from San Francisco southeasterly to Fort Yuma seven hundred miles, then through the Territories five hundred and fifty miles, and from there to New Orleans, and then on by through connection to the Chesapeake and Ohio, and more southerly still along the Gulf coast, I think, debouching very near the port of Brunswick. So the real interests of the Southern Pacific or the Central Pacific, which owns the whole, now are located in and along this line of road, and there is no consolidation with any competing through line even upon that state of facts; but what the real state of affairs may be I do not know; it never has been investigated. The fact has never been found for or against the Southern Pacific; but it is a fact that ought to be investigated and ought to be found, for it is of the very gist and essence of the whole controversy, before we undertake to take this land away and put it into the public lands and open it for sale and settlement under the ordinary laws regulating the settlement and sale of the public lands, leading thus the way to indefinite confusion, lawsuits, and litigation in the future.

As I said, Mr. President, I am not sufficiently acquainted with all the details of these matters of fact which are essential to be known and to be determined before there is the final and fatal action with reference to this land grant which is contemplated by the bill. I understand this to be the law, that the assignee of the grantee of an estate upon condition subsequent has only to substantially comply with the conditions in order to be entitled to the benefit of the estate. In fact, the original grantee himself has only to comply substantially. Estates made dependent on conditions subsequent are not favored in law. The estate itself is transmitted at the time of the original grant. New interests are likely to arise; improvements may be made in the estate; the man receiving it hopes and expects to comply with the condition subsequent, and he may make his homestead, he may improve it largely, he may invest large masses of money, so that the courts will not hold him to any but a substantial, not a literal, compliance with the condition subsequent. The manifest justice of this rule of law is apparent to everybody. It has been the rule of law from the beginning; for a thousand years it has been the rule of the law in reference to conditions subsequent, and in these latter days the rule has been even still further relaxed until now a condition subsequent can hardly be maintained by any court in Christendom.

This is true with reference to the construction of this railroad. It was not likely to be built at all but for the action of the Southern Pacific road. It was by the action of the Southern Pacific road constructed within the time limited by law. The Indian question which was costing us millions annually in those two Territories was thus settled, and the expenses of the War Department alone during the existence of this railroad have been reduced in a larger amount than the entire value of this land grant.

Here were these 15,000,000 acres—I believe they put it at 15,000,000 instead of 20,000,000 acres—which were utterly worthless until this road was constructed. By the terms of the law, this road having been constructed, the United States is enabled to open to settlement those two great Territories, and along the line of the road it has now its public lands valued at two dollars and a half an acre, which, prior to that time, were not worth a cent an acre—utterly uninhabitable. The Indian question has been settled. The public lands that in the grant were reserved still belong to the United States, and have been made very valuable, if lands of that kind can be valuable at all. The corporation has

done this. It has built the road. Now when it comes here with these formal assignments made within the time limited by law, made as I believe under the rules of the law in such a way as to carry the rights of property possessed by the Texas and Pacific to the Southern Pacific, I think it exceedingly foolhardy, to say the least, for Congress to proceed to a legislative forfeiture without asking any questions, without ascertaining any of the real facts that are in the case, and placing this land grant, after having received the benefits of the construction of the road, back in the domain of the public lands to be sold to settlers under the ordinary rules and regulations that appertain to the same. It is very unjust, it seems to me, not alone to the railroad that wants to litigate but it is very unjust to the settler who is to go to occupy these lands. That territory of course is to be occupied largely by homesteaders in the future. Though very much of it is sandy desert, still there are sections of it I am told which are valuable, and where people will locate, where towns and villages will spring up as soon as this matter is decided so that titles can be obtained without danger of litigation. It is a very important thing to do. Saying nothing further in regard to this railroad corporation, if we really want to do that thing which is beneficial to the people of the United States and to the settlers who will go on these lands, we ought certainly to adopt the amendment which is proposed by the Senator from Alabama opening a way to an immediate, practical, and conclusive settlement of this question as to the title.

While I am opposed to the forfeitures of the Atlantic and Pacific and the Northern Pacific Railroad grants because they are still constructing their highways, making efforts in good faith to complete them and have already very nearly completed them, and are only waiting to be let alone by Congress to raise the funds to actually complete them—while I am opposed to those forfeitures because I believe that the conditions are likely soon to be carried out and the country at large to receive the benefit of those great transcontinental lines completed and in full operation, yet here in regard to this particular case, the road being completed and nothing remaining but the proper judicial inquiries, I am in favor of the grant being forfeited, subject to the action of the courts. And if this amendment can be attached so that the question can be early and finally and conclusively decided, I shall be very glad to support the bill; but unless these parties, who I think have equities, and who, I am inclined to believe, have the law on their side, can have the opportunity to have their litigation settled in the same way that every other citizen of the United States and every other corporation in the United States is entitled to settle its litigation, I shall feel impelled to vote, without any regard to consequences, against this bill.

EXECUTIVE COMMUNICATIONS.

Mr. ALLISON. I ask leave at this time to present a conference report.

The PRESIDENT *pro tempore*. Will the Senator from Iowa suspend for a moment?

The Chair asks leave to lay before the Senate a letter from the Secretary of the Interior, transmitting further information relating to the leasing of lands on the Crow Indian reservation in Montana Territory. The letter will be read.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 19, 1885.

SIR: Referring to my letter of the 17th instant, submitting certain papers relating to the leasing of lands on the Crow Indian reservation in Montana Territory, I have the honor to present herewith a copy of a letter from Agent Armstrong on the subject, dated February 10, 1885, also a report from the Commissioner of Indian Affairs, of January 27, 1885, submitting a proposition made by John T. Murphy to lease lands on said reservation.

I respectfully request that these papers be attached to and printed with the documents sent with my said report of the 17th instant.

Very respectfully,

H. M. TELLER, Secretary.

The PRESIDENT *pro tempore* of the United States Senate.

The PRESIDENT *pro tempore*. The letter will be referred to the Committee on Indian Affairs and ordered to be printed with the accompanying papers.

Mr. HARRISON. I notice the request of the Secretary that these papers be printed with another document which has been previously transmitted. If that document has not already been printed, I suggest that the order for printing be in the line of the request of the Secretary.

The PRESIDENT *pro tempore*. If it has not been printed, this will be printed with it as a matter of course. If it has, it would derange matters and make a good deal of additional expense to print this with that.

Mr. INGALLS. The other report came in this morning.

The PRESIDENT *pro tempore*. Then the papers will be printed together as a matter of course.

Mr. HARRISON. Very well.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a letter from the Secretary of the Treasury, informing the Senate of the settlement *pro tanto* of certain claims of the State of Massachusetts for war expenses, and recommending an appropriation. The letter will read.

The Chief Clerk read as follows:

TREASURY DEPARTMENT, February 19, 1885.

SIR: At the request of HON. H. L. DAWES and G. F. HOAR, United States Senators, I have the honor to transmit herewith for the consideration of Congress the report of the allowance by the accounting officers of the Treasury of the tenth installment of the war claim of the State of Massachusetts in the sum of \$30,770.39, which has been placed to the credit of the State to await an appropriation for its payment.

Very respectfully,

H. McCULLOCH, Secretary.

The PRESIDENT *pro tempore* of the Senate.

The letter was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 7585) for the relief of M. Gardner.

The message also announced that the House had passed the bill (S. 1031) for the relief of W. C. Marsh.

The message further announced that the House had passed the concurrent resolution of the Senate to print additional copies of the report of the Senate Committee on Education and Labor on the relations between labor and capital, with amendments in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 229) to authorize the Secretary of the Treasury to erect a public building in the city of Key West, Fla., with amendments in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H. R. 3343) for the erection of a public building in the city of Auburn, N. Y., in which it requested the concurrence of the Senate.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. ALLISON. I ask now to present to the Senate the report of the committee of conference on the consular and diplomatic bill.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7857) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1886, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 12, 13, 19, 20, 22, 23, 24, 43, 45, 51, 52, 62, 63, and 64.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 21, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 36, 37, 38, 39, 41, 42, 45, 46, 47, 49, 50, 53, 54, 55, 56, 57, 58, 60, 61, and 65, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "For salary of envoy extraordinary and minister plenipotentiary to Turkey, \$10,000."

"For salary of envoy extraordinary and minister plenipotentiary to the United States of Colombia, \$7,500."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "\$319,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$45,880;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: Restore the word stricken out by said amendment; and the Senate agree to the same.

Mr. ALLISON. I ask the Secretary to read about amendment No. 44 again.

The Chief Clerk read as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: Restore the word stricken out by said amendment; and the Senate agree to the same.

The PRESIDENT *pro tempore*. That, the Chair thinks, simply amounts to the Senate receding from its amendment.

Mr. ALLISON. That was why I asked the Secretary to read the clause again. I think it does not amount to that, if the Chair will allow me. The House recedes from its disagreement to the Senate amendment, with an amendment which restores the word struck out. If there is any doubt about that—

The PRESIDENT *pro tempore*. The Chair thinks it will bear that construction. If the conference report is agreed to in both Houses the bill will undoubtedly be enrolled in that way.

Mr. ALLISON. The House recedes from its disagreement to the amendment of the Senate and agrees to the amendment retaining in the bill the word "Shanghai."

The Chief Clerk continued and concluded the reading of the report, as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "And provided further, That no allowance shall be made for the keeping or feeding of any prisoner who is able to pay or does pay the above sum of 75 cents per day; and the consular officer shall certify to the fact of inability in every case;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the sum proposed insert \$25,000; and the Senate agree to the same.

W. B. ALLISON,

EUGENE HALE,

JAS. B. BECK,

Managers on the part of the Senate.

JAS. N. BURNES,

R. W. TOWNSEND,

W. D. WASHBURN,

Managers on the part of the House.

The PRESIDENT *pro tempore*. The question is, Will the Senate agree to the report of the committee of conference?

Mr. PLUMB. I should like to ask the Senator from Iowa who has the bill in charge what became of the amendment inserted by the Senate giving to the President a discretionary fund to be used for the advancement of the commerce of the United States.

Mr. ALLISON. That provision is retained in the bill, I will say to the Senator from Kansas, but the amount is reduced from \$50,000 to \$25,000.

Mr. PLUMB. I should like to ask what became of the amendment inserted by the Senate changing the classification of the consul at Jerusalem.

Mr. ALLISON. The Senate provision is retained, leaving that consul at \$2,000.

The PRESIDENT *pro tempore*. Will the Senate agree to the report of the conference?

The report was concurred in.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 17th instant, approved and signed the following acts:

An act (S. 591) for the relief of the estate of Chester Ashley;

An act (S. 1335) to authorize the settlement of the accounts of the late John V. B. Bleecker, a paymaster in the Navy;

An act (S. 1751) to amend an act entitled "An act to provide a building for the use of the United States circuit and district courts of the United States, the post-office, internal-revenue offices, and other Government offices at Erie, Pa.," and making an additional appropriation therefor;

An act (S. 2034) to remove the political disabilities of Alfred Iversen; and

An act (S. 2130) to remove the political disabilities of E. P. Alexander, of Georgia.

The message also announced that the bill (S. 2278) correcting the military record of Wickliffe Cooper, deceased, late major Seventh Cavalry, brevet colonel United States Army, having been presented to the President February 5, 1885, and not having been returned by him to the House of Congress in which it originated within the ten days required by the Constitution, had become a law without his approval.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MAHONEY. I ask leave to make a report at this time.

The PRESIDING OFFICER (Mr. FRYE in the chair). Is there objection? The Chair hears none.

Mr. MAHONEY, from the Committee on Post-Offices and Post-Roads, reported an amendment intended to be proposed to the Post-Office appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. WILSON. I ask leave to submit a report from the Committee on Post-Offices and Post-Roads for the purpose of reference.

Unanimous consent was granted.

Mr. WILSON. I report back from the Committee on Post-Offices and Post-Roads a letter from the Postmaster-General transmitting a report on the subject of the adjustment of postmasters' salaries and the additional temporary clerical force asked therefor; and also an amendment relating to the subject of the letter. I ask that the amendment be printed and that it be referred, with the accompanying communication, to the Committee on Appropriations.

Mr. SHERMAN. I should like to have the amendment read.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. After line 26 of the Post-Office appropriation bill it is proposed to insert:

To pay accounts in cases of salaries of postmasters and late postmasters, which have been readjusted and allowed under the act approved March 3, 1883, entitled "An act authorizing and directing the Postmaster-General to readjust the salaries of certain postmasters, in accordance with the provision of section 8 of the act of June 12, 1866, §133,267.43."

To pay accounts that may be found under said act between the 14th day of February, 1885, and the 30th of June, 1885, to be due, \$255,436; and to pay accounts that may be found, during the fiscal year ending June 30, 1886, to be due, \$229,000. And the Postmaster-General is hereby directed to immediately employ ten temporary clerks, at a rate of compensation not to exceed \$1,200 per annum, for the work of adjusting salaries of postmasters under said act until such adjustments shall be completed; and a sufficient sum therefor is hereby appropriated.

The PRESIDING OFFICER. The amendment will be printed, and, with the accompanying letter, referred to the Committee on Appropriations.

TEXAS PACIFIC LAND-GRANT FORFEITURE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3933) to declare a forfeiture of lands granted to the Texas Pacific Railroad Company, and for other purposes.

Mr. LAPHAM. I have no desire to occupy any great length of time in the discussion of the questions which arise upon this bill. I find that the original act of Congress passed on the 3d day of March, 1871, after creating the Texas Pacific Railroad Company and naming the incorporators, in the ninth section provides—

That for the purpose of aiding in the construction of the railroad and telegraph line herein provided for, there is hereby granted to the said Texas Pacific Railroad Company, its successors and assigns, every alternate section of public lands, not mineral, designated by odd numbers, to the amount of twenty alternate sections per mile, on each side of said railroad line, as such line may be adopted by said company, through the Territories of the United States, and ten alternate sections of land per mile on each side of said railroad in California, where the same shall not have been sold, reserved, or otherwise disposed of by the United States.

Here is, therefore, an express grant by act of Congress to the Texas Pacific Railroad Company, its successors and assigns. There is in this act no clause of forfeiture, no reserved power whatever. It is not like the case of the Northern Pacific Railroad, or the Oregon Railroad, or the Atlantic and Pacific Railroad, where that power was expressly reserved, but it is an unconditional grant. This was passed on the 3d of March, 1871, and the corporation named in the act was the Texas Pacific Railroad Company. On the 2d of May, 1873, a little over a year after, Congress passed another act, in which they changed the name of the road from the Texas Pacific Railroad Company to the Texas and Pacific Railway Company, and vested in the company by its new name all the rights, privileges, and franchises theretofore conferred on the Texas Pacific Railroad Company.

It is plain as any proposition can be that these two grants contemplated the building of a railway from Marshall, in the State of Texas, to San Diego, in the State of California, for governmental purposes. Taking these two acts together, the object of the incorporation was to secure, I repeat, for governmental purposes, because special privileges are given to the Government, the construction of a Southern transcontinental railway, by whatever name you choose to call it. There is now such a road. It is called the Southern Pacific Railroad. The Southern Pacific Railroad Company built a portion of the line. The Southern Pacific Railroad Company, by an arrangement with the Texas and Pacific Railway Company, claims to have become the purchaser or assignee of that company of the lands in question. In the act changing the name from the Texas Pacific to the Texas and Pacific, Congress inserted in the fifth section this clause:

That the said company shall commence the construction of said road from San Diego eastward within one year from the passage of this act, and construct not less than ten miles before the expiration of the second year, and, after the second year, not less than twenty-five miles per annum in continuous line thereafter between San Diego and the Colorado River, until the junction is formed with the line from the east at the latter point or east thereof.

That is the line from Marshall, in Texas. Now Congress provides:

And upon failure to so complete it, Congress may adopt such measures as it may deem necessary and proper to secure its speedy completion.

That is the power that Congress reserved and the only power in all this legislation. This railway company has performed that act, and the Government is to have the benefit of that road and can not be deprived of it. The line is continuous between these two termini, and the Southern Pacific Railroad Company claims that by purchase from the Texas Pacific it has become the assignee or successor to this title.

These lands to a greater or less extent have been mortgaged, and bondholders or lienholders have claims upon them. The case, so far as the equities of others than the original grantees are concerned—

Mr. VAN WYCK. Will the Senator right there allow me to correct him? The lands that are now sought to be forfeited were never mortgaged by any railroad company.

Mr. LAPHAM. There is the difference between the Senator and me.

Mr. VAN WYCK. Between the Senator and the facts.

Mr. LAPHAM. The honorable Senator from Alabama stated this morning that as he understood it they were under mortgage.

Mr. MORGAN. It is contended by the Southern Pacific Railroad Company, or its counsel, that the mortgages which they have given on their road to their bondholders included these lands.

Mr. LAPHAM. I so understand; that position is taken and the holders of the bonds which have been issued claim that they have a lien upon these lands.

Mr. VAN WYCK. May I state that while the committees of both Houses were open to everybody pretending to claim under a railroad company when a forfeiture was endeavored to be enforced, no attorney, no bondholder came before the committee of either House with a pretense that there was any sort of mortgage upon these lands now in controversy.

Mr. LAPHAM. For the obvious reason that the House committee or the Senate committee could not try any such questions if they had come before them.

Mr. VAN WYCK. I do not understand the Senator.

Mr. LAPHAM. I say for a very good reason, that neither the House

committee nor the Senate committee could try or determine any such questions if they had come before them.

Mr. VAN WYCK. I state that the fact does not exist that there is any mortgage on these lands in controversy.

Mr. LAPHAM. So I understand the Senator to say; but other Senators, members of the same committee, claim the opposite. I know that Mr. Evarts, who is within a few days to take the seat which I have so poorly filled, with honor I trust to himself and to the Senate, claims that in his argument.

Mr. VAN WYCK. The Senator will allow me a word?

Mr. LAPHAM. Certainly.

Mr. VAN WYCK. This is the second time that allusion has been made to the prospective Senator from New York. I would ask my friend from New York if Mr. Evarts made that statement or expressed that opinion in an official capacity, or did he do it as the attorney and counselor of this company?

Mr. LAPHAM. He did act undoubtedly as attorney and counselor, but he is an honorable attorney and counselor, and is the last man in the world who would take a position that he knew was untenable. He is the last man in the world to say that these lands were covered by a mortgage when he knew they were not.

Mr. VAN WYCK. The Senator will allow me to say again that the brief of William M. Evarts, submitted to the committee and printed, made no such pretense and no such allegation.

Mr. LAPHAM. I can not say as to that. I was not a member of the committee, and did not hear his argument. I am only stating what I am informed about it.

Mr. VAN WYCK. His argument was printed.

Mr. LAPHAM. Here is, therefore, the Southern Pacific Railroad Company claiming title to these lands; here are, therefore, a large list of bondholders who are claiming that they have liens upon these lands; and the proposition is now made under a law containing no clause of forfeiture whatever, but providing that in case the company failed the Government should have the right to complete this road, to forfeit these lands and make them a part of the public domain.

Suppose this bill passes without any condition and these lands are opened to public settlement and a thousand individuals go upon them and obtain patents from the Government; no lawyer can fail to see that every one of those settlers will be open to precisely the question which this amendment proposes shall be determined in advance. Every man who takes a patent from the Government under this bill would be liable to a suit between himself and the Southern Pacific Railroad Company, or between himself and the lien-holders, the mortgagees, or the trustees that are named in the mortgages, and they could not escape it; and what is the result? The result is that the title to these lands is to go into an endless field of controversy.

Mr. ALLISON. As illustrated by the Des Moines lands.

Mr. LAPHAM. I will take care of the Des Moines lands, I advise my friend; they occupy a very different position from these; but my honorable friend from Iowa, with his colleague, concedes that that bill is like a railroad forfeiture, or else they can not maintain themselves here.

Now, I repeat, every purchaser from the Government, if we declare this forfeiture, who goes on and takes a settlement of these lands, a pre-emption or homestead right, and pays his money and goes into occupancy, has got to have this litigation on his hands.

The amendment proposed by the honorable Senator from Alabama provides for the settlement of all these questions before the lands are opened to the public. It is an amendment in aid of peace, to discourage litigation, to prevent a multiplicity of actions, and it is such an amendment as the Senate placed upon the bill to forfeit the land grant of the Atlantic and Pacific Railroad Company by a vote of nearly two to one.

Sir, there are stronger reasons in this case for attaching that provision to this bill than there were in the case of the Atlantic and Pacific Company. There were only the rights of lien-holders involved. Here is the right of an assignee under a solemn grant that paid money for these lands, which is to be determined, and there are the additional rights of the lien-holders supplemented to those of the assignee. I trust, therefore, that the amendment proposed by the Senator from Alabama will be annexed to this legislation, to the end that all doubt about this title may be cleared away, that all obstacles in the way of the settlement of these lands and the giving of complete titles by the Government may be cleared away before they are opened for settlement.

Now, Mr. President, in its legitimate sense I have no objection to being classed as the friend of railroad companies. That term has no terrors for me. I would be a friend of a railroad company to the extent of its legal and just rights, as I would of the claim of an individual. This clamor against the railroad corporations of the country is one in which I have no disposition to indulge; and that is the offspring of the zeal which lies behind those who are pushing this bill to completion. In no enterprise in which the people of the United States have ever engaged has there been so much capital sacrificed, so many investments unproductive, as in the building of railroads in the United States; and yet they are not like a manufacturing company or a mercantile company, that when they fail leave nothing behind. The men who have

invested their money in the building of railroads, although utterly unproductive, have done what? "They have built a road; the Government has the benefit of that road. This Southern Pacific Railroad is built, and there it will remain forever.

There is no class of investments in this country so unprofitable at this very hour, in proportion to the amount invested, as the moneys which have been invested in the building of railroads. There is scarcely one of these roads which to-day is receiving an income which is a paying investment on its capital. I know the honorable Senator from Nebraska will talk about watered stock and all this, that, and the other thing in answer to this; but I speak of the great mass of roads that have no element of that kind in them. I speak from personal experience. I invested in the building of a railroad from the village where I reside to Niagara Falls in 1852. I paid my money and I gave two years of professional services, and I lost it all, and yet there the road is and it is just as valuable to the public as though my investment had proved a 10 or 15 per cent. investment. The community through which it runs have the road, and it is the fruit of my expenditure and of the expenditures of those who joined with me.

Just so in this case. Here is a road from Marshall, in Texas, to the Pacific Ocean upon the precise route designated in these acts of Congress. I care not by what name it is called, it is there, the country has it, and we have a Southern Pacific, a Central Pacific, and a Northern Pacific—three great transcontinental lines. Now, before we open the lands, which were granted to this company in the outset as the inducement to this enterprise, to public settlement, and inveigle the citizens of the Government into their settlement and paying their money, let us settle all questions which remain in regard to the title. That is all I ask. That is what this amendment proposes to have done.

Mr. SLATER. Mr. President, I do not propose to discuss the details of this measure, or to any extent the amendment that has been offered. I certainly should not object to the amendment very seriously or earnestly if I did not believe that, from the situation of the business of Congress at this particular juncture of time, if it be attached to the bill it must necessarily cause the defeat of the forfeiture. There is one objection in my mind, however, to the proposed amendment that seems to be worthy of attention.

It has been stated that the amendment is in analogy to what is known under the common-law doctrine in Great Britain as the petition of right, that where the government has an interest as against its subjects it allows the petition of right in favor of those against whom a forfeiture was declared. But a marked difference must be noticed in the remedy offered in this case. Instead of giving to those who hold interests or who claim to be interested in the lands forfeited the right to enter a court and exhibit that claim and ask a judgment upon the claim, the effect of this provision is to put the Government of the United States to hunting up, to going out and searching for people who claim to have some interest in these lands. True, the main provision is directed at the parties who are said to be the grantees or those interested under them.

It may be a very difficult matter for the Attorney-General or his subordinates to learn who these parties are. They may have great difficulty in finding, when they start in their action, against whom the process shall run. It would be much more agreeable to me if the provision was reversed, and it allowed the right to those whose lands are forfeited within some specified period of time to enter the proper court and set forth their claims and prosecute them to a final determination.

But the main objection that I have to the putting of this amendment upon the bill is, as I have said, that from the posture of business at this particular juncture all must be observant of the fact that it will necessarily lead to the defeat of the measure. That being so, I am disinclined to favor its being placed upon the bill.

Besides, sir, I am well satisfied in my own mind that the phantom which is conjured up in favor of this measure is largely without substantial foundation. I do not believe that if this forfeiture is made with the provisions of the amendment attached, this company will enter the courts of the United States to litigate; nor do I believe that if they shall do so it will lead to the unlimited litigation that is prophesied. It seems to me that the provisions of this bill are so plain, the forfeiture is so well established and so clear that no question can be practically raised on the forfeiture clause of the bill. I am aware that under section 9 of the original grant it is said that all right that was reserved to the United States in the original granting act was the right, in case the company failed to complete the road within the time specified, to designate some other company to construct it. But I think that it is not a correct conclusion. I do not think that is a correct interpretation of section 9 of the act, which I will read:

SEC. 9. And be it further enacted, That the United States make the several conditional grants herein, and that the said Atlantic and Pacific Railroad Company accept the same, upon the further condition that if the said company make any breach of the conditions hereof, and allow the same to continue for upward of one year, then, in such case, at any time hereafter, the United States may do any and all acts and things which may be needful and necessary to insure a speedy completion of the said road.

The first point I make upon that is that the leading purpose of this section was that should this road not be commenced within the two years

prescribed in another section and prosecuted in the manner and within the time and to the effect that other provisions of the bill prescribed, the Government might enter and prescribe some other method for the prosecution of the road. I can not conceive that in the case like the present, where the time has completely and fully elapsed, where another corporation has built upon the line of the road, the Government can be held to be in the position that it must build a parallel line or leave these parties with the lands granted, because that is precisely the absurdity of the position if the interpretation given by the advocates of the amendment is correct. In order to see the force of this let us read section 8, which states the condition to which section 9 is said to be a subsequent and additional condition.

SEC. 8. And be it further enacted, That each and every grant, right, and privilege herein are so made and given to and accepted by said Atlantic and Pacific Railroad Company, upon and subject to the following conditions, namely: That the said company shall commence the work on said road within two years from the approval of this act by the President, and shall complete not less than fifty miles per year after the second year, and shall construct, equip, furnish, and complete the main line of the whole road by the 4th day of July, A. D. 1878.

The road was not constructed. The Government of the United States did not intervene within the time during which the grant was to run. Six years and more have elapsed since the time expired; another company has built upon the line of the road, and the argument is that if we declare a forfeiture now these parties may say to us that the only right we have reserved to the United States was to offer to some other company the chance to build a parallel line to the road already built; or, in other words, to require the Government of the United States to do an absurd and useless thing. Such a construction seems to me not one that was contemplated at the time the law was passed.

Besides, sir, the resulting forfeiture would be to the United States, and the United States, after a complete failure of compliance with the conditions-subsequent, would have the right to say whether they would give this grant to another corporation or to proceed in some other method to the completion of the road or take the lands to themselves; and there having been in the mean time another road built upon the line by another company, that fact would seem to me to be conclusive of the proposition.

Another point is made by the Senator from Alabama, one that strongly fortifies me in the conclusion that we can not make any mistake in declaring the forfeiture. He admits that under grants of this character the grantee can not without the consent of the grantor transfer the grant. The Texas Pacific could not transfer to another corporation or company this land grant without the consent of the Government of the United States. It seems to me that the Senator stated that proposition so strongly, and it was so well fortified by the reasons he gave, that we need apprehend no danger from the course we are taking.

Perhaps it might be well under other circumstances and in other times, when it would not be likely to defeat all that has been done and not be likely to defeat a measure so important in its results, to attach this amendment to the bill; but under the present circumstances, when every Senator will recognize the fact that by placing this amendment upon the bill we shall send it to certain defeat, it seems to me that we ought not to support the amendment, and therefore I shall vote against it.

Mr. MORGAN. I should like to say in reply to the remarks of the Senator from Oregon that what we ought to do about this bill or any other is to do what is right. If the Senate thinks this is a proper thing to be done I do not know why if we amend the bill in the Senate it should send it to certain defeat. I can not understand why it should be so, unless we assume that the other House does not intend to take any different view than merely the bill it has sent over to us. That bill does not meet the demands of justice in full, and it ought to be amended. It ought to be amended for the sake of the Government and people of the United States, as well as those who are claiming an adverse right or interest in this property.

It has been suggested that the Senator from Oregon would have thought better of the amendment if it had permitted a number of persons, whoever they may be, to come in and assert their suit against the United States Government in the courts that they might select. Now, I would not be willing to expose the Government of the United States to a large number of suits under any acts of Congress that we might pass in a matter of this kind, when, by bringing a bill to quiet title, remove doubts from the title, as every lawyer must know, we can settle every controversy that arises out of this case in one suit.

I looked over that ground, and of course the idea struck me at first that the proper thing to do in order to make the analogy complete between this amendment and the petition of right would be to allow the citizen to bring suit against the Government of the United States; but then I thought of how much worry, how much expense it might be, and my mind recurred to what I conceive to be a much better system: that of the equity practice, the equity practice as it obtains in England as well as in the courts of the United States—that is, filing a bill on the part of the Government of the United States, which has declared that it has a right to these lands for the purpose of removing every cloud upon the title.

If I am in possession of a tract of land and my neighbors set up title to it, which I conceive to be entirely without value, I have a right to go into a court of equity and file a bill to remove the cloud. Why?

Because I can not enjoy the full benefit of my property until I have the cloud off the title. I can not sell it for its value; I am threatened with lawsuits; I am kept uneasy about it. The Government of the United States can not dispose of these lands to *bona fide* settlers until this litigation is over with the security it would give after it is over. Suppose we sell these lands now with this right of litigation hanging upon them—and nobody can deny that there is a right of litigation. We can not prevent that, do what we may.

In selling these lands under such circumstances we only embarrass the purchaser, and after a number of years, after we have offered these lands for sale, these very men will be coming back to us with demands for reclamation. They will say, "Congress has declared that these lands belonged to the Government, declared it in the most emphatic way. We went on and bought the lands and made improvements upon them in consequence of this forcible and powerful declaration on the part of Congress. We now find that the courts have set aside that title, that the transfer of this property had been made to this other company, it no longer remained the property of the Texas and Pacific corporation, and therefore could not be forfeited as the property of that company; another company had become the owner of it."

After it has gone on for a number of years these holders of the lands bought from the Government of the United States subject to this forfeiture will be back here for the purpose of making reclamation against the Treasury of the United States, saying that Congress has deceived them into the belief that they had title. If we can devise a means—and the Senator from Oregon I think can not answer the amendment upon that question—if we can devise a means by which we can quiet the title and remove the cloud, we ought to do it in advance of disposing of the lands, as a necessary precautionary measure as well for the protection of the persons who go upon the land as for the protection of the Government of the United States against subsequent reclamations for damages.

I suppose it will not be earnestly insisted upon here that the bill that I propose in this amendment will not have the effect to quiet the title to this property. Nothing is more common than for a person to file a bill in equity saying that A, B, C, D, and E, F, and other persons claiming under them unknown to your orator, set up claims against this tract of land and embarrass the title; I aver that these claims are not valid; I aver that they are set up merely for a pretense of embarrassing and throwing a cloud upon my title. They will not sue me; they will not come into court and try the question of title; and I wish this court would call them in and decree in the premises, compel them to come into court and set up their titles and see what they are, and let us have it determined whether my title is good or not, and whether these claimed incumbrances are upon my title. There is nothing more common in equity practice than that, and that is precisely the measure that is presented in this amendment.

It will not do for us to say that it is better to allow a number of suitors to go upon private account into any court they may see proper to select, State or Federal, and sue the Government of the United States in a number of cases. That is not justice to the Government. We can not afford to do that. We had better let it go as it is.

Mr. LAPHAM. Will the honorable Senator allow me to suggest that we have in the State of New York such an act entitled "An act for the purpose of settling conflicting claims to real estate," providing for this very thing.

Mr. MORGAN. In Alabama we have an act providing that you can settle by an interpleader the title to personal property, but in Alabama we rely upon the old common-law remedy of a bill in equity for the purpose of clearing the clouds from the title to real estate. It is a very common mode which every lawyer I have no doubt has found convenient in his own practice. Perhaps there is not a lawyer in the Senate who has not at some time during his professional career filed a bill for the purpose of clearing up the title to a tract of land against incumbrances that are set up against it. I thought that was the best thing we could resort to for bringing quiet and peace upon this question and do it speedily and almost summarily, for such a bill is almost a summary proceeding. It has a statute of limitations of a year in it.

The Senator from Oregon asks if it is to be expected that the Attorney-General will go out and hunt up everybody who may have a possible claim to this property, and if he fails to find him the action shall fail as to him. Mr. President, you file your bill against the whole domain and against everybody on that domain. It is an action almost in the nature of an action *in rem*, by which you claim the title to a certain tract of land and you summon in the corporations and persons claiming title to it, and there can be no one unless it is the corporation or some person claiming under the corporation. When I call in a man for the purpose of controverting with him a cloud that is set up on my title, I need not call in every lessee or subtenant he may have put on the land, or every party to whom he may have made a conveyance of a legal or equitable interest therein. I can call in the man who claims the great body of the grant, and through him, if I were to name nobody else, I can call in those who are interested in that very title.

Now, what title do we attack here? It is one title in its origin though it may be ramified or diversified into a great many branches. What is it? A title arising in favor of this corporation under the land

grant and under the assignment. When we attack that and we find out through the agency of a court of equity that that assignment was invalid, and that fact is established, the law of privity comes in and those who have privity of estate with the person who holds the land are bound by the decision. I do not suppose it is worth my while here to descant upon law that everybody understands as well as he does the laws affecting privity of title, and the results of a decree upon a title as to those persons who are in privity with the title although they may not be parties to the record itself.

But this amendment goes still further. It authorizes the Federal court by an act of Congress, which I suppose will not be disputed as to its authority, to proceed and call in those persons who are not necessary parties, but may be proper parties; and it goes further than that and it authorizes those persons who may have titles that the Government of the United States may know nothing about, to come in by petition and make themselves parties defendant to the suit, thereby receiving all the benefits and advantages of any decree that may be made for them and all the disadvantages of any decree made against them.

In that respect it is like a creditor's bill. Where you file a bill in the name of one creditor for marshaling the assets of an insolvent or bankrupt debtor, you file it for the benefit of all. The court makes publication, saying, "Here is a bill, and the creditors of this insolvent person can come into court within a certain time and file their demands for these assets going to be administered and settled up." The court takes hold of the estate and it converts it into money so that it can be distributed. Then those creditors who by reason of their laches, or, if you please, because they do not know of the pendency of the suit, remain outside and take no interest in the litigation, are cut off by the decree of the court absolutely. That fund is taken and administered for the benefit of those who come in under the order or decree of the court and set up their claim.

This feature is proposed to be put in by statute. It may be that you can not find in a bill to quiet titles in the equity system of Great Britain precisely a case like that which is met by this proposed statute, but when you put it into this measure you give a remedy, you enact a statute of limitations, or what is equivalent to it, and those who do not come in for the purpose of having their titles settled of course are barred. Now, have we power to do that? We have just as much power to do that as we have to say that a claim against the Government of the United States which we recognize to be honest shall be presented within one year from the date of this act, otherwise it shall be forever barred.

So I think that the objections which are made by the Senator from Oregon are not substantial. I took great pains in trying to study out the proper method of the application of this proceeding. Perhaps it is not right, but I confess that the argument of the Senator from Oregon does not shake my faith in it, for it is easy to be answered. It is easy to show that while the bill proposed does not accomplish everything, it is a far more economical and speedy procedure than would result if we were to say that every claimant of this land of every kind and character might come into any State court that he saw proper to select, or into a Federal court, and have this question litigated.

I wish to say one word more. I remarked a while ago that I reported back from the Committee on Public Lands, under their instruction, a general bill, which is now on the Calendar, covering precisely the same ground as this amendment, so that the committee gave their sanction as I understand to the principles of the amendment. The subject has been very much discussed and talked over privately as well as in committee. I have accepted, and I am willing now to accept, any modification to the amendment that any Senator can show a substantial reason for trying to introduce into it, for I want to get nothing more nor less than a proceeding which will quiet down these questions immediately and before we commence to dispose of this land.

I do not want to have the people of the United States coming back and complaining of Congress and saying, "You declared that these lands belong to you, and the courts of the country have overturned your decision. You declared that they belong to the Texas and Pacific Railroad Company, and therefore you forfeit them as property granted to that company, and it turns out that there was an assignment made of the whole body of the grant, and that assignment which you declared to be inoperative and void and not in the way of our title is upheld by the courts as being a valid title, and under such conditions we claim from the Congress of the United States the damages into which we have been unwittingly betrayed by your hasty and ill-considered legislation."

Mr. President, it is far better that we should wait a year even. I do not ask for delay, and I do not believe it will come, but if it should come it is better that we should wait a year and get this matter straight before we launch out on this new field than to go hastily to work about it. This land is not going to run away; these titles are not going to become any more complete. There will be no loss of property to the United States Government. We are not in need of the money that comes from this land, and, more than that, we do not expect to get a stiver out of it, for in the bill itself we open it entirely to homestead and pre-emption entry. We are merely providing for a certain class of citizens as against another class of citizens who claim adverse interests

in this land. There can not be any necessity for that sort of hasten about it which would betray us into inconsiderate or unwise legislation.

So I think we had better put the amendment on the bill. The House of Representatives have not considered this matter in a light to shut out the hope that they will concur with the Senate on this amendment. They have merely insisted further upon their disagreement, and they have invited a further conference and appointed conferees. It is true that has been done irregularly, because the bill was not before the House, but I assume that the House, as is the ordinary practice, would disagree to the amendments on this bill in order to throw it into a committee of conference. That is the way in which our legislation takes place between these bodies now. There is actually no final legislation where there is a disagreement between the two Houses on any important or contested bill, except through a conference committee. That will be the effect of it.

Mr. President, I wish to protest about one thing. I have not any pride of opinion about the amendment or about anything connected with it. If I know my own heart I would very gladly have escaped all responsibility for it or all connection with it of any kind. It is not a subject that I sought after, but when a matter has been presented in the way that it has, and I find that according to my earnest conviction it is the sound and wise policy for us to observe, it seems to me that the Senate ought to take it into consideration and ought to provide so that there shall be no difficulties about this legislation hereafter.

It ought to be remembered that we are now entering for the first time upon a great system of land-grant forfeiture, and in doing that we ought to measure the ground over which we step with carefulness and see that while we are trying to do justice to the Government and trying to reclaim lands that have not been earned by these railroads and that are justly liable to forfeiture, we do not transgress the bounds of our jurisdiction, and that we provide what ought always to be provided in such cases, a convenient and secure and speedy remedy for any person who may have an interest in the subject in controversy.

Mr. VAN WYCK. Mr. President, I should not detain the Senate with any remarks upon this question except for the statement of the Senator from New York [Mr. LAPHAM] denying the right of Congress, as I understood him, to declare a forfeiture of these lands. There can be no question I take it upon that proposition, and while I do not desire to dwell upon that point it has suggested a few other thoughts in connection with this matter which it might be well to present to the consideration of the Senate.

Mr. LAPHAM. Will the Senator allow me to correct him?

Mr. VAN WYCK. Certainly.

Mr. LAPHAM. I did not advance the position that Congress has no power to forfeit these lands. I stated that the act granting the lands contained no clause authorizing the forfeiture. Upon the question of the power of Congress, I did not advance an opinion.

Mr. VAN WYCK. I supposed the Senator meant that, otherwise there would seem to be no force in his suggestion.

Mr. LAPHAM. Oh, yes, there is.

Mr. VAN WYCK. I supposed it to be the intention by that suggestion to infer that Congress had no power.

Mr. LAPHAM. I suggested that if the Government was exercising here a doubtful right, a right by implication, it should tread more cautiously than it would in a case where an affirmative right was reserved to Congress to do the act.

Mr. VAN WYCK. The Senator I think is so good a lawyer that he evidently did not desire to throw himself upon that position, because he is aware of the doctrine so often declared, that where the condition of a grant is expressed there is no need of reserving a right of entry for a breach thereof in order to enable the grantor to avail himself of it. So in fact there was nothing in the point, and as I understand the Senator did not intend to make the point, that settles that branch of the case, that Congress has the power and the right to do this thing.

Mr. SHERMAN. What is the condition in the grant?

Mr. VAN WYCK. If the Senator from New York has the book will he please read the condition in the grant? I have not the book before me. He had it a moment ago.

Mr. LAPHAM. I sent the book back. It provides simply that in the case of a failure by a specified time to complete this road from the east to San Diego, the Government shall have the right to go on and construct it.

Mr. VAN WYCK. There was no occasion, however, for the Government to do that in this case. In this case the Government was relieved of that provision.

Mr. LAPHAM. The Southern Pacific have done it.

Mr. VAN WYCK. Precisely; and the Southern Pacific came here and they besieged Congress not to give the aid. The Southern Pacific came here and stood as an ally of the Government and emphatically said, "Withhold this aid and we will construct the road."

Mr. HOAR. May I call the attention of the Senator from Nebraska back one moment to the question which was asked by the Senator from Ohio [Mr. SHERMAN], I do not know whether publicly or not? What I wish to know is whether there is an express condition in the grant. If I understand the Senator from Nebraska, he says that there is an express condition in the grant, that it was a grant upon condition, and

he finds the condition in the words that after the grant to the company, its successors and assigns—I suppose in the usual terms—the act goes on to say that if the company fail to build a road, as therein specified, the United States may then proceed to do what they shall deem necessary to complete the road. I ask the Senator if that is the clause which he construes as the express condition, or if there be other words?

Mr. VAN WYCK. There is a condition in the act as to how the road should be built, how much should be built one year and how much the next. There are express conditions as to the mode and manner in which the work should be done.

Mr. HOAR. Will the Senator answer my question? My attention was called to the subject within three minutes, when I looked at Mr. Evarts's brief and got this idea from that. Perhaps it is a dereliction of duty that I have not investigated it earlier. I understand that the Senator finds the words which make a condition in the law in the language saying that if the road is not built Congress may do what it sees fit to secure the completion of the road, and in the further language which gives direction in what mode the road shall be constructed. Is there any other language or condition except that?

Mr. VAN WYCK. I will read the act.

Mr. HOAR. Will the Senator read all the language which he considers to make a condition of law?

Mr. VAN WYCK. I will read it. The act of May 2, 1872, provides:

That the said Texas and Pacific Railway Company shall commence the construction of its road at or near Marshall, Tex., and proceed with its construction, under the original act of this supplement, or in pursuance of the authority derived from any consolidation as aforesaid, westerly from a point near Marshall, and towards San Diego, in the State of California, on the line authorized by the original act, and so prosecute the same as to have at least one hundred consecutive miles of railroad from said point complete and in running order within two years after the passage of this act; and so continue to construct, each year thereafter, a sufficient number of miles, not less than one hundred, to secure the completion of the whole line, from the aforesaid point on the eastern boundary of the State of Texas to the Bay of San Diego, in the State of California, as aforesaid, within ten years after the passage of this act; and said road from Marshall, Tex., throughout the length thereof, shall be of uniform gauge; *Provided, however*, That the said company shall commence the construction of said road from San Diego eastward within one year from the passage of this act—

That they never have done—

and construct not less than ten miles before the expiration of the second year, and, after the second year, not less than twenty-five miles per annum in continuous lines thereafter between San Diego and the Colorado River, until the junction is formed with the line from the east at the latter point or east thereof; and upon failure to so complete it, Congress may adopt such measures as it may deem necessary and proper to secure its speedy completion; and it shall also be lawful for said company to commence and prosecute the construction of its line from any other point or points on its line; but nothing in this act contained shall be so construed as to authorize the grant of any additional lands or subsidy, of any nature or kind whatsoever, on the part of the Government of the United States.

Mr. HOAR. Is that anything more than an ordinary enactment in the law, or is it made a condition of the grant?

Mr. VAN WYCK. I should suppose that the Senator from Massachusetts was so good a lawyer—

Mr. HOAR. If the Senator will pardon me, the Senator from Massachusetts is not a very good lawyer, and he has not examined this question. I did not know what the question was until five minutes ago. I am putting the interrogatory, not as antagonizing the Senator's argument but simply for light.

Mr. VAN WYCK. I should wonder what it would be called if it is not a condition. What would the Senator think it could be named in legal phraseology? It requires certain acts to be done, expressly designating what they are and the manner in which they are to be done. Would the Senator consider it anything else except a condition?

It would seem that there could be no sort of question about this matter. The act certainly did not intend to give to the company this land unless they obeyed the law and did what it contemplated, because it says that in case the company does not do it then the land belongs to us to complete the road if we choose.

There is no pretense of any claim on behalf of the Texas and Pacific Railroad Company. They never built a mile of the road. They never conveyed an acre of this land; they never gave a mortgage for a dollar of value upon it; and the question stands here naked and bold as between the Government of the United States and the Texas and Pacific Railroad Company.

That company came and besieged Congress. They undertook to tell Congress and the American people that this land grant could not build the road. They came and asked that Congress should subsidize them besides by guaranteeing interest upon their bonds. While they were negotiating still more with Congress a new factor enters, and that is the Central Pacific Railroad Company, organized for this purpose as the Southern Pacific, but the same company. When the Texas Pacific Company came to Congress and asked that their bonds should be guaranteed, the Southern Pacific Railroad Company interposed and came to Congress and said, "Withhold your aid; refuse to guarantee the interest on those bonds; offer no subsidy to this railroad company; stay where you are, and we will build the road ourselves without subsidies or without lands." That is what they said.

Now, what is proposed just at this juncture? It is proposed that by some sort of ingenuity in the construction of language or the meaning of a phrase we shall donate these 20,000,000 acres to a corporation

which never earned them, because they did not earn this grant. They constructed the road in defiance of the grant. All they asked was that they should have the privilege to build the road without money and without price. That was the attitude. It can not be denied that they never had any assignment from the Texas Pacific Railroad Company until the road was all constructed to the Texas line. After the Central Pacific Railroad Company had fought their way in Congress, and fought their way by building their road to the west line of Texas, then for the first time was it that those two great railroad builders, Jay Gould and Huntington, united forces.

Mr. BLAIR. I trust if the Senator is narrating history he will be willing that it shall be correct.

Mr. VAN WYCK. Most certainly.

Mr. BLAIR. Does not the Senator remember that the committee was informed that it was the understanding between these parties thus constructing toward each other that each should have the land grant opposite what it built?

Mr. VAN WYCK. Oh, no.

Mr. BLAIR. Oh, well, the thing was consummated some six or eight months before the expiration of the time, and the articles delivered.

Mr. VAN WYCK. No, sir. Here is Mr. Huntington's history; I have not the time to read it in full. It is the most wonderful piece of history in our country. You remember Mr. Huntington's letters. In these letters he shows distinctly, as we know, that he was antagonizing the Texas Pacific. In those letters he expressly stated that they stood ready to build the road without subsidies in money or grants of land. All they asked, he said, of the Government was that they should be allowed to do that; and it was not until after the road was constructed to the west line of Texas, after the road was completed without the Texas Pacific grant, its dead land grant to the Southern Pacific, because at that time they had united, that the heads, the operators of the two lines—

Mr. BLAIR. If the Senator will permit me, I allege it as a fact that it was certified before the committee, and it is historically true, that these two great agencies built one the seven hundred miles and the other the five hundred miles toward each other with the understanding that they were to be united and to prorate. Does the Senator believe that the Texas Pacific would have built seven hundred miles westward to connect with nothing? There was the Southern Pacific building from the west eastwardly. Could it have been otherwise than that there was an understanding that they were to unite, as they subsequently did, and carry into effect their understanding as they did in writing, under instruments delivered and sealed and sanctioned by the judgment of a court?

Mr. VAN WYCK. Huntington and the Central Pacific were fighting their way through to the Atlantic Ocean in defiance of the claims of the Texas Pacific, and boldly claiming that they were prepared to build the road and would build it without any aid in subsidies or land from the General Government.

Mr. BLAIR. That is all very true. They asked in return that the Government would give them a charter through, that the Government would put an end to the claims of the Texas Pacific over those Territories through which they were obliged to lay their line in order that they might save their millions invested in the seven hundred miles from San Francisco to Fort Yuma. The Government took no action but left the law precisely as it was; and these two great corporations, under an agreement to prorate and to divide the land grant and the privileges and perform the duties that the Texas Pacific had undertaken in its charter with the General Government, constructed their line, and in accordance with that understanding the assignment was made from the Texas and Pacific of the land grant along and contiguous to that portion of the line constructed by the Southern Pacific, which the Southern Pacific now undertakes to hold, and which the Attorney-General of the United States in at least three instances of like character has held to be a valid assignment.

Mr. VAN WYCK. I think one of the provisions of the act incorporating the Texas Pacific Company was that it should not consolidate with a competing line. Am I not correct?

Mr. BLAIR. That provision, though not put in the way the Senator quotes it, was that they should not consolidate with any through competing line. In the short remarks which I submitted to the Senate I showed how the consolidation, even if it were with the Central Pacific, is not a consolidation with a through competing line. The only possible through competing line would have been the Atlantic and Pacific, which is not constructed to this day. The other line, the four hundred miles, under no circumstances would be a through competing line.

Mr. SHERMAN. I wish to know one fact, and it is the turning point in this whole case. Is it true that the Southern Pacific road, before any assignment was made to it, built its line of railroad through to the Texas border?

Mr. VAN WYCK. It did.

Mr. SHERMAN. At that time the Texas Pacific was a subsisting corporation, and it had not yet reached the Texas border and had not earned a single acre of land under the terms of the grant?

Mr. VAN WYCK. Not an acre.

Mr. SHERMAN. They did not even lift a shovel or spade?

Mr. VAN WYCK. No; not an acre did they earn.

Mr. SHERMAN. At that time were the two companies engaged in hostility with each other in seeking to get a law through Congress on the subject of their grants?

Mr. VAN WYCK. The Texas Pacific, which had this grant, was seeking at that time to have additional assistance by a guarantee of the interest upon its bonds. The Southern Pacific came here, and, as I shall show from Mr. Huntington's own letters, with the expenditure of a large amount of money, asked Congress to stop, showing that there was no necessity to guarantee those bonds or to grant a subsidy, and that there was no necessity to give them any lands; that they were ready to build the road through to the Texas boundary without any aid.

Mr. BLAIR. Will the Senator from Nebraska permit me to interrupt him?

Mr. VAN WYCK. Certainly.

Mr. BLAIR. The state of facts which the Senator describes existed in two Congresses. The Southern Pacific having made its investment and seeing that the action of the Texas Pacific, then twelve hundred miles away, depended upon its obtaining its \$40,000 per mile from the General Government (which was substantially nothing but an application for still greater delay), and that its capital was rotting meanwhile, opposed that by saying that it was ready to build for the land grant if the Government would take away the rights of the Texas Pacific within those Territories. It then said it was ready to build without any land grant even, if the Government would charter it through those Territories, and the Government declined to do that.

What then? The Texas Pacific was still in Eastern Texas. There was no prospect of any Government sanction under which the Southern Pacific could build easterly through the Territories, and the controversy in Congress having ceased, and the Texas Pacific having fallen under new management, the Gould management, Scott and his friends having disappeared, these great capitalists came together in agreement and the road was constructed subsequent to the controversy in Congress, through the Territories easterly by the one, through Texas westerly by the other, with an understanding, which had been put in form earlier still, that they should thus build and thus prorate, an understanding carried out in that way, and the construction taking place after the efforts at legislation in the Forty-fourth and Forty-fifth Congresses.

So it is not true as a matter of fact, as stated by the Senator from Ohio, that the construction went on while the Southern Pacific was demanding legislation from Congress authorizing it to build through those Territories. But when Congress had failed to legislate, when the subsidy was defeated, in the public interest as every man must believe, then these great agencies constructed the road about equally in length toward each other, and united with an understanding that the land grant was to be divided, that the land grant in the Territories was to be given to the party which built through the Territories. That understanding was formally reduced to writing and carried into effect, and the instruments delivered and the judgment of a court had thereon prior to the expiration of the ten years within which it was originally agreed in the Texas and Pacific charter that the whole line should be constructed. That is the truth about it.

Under such a grant as that, under such an assignment as that, in the instance of the Backbone Railroad and in two other instances, if I recollect aright, held valid by the Attorney-General of the United States, the Southern Pacific Railroad claims a right to be heard in court. The amendment simply gives the company a right to try that question in the courts and have it judicially decided and not foreclosed in a way that we would hardly exercise toward the humblest individual in the land.

Mr. McPHERSON. Will the Senator from Nebraska give me a little light on the question? The Southern Pacific Railroad, if I understand it aright, was first chartered by the State of California, and its line was built until it reached the Territories of the United States. As to the Territories and the public lands belonging to the United States, what did the Southern Pacific Railroad ever ask of Congress? Did they ask for a right of way over the Territories?

Mr. VAN WYCK. They obtained that by legislation from the Territories.

Mr. BLAIR. After the attempt to get legislation from Congress had ceased, had failed.

Mr. WILLIAMS. Congress granted lands in California to the Southern Pacific.

Mr. McPHERSON. Has the Southern Pacific Railroad ever asked for any assistance either in the shape of land grants or subsidy bonds, or anything of that kind from Congress?

Mr. VAN WYCK. It not only did not ask for it, but insisted that such aid should not be granted it.

Mr. McPHERSON. That aid should not be granted to the rival line?

Mr. VAN WYCK. That it should not be granted to any company.

Mr. McPHERSON. To the Texas Pacific?

Mr. VAN WYCK. Yes, sir; or granted to any company. They stood

there and said they would build the road without either lands or subsidies.

Mr. SHERMAN. Did the Texas Pacific actually build a part of the line?

Mr. VAN WYCK. Not a mile.

Mr. BLAIR. The other road claims it as assignee of the Texas Pacific.

Mr. SHERMAN. I will ask my friend the date of the assignment.

Mr. VAN WYCK. The date of the assignment was after the completion of the road.

Mr. SHERMAN. Then at the time of the assignment the Texas Pacific had not earned a single acre of land within the Government lands?

Mr. VAN WYCK. It had not earned an acre of public land. The road was finished before the agreement was made in 1881, to which my friend from New Hampshire referred. The Southern Pacific was in hostility to the Texas Pacific; they had been in litigation, and were up to the time they made this contract in 1881, after the Central Pacific had built to the west line of the State of Texas. Those are the facts. Mr. Huntington, in 1878, wrote:

If it were once understood that no subsidies would hereafter be granted by Congress, the incomplete gap (between Fort Worth, the western terminus of the Texas Pacific then, and Yuma) would be filled within five years by private capital alone, without asking or committing in any way the national revenues to the work.

Before the Senate committee, in 1878, he said:

We are ready to construct right along, and willing to provide an outlet to the East for ourselves without cost to the Government.

Who would suppose for a moment that they would have the impudence in the face of this declaration to come now and endeavor to steal 20,000,000 acres of the public domain? Again, in 1878, when Mr. Huntington asked the Government to take its hands off and let there be a free race without cost to anybody, he said:

The question before you is whether you will give the Texas Pacific a guarantee of nearly 40,000,000 of bonds for building a road, two hundred miles of which is useless, and six hundred miles of which we offer to build without aid.

Look at that. Mr. Huntington says "which we offer to build without aid." He comes before a committee of this body in 1878 and begs the Government to stop; he says: "We will do it, and we will do it without aid, without the cost of a dollar to the Government." It is remarkable that these men should have the impudence to come here now. Is it not still more remarkable that Senators should be found here advocating their proposition, infamous as it is?

That is not all. Here is a letter from ex-Senator Gordon explanatory of his course in supporting the Southern Pacific plan of opposing Scott:

Mr. Scott was asking a guarantee on about fifty millions of bonds. Mr. Huntington, on the other hand, was asking nothing of Congress either by way of indorsement of his bonds or as subsidy in lands. He asked only to be let alone and allowed to build the road on the same general line, and was actually constructing it without any Government aid. I opposed the Scott bill and favored the Huntington plan. He declared he could and would build the road without a dollar of Government aid or subsidy. He did it. He declared he would make the eastern terminus of his lines southern ports and only southern ports. He has done it.

There are the facts. Here was the Texas Pacific organized with this enormous land grant. The act provided that they should not sell out to a competing line. The object of that legislation was that there should be competition from the Atlantic to the Pacific. The act expressly restricted these parties and declared that they should under no circumstances do it. Yet by the contract, to which my friend the Senator from New Hampshire refers, made in November, 1881, after the construction of this road the Texas Pacific actually contracts and agrees that under no circumstances will it build the western portion of the road.

Congress said in the act incorporating the Texas Pacific, giving them this empire of land, that they should not under any circumstances convey their interest to a competing road, and yet in the very contract to which my friend refers, made in November, 1881, after the completion of the road, the Texas Pacific guarantee and bind themselves that under no circumstances will they build west from the connecting point which they made with the Southern Pacific. Here it is:

In consideration for the privileges of using jointly the road into El Paso, and of a perpetual privilege in Los Angeles and San Francisco, as well as San Diego, equal to the most favored, the Texas and Pacific has relinquished its claim to the land grant, right of way, and franchises west of El Paso to the Southern Pacific companies. The Texas and Pacific engages not to extend its road west of El Paso so long as the covenants with the Southern Pacific are observed, and the Southern Pacific agrees not to parallel the Texas and Pacific east of El Paso or either of the roads mentioned, in Texas, Arkansas, and Missouri.

Mr. HOAR. Is that the first agreement between these roads?

Mr. VAN WYCK. Yes, sir; the first, made in November, 1881, after the completion of the road. Then they make their pool. They say:

Through business is to be done on a pro rata basis by both companies, and this stands all the way to San Diego, Los Angeles, and San Francisco.

Mr. BLAIR. Will the Senator permit me to state to him one fact, which he can ascertain from the records of Congress? Either in the Forty-fourth or Forty-fifth Congress there was a bill introduced behind which were Scott and Huntington, both proposing to prorogue, which bill was to carry out the provisions of the Texas Pacific charter. As far back as that, and after legislation failed in those Congresses, these parties, by a mutual understanding that they made, met and then carried their agreement into writing, and it was signed, sealed, and delivered;

but the understanding under which they were acting and investing their money was precisely as binding in law as though it had been reduced to writing and delivered beforehand. It was just exactly as if I agree verbally with a man that he shall convey to me his real estate and I pay him for it, and the agreement is partially executed, a court of equity will compel the passing of the title by the execution and delivery of a deed.

Mr. VAN WYCK. I repeat, I think without the fear of contradiction, that these parties antagonized each other here in Washington, and by and by I shall show what Mr. Huntington says it cost to get some things done here in Washington. I shall show his estimation of this matter. He and his friends were antagonizing the Texas Pacific here session after session, and it continued in the courts, suit after suit, which resulted after the construction of that road in the making of the contract in November, 1881, to which I have just referred.

That was the attitude in which the very object sought by Congress in giving a land grant was defeated. It was defeated by the active support and by the contract of the Texas Pacific itself, the company to which the land was granted. Though the act denied them the power in any event to make any connection with competing roads, they actually sell or undertake to sell or convey; and they actually bind themselves so that the people shall be denied the privilege of a competing line.

I have read these extracts from Mr. Huntington, detailing the history of the transaction, and I think partially detailed, until November, 1881, when an agreement was made between Mr. Huntington and Mr. Gould. Mr. Gould, it seems, had become the possessor of the property of Scott, and therefore he and Mr. Huntington were in an attitude to contract. Mr. Huntington had fought his way through and made the connection with the western line of Texas. Then it was, as I say, that they made this agreement preventing any competition, making the road an absolute monopoly; and after that they seek to resurrect this dead grant and divide it between themselves. There is the position.

We are not embarrassed here by the considerations which sometimes arise in these grants because there have been no sales. Not a mile of the road was built by the company entitled to the land contiguous to the line in any part of this large domain. Not an acre of this land was ever sold by the railroad company. Not an acre of the land was ever mortgaged by the railroad company. There are no considerations to go to the court which my friend from Alabama suggests, because the question of forfeiture is pure, simple, naked. There are no embarrassing questions. The question is merely between this Government and the railway corporation; and I desire the Senate to bear in mind that never an acre of the land was sold and never an acre of it mortgaged, and the Texas Pacific never built a mile of its road.

Mr. MORGAN. Will the Senator allow me to ask him for the sources of his information which he states with so much confidence? How does he know those facts?

Mr. VAN WYCK. I know from examination before the committee of the Senate for years that it never has been claimed in all the long delay; it never was pretended, as I understood, that they had built a mile of the road or had mortgaged an acre of the land.

Mr. MORGAN. I must be permitted to state my understanding of the matter. The Southern Pacific Railroad had made heavy mortgages to secure its debts, and it contended of course that the transfer of this property from the Texas Pacific Company carried it into this corporation, and being a part of its property that the mortgages included that; that it went to the mortgagees.

Mr. HARRISON. If the Senator from Alabama will allow me I will state that the land could only be embraced in that mortgage under the operation of the after-acquired property clause.

Mr. MORGAN. That is the idea.

Mr. HARRISON. Does the Senator think that a grant of land like this for public use, in the operation of a railroad, would be covered by such a clause in a railroad mortgage? I do not think it would.

Mr. MORGAN. I am not stating what is right about it or what is the law of it; I am stating what they claim; that is all. I do not admit that the transfer was valid. I shall vote for the bill just as it is, whether the amendment goes on or not. At the same time I think it is right to adopt the amendment.

Mr. VAN WYCK. Mr. Huntington himself, who, I suppose, is good authority in this matter—and we have a good deal of that—was representing with a great deal of shrewdness the Central Pacific, then the Southern Pacific, and Mr. Huntington writes, November 28, 1874 (without reading the former part of his letter):

Storr says it will make Scott very mad, and he thought it best not to send it, and may be he is right; but if Scott kicks at it, I propose to say to Congress, "We will build east of the Colorado to meet the Texas Pacific without aid, and then see how many members will dare give him aid to do what we offered to do without."

Mr. Huntington was speaking for the corporation that is here to-day, I say to my friend from Alabama; and he says distinctly that—

"We will build east of the Colorado to meet the Texas Pacific without aid, and then see how many members will dare give him aid to do what we offered to do without." My only fear then would be the cry that the C. P. and the S. P.—

Central Pacific and Southern Pacific—

was all one and would be a vast monopoly, &c., and that is what we must guard against, and that is one reason why you should be in Washington.

Here are these organizations, represented in the person of Mr. Huntington. That is what he says on that branch of the case. The line was built without any pretense of aid, built in opposition to the road which had Government aid. He says away back in 1875—

If we had a franchise to build a road or two roads through Arizona (we controlling)—

Now mark. I ask my friend from Ohio to give me his attention right here—

If we had a franchise to build a road or two roads through Arizona (we controlling, but having it in the name of another party), then have some party in Washington to make a local fight and asking for the guarantee of the bonds by the United States, and, if that could not be obtained, offering to build the road without any aid—

Which they did—

offering to build the road without any aid, it could be used against Scott in such a way that I do not believe any politician would dare vote for it. Can not you have Safford call the Legislature together and grant such charters as we want at a cost, say, of \$25,000?

Here is another letter from Huntington:

NEW YORK, November 13, 1875.

FRIEND COLTON: Your dispatch that you had sent \$200,000 gold is received. Dr. Gwin left for the South yesterday. I think he can do us considerable good if he sticks for hard money and anti-subsidy schemes, but if it was understood by the public that he was here in our interest it would no doubt hurt us. When he left I told him he must not write to me, but when he wanted I should know his whereabouts, &c., to write to R. T. Colburn, of Elizabeth, N. J. I have had several interviews with the Houston and Texas Central Railroad people.

There will be no Government aid granted this session, and if we can get the H. and T. Central to stand in with us and offer to build a line through, we build to El Paso from the west and they from the east, I think Scott's fish will be cooked. Budd is doing good work in the Gulf States.

I was told a few days ago that Scott said he would make us let go of his Texas Pacific—

There was decided enmity between Scott, who was controlling the Texas Pacific, and Huntington, who did not want to control it—

I was told a few days ago that Scott said he would make us let go of his Texas Pacific. The South are getting very much in earnest in their opposition to Scott's project.

I shall do what I can, but you had better make your calculations to build the road east of the Colorado River on what you can get out of the Territories and the road itself. If you expect to get anything in Arizona and New Mexico I would suggest that you do not do as we did in Utah, wait until the enemy was in possession.

REPORT ON LABOR AND CAPITAL.

The PRESIDENT *pro tempore*. Will the Senator from Nebraska suspend for a moment? The Chair will lay before the Senate a concurrent resolution which has been returned from the House of Representatives with amendments. The resolution with the amendments will be read.

The Chief Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, July 4, 1884.

Resolved by the Senate (the House of Representatives concurring), That the report of the Senate Committee on Education and Labor on the relations between labor and capital, with the accompanying testimony, be printed; and that 25,000 additional copies be printed, of which 8,000 shall be for the use of the Senate, 16,000 for the use of the House of Representatives, and 1,000 copies for the use of the Senate Committee on Education and Labor.

IN THE HOUSE OF REPRESENTATIVES, February 19, 1885.

Resolved, That the House concur in the foregoing resolution of the Senate with the following amendments:

In line 6 of the resolution strike out the word "eight" and insert the word "six."

In line 7 of the resolution strike out the word "sixteen" and insert the word "thirteen."

In line 8 of the resolution strike out the words "and one" and insert the word "five;" and strike out the word "copies" in same line.

In line 9 of the resolution strike out the words "Senate Committee on Education and Labor" and insert "Bureau of Labor Statistics, and 1,000 for the use of the Senate Committee on Education and Labor."

The PRESIDENT *pro tempore*. If no objection be made, the resolution and amendments will be referred to the Committee on Printing.

Mr. BLAIR. I do not know that there is any necessity for that. Perhaps the amendments may as well be concurred in now.

The PRESIDENT *pro tempore*. The Chair understood some members of the Committee on Printing desired that the matter be considered by them.

Mr. BLAIR. Very well.

The resolution and amendments were referred to the Committee on Printing.

Mr. BLAIR. I would like to say in connection with that matter that it has been delayed now a year or a year and a half. I hope it may be speedily acted on by the Committee on Printing.

AGREEMENT WITH INDIANS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed, excepting the maps:

To the Senate and House of Representatives:

I transmit herewith a communication of the 16th instant from the Secretary of the Interior submitting, with accompanying papers, a draught of a bill, "To accept and ratify an agreement with the confederated tribes and bands of Indians occupying the Yakama reservation, in the Territory of Washington, for the ex-

tinguishment of their title to so much of said reservation as is required for the use of the Northern Pacific Railroad, and to make the necessary appropriation for carrying out the same."

The matter is presented for the consideration and action of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, February 19, 1885.

SUBMARINE CABLES.

The PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate:

I transmit herewith a report of the Secretary of State of the 19th instant, recommending the enactment of a law for the protection of submarine cables in pursuance of our treaty obligations under the international convention in relation to the subject, signed at Paris on the 14th day of March, 1884. I commend the matter to the favorable consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,

Washington, February 19, 1885.

GEORGE W. MARGROVE.

Mr. PLUMB. I ask unanimous consent that the vote by which the bill (S. 2273) granting a pension to George W. Margrove was indefinitely postponed may be reconsidered, and the bill placed on the Calendar. The action was taken on the 17th day of February.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the vote of the Senate heretofore taken indefinitely postponing the bill (S. 2273) granting a pension to George W. Margrove be reconsidered, and the bill with the adverse report of the committee placed on the Calendar. That order will be entered if there be no objection.

JOHN F. HICKEY.

Mr. PLUMB. I also make the same motion with regard to the bill (S. 1855) granting a pension to John F. Hickey, reported on the same day. I ask that it may take the same direction.

The PRESIDENT *pro tempore*. The Senator from Kansas also asks unanimous consent that the vote on the bill (S. 1855) granting a pension to John F. Hickey be reconsidered, and that the bill with the adverse report be placed on the Calendar. If there be no objection that order will be entered.

AMENDMENT TO A BILL.

Mr. McMILLAN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

TEXAS PACIFIC RAILROAD LANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3933) to declare a forfeiture of lands granted to the Texas Pacific Railroad Company, and for other purposes.

Mr. LAPHAM. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. Does the Senator from Nebraska yield to that motion?

Mr. VAN WYCK. No, sir; I have only a few more words to say.

The PRESIDENT *pro tempore*. The Senator from Nebraska declines to yield to the motion of the Senator from New York. The Senator from Nebraska is entitled to the floor.

Mr. VAN WYCK. I was in hopes we could conclude this bill. I had not intended to say anything upon it, except for the remarks made by the Senator from New York, and I beg pardon of the Senate for having made so much talk. I did not desire to discuss matters familiar to every member of the Senate. There is one thing, and only one thing, further I wish to refer to.

The company to which this grant was made never built the road. A hostile, opposing, antagonizing company did build it. They built it in defiance of the company to whom the grant was made, protesting throughout that they would build this road without any aid from the Government. These companies were in collision, one forcing itself through without Government aid and protesting that it did not want it, and the other seeking additional aid from the Government for the purpose of building it. That is all the fact necessary to be taken into the consideration of this case, and I ask pardon of the Senate for having said so much.

Mr. HARRISON. I should like to inquire of the Senator from Nebraska or the chairman of the Committee on Public Lands, or both, whether from the investigation they have given to this case they are of opinion that the right of the United States or of its grantees to this land whose forfeiture is declared will be contested in the courts by this railroad company.

Mr. VAN WYCK. Am I asked whether they have threatened to do this thing?

Mr. HARRISON. Whether they are likely to contest the right of the United States or of its grantees to this land in the courts?

Mr. VAN WYCK. I do not know as to that point.

Mr. HARRISON. Does not the Senator think they will?

Mr. VAN WYCK. They have threatened it as a matter of course. They have not only threatened it, but they have actually defied the committee and said, "No matter what you do we will go into the courts

in any event." They wanted to convey the impression that they were not afraid of our action.

Mr. HARRISON. I asked that question for this reason: I have no trouble at all in voting for this declaration of forfeiture; I think upon the facts of the case as I understand them we clearly ought to make that declaration and make it now. If the claim of the railroad companies was so slightly held by them that they were likely to acquiesce in this declaration without litigation, then I should deem the amendment proposed by the Senator from Alabama to be unnecessary, as in the Oregon case; but if, as seems to be the opinion all around, there is to be litigation over this title after the declaration of forfeiture, I am clearly of the opinion that the United States ought to take the burden of that litigation, that it should choose the forum where that litigation should be prosecuted, and that it should prosecute it by its own officers in a suit that will involve the whole question.

I am not willing for one to make this land subject to disposal at the land offices of the United States and to allow some man to purchase one hundred and sixty acres and then let the railroad company fight out this question with him. He is not an equal antagonist in such an encounter. I want some provision that will re-enforce him in that contest with the power of the United States. I want to avoid that which has been charged to be the case in the Des Moines land-grant controversy.

It has been said there that suits in which the titles of the settlers was involved were collusive suits; I do not know with what truth, but I do know that there is danger in these cases that these suits may be collusive between the railroad company and some humble settler who has but a small tract of land to defend; and if there is in all these cases such a serious claim made by the railroad company that the controversy must be settled in the courts, then I take it it must be clear that the United States should take the burden of that controversy upon itself, and should prosecute it promptly and vigorously to a determination.

For one, I do not like to put the General Government in the attitude of peddling out lawsuits to its citizens. I do not like to put the General Government in the attitude of conveying a clouded title and leaving its grantee to fight it out at his own expense, particularly when the Government gives him a conveyance that has no warrant in it upon which he could recoup damages, leaves him simply to the grace of Congress to recover the money he has paid into the Treasury of the United States.

I think, therefore, that in all these cases where there are serious controversies and where there must be litigation the United States should take it upon its own shoulders and press it to a speedy determination. I think it is in the interest of settlers. It seems to me a cruel thing to do to declare these lands open to public entry and to invite our people to go and settle upon them, and then to leave them to make their own title good if they can in a controversy with one of these powerful railroad companies, possibly to have it settled against them by the courts—I hope not—but possibly to have that result, and then to leave them in the distressed condition in which we find our people in two or three other cases. Therefore, upon the statement of the committee that there is likely to be litigation over this controversy, I shall support the amendment of the Senator from Alabama, which provides for settling the controversy before we sell the land.

Mr. SHERMAN. Mr. President, the Senator from Indiana has touched the gist of this whole controversy. I have put myself in regard to this railroad legislation in apparently an inconsistent attitude. I have said nothing about it, but I will state now the reasons of my varying votes.

On the Atlantic and Pacific bill I voted for the proposition of the Senator from Alabama requiring a suit to be brought, for the reasons stated by the Senator from Indiana. On the bill relating to the Oregon grant I voted against that proposition. The reason was that in the Atlantic and Pacific Railroad case it was manifest that there were contending parties, each claiming at least a *prima facie* right to the lands, and that for the reasons stated by the Senator from Indiana we ought not to turn those controversies over to be litigated by pre-emptors and homesteaders.

But in the Oregon case I thought there was no ground whatever for dispute, that any railroad or any person claiming under a railroad grant under the circumstances in that case would have no kind of ground, no kind of showing for a contest with a pre-emptor or homesteader or a purchaser from the United States; and therefore I thought that to invite or require this litigation was simply seeming to do a useless thing.

When this question first came up I believed that the Texas Pacific case was a much clearer case than even the Oregon case. It always seemed so to me. The absurdity of the position here is this: The Texas Pacific Railroad Company never earned one acre of this land; it never stuck a spade in the Government land west of Texas; it earned its land from the State of Texas, but never earned a single acre from the Government of the United States. It had insisted, on the other hand, that it could not build a railroad through New Mexico except by a subsidy and demanded that subsidy, and then a rival line, wishing to get a large portion of this important tract, ran its road through to the Texas line without aid and renouncing all aid, refusing all aid, and completed the road.

Then these two railroad corporations meet together and the Texas

Pacific sells out to the Southern Pacific what it had never earned, and the Southern Pacific buys from the Texas Pacific what the Texas Pacific never owned. This seemed to me a parody on justice, so that I thought no court or tribunal under heaven would sustain any pretense of a right to sell what did not exist and to buy what did not exist; and therefore I thought we could safely declare this forfeited without conditions. At the same time, I have no objection to voting for the amendment of the Senator from Alabama, except that I fear that in the present condition of the public business, looking at it as a practical legislator, we shall probably defeat this bill, while we might accomplish the object he desires by passing a general bill, either at this or the next session of Congress.

I think in the mean time this bill ought to be so amended that the land shall not be open for pre-emption entry or for disposal of any kind until a reasonable time has elapsed, say a year or two, within which the proper legislation may be had. I think a suit ought to be brought in the nature of a bill to quiet title as against these two rival railroad companies, now connecting railroad companies, in order to settle forever their rights under the various acts passed by Congress in regard to the Texas Pacific Railroad.

The only objection I have to voting for the amendment of the Senator from Alabama is not that it is not wise, because I think it is wise, but it may at this time defeat the passage of any bill on the subject; and I do believe the public interest and the comfort of the people in that region of country demand that the declaration of forfeiture should be made, and that proper legislation to settle titles should follow hereafter; but the bill should be amended in that one particular, withholding the lands from pre-emption and homestead entry until such time has elapsed that a provision may be made for contesting the various rights of the parties litigant.

Mr. DOLPH. I do not wish to make a speech, but after the very conclusive remarks of the Senator from Ohio [Mr. SHERMAN] and the Senator from Indiana [Mr. HARRISON] I ask that the views expressed by me in the report from the Committee on Public Lands may be read. They are very brief.

The PRESIDING OFFICER (Mr. HARRIS in the chair). If there be no objection the paper referred to by the Senator from Oregon will be read.

Mr. DOLPH. I present this as an explanation of the vote I intend to cast on this question.

The Chief Clerk read as follows:

I concur in the main with the views of the minority. I do not believe that a Congressional declaration of forfeiture of a land grant is conclusive upon the company to which the grant was made or upon its grantees of the whole or any portion of the grant, either as to the extent of the forfeiture, or as to the existence of the facts necessary to authorize the forfeiture. I am of the opinion that those questions, notwithstanding a Congressional declaration of forfeiture, may be litigated and determined by the courts in all cases in which the title to any of the lands covered by the grant comes in question, and that as a matter of policy all such questions should be judicially determined as speedily as possible after a declaration of forfeiture of a grant and before the land is offered for sale by the United States.

I therefore favor the amendment accompanying the minority report.
J. N. DOLPH.

Mr. EDMUNDS. I merely wish to say in connection with what has been said by the Senator from Indiana and the Senator from Ohio, that several years ago, and I think when Judge Thurman was the chairman of the Committee on the Judiciary, or about that time certainly, the matters of these forfeitures were referred to the Committee on the Judiciary, and that committee reported to the Senate a measure which provided in one bill for the forfeiture of every unearned grant everywhere, and provided, as has been suggested by the Senator from Indiana and the Senator from Ohio, that it should be the duty of the Attorney-General forthwith to institute suits to declare those forfeitures so as to protect from all future litigation the title of the settlers who should come in under the United States.

It did not at that time comport with the pleasure or convenience of the Senate, with its great press of business, to consider that bill. I am very sorry that it was not done, because all these questions would long since have been disposed of and endless difficulty, like that in the Des Moines matter, would have been avoided by a settlement once and for all without grinding the poor settler to death by having to fight these great corporations.

That is all I wish to say, sir.

THE PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Alabama [Mr. MORGAN].

Mr. PLATT. I think the yeas and nays have been ordered on the amendment.

THE PRESIDING OFFICER. The Chair is informed by the Secretary that the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. VEST (when the name of Mr. JONAS was called). The Senator from Louisiana [Mr. JONAS] is detained from the Senate by illness. He is paired with the Senator from Wisconsin [Mr. CAMERON].

Mr. CAMERON, of Wisconsin. I am paired with the Senator from Louisiana [Mr. JONAS]. It did not occur to me when I voted in the affirmative, and I ask leave to withdraw my vote.

The PRESIDING OFFICER. The vote will be withdrawn.

Mr. CALL (when the name of Mr. JONES, of Florida, was called). My colleague [Mr. JONES] is detained at home by illness. He is paired with the Senator from Nebraska [Mr. MANDERSON].

Mr. MANDERSON (when his name was called). I am paired with the Senator from Florida [Mr. JONES], but understanding that he would vote against this amendment I feel privileged to vote. I vote "nay."

Mr. CONGER (when Mr. PALMER's name was called). My colleague [Mr. PALMER] is necessarily absent this afternoon, and is paired with the Senator from North Carolina [Mr. VANCE].

Mr. RANSOM (when his name was called). I am paired with the senior Senator from Illinois [Mr. LOGAN] generally. His colleague [Mr. CULLOM] does not know how the senior Senator from Illinois would vote on this amendment, and therefore I shall not vote on it. If he were here, I should vote "yea."

Mr. RANSOM (when Mr. VANCE's name was called). My colleague [Mr. VANCE] is paired with the Senator from Michigan [Mr. PALMER]. My colleague, if here, would vote "nay."

Mr. WALKER (when his name was called). My colleague [Mr. GARLAND] is paired with the Senator from Kentucky [Mr. WILLIAMS]. If present, my colleague would vote "nay" and the Senator from Kentucky would vote "yea." I am paired with the Senator from Virginia [Mr. RIDDLERBERGER]; otherwise I should vote "nay."

Mr. WILLIAMS (when his name was called). I am paired on this question.

The roll-call having been concluded, the result was announced—yeas 24, nays 31; as follows:

YEAS—24.

Allison,	Dolph,	Harrison,	Mitchell,
Blair,	Edmunds,	Hawley,	Morgan,
Bowen,	Fair,	Ingalls,	Morrill,
Brown,	Groome,	Jones of Nevada,	Pike,
Chace,	Hale,	Lapham,	Platt,
Conger,	Harris,	Miller of Cal.,	Sawyer,

NAYS—31.

Aldrich,	George,	McPherson,	Saulsbury,
Bayard,	Gibson,	Mahone,	Sewell,
Beck,	Gorman,	Manderson,	Sherman,
Call,	Hampton,	Maxey,	Slater,
Cockrell,	Hill,	Miller of N. Y.,	Van Wyck,
Coke,	Hoar,	Pendleton,	Vest,
Cullom,	Jackson,	Pugh,	Wilson,
Frye,	McMillan,	Sabin,	

ABSENT—21.

Butler,	Farley,	Logan,	Voorhees,
Camden,	Garland,	Palmer,	Walker,
Cameron of Pa.,	Jonas,	Plumb,	Williams,
Cameron of Wis.,	Jones of Florida,	Ransom,	
Colquitt,	Kenna,	Riddleberger,	
Dawes,	Lamar,	Vance,	

So the amendment was rejected.

Mr. SHERMAN. I submit to the judgment of the Senate an amendment to make this bill conform to the suggestion I made; that is, that the lands shall be withheld from entry, say, for a period of two years. I suppose they are made subject to entry under the general laws of the United States. I move to insert these words:

But not subject to be disposed of under the general laws of the United States until after the expiration of two years from the passage of this act.

I merely submit the amendment to members of the Committee on Public Lands, as it would make the bill conform practically to the suggestion I have made, allowing two years to provide the proper legislation.

The PRESIDING OFFICER. Does the Senator offer the amendment he suggests?

Mr. SHERMAN. I do.

The PRESIDING OFFICER. The amendment will be read. Will the Senator repeat it so that it may be taken down?

Mr. SHERMAN. I will offer it in this form:

And for two years from the passage of this act be made subject to disposal under the general land laws of the United States.

The CHIEF CLERK. In line 10 of section 1, after the words "domain and" and before the word "made," it is proposed to insert "after two years be;" so as to read:

And the whole of said lands restored to the public domain, and after two years be made subject to disposal under the general laws of the United States, as though said grant had never been made.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio.

Mr. SHERMAN. The word "disposal" would include a homestead entry, would it not?

Mr. INGALLS. I should like very much, in pursuance of the sentiment of Congress and I believe of the people on this subject, to confine these lands to homestead entry.

Mr. SHERMAN. I am perfectly willing.

Mr. INGALLS. We have, I believe, voted such a provision on the bill to repeal the pre-emption and timber-culture acts; but that bill has not become a law; probably it may become a law before the close of

the session. If this land is to be restored to the public domain, I suggest that it be held for entry under the homestead law.

Mr. SHERMAN. I have no objection to inserting that.

Mr. DAWES. All the lands that have been restored to the public domain from the Indian reservations for several years past have been expressly confined to the homestead law.

Mr. SHERMAN. I will adopt the suggestion if it is agreeable. I will say "disposal under the homestead laws, and not otherwise."

The PRESIDING OFFICER. The amendment will be read as modified.

Mr. SHERMAN. It is another amendment.

The CHIEF CLERK. In line 11, after the word "disposal," it is proposed to insert "under the homestead laws, and not otherwise."

Mr. SHERMAN. Strike out "under the general laws of the United States."

Mr. BECK. Without the amendment the lands will be open to homestead entry at once. As I catch it the amendment only provides for a postponement of two years. Under the general laws the lands would be subject to entry by pre-emption. The pre-emption law is not repealed yet. The meaning of the amendment, therefore, would be to leave the lands open to controversy for two years. That is the practical effect of it; it can be of no other use, so far as I observe.

I thought in 1878, when the Thurman bill was passed, we were taking some control of the management of these railroads. From that day to this we have taken none. The House bill sent to us to do it now is evidently going to fail by a counter proposition. The Reagan bill attempted to do something so as to take the control in another direction. That has evidently failed by a counter proposition. A number of other matters have been up, and they have all been fought because nothing will be done. That is all that the railroads desire.

Now I propose to vote to do something. I propose to vote even against good amendments if in my judgment they will tend to accomplish nothing. I would rather allow some imperfect legislation to pass, trusting to what may be done hereafter, than to have bills at this late hour of the session fail between the two Houses with nothing done; therefore I will vote against this amendment and other amendments that I might think useful, because I prefer doing something rather than to have a series of efforts all of which will prove futile.

Mr. MORGAN. The purpose of the Senator from Kentucky is to draw a distinction between the action of the House and the action of the Senate on these bills. I voted against the Reagan bill along with a good many Democrats and then voted against the Senate bill along with several Democrats, and I voted in the exercise of my duties as I supposed them to be. I advocated the amendment which has just been voted down. The Senate voted it on the Atlantic and Pacific bill, and some of the Senators who vote against it now not only voted for it but spoke for it then, which induced me to suppose, of course, that they were acting in good faith candidly and that they meant what they said, both by their speeches and by their votes.

Now, sir, in this matter I have been acting somewhat with gentlemen on the other side of the Chamber and somewhat with gentlemen on this side of the Chamber; and the effort of the Senator from Kentucky to impeach the Democracy of those gentlemen who have taken this course on the Reagan bill and on this bill will not at all deter me from taking such course as my private judgment dictates. I was in the Democratic party before the Senator from Kentucky enjoyed the privileges of citizenship in this country. I have been a true and a faithful Democrat, and it does not rest with him to impeach my Democracy by such flings as that.

I shall be a supporter of the incoming administration upon principle, if it is an administration of principle, as long as the Senator from Kentucky will stand up to his creed and to mine, and I do not enjoy these declarations which are made at the expense of his party associates. They are not kind, and they are not just, and there I leave them.

Mr. BECK. Mr. President, I have only this remark to make, that I made no allusion to the Senator from Alabama or to any other Senator. He was not in my mind. He is not quite as important in my estimation in regard to this question as he may suppose I think he is. The Senator from Ohio had moved an amendment which I thought might delay for two years the settlement of this question, and I thought it would delay and perhaps defeat the passage of the bill if we amended it in that or any other regard, no matter how good the amendment might be, and I desired to see something done.

I did not happen to be born in this country, but I was not consulted about that. I have been a citizen of the United States since 1833. That was a good while ago, and the Senator may have been a very important public man at that day, but I doubt whether he was. I have endeavored to perform my duty as a private citizen and as a public man to the best of my ability since that time, and if he thinks it either adds to his dignity or that it diminishes from my standing to make the suggestion that I was born in Scotland instead of here, he is welcome to all the honor he thinks he has made out of that fling at the place of my nativity. Many good men have been born where I was born, and very many men who were born here trace their descent with pride back to the ancestry from whom I trace mine.

I might say more but I will not. However, I desire the United

States to take some control of these matters before this Congress closes. I regard the suggestion as to my birthplace as unworthy of the Senator, unworthy of the Senate, and unworthy of reply.

Mr. MORGAN. Mr. President, I made no reference to the Senator's nativity; I made reference only to the length of time the Senator had been in the Democratic party and the length of time that I have been in it, and while my services to that party have not been so conspicuous as those of the Senator from Kentucky, they have been quite as honest and quite as dutiful. No Scotchman who is worthy of the name will take to himself as a personal allusion a matter that was not intended in that sense.

I revere that character more than the Senator from Kentucky does. I would not have pretended to rise on the floor of the Senate and interpose my nativity, which was not alluded to by a Senator, as a plea to shelter me from the results of an attack which he did make upon the Democrats upon this side of the Chamber who have not assisted in the passage of the Reagan bill and in the passage of this bill in the form in which it came from the House of Representatives. There can be no doubt about the object of the allusion. I do not understand the Senator even to deny it, except to say that he did not have in the range of his vision a subject so entirely microscopic as myself.

Mr. President, when a Senator is in command of such heavy artillery as the Senator from Kentucky, he ought to beware how he fires off; he may wound some very insignificant people unwittingly; he may hurt a man's feeling without intending to do it. He ought to have more consideration for men on this floor who at least are entitled to as much personal respect as he is.

He speaks about my remarks being unworthy of the Senate and unworthy of my position here. Sir, I do not indulge in remarks that are unworthy of myself or of the Senate. I might follow that example which I have oftentimes heard laid down by the Senator from Kentucky and indulge myself in such things, but I do not think it is respectful.

I have advocated this bill in the form that it is from the very best of considerations. I announced when I started out that I would vote for the bill as reported by the committee; I would even vote for it as it came from the House; but I believe it could be bettered very much indeed by having this subject carried into the courts before we commence to dispose of these public lands; that thereby we should save the people of this country very large expense. I was encouraged to hold that opinion by the fact that Senators who now vote against this amendment voted for it and spoke for it. In my innocence I supposed that they meant what they said; but it seems to me now when there is a chance to give a political turn to this matter we are disposed to withdraw from our convictions and our conclusions solemnly expressed on this floor and to take the political turn.

Mr. President, I am not a retail dealer in small politics. What little reputation I may enjoy and the position that I enjoy is not in the slightest degree attributable to the fact that I have taken up with currents of popular sentiment for the mere sake of getting myself forward before the people. I have tried as well as I knew how to discharge my duty faithfully as a Senator to the Constitution and the country and everybody in it, the rich and the poor, the high and the low; and when I have left this body I shall have left it I think with a perfectly clear conscience upon this point. That is my whole ambition. I desire neither place nor preferment, but while I keep a seat on this floor Senators must not suppose that, insignificant as I may be, unworthy of public notice as I may be, they can trample upon me without finding resentment and retaliation.

The Senator from Kentucky meant his remarks at somebody. He meant them at those men who he conceived were preventing the passage of bills that he thought were demanded by popular clamor. He admits that he would vote for a bill imperfect in itself in order to get certain legislation on the statute-book. I will never make that admission. I consider that, if you will allow me, unworthy of a Senator, to say that he will vote for a bill that he thinks imperfect in order to get it upon the statute-book. That shows the simple partisan; that shows the man who desires to carry out a purpose of his own or of his party at the expense of justice and at the expense of right legislation. I do not belong in that category, nor will I ever be found in it. The Senator can take that position and enjoy it if he wishes.

Mr. BECK. Mr. President, one word only, and that merely because of the last suggestion made by the Senator from Alabama. I did not say anything that indicated that I was desirous to enforce the Thurman bill, the Reagan bill, or this bill, or any other bill because of public clamor or in obedience to the demands of party; nor did I attempt to reflect on any Senator who differed with me. I desired to state my own position and the reasons why I am endeavoring to accomplish something, even though it might not be as perfect as I should like to have it and as I would desire to make it if time and circumstances allowed; and believing that if we proposed to do anything within ten or twelve days of the close of this Congress, with the vast mass of business pending between the two Houses, the fewer amendments put upon a bill that had merit in it was the best chance to accomplish some result.

The RECORD will show, and I am willing to stand on the RECORD, that no intimation or allusion of mine called forth any criticism from

any gentleman who differed with me, no matter whether he was a Republican or a Democrat; and I am not to be told here that if the Senator was not alluded to somebody else was or some one of my party associates was, in order to have it understood that I was reflecting upon him. However unworthy he may think it may be in me to vote in the way I have stated I will continue to do so, because of my desire to accomplish something in the direction which a majority of the Senate, I think, desire to take. That is all I care to say.

I have never had a wrangle in my sixteen years of service in Congress that I now recall with anybody on this floor or anywhere else in regard to my public duties, and I have never given just cause of offense to any one that did not seek an opportunity to bring it on himself because of some assumption that was not to be drawn from anything that I had said.

The PRESIDING OFFICER. The question is on the first amendment proposed by the Senator from Ohio.

Mr. CONGER. I was about to move that the Senate proceed to the consideration of executive business.

Mr. MORGAN. Will the Senator from Michigan allow me a moment? I merely want to call attention to the fact that the Senate have adopted a number of amendments which the Committee on Public Lands have recommended to this bill, so that when it goes back to the House it must be the subject of consideration there. That is all I desire to say.

Mr. CONGER. I move that the Senate proceed to the consideration of executive business.

Mr. VAN WYCK. I appeal to the Senator. It will take but a few moments to finish the bill.

Mr. CONGER. I withdraw the motion.

The PRESIDING OFFICER. The question is on the first amendment proposed by the Senator from Ohio.

Mr. INGALLS. Has it not been modified since first suggested by the Senator from Ohio? If so we had better hear it read once more.

Mr. SHERMAN. It had better be read.

The PRESIDING OFFICER. The first amendment of the Senator from Ohio will be reported.

Mr. SHERMAN. It is all one amendment.

The PRESIDING OFFICER. The Chair understands there were separate amendments to different parts of the bill; but for the information of the Senate the Secretary will report both amendments in their connection.

The CHIEF CLERK. In line 10, after the word "domain," it is proposed to insert a semicolon; after the following word "and" to insert the words "after two years be;" in line 11 to strike out the word "general" and insert "homestead;" and in line 12, after the word "States" to insert "and not otherwise;" so as to read:

Be, and they are hereby, declared forfeited, and the whole of said lands restored to the public domain; and after two years be then subject to disposal under the homestead laws of the United States, and not otherwise, as though the said grant had never been made.

Mr. INGALLS. After two years from the passage of the act?

Mr. SHERMAN. Yes.

The PRESIDING OFFICER. If there be no objection the Chair will put the question on the adoption of both these amendments at the same time.

Mr. INGALLS. The words "passage of the act" are not there.

Mr. SHERMAN. That is what it means.

Mr. MILLER, of California. I desire to call the attention of the Senator from Ohio to one fact.

Mr. DAWES. I should like to understand this amendment.

The PRESIDING OFFICER. The Senator from California is entitled to the floor.

Mr. SHERMAN. If the Secretary will now read it again, just as it stands, it will speak for itself.

The PRESIDING OFFICER. The Senator from California was upon the floor.

Mr. MILLER, of California. I will yield the floor to hear the amendment read.

The PRESIDING OFFICER. The amendment will again be read.

The CHIEF CLERK. The proposed amendment is, in line 10, after the word "domain," to insert a semicolon; after the next word "and" to insert "after two years be;" in line 11 to strike out "general" and insert "homestead;" and after the word "States," in line 12, to insert "and not otherwise;" so as to read:

And the whole of said lands restored to the public domain; and after two years be made subject to disposal under the homestead laws of the United States, and not otherwise, as though said grant had never been made.

Mr. SHERMAN. To satisfy the suggestion of the Senator from Kansas I will move to insert "after two years from the passage of this act."

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

Mr. INGALLS. If the Senator will permit me, that leaves the land up to the period of two years subject to disposal either by homestead or pre-emption or otherwise.

Mr. SHERMAN. I think not.

Mr. INGALLS. Certainly it does.

Mr. ALLISON. Then strike out the semicolon.
The PRESIDING OFFICER. The Senator from Ohio proposes to modify his amendment.

Mr. SHERMAN. By inserting the words "from the passage of this act."

Mr. ALLISON. I ask the Senator from Ohio what he means by inserting a semicolon at that particular point?

Mr. SHERMAN. I think grammar rather requires it. I am not particular about it.

Mr. ALLISON. It seems to me if that is done it may be subject to the suggestion made by the Senator from Kansas.

Mr. SHERMAN. I certainly wish to avoid that, and if the Senator will suggest any language that occurs to him—

Mr. ALLISON. I think striking out the semicolon will do.

Mr. SHERMAN. Very well; I will strike out the semicolon, and I would even strike out a period.

Mr. CAMERON, of Wisconsin. I inquire of the Senator from Ohio, or any other Senator who knows, if any machinery is provided in the bill for settling the title during the two years?

Mr. SHERMAN. Oh, no; none whatever. But a bill is now pending lying on our tables to provide for this in all cases, a general law that has been reported from the Judiciary Committee, and ought to pass.

I have no objection to the amendment of the Senator from Alabama, except that it will tend to defeat this bill at this time, but I have no doubt within two years ample provision will be made for commencing suits in the proper courts to quiet the title against these corporations by the United States. I am in favor of such proceeding. My only object now is to prevent the hurry and scurry of homesteaders, &c., on the public lands before these provisions can be made. That is all I desire by the amendment. If there is any trouble about it, I shall withdraw the amendment, if Senators think there is any difficulty.

Mr. CAMERON, of Wisconsin. I am not aware that there is any. I only desired to know if the bill itself provided machinery for settling the title within the two years. It seems it does not.

Mr. MILLER, of California. I would suggest to the Senator from Ohio that the lands embraced in this bill are not, as a general thing, fit for homesteads, probably not one-tenth of them. There are mineral lands along the line of this road embraced within this grant.

Mr. SHERMAN. They are not subject to entry.

Mr. MILLER, of California. They are not subject to entry now except under the laws relating to mineral lands. There is a general mineral-land law providing the manner in which mineral lands may be acquired. If you confine the disposition of these lands to homesteaders entirely, as the amendment does, the mineral lands can not be disposed of, because nobody will take up a homestead for the purpose of working mineral lands. It seems to me the limit of time, two years, is well enough in order to have the titles settled, but it had better be left so that after the expiration of the two years the lands may be disposed of under the existing land laws of the United States. I doubt whether the Congress of the United States will ever pass a bill to change the laws relating to mineral lands. All these lands are good for is pasturage and for the minerals which may be found in them. But if you pass a law now that these lands shall not be open to disposition except for homesteads it repeals by implication all the other land laws, all the laws relating to mineral lands, and all the laws heretofore enacted in reference to that matter.

Mr. WILSON. The mineral lands are not embraced in the grant; they were excepted.

Mr. MILLER, of California. But this is a subsequent law.

Mr. SHERMAN. This only restores the lands granted; and if mineral lands were not granted they are not forfeited and are not covered by the provision.

Mr. MILLER, of California. Then the objection may not be tenable as to mineral lands, but the great objection is that these lands are pasture lands, and there will be no homesteads taken up there. There is not one-twentieth part of the lands embraced in the grant that are fit for homesteads. I call attention to that fact so that Senators may know what they are doing.

Mr. MAXEY. I suggested privately to the Senator from Ohio the same point that is made by the Senator from California. I think but very few homesteaders will be benefited by the amendment, and it might interfere very materially with the mineral lands. The lands along the line of this road, where valuable, are valuable for grazing purposes in New Mexico and for mineral purposes in New Mexico and Arizona. The homesteads are in the valleys, and they have been taken up probably one hundred years or some over one hundred and fifty years on the Rio Grande and in the valleys, and I do not think there are any lands covered by this grant that will probably be valuable for homesteads. The grazing and mineral lands are valuable for those purposes.

The PRESIDING OFFICER. The question is on the first amendment proposed by the Senator from Ohio.

Mr. LAPHAM. I suggest as an amendment to the proposition of the Senator from Ohio to add at the end of line 12 the following:

But none of such lands shall be offered for sale or entry until two years after the passage of this act.

The PRESIDING OFFICER. The Chair would state to the Senator from New York that the amendments suggested by the Senator from Ohio are three in number.

Mr. LAPHAM. I know they are, but they have been treated as one, and the question was put on them as one at one time.

The PRESIDING OFFICER. The Chair at one time said if there be no objection the Chair would put the question on the various amendments at the same time, but no such agreement has been arrived at as yet.

Mr. LAPHAM. I ask the Senator from Ohio if he will not accept this in lieu of his proposition?

Mr. SHERMAN. I have been trying to find something to which everybody agrees. The Senator's proposition may be subject to the objection that it makes no provision sufficient for homesteaders. I wish to preserve these lands entirely for homesteads, but the Senator from California objects that that prevents entries on mineral lands. The answer to that is that the mineral lands were reserved from the grant to the Texas Pacific Railroad. Consequently when the lands granted are reclaimed to the United States there are no mineral lands in the reclamation.

Now the Senator from Texas wishes to make some provision for grazing lands. How are grazing lands purchased now except under the pre-emption or homestead law? I do not know of any way. It seems to me that unless some Senator can make some proposition that will be free from difficulty I would rather stand by my amendment. I do not care whether it is voted down or voted up.

The PRESIDING OFFICER. The question is on the first amendment proposed by the Senator from Ohio.

Mr. BUTLER. It is getting very late in the evening, and I will move an adjournment.

Several SENATORS. Let us finish the bill.
The PRESIDING OFFICER. The Senator from South Carolina moves that the Senate do now adjourn.

Mr. CONGER. I hope the Senator will allow us to have an executive session. There are some nominations that ought to be referred.

Mr. BUTLER. I withdraw the motion if the Senator from Michigan will make the motion to go into executive session.

Mr. CONGER. I move that the Senate proceed to the consideration of executive business.

The motion was not agreed to.

Mr. BUTLER (at 6 o'clock and ten minutes p. m.). I move that the Senate do now adjourn.

The motion was not agreed to.

The PRESIDING OFFICER. The question is on the first amendment proposed by the Senator from Ohio.

The amendment was rejected.

The PRESIDING OFFICER. The question is on the next amendment proposed by the Senator from Ohio.

The amendment was rejected.

The PRESIDING OFFICER. The question recurs on the next and last amendment proposed by the Senator from Ohio.

The amendment was rejected.

Mr. LAPHAM. I now offer the following amendment: At the end of line 12, section 1, I move to insert:

But none of such lands shall be offered for sale or entry until two years after the passage of this act.

It is suggested in some quarters that this does not cover the case of homesteads. It covers all kinds of entry that the law authorizes; and if we restrict entries to homesteads only it applies to homesteads. If the laws remain in force as they now are it will apply to the laws as they now are. It will leave everything according to the state of the law two years from this time.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from New York.

The amendment was rejected.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. Will the Senate concur in the amendments made as in Committee of the Whole? The question will be put on the amendments in gross if no separate vote is required.

The amendments were concurred in.

Mr. LAPHAM. Now, Mr. President, I renew the amendment I offered in Committee of the Whole.

The PRESIDING OFFICER. The amendment proposed by the Senator from New York will be read.

The CHIEF CLERK. At the end of line 12, section 1, it is proposed to insert:

But none of such lands shall be offered for sale or entry until two years after the passage of this act.

Mr. LAPHAM. I trust that amendment will prevail, to the end that an opportunity may be given for proper legislation to determine these questions in contest according to the suggestion of the Senator from Ohio.

The question being put, it was declared that the yeas appeared to prevail.

Mr. LAPHAM. I ask for the yeas and nays.
The yeas and nays were ordered.

Mr. EDMUNDS. I should like to ask the Senator from New York what good this amendment will do unless the means are provided for settling the question of this forfeiture during the two years? Will it not only as it now stands postpone every question for two years and leave us just where we are at this present moment?

The Secretary proceeded to call the roll.

Mr. CAMERON, of Wisconsin (when his name was called). I am paired with the Senator from Louisiana [Mr. JONAS].

The roll-call having been concluded, the result was announced—yeas 12, nays 41; as follows:

YEAS—12.

Blair,	Hoar,	Mahone,	Pike,
Brown,	Jones of Nevada,	Miller of Cal.,	Sawyer,
Dolph,	Lapham,	Mitchell,	Sherman,

NAYS—41.

Aldrich,	Cullom,	Hawley,	Sabin,
Allison,	Dawes,	Hill,	Saulsbury,
Bayard,	Edmunds,	Ingalls,	Sewell,
Beck,	Fair,	Jackson,	Slater,
Brown,	George,	Manderson,	Van Wyck,
Butler,	Gorman,	Mazey,	Vest,
Call,	Groome,	Morgan,	Williams,
Chace,	Hale,	Pendleton,	Wilson,
Cockrell,	Hampton,	Platt,	
Coke,	Harris,	Pugh,	
Conger,	Harrison,	Ransom,	

ABSENT—23.

Camden,	Garland,	Logan,	Plumb,
Cameron of Pa.,	Gibson,	McMillan,	Riddleberger,
Cameron of Wis.,	Jonas,	McPherson,	Vance,
Colquitt,	Jones of Florida,	Miller of N. Y.,	Voorhees,
Farley,	Kenna,	Morrill,	Walker,
Frye,	Lamar,	Palmer,	

So the amendment was rejected.

Mr. MORGAN. I think some of the Senators who voted against the amendment I offered in committee voted against it because they supposed the bill was being acted upon as it came from the House. There are scarcely ten lines of this bill remaining as it came from the House. We struck out one entire section and amended and added to a considerable part of other sections.

Mr. BLAIR. It is impossible to hear what is going on in the Chamber.

The PRESIDENT *pro tempore*. The Senator from Alabama will please suspend. The Senate will be in order. Senators will please cease conversation.

Mr. MORGAN. Believing that there are Senators on this floor who really approve of the principle of the amendment and acknowledge that it is properly applicable to this case, I will offer it again in the Senate. I now offer the amendment.

The PRESIDENT *pro tempore*. The Senator from Alabama proposes an amendment, which will be read.

The CHIEF CLERK. It is proposed to insert as additional sections the following:

SEC. —. That jurisdiction is hereby conferred on the circuit court of the United States for the northern district of Texas to hear and determine all questions and controversies concerning the rights and equities in said forfeited land that are claimed or asserted by the United States, or by any person or corporation claiming the same under or in consequence of any law of the United States, or any act of its lawfully authorized agents, and to enforce any judgment or decree, either interlocutory or final, that said court shall render in respect of said lands or any interest therein.

SEC. —. That it shall be the duty of the district attorney of the United States for the northern district of Texas, under the direction of the Department of Justice, immediately to proceed in the circuit court of the United States for the said district, by bill in equity, in the name of the United States of America as plaintiff, against any corporations or persons that claim any interest in the lands hereby declared forfeited, arising under said act of Congress approved July 27, 1886, or under this act, so as to bring before said court for its determination the validity of such claim, whether the same be legal or equitable.

SEC. —. That any person or corporation not made a party defendant in said proceeding, but claiming any interest under the laws of the United States in the lands, or any part thereof, which are declared forfeited by this act, may present such claim by petition in said cause, duly verified by oath; and if the court, upon consideration thereof, shall decide that the adjudication and settlement of such claim are necessary to do complete justice in said cause, the court shall direct that such further proceedings be had upon such petition as that the same may be fully heard and determined, and shall proceed to decree upon the same as fully as if such petitioner had been made a party defendant in said suit: *Provided*, That no such petition shall be filed after twelve months from the date of the filing of the bill in said cause.

SEC. —. That the court, if it shall see fit, may tax all the costs of the suit under the third section of this act against the United States, and shall apportion the costs of any proceeding under the fourth section of this act between the parties according to justice and equity. Any party to the suit instituted under this act shall have the right of appeal from any final decree thereon to the Supreme Court of the United States, in the same manner and under the same conditions as are prescribed by law and the rules of said court for appeals in equity cases; and the Supreme Court shall cause said appeal to be advanced on the docket so that the same shall be speedily determined; but no right of appeal shall exist after six months from the time when said final decree is entered on the records of the circuit court of the United States.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Alabama.

Mr. MORGAN called for the yeas and nays, and they were ordered. The Secretary proceeded to call the roll.

Mr. CAMERON, of Wisconsin (when his name was called). I am paired for the day with the Senator from Louisiana [Mr. JONAS]. If I were at liberty to vote, I should vote "yea."

Mr. RANSOM (when his name was called). I am paired on this

amendment with the Senator from Illinois [Mr. LOGAN]. If he were here, I should vote "yea."

Mr. WALKER (when his name was called). I am paired with the Senator from Virginia [Mr. RIDDLEBERGER], or I should vote "nay."

Mr. WILLIAMS (when his name was called). I am paired on this question.

The roll-call was concluded.

Mr. RANSOM. My colleague [Mr. VANCE] is paired with the Senator from Michigan [Mr. PALMER]. If here, my colleague would vote "nay."

The result was announced—yeas 26, nays 28; as follows:

YEAS 26.

Allison,	Dawes,	Harrison,	Mitchell,
Blair,	Dolph,	Hawley,	Morgan,
Bowen,	Edmunds,	Hoar,	Pike,
Brown,	Fair,	Ingalls,	Platt,
Butler,	Groome,	Jones of Nevada,	Sawyer,
Chace,	Hale,	Lapham,	
Conger,	Harris,	Miller of Cal.,	

NAYS 28.

Aldrich,	George,	Mahone,	Saulsbury,
Bayard,	Gorman,	Manderson,	Sewell,
Beck,	Hampton,	Maxey,	Sherman,
Call,	Hill,	Miller of N. Y.,	Slater,
Cockrell,	Jackson,	Pendleton,	Van Wyck,
Coke,	McMillan,	Pugh,	Vest,
Cullom,	McPherson,	Sabin,	Wilson,

ABSENT 22.

Camden,	Garland,	Logan,	Vance,
Cameron of Pa.,	Gibson,	Morrill,	Voorhees,
Cameron of Wis.,	Jonas,	Palmer,	Walker,
Colquitt,	Jones of Florida,	Plumb,	Williams,
Farley,	Kenna,	Ransom,	
Frye,	Lamar,	Riddleberger,	

So the amendment was rejected.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. CONGER. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. VEST (when Mr. JONAS's name was called). The Senator from Louisiana [Mr. JONAS] is detained from the Senate by sickness, as I have before stated, and is paired with the Senator from Wisconsin [Mr. CAMERON].

Mr. CALL (when the name of Mr. JONES, of Florida, was called). My colleague [Mr. JONES] is paired with the Senator from Nebraska [Mr. MANDERSON]. If he were present, my colleague would vote "yea."

Mr. JACKSON (when Mr. KENNA's name was called). The Senator from West Virginia [Mr. KENNA] is detained by serious sickness. He would vote for the bill if he were present.

Mr. RANSOM (when his name was called). I have a general pair, as stated, with the Senator from Illinois [Mr. LOGAN]. His colleague [Mr. CULLOM] assures me that he would vote the same way that I should vote if he were here. So I vote "yea."

Mr. SABIN (when his name was called). I have a pair with the Senator from West Virginia [Mr. KENNA]. I am informed that if present he would vote "yea," and therefore I vote "yea."

Mr. WALKER (when his name was called). I am paired generally with the Senator from Virginia [Mr. RIDDLEBERGER]; but believing that he would vote in the affirmative, I vote "yea."

Mr. WILLIAMS (when his name was called). I was paired on a single amendment only and not upon the bill. I vote "yea."

The roll-call was concluded.

Mr. RANSOM. I desire to state that my colleague [Mr. VANCE] is absent and paired. If he were here, he would vote "yea."

Mr. CONGER. I desire to say that my colleague [Mr. PALMER] is absent, paired with the Senator from North Carolina [Mr. VANCE]. If he were present, my colleague would vote "yea."

Mr. CAMERON, of Wisconsin. I am paired, as I have stated, with the Senator from Louisiana [Mr. JONAS]; but I am informed he would vote for the bill if present, so I vote "yea," as I am in favor of the bill.

The result was announced—yeas 56, nays 2; as follows:

YEAS—56.

Aldrich,	Dolph,	Jones of Nevada,	Plumb,
Allison,	Edmunds,	Lamar,	Pugh,
Bayard,	George,	McMillan,	Ransom,
Beck,	Gorman,	McPherson,	Sabin,
Brown,	Groome,	Mahone,	Saulsbury,
Butler,	Hale,	Manderson,	Sawyer,
Call,	Hampton,	Maxey,	Sewell,
Cameron of Wis.,	Harris,	Miller of Cal.,	Sherman,
Chace,	Harrison,	Miller of N. Y.,	Slater,
Cockrell,	Hawley,	Mitchell,	Van Wyck,
Coke,	Hill,	Morgan,	Vest,
Conger,	Hoar,	Pendleton,	Williams,
Cullom,	Ingalls,	Pike,	Wilson,
Dawes,	Jackson,	Platt,	

NAYS—2.

Blair, Bowen

ABSENT—13.

Cauden,
Cameron of Pa.,
Colquitt,
Fair,
Farley.

Frye,
Garland,
Gibson,
Jonas,
Jones of Florida.

Kenna,
Lapham,
Logan,
Morrill,
Palmer.

Riddleberger,
Vance,
Voorhees.

So the bill was passed.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the next special order, being Order of Business 872, the title of which will be read.

The CHIEF CLERK. "A bill (S. 1652) to provide for the improvement of the channel between Galveston Harbor and the Gulf of Mexico."

Mr. HOAR. I move that the Senate proceed to the consideration of Order of Business 1091, being the funding bill, so called.

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. Senators will resume their seats and be in order.

Mr. HOAR. I do not propose to go on with the bill to-night.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the Senate proceed to the consideration of the order of business he has named. The title of the bill will be read.

The CHIEF CLERK. "A bill (H. R. 6771) to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act."

Mr. WILLIAMS. I move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. The Senator from Kentucky moves that the Senate do now adjourn.

The motion was agreed to; and (at 6 o'clock and 35 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 19, 1885.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. J. S. LINDSAY, D. D.

The Journal of yesterday was read and approved.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (H. R. 1251) to authorize the purchase of a wharf for the use of the Government in Wilmington, N. C.; when the Speaker *pro tempore* signed the same.

Mr. SNYDER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (H. R. 8039) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1886, and for other purposes; when the Speaker *pro tempore* signed the same.

ACCOUNTS OF UNITED STATES COURTS.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Attorney-General, asking an appropriation for expense of transcribing records and making tabular statements of accounts in the United States courts; which was referred to the Committee on Appropriations, and ordered to be printed.

GRANT & CO.

The SPEAKER *pro tempore*, by unanimous consent, also laid before the House a letter from the Secretary of the Treasury, with inclosures, relative to the propriety of an appropriation to pay interest on the judgment of the Court of Claims in favor of Grant & Co., confirmed by the Supreme Court; which was referred to the Committee on Appropriations, and ordered to be printed.

OPINIONS OF ATTORNEYS-GENERAL.

The SPEAKER *pro tempore*, by unanimous consent, also laid before the House a letter from the Attorney-General, asking an appropriation for editing and publishing opinions of attorneys-general; which was referred to the Committee on Appropriations, and ordered to be printed.

EXPENSES OF GREELY EXPEDITION.

The SPEAKER *pro tempore*, by unanimous consent, also laid before the House a letter from the Secretary of the Navy, transmitting a statement of expenditures or accounts of the expedition for the relief of Lieutenant Greely and party; which was referred to the Committee on Expenditures in the Navy Department, and ordered to be printed.

LEAVE OF ABSENCE.

Mr. SUMNER, of California, by unanimous consent, was granted leave of absence for to-day, on account of sickness.

DEPUTY MARSHALS AND SUPERVISORS OF ELECTION.

Mr. VAN ALSTYNE. I ask to make a privileged motion, or, if not privileged, I ask the request embodied in the motion made be granted.

Yesterday the Treasury Department sent a communication to the House in response to a resolution of inquiry introduced on the 6th instant calling for information touching the amount of money paid out for deputy marshals and supervisors of election for some years past.

Since this communication was sent up the Department has discovered that one of the entries was erroneously made. It is important that the truth should be stated and the correct entry inserted. The request is, therefore, that this paper be withdrawn for the present, corrections made, and the footings of the columns containing the corrected entry changed to harmonize with the statement as amended.

The SPEAKER *pro tempore*. Without objection the order will be made.

There was no objection, and it was ordered accordingly.

VENEZUELAN AWARD.

Mr. RICE. Mr. Speaker, in presenting the report of the Committee of Foreign Affairs in regard to the Venezuelan awards on yesterday, I omitted to state that the gentleman from North Carolina [Mr. Cox] desired to file a minority report, which I now ask that he have the privilege of submitting.

There was no objection, and the views of the minority were ordered to be printed with the report of the committee.

DISTRIBUTION OF DOCUMENTS.

Mr. STORM. Mr. Speaker, I ask to introduce a resolution for present consideration.

The SPEAKER *pro tempore*. Is it a privileged resolution?

Mr. STORM. I believe it to be a privileged resolution. It is one in relation to the distribution of some documents. But I ask unanimous consent for its present consideration.

The SPEAKER *pro tempore*. The Chair could not recognize the gentleman to ask unanimous consent.

Mr. STORM. Prior to the commencement of the hour rule can not such requests be entertained?

The SPEAKER *pro tempore*. The rule says distinctly that the Chair shall not at any time entertain a request for unanimous consent, unless it be a request for reference or to dispose of amendments of the Senate to House bills.

Mr. STORM. As I have said, I think this resolution, however, is privileged.

The SPEAKER *pro tempore*. It will be read for information.

The Clerk read as follows:

Resolved, That all documents and books ordered to be published by the present Congress, and which are actually printed prior to the first Monday of December next, together with documents and books heretofore ordered to be printed which have not been actually printed, to which members of the present Congress are or would have been entitled if published prior to the 4th of March next, and which are actually printed prior to the first Monday of next December, shall be allotted, as heretofore, to members of the present Congress and transmitted to their residences as fast as printed, unless otherwise ordered by the members themselves.

The SPEAKER *pro tempore*. This resolution was submitted on yesterday by the gentleman from Pennsylvania, and ruled by the Chair to be not in order as a privileged matter.

The Chair sees no reason whatever for changing its opinion in that regard.

Mr. KEIFER. It has been held to be privileged in prior Congresses.

The SPEAKER *pro tempore*. If the gentleman from Ohio desires to be heard in opposition to the ruling of the Chair, the Chair will recognize him for that purpose.

Mr. KEIFER. I wish to state that in the Forty-fifth Congress, I think, on a similar resolution it was held to be privileged.

Mr. STORM. I will withdraw it under the ruling of the Chair, with the understanding that I may be recognized to submit it after the hour.

The SPEAKER *pro tempore*. The Chair has not the privilege to recognize the gentleman to ask unanimous consent at any time under the operation of this rule.

Mr. KEIFER. We ought to have an opportunity to be heard on this question before it is disposed of.

The SPEAKER *pro tempore*. The Chair has intimated its readiness to hear the gentleman from Ohio.

Mr. KEIFER. A resolution of a similar character was offered in the Forty-fifth Congress, as the Chair will doubtless remember, by Mr. Garfield, and another resolution of like substance was presented about the close of the Forty-sixth Congress. It was held then, and has since been held, that such a resolution is a privileged matter, because it relates to the convenience of the present members of the House. These resolutions have been entertained as privileged matters because of the fact that they concern the convenience of the members personally and in the aggregate, and I think the precedents can be found showing uniformly the rulings in this respect. And it looks reasonable, too, in view of analogous questions which come up from time to time. Besides that, I do not think there will be any objection to the consideration of a resolution of this character.

The SPEAKER *pro tempore*. The Chair does not see that this has any reference to the convenience of the members; and feels compelled to hold that it does not present a privileged question.

Mr. BLAND. Regular order.

ORDER OF BUSINESS.

Mr. LAMB. I rise to submit what I understand to be a privileged report.

The SPEAKER *pro tempore*. The report will be read.

The Clerk read as follows:

House joint resolution 315 relative to certain papers in the State Department, by error—

The SPEAKER *pro tempore*. What is this resolution?

Mr. LAMB. It is in regard to some papers placed there by error, and we ask to withdraw them.

The SPEAKER *pro tempore*. The Chair does not think it is a privileged report.

Mr. LAMB. Then I withdraw it.

CONTESTED ELECTION—FREDERICK VS. WILSON.

Mr. BENNETT. I rise to a privileged question. I send up, Mr. Speaker, a report from the Committee on Elections in the case of Frederick vs. Wilson.

The SPEAKER *pro tempore*. The Clerk will report the resolutions appended.

The Clerk read as follows:

Resolved, That James Wilson was not elected as a Representative in Congress from the fifth district of Iowa, and is not entitled to a seat on the floor of this House.

Resolved, That Benjamin T. Frederick was duly elected as a Representative in Congress from the fifth district of Iowa, and is entitled to be sworn in as a member of this House.

The SPEAKER *pro tempore*. The report will be printed and laid over.

Mr. BENNETT. I give notice that I shall call it up for consideration at an early day.

Mr. VALENTINE. I ask leave that the minority of the committee be permitted to file a minority report.

There was no objection, and it was ordered accordingly.

SENATE REPORT ON LABOR, ETC.

Mr. ROGERS, of New York. Mr. Speaker, I am instructed by the Committee on Printing to make the report which I send to the desk: The SPEAKER *pro tempore*. The report will be read.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, July 4, 1884.

Resolved, That the report of the Senate Committee on Education and Labor on the relations between labor and capital, with the accompanying testimony, be printed, and that 25,000 additional copies be printed, of which 8,000 shall be for the use of the Senate, 16,000 for the use of the House of Representatives, and 1,000 for the use of the Senate Committee on Education and Labor.

The Committee on Printing, to whom was referred the Senate concurrent resolution, recommend the adoption of the following as a substitute:

Resolved by the Senate (the House of Representatives concurring), That the report of the Senate Committee on Education and Labor on the relations between labor and capital, with the accompanying documents, be printed, and that 25,000 additional copies, unbound, be printed, of which 6,000 shall be for the use of the Senate, 13,000 for the use of the House, 5,000 for the use of the Bureau of Labor Statistics, and 1,000 for the use of the Senate Committee on Education and Labor.

With these amendments, which pertain to the distribution of the documents and which greatly reduces the cost in binding, the committee recommend the adoption of the resolution.

The amendment was agreed to.

The resolution as amended was agreed to.

Mr. ROGERS, of New York, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. EATON. I desire to present a report from the Committee on Foreign Affairs.

The SPEAKER *pro tempore*. Is it a privileged report?

Mr. EATON. I think it is.

The SPEAKER *pro tempore* (having looked at the report sent up). The Chair does not think the report furnished by the gentleman from Connecticut is privileged.

Mr. EATON. It is the result of a resolution of inquiry directed to the President of the United States.

The SPEAKER *pro tempore*. The Chair does not hear the gentleman from Connecticut.

Mr. WILLIS. I understand the gentleman from Connecticut to say that this is a resolution of inquiry which was referred to the Committee on Foreign Affairs.

Mr. EATON. It is the result of a resolution of inquiry.

The SPEAKER *pro tempore*. The Clerk will read.

The Clerk read as follows:

The Committee on Foreign Affairs, to which was referred the message of the President of the United States, with the correspondence on file in the Department of State relative to the claim of William J. Hale against the Argentine Republic, report—

The SPEAKER *pro tempore*. The Chair does not regard this as a resolution of inquiry. It has reference to a private claim, and is not a privileged report.

Mr. EATON. The resolution of inquiry was addressed by the Committee on Foreign Affairs through the direction of the House to the President of the United States, and I supposed there could be no doubt

but the action of the committee under those circumstances could be reported as a privileged matter.

The SPEAKER *pro tempore*. The Chair understands a resolution of inquiry was passed by the House; but this is evidently not a resolution of inquiry.

Several members called for the regular order.

The SPEAKER *pro tempore*. The hour set apart by the special rule for the calling up of bills, resolutions, &c., will begin at 12.37 p. m. The Clerk will report the business coming over from the last hour.

WILLIAM H. CROOK.

The Clerk read as follows:

A bill (S. 458) for the relief of William H. Crook.

The SPEAKER *pro tempore*. On this bill two minutes are left of the time allowed in opposition.

Mr. HEWITT, of Alabama. I ask for the reading of the bill. I do not know what it is.

The SPEAKER *pro tempore*. The bill was read on yesterday. If there be no objection it will be again read.

The bill was again read.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. STORM. I object.

Further objections being called for, twelve members rose—more than the requisite number.

SETTLERS IN NEBRASKA AND KANSAS.

Mr. LAIRD. I call up from the House Calendar for present consideration the bill (H. R. 1737) for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas, reported by the Committee on the Public Lands with amendments.

The bill was read, as follows:

Be it enacted, &c., That for the purpose of reimbursing persons, and the grantees, heirs, and devisees of persons, who, under the homestead, pre-emption, or other laws, settled upon or purchased lands within the grant made by an act entitled "An act for a grant of lands to the State of Kansas to aid in the construction of the Northern Kansas Railroad and Telegraph," approved July 23, 1880, and to whom patents have been issued therefor, but against which persons, or their grantees, heirs, or devisees, decrees have been or may hereafter be rendered by the United States circuit court on account of the priority of said grant made in the act above entitled, the sum of \$250,000, or so much thereof as shall be required for said purpose, is hereby appropriated: *Provided, however*, That no part of said sum shall be paid to any one of said parties until he shall have filed with the Secretary of the Interior a copy of the said decree, duly certified, and also a certificate of the judge of said court rendering the same to the effect that such a decree was rendered in a *bona fide* controversy between a plaintiff showing title under the grant made in said act and a defendant holding the patent or holding by deed under the patentee, and that the decision was in favor of the plaintiff on the ground of the priority of the grant made by said act to the filing, settlement, or purchase by the defendant or his grantor; and said claimant shall also file with the said decree and certificate a bill of the costs in such case, duly certified by the clerk and judge of said court. Thereupon it shall be the duty of the Secretary of the Interior to adjust the amount due to each defendant on the basis of \$3.50 per acre for the tract his title to which shall have failed as aforesaid, and the costs appearing by the bill thereof. He shall then make a requisition upon the Treasury for the sum found to be due to such claimant, or his heirs and devisees or assigns, and shall pay the same to him, taking such release, acquittance, or discharge as shall forever bar any further claim against the United States on account of the failure of the title as aforesaid.

The amendments reported by the Committee on the Public Lands were read, as follows:

On line 31, page 2, after the words "basis of," insert "what he shall have paid, not exceeding."

Add at the end of the bill the following:

Provided further, That when any person, his grantees, heirs, assigns, or devisees, shall prove to the satisfaction of the Secretary of the Interior that his case is like the case of those described in the preceding portions of this act, except that he has not been sued and subjected to judgment as hereinbefore provided, and that he has in good faith paid to the person holding the prior title by the Secretary herein referred to the sum demanded of him, without litigation, such Secretary shall pay to such person such sum as he has so paid, not exceeding \$3.50 per acre, taking his release therefor as hereinbefore provided."

Mr. OATES. I make the point of order that that bill must have its first consideration in Committee of the Whole House. It makes an appropriation of \$250,000.

The SPEAKER *pro tempore*. The Chair will state that the point of order does not hold as against bills called up under the special rule.

Mr. LAIRD addressed the House. [See Appendix.]

Mr. COX, of New York. If the report in this case had been read I am satisfied there would have been no exception taken to the passage of the bill. There are about two hundred families interested in this, as I understand.

Mr. LAIRD. Three hundred settlers.

Mr. COX, of New York. These people got patents from the Government, and yet got no title, because the Supreme Court decided they were ousted. It is an awful swindle on these people by the Government unless we provide a remedy.

They went into the wilderness, improved these lands, brought them to a high state of cultivation, and unless we interpose they are to be turned off under a decision of the Supreme Court and be without remedy. Surely we should give a remedy. It is equitable in the highest sense. Every man who cares about the Government having a character for honesty should vote for the bill. It only asks relief for such persons

and their grantees, heirs, and devisees or assigns as under the homestead, pre-emption, or other laws have settled on these lands.

I hope since our friend from Nebraska [Mr. LAIRD] has come out under such adverse circumstances [alluding to a severe injury received by Mr. LAIRD in a recent accident] we will give him a fair hearing.

[Here the hammer fell.]

Mr. PAYSON. Mr. Speaker, if I may have attention I think I can explain this matter in two minutes so that the House may understand the case with a little more exactness.

This grant was made in 1866. Nothing was done with reference to it by the railroad company until 1870. The grant was of alternate sections of land for ten miles on each side of the railroad to be located. The railroad company filed its map of the definite location of its line on the 25th of March, 1870, in the Interior Department here in Washington. No notice was given of that filing to the people in the West until the 13th of April of the same year, and between those dates—the 25th of March when the map was filed and the 13th of April—some two or three hundred settlers went in there and made entries of these lands at the local land office.

The question was then presented whether the settlers took title to the lands by going upon them before they had notice, or whether the railroad company took the title from the time its map was filed here in the Interior Department. When the question was presented to the Interior Department the Land Office decided that the settlers were entitled to the lands and entitled to hold them. Accordingly the settlers, some three hundred of them, went on and made their improvements in good faith, and the matter remained in that condition until 1880, when a grantee of the railroad company brought suit, claiming that the railroad company took title from the date of the filing of the map. The case is that of Van Wyck vs. Knevals, reported in 16 Otto, and the Supreme Court decided that the railroad company took title by and from the filing of its map, without regard to notice.

Now, this bill simply proposes to make good to the two or three hundred settlers who settled upon these lands in good faith the amount of money that they had to pay to buy in the railroad title, not exceeding \$3.50 per acre—an act of justice that commends itself to every honest man. [Applause.]

Mr. HOLMAN obtained the floor, but yielded to Mr. OATES.

Mr. OATES. Mr. Speaker, the facts of this case have been succinctly stated by the gentleman from Illinois [Mr. PAYSON]. Within the nineteen days between the two dates he has mentioned some three hundred entries were made of these lands. This is simply a case where a grant had been made to a railroad company, and these settlers went in and made entries and located upon the lands. Subsequently the grantee company brought suit against these parties for the lands, and they were forced to enter into a compromise, and they paid, some of them, \$3.50 an acre, and others that have not been sued are given the opportunity of paying \$3.50 an acre to compromise, and it is proposed by this bill to make that money good to these settlers. In other words, this bill puts the Government of the United States in the position of an insurer of its title.

Mr. SPRINGER. It ought to be in that position.

Mr. OATES (continuing). A thing which it has never been. All purchasers have been purchasers under the maxim *caveat emptor*, and have been required to look to their titles. Now I think that as a matter of equity and justice the Government ought not to retain the money which it received from these settlers for these lands, but ought to refund that money.

Mr. PAYSON. Will the gentleman yield for a question?

Mr. OATES. Yes, sir.

Mr. PAYSON. Does the gentleman from Alabama [Mr. OATES] think it is justice to pay back to a settler a dollar and a quarter an acre for his land, when he has made improvements upon it worth perhaps two or three thousand dollars, especially when the Interior Department has affirmed the validity of his title for fifteen years?

Mr. OATES. I understand the case perfectly well; but I think that is all the Government can afford to do. If you commit the Government to the position of being an insurer of its title it will have enough to do at every session to make good titles that have failed.

Mr. SPRINGER. If the Government should not do it I should like to know who should.

Mr. OATES. It is a dangerous precedent. I know that it is a hard case for these settlers, and I would have the Government refund every cent of the money it has received from them for these lands; but further than that it can not safely go.

Mr. HOLMAN. Mr. Speaker, in view of the facts now being developed, it is quite clear that this bill opens up as important a question as any we shall have to deal with for years to come—questions growing out of the grants of land made to corporations. If this measure stood alone, I should feel no hesitancy or anxiety about it; granting relief to those victims of corporate power and rapacity would not of itself involve any important results; but it does not stand alone. Cases of the same kind in every section of the land-grant region are coming to light. A corresponding transaction to that named in the bill occurred in the Des Moines Valley several years ago, and from time down to the present time instances of similar injustice to *bona fide* settlers of the same

character have been coming to light and demanding the attention of Congress. The Government has issued patents for lands which in innumerable instances were claimed to be within the limits of a railroad land grant, and with strange uniformity the claim of the corporation has been sustained, and the settler with a patent from the United States for his homestead has been turned out of possession. The adjustment of the countless conflicts arising constantly between the settlers on the public lands and the railroad companies to which land grants have been made by Congress is pressing upon Congress for attention as well as the adoption of a proper measure of relief for instances of injustice already consummated in the interest of these corporations.

Some years ago George Crilley, of Iowa, came here asking Congress to do justice to himself and other settlers in the Des Moines Valley of that State. The old gentleman, with a patent for his land from the United States, land which he had enriched by years of labor, had, with many others, been turned out of house and home under wrongful acts of Congress for the benefit of a railroad corporation. He waited and waited until, overwhelmed with despair and a sense of the monstrous injustice done him, his mind gave way and he left here with reason dethroned—a victim of the remorseless cupidity of a railroad corporation and the injustice of this Government.

There are many cases of this general character growing out of our railroad land grants, and it is difficult to say just what the Government should do about them. A serious question is forced upon us. That the Government should refund the money received for the lands must be manifest to every gentleman; but beyond that many difficulties arise. Homestead settlers made no payment, yet relying on the good faith of the Government have made valuable improvements on their lands. I had hoped that a general bill covering all cases of this class would have been reported and properly considered at this session of Congress, and it is unfortunate that that has not been done. The Government should at least do some measure of justice to the actual settler. I feel for one great hesitation in legislating on this subject. I think there should at least be a limitation confining the provisions of this bill to *bona fide* settlers. Speculators in the public lands stand on a different ground. And to that end I offer an amendment, which I send to the Clerk's desk.

The SPEAKER *pro tempore*. The bill is not before the House; so that the gentleman's amendment is not now in order.

Mr. SPRINGER. Let it be read for information.

The SPEAKER *pro tempore*. The Chair, before asking for objections, requests that the House come to order.

Mr. HOLMAN. I ask unanimous consent that before objections are asked for an amendment which I have drawn may be read so as to ascertain whether it is acceptable or not to the gentleman having this bill in charge.

Mr. PAYSON. I hope that may be done.

The SPEAKER *pro tempore*. The gentleman from Indiana asks that a proposed amendment may be read for information. Is there objection? The Chair hears none.

The Clerk read as follows:

Provided further, That the provisions of this act shall only extend to actual and *bona fide* settlers on the lands above specified, and who settled on such lands prior to the said decision of the Supreme Court touching the title to said land; and shall only entitle such settlers to the compensation above provided for to the extent of the land so actually settled upon, not exceeding, however, one hundred and sixty acres.

Mr. LAIRD. In the present temper of the House I am willing to accept that amendment.

The SPEAKER *pro tempore*. The gentleman from Nebraska [Mr. LAIRD] indicates his willingness to accept the amendment proposed by the gentleman from Indiana. Is there objection to the present consideration of the bill?

Sixteen members rose to object.

So the bill was not considered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had passed without amendment the bill (H. R. 7584) for the relief of A. B. Montgomery.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House was requested, bills of the following titles:

A bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia; and

A bill (H. R. 7585) for the relief of M. Gardner.

The message further announced that the Senate had passed joint resolutions and bills of the following titles; in which the concurrence of the House was requested:

Joint resolution (S. R. 125) to provide for the expenses of the inauguration ceremonies on the 4th day of March, 1885;

A bill (H. R. 2623) to remove the political disabilities of Alexander W. Stark; and

A bill (S. 2592) to provide for the sale of a part of the reservation, situate in the State of Nebraska, of the Winnebago tribe of Indians, and for other purposes.

THOMAS THACHER.

Mr. POTTER. I desire to call up for present consideration the bill (H. R. 2483) for the relief of Thomas Thacher. This bill proposes the cancellation of several judgments of forfeiture obtained against a quantity of distilled spirits for alleged violation of the internal-revenue laws. The passage of the bill has been unanimously recommended by two successive Committees on Claims of this House and by various Government officers, including the Secretary of the Treasury.

Mr. MILLS. Let the bill be read before the debate proceeds.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be canceled and discharged of record a certain judgment entered on the 20th day of October, 1877, in the United States district court for the southern district of New York, in an action entitled "The United States of America vs. One hundred and two Barrels of Distilled Spirits seized at No. 72 Courtland street;" and also a certain judgment entered in said court on the 17th day of January, 1882, in an action entitled "The United States of America vs. Eighteen Packages containing Spirits seized at 174 Duane street;" and also a certain judgment entered in said court on the 17th day of January, 1882, in an action entitled "The United States of America vs. Ten Barrels of Distilled Spirits seized at 12 Beaver street;" and also a certain judgment entered in said court on the 17th day of January, 1882, in an action entitled "The United States of America vs. Thirty-six Barrels of Distilled Spirits seized, twelve at 51 Beaver street, ten at 62 New street, and fourteen at 50 Broadway," as well as the stipulations filed in connection with said judgments, signed by Thomas Thacher, upon the payment by said Thacher of all costs taxed or taxable in favor of the United States in said actions.

Mr. POTTER. I will say only a word or two in explanation of this matter, and then yield my time to the gentleman from Alabama [Mr. OATES], who, as a member of the Committee on Claims, has had knowledge of this case.

Mr. WELLER. Is it proper at this time, Mr. Speaker, to call for the reading of the report?

The SPEAKER *pro tempore*. The gentleman has no right to call for the reading in the five minutes allowed to the gentleman from New York unless that gentleman consents.

Mr. POTTER. Judge Blatchford, who conducted the trial upon which these judgments of forfeiture were rendered, has certified, as stated in the report, that there was no evidence the claimant had knowledge of the fraud. The district attorney who had charge of the case on the part of the United States reported to the Secretary of the Treasury that he was satisfied there was no knowledge or complicity on the part of Thacher in any fraud. The Commissioner of Internal Revenue stated that "Mr. Thacher, in purchasing the spirits in question, observed the ordinary care of the trade, and was innocent of fraud in the matter." He also states that in his opinion the interests of the Government will not suffer by relieving Thacher from the payment of these judgments, and recommends that the relief be granted. The Acting Secretary of the Treasury, in a communication dated February 14, 1883, recommends the relief now proposed.

I yield the remainder of my time to the gentleman from Alabama [Mr. OATES].

Mr. OATES. My knowledge of the circumstances of this case arises out of my membership of the Committee on Claims in the Forty-seventh Congress. Thacher, who was in the commission business, obtained from Saint Louis one hundred and thirty-six barrels of spirits, which were seized by the Government. It turned out that a fraud had been perpetrated by a prior owner, who made a false return upon "Form 122." In the trial of the case, Judge Blatchford held that although Thacher was an innocent purchaser, the forfeiture could not for that reason be avoided under section 3451 of the Revised Statutes, the concluding language of which is "that the property to which such false or fraudulent return relates shall be forfeited." Under this statute the innocence of Thacher could not prevent a judgment of forfeiture.

The evidence is abundant that Thacher had no connection with the fraud, knew nothing of it, was an innocent party. But owing to the peculiar phraseology of the statute and the construction it had received in the case of Henderson's distilled spirits (14 Wallace, 44), the plea that Thacher was an innocent purchaser was not available. Hence four judgments were rendered against him, aggregating \$6,714.

The object of the present bill is simply the cancellation of these judgments. The bill does not take a dollar out of the Treasury, but merely cancels these judgments, leaving this innocent man to pay \$1,000 of costs, from which Congress can not relieve him. He ought by all means to be relieved from these judgments, which were rendered against an innocent man. The relief which this bill proposes to grant is recommended by the district attorney, Mr. Bliss, by the Commissioner of Internal Revenue, and by the Treasury Department.

The SPEAKER *pro tempore*. The time for debate in favor of this bill has expired.

Mr. WELLER. I desire to have the report read.

The Clerk read as follows:

The Committee on Claims, to whom was referred the bill (H. R. 2483) for the relief of Thomas Thacher, having considered the same, respectfully present the following report:

The history of this case is as follows:

This bill authorizes the Secretary of the Treasury to have canceled and discharged of record a judgment of forfeiture entered in the United States district court for the southern district of New York, October 20, 1877, against one hundred and two barrels of distilled spirits, seized at No. 72 Courtland street, New

York; a judgment entered in said court January 17, 1882, against eighteen packages of spirits, seized at No. 175 Duane street; also a judgment entered in said court January 17, 1882, against ten barrels of distilled spirits, seized at No. 12 Beaver street; and also a judgment entered in said court January 17, 1882, against thirty-six barrels of distilled spirits, seized, twelve at No. 51 Beaver street, ten at No. 62 New street, and fourteen at No. 50 Broadway, and to discharge also the stipulations filed in connection with said judgments, signed by Thomas Thacher, upon the payment by him of all costs, taxed or taxable, in favor of the United States in said actions.

These spirits, one hundred and sixty-six barrels in all, were seized in May, 1878. They were shipped from Saint Louis to Thomas Thacher, a commission merchant in New York, who advanced to the shippers nearly the amount of their value, and made subsequent payments for expenses, &c., beyond the value of the same. The property was bonded at a valuation of \$6,714.85. At the time of the seizure the one hundred and two barrels were in Thacher's possession, the remainder were in the possession of different parties, to whom he had made sales, and to whom, after the seizure, he had to make good the amount of the purchase money.

The principal portion, if not all, of these goods were consigned to Thacher by one Bensberg, a rectifier, of Saint Louis, who was reported to be "one of the most daring and unprincipled operators in crooked spirits" in that city.

The evidence in the case of the One-hundred-and-two-barrel lot showed that the spirits were marked and stamped in the manner required by the internal-revenue laws to indicate that the tax had been paid, but the rectifier had, in order to procure stamps for rectified spirits, made a false return on Form 122 to the collector, that he had emptied these spirits for rectification.

It was a common practice in connection with the whisky frauds in the West for the rectifier to procure rectifiers' stamps in this manner, for the purpose of stamping illicit spirits. Judge Blatchford held that the false Form 122 forfeited the spirits under section 3451 Revised Statutes.

An application was made to the Secretary of the Treasury for remission of the forfeiture of this one-hundred-and-two-barrel lot. The judge, in the statement there of facts accompanying the petition, said that there was no evidence that the claimant had knowledge of said fraudulent document.

The application for remission was rejected by the Secretary of the Treasury, and a warrant of non-remission was issued October 3, 1877.

The judgment in the district court, in the case of the One-hundred-and-two-barrel lot, was affirmed by the circuit court and afterward by the United States Supreme Court (13 Otto, 679).

The One-hundred-and-two-barrel case was made a test case, and after the failure to obtain remission in that case, and the decision of the Supreme Court, judgment was taken in the other cases under the same state of facts.

The amount of judgments recovered in all the cases was as follows: In the one hundred and two barrel case, \$3,890.56 and \$250 as costs; in the ten barrel case, \$483.37 and \$250 as costs; in the eighteen barrel case, \$384.73 and \$250 as costs; in the thirty-six barrel case, \$1,456.19 and \$250 as costs; total, \$6,714.85.

It was decided by the Supreme Court, in the case of Henderson's distilled spirits (14 Wall., 44), that the fact that the claimant was an innocent purchaser without notice of the wrongful acts of the antecedent owner constituted no defense to the claim for forfeiture. Henderson was an innocent and bona fide purchaser of spirits in a bonded warehouse, which he removed and paid tax upon without knowledge of any fraud. Congress afterward afforded him relief (act of February 17, 1879). That case differed from the present one in some respects, and your committee do not consider that act as constituting a precedent which should necessarily be followed in this instance.

The question in the present case is, whether the claimant Thacher is entitled, as a matter of equity, to be relieved from these judgments.

George Bliss, esq., then United States attorney, in a letter dated August 14, 1876, on file in the office of the Secretary of the Treasury with the claim for remission, reported that he was satisfied that there was no knowledge or complicity on the part of Thacher concerning Bensberg's "crooked" business.

M. B. Blake, collector internal revenue, second New York district, reported that he had known Mr. Thacher as doing business with his office for a long series of years, and had considered him a particularly conscientious man, and did not think it possible that he could have had knowledge of any fraud at the West in connection with these spirits.

Your committee consider this case a hard one. Mr. Thacher has been put to a good deal of expense; and to pay these judgments would be a severe penalty upon a man himself innocent of any violation of law.

The Commissioner of Internal Revenue did not feel inclined to recommend a compromise of the judgment while the case was pending in the Supreme Court, a construction of the statute under which the seizure was made being deemed of importance.

But considering the severity of the statute under which the forfeiture was made, and the fact that Mr. Thacher, in purchasing the spirits in question, observed the ordinary care of the trade and was innocent of fraud in the matter, the Commissioner is now of the opinion that the interests of the Government will not suffer by relieving him from the payment of these judgments, and recommends that the relief be granted.

The Acting Secretary of the Treasury, in a communication dated February 14, 1883, addressed to one of your committee, recommends the relief of Mr. Thacher.

In view of the facts of the case and the approval of the proper officers of the Treasury, your committee report the bill back to the House with the recommendation that it do pass.

Mr. WELLER. I wish to call attention to the fact that this man Thacher took the consignment of this whisky from "one of the most daring and unprincipled operators in crooked spirits" in Saint Louis, showing by this report the fact must have been publicly known. And now he comes here and asks this court of last resort to strike a blow in the face of the other courts, in which he had all the remedy he was entitled to. He had all the time, all the opportunity, in these courts of law, and might have gone into a court of equity if he had seen fit; but he failed to do that. After the Government, at a great expense, has secured this judgment, and he can not find any relief in the courts, the proper place to try this question, he comes to this court of last resort and seeks to have this judgment swept away and the Treasury depleted to this extent. I hope there will not be ten objections, but a hundred, to this bill, as there ought to be.

Mr. ANDERSON and Mr. WELLER objected.

The SPEAKER *pro tempore*. Those in favor of supporting the objection to this bill will rise.

More than fourteen members rose.

The SPEAKER *pro tempore*. The bill is not before the House.

DREGAS DEL LLANO DE LAS AGUAGES TRACT.

The SPEAKER *pro tempore*, by unanimous consent, laid before the

House a letter from the Secretary of the Interior, transmitting a report from the surveyor-general of New Mexico in the case of New Mexico private land claim No. 117, known as the Dregas del Llano de las Aguas tract; which was referred to the Committee on Private Land Claims.

ORDER OF BUSINESS.

Mr. DAVIDSON. I call up for present consideration the bill (S. 229) to authorize the Secretary of the Treasury to erect a public building in the city of Key West, Fla.

The bill was read, as follows:

Be it enacted, &c. That the Secretary of the Treasury be and he is hereby, authorized and directed to purchase, at private sale, or by condemnation in pursuance of the statute of the State of Florida, all the land that he may deem necessary, and cause to be erected thereon a suitable brick or stone building for the use and accommodation of the United States district and circuit courts, custom-house, post-office, and other Government offices in that city, at a cost not exceeding \$100,000, including the purchase of land; and the building hereby authorized shall be so erected as to afford an open space of not less than fifty feet between it and any other building; and the sum of \$100,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose herein mentioned: *Provided*, That no money appropriated for said building and lands shall be available until a valid title to the site selected is vested in the United States, nor until the State of Florida shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

The amendment of the committee was read, as follows:

Strike out, after the word "directed," the following: "to purchase at private sale, or by condemnation in pursuance of the statute of the State of Florida, all the land that he may deem necessary" and in lieu thereof insert the following: "to select, of the lands owned by the United States in the city of Key West, Fla., a suitable building site."

Strike out also, after the word "dollars," the words "including the purchase of land."

Mr. DAVIDSON. Mr. Chairman, this bill proposes to make an appropriation for the erection of a Government building at Key West, Fla., the southernmost city of the Union. There is not, in my opinion, on the Calendar of this House a bill providing for the erection of a public building, nor has one been passed, more meritorious than this one. The necessities of the public business transacted at Key West, the security and preservation of the public records, the importance of the city, all demand that this appropriation should be made. The Government owns no suitable custom-house there, no revenue office, no post-office, no court-house, and yet the customs collection in the city of Key West for the fiscal year ending June 30, 1884, was \$320,457.02; revenue collection between \$135,000 and \$150,000; and the post-office receipts, even with the limited mail facilities of the city, were nearly \$5,000.

In the Forty-fifth Congress a bill providing for the erection of a public building there was favorably considered by the Committee on Public Buildings and Grounds, but for want of time it was not reported. In the Forty-sixth Congress a similar bill was considered and reported, but was not reached on the Calendar. In the Forty-seventh Congress the Senate passed a similar bill. This now is a Senate bill reported by the Committee on Public Buildings and Grounds of this House, and I deem it unnecessary to consume the time of the House in saying more in reference to it. Not only a court-house is needed, but a post-office, revenue office, and custom-house.

I can tell this House from personal knowledge that the buildings in which the public offices there are kept are altogether unsuitable and inadequate. The post-office is a very ordinary frame building of one story; in fact, I may say it is but a shanty, and is a reflection on the dignity and character of our country. I hope there will be no objection to the bill, which has been considered and reported favorably so many times.

[Here the hammer fell.]

Mr. WHITE, of Kentucky. I ask for the reading of the report.

The report was read, as follows:

The Committee on Public Buildings and Grounds, to which was referred the bill (S. 229) to authorize the Secretary of the Treasury to erect a public building in the city of Key West, Fla., beg leave to report:

The city of Key West is the largest city in the State of Florida, and a large foreign trade is carried on, particularly with the West Indies. That it is the seat of a United States court, which is held in a rented building without proper accommodations; and that the post-office accommodations are insufficient.

The matter of a public building at Key West has been urged in Congress as far back as the Forty-sixth Congress, and was then favorably reported, with a limit of \$125,000 as to cost. The necessities of the public business make the demand still more urgent now. The present bill limits the cost to \$100,000.

The Government owns a site suitable for the location of the building; and in view of this fact the committee recommend the passage of Senate bill 229, with amendments as follows:

Strike out, after the word "directed," the following: "to purchase at private sale, or by condemnation in pursuance of the statute of the State of Florida, all the land that he may deem necessary," and in lieu thereof insert the following: "to select, of the lands owned by the United States in the city of Key West, Fla., a suitable building site."

Strike out also, after the word "dollars," the words "including the purchase of land."

Mr. WHITE, of Kentucky. What is the population of Key West?

Mr. DAVIDSON. Between 15,000 and 16,000.

There was no objection, and the bill was brought before the House for present consideration.

The amendments of the committee were adopted.

Mr. DAVIDSON. I move, in line 10 of the bill, to strike out "fifty," between the words "than" and "feet," and insert "forty."

Mr. STOCKSLAGER. That is right.

The amendment was agreed to.

Mr. HOLMAN. Permit me to say a word in this connection. I regret very much that my friend from Florida has not seen proper to introduce here the provision, which I have heretofore suggested in connection with these bills, touching the duty of the Secretary of the Treasury with reference to the approval of the plans, and limiting the cost to the amount appropriated for the purchase of the site and the erection of the building. After the former action of the House upon similar questions I do not feel justifiable in again insisting upon a vote, but express my regret that it has not been incorporated, since it is the only security we have that the appropriation will not be exceeded.

Mr. WHITE, of Kentucky. Let me ask the gentleman from Florida if he will not be willing to put the amount at \$50,000?

Mr. DAVIDSON. The difficulty would be that it would send the bill back to the Senate again, and might jeopardize its passage.

The bill as amended was read a first and second time, ordered to a third reading, read the third time, and passed.

Mr. DAVIDSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING, AUBURN, N. Y.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent to take up the bill (H. R. 3343) for the erection of a public building in the city of Auburn, N. Y.

The bill is as follows:

Be it enacted, &c. That the Secretary of the Treasury be, and hereby is, authorized and directed to purchase or otherwise provide a suitable site, and cause to be erected thereon, at the city of Auburn, in the State of New York, a substantial and commodious public building, with fire-proof vaults, for the use and accommodation of the post-office and United States courts, and for other Government uses. The site, and the buildings thereon, when completed according to plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed the cost of \$150,000; and the site purchased shall leave the building unexposed to danger from fire in adjacent buildings by an open space of at least fifty feet, including streets and alleys; and for the purposes herein mentioned the sum of \$150,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no part of said sum shall be expended until a valid title to said site shall be vested in the United States, and the State of New York shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

Mr. PAYNE. If I can have the attention of the House for the five minutes I do not think there will be any objection to this bill. The city of Auburn has a population of over 25,000 people. The United States courts are held there, and it is the geographical center of the northern district of New York. We ask the construction of a court-house and post-office building for the use of the Government of the United States at that place. In the Forty-fourth Congress a bill was introduced having in view this object, and the Committee on Public Buildings and Grounds, after an investigation of the matter, recommended the construction of a building to cost \$250,000. This bill asks only \$150,000. At that time the chairman of the committee, the gentleman from Indiana [Mr. HOLMAN], addressed a letter to the Secretary of the Treasury in regard to the necessity of a building at Auburn, and received in response a letter which I send to the desk and ask to have read. This is founded upon a report made by the Supervising Architect of the Treasury upon a personal examination and inspection of the locality.

The Clerk read as follows:

TREASURY DEPARTMENT, Washington, D. C., May 3, 1876.

SIR: I have the honor to acknowledge the receipt of your letter of the 4th ultimo, inclosing copy of House bill 2430, Forty-fourth Congress, first session, providing for the erection of a court-house and post-office at Auburn, N. Y., and requesting the views of this Department as to the propriety of the passage of the same.

In reply, I inclose herewith a copy of a report made by the Supervising Architect, to the effect that under date of March 3, 1875, an appropriation of \$4,000 was made to cover the expenditures for preparing plans and specifications for a building to accommodate the public officers in the city of Auburn, and that accordingly he visited that city and found that the post-office and United States courts were located in buildings totally unsuitable and insufficient to afford the necessary accommodations, and that plans have been made for a suitable building, the cost thereof not to exceed the sum of \$250,000, including the expense of site.

In consideration of the seeming necessity for the erection of a suitable building at the city of Auburn, I am induced in this instance to depart from the policy which has governed the Department in such matters during the past two years, and to recommend that an appropriation of \$50,000 be made for the commencement of such a building.

I am, very respectfully,

B. H. BRISTOW, Secretary.

Hon. WILLIAM S. HOLMAN,

Chairman Committee Public Buildings and Grounds.

Mr. PAYNE. I reserve the remainder of my time.

The SPEAKER *pro tempore*. The gentleman has one minute remaining. Unless some gentleman desires to be heard, in the five minutes remaining in opposition to this bill, the Chair will ask for objection.

Mr. COOK. I would like to ask the gentleman from New York in what parts of the northern district of New York the Federal courts are now held?

Mr. PAYNE. At Buffalo, which is about one hundred and fifty miles west, and at Albany, one hundred and fifty east; and there is also a circuit court at Utica and one at Rochester, in the northern district.

Mr. WELLER. How far are these places, Utica and Rochester, from the point where this building is proposed to be constructed?

Mr. PAYNE. Rochester is some eighty miles, and Utica perhaps a little farther. This is the geographical center of the district, as I have said.

Mr. PERKINS. And the courts have been established there, as I understand, already.

Mr. PAYNE. Yes, sir; since 1814.

Mr. WARNER, of Ohio. Do I understand that a United States court is held there now?

Mr. PAYNE. Yes, sir; and has been since 1814.

Mr. McMILLIN. What is the population?

Mr. PAYNE. There are 25,000 people now, and it is rapidly growing in population.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

There was no objection.

Mr. PAYNE. I ask permission to insert an amendment, in line 15, by striking out the word "fifty" and inserting "forty," between the words "least" and "feet;" so that it will read "at least forty feet."

I demand the previous question upon the amendment and on the passage of the bill.

The previous question was ordered; and under the operation thereof the amendment was agreed to, and the bill as amended ordered to be engrossed for a third reading, read the third time, and passed.

Mr. PAYNE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

W. C. MARSH.

Mr. TAYLOR, of Tennessee. I ask to take up for present consideration the bill (S. 1031) for the relief of W. C. Marsh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury of the United States be authorized and directed to pay to W. C. Marsh, of Tennessee, \$2,054, the same being the amount taken from him on or about the 10th day of February, 1863, by the officers commanding the gunboat New Era, and turned into the Treasury of the United States.

Mr. TAYLOR, of Tennessee. This bill passed the Senate and has been favorably reported by the Committee on Claims of this House. I ask that the report be read.

The Clerk commenced the reading of the Senate report (by Mr. DOLPH), which is as follows:

The Committee on Claims, to which was referred the bill (S. 1031) for the relief of W. C. Marsh, respectfully reports:

That the said claimant, William C. Marsh, who was at the time a citizen of the United States and a resident of the county of Tipton, in the State of Tennessee, on or about the month of January, 1863, obtained permission from the military authorities at Memphis, Tenn., to ship a quantity of cotton to Saint Louis, in the State of Missouri, and that in accordance with such permission he shipped his cotton—about eighteen bales—to Saint Louis, and sold it for \$3,500 in United States currency, which he converted into \$2,228 in gold coin, and then took passage on a regular steam transport plying between the cities of Saint Louis and Memphis, and started on his return, via Memphis, to his home in Tipton County; that when said steamer had reached a point at or near Island No. 10, in the Mississippi River, which was on or about the 10th day of February, 1863, the Federal forces upon the United States gunboat New Era seized said transport and took charge of her and the passengers on board, and seized and took from the said claimant the sum of \$2,054 in gold coin, which was taken to the city of Cairo, where the same was duly libelled by the district attorney of the southern district of the State of Illinois in the district court of said district as forfeited to the United States, for the reason that the same at the time of the seizure was being transported from a portion of the United States, to wit, the State of Missouri, to another portion of the United States, to wit, the State of Tennessee, contrary to the act of July 13, 1861, which libel was filed June 2, 1863; and afterwards the said claimant appeared and filed a bond and stipulation in the said court, and the said gold coin was delivered to him; that afterwards and on the 23d day of January, 1864, the cause coming on to be heard in the said court, the said claimant appeared, by his proctor, J. O. Broadhead, esq., and confessed the allegations of the libel to be true, and it was thereupon ordered, adjudged, and decreed by the court that the libellant (the United States) have and recover from the said claimant the sum of \$2,054, the amount of his bond and stipulation filed in said cause, and that execution issue against the said claimant and Jacob Burns, his surety, therefor. On the same day the claimant filed in said court a petition praying for the remission of the forfeiture of said gold coin, and the district attorney having consented that the same might be heard, the court proceeded to hear the proofs in support of said petition, and ordered that the execution of the decree of forfeiture should be stayed until the action of the Secretary of the Treasury in the premises, and proceeded to hear the evidence, and made the following findings of fact:

First. That the claimant, William C. Marsh, is an illiterate man, unable to read or write, and that he is a poor and honest laboring man.

Second. That said Marsh is no trader or speculator, and his business is that of a farmer, and that he rents the lands cultivated by him.

Third. That the \$2,054 gold coin found on the person of said claimant Marsh was his own property, no other person having any interest in it, it being the proceeds of certain cotton raised and sold by him.

Fourth. That said claimant Marsh was carrying said gold coin home with him for the use of himself and family in good faith, without any intention of fraud, he being ignorant of any law, order, or regulation forbidding the carrying of coin into said State of Tennessee.

Fifth. That said claimant Marsh is and ever has been loyal to the Government of the United States, and that while Tipton County, Tennessee, the home of said claimant, was under rebel rule, he persistently and continuously avoided giving them any aid or comfort, or in any way recognizing their authority.

Sixth. No proof was taken in support of the libel or against the petition of the owner.

S. H. TREAT, District Judge.

The petition and findings having been presented to the Secretary of the Treasury, the Acting Secretary of the Treasury, on April 30, 1864, addressed the following communication to the Solicitor of the Treasury:

TREASURY DEPARTMENT, April 30, 1864.

SIR: Application has been made by William C. Marsh, of Tipton County, Tennessee, for the remission of a forfeiture of \$2,054 in gold coin, seized at Island No. 10, in the Mississippi River, and libeled in the United States district court for the southern district of Illinois, for violation of an act of Congress approved July 13, 1861.

After a careful review of the summary examination had before the judge of said court, I see no sufficient reason to grant the prayer of the petitioner. You will accordingly please instruct the United States district attorney for said district that the application for the remission of the forfeiture in said case has been denied.

Respectfully,

GEORGE HARRINGTON,
Acting Secretary of the Treasury.

EDWARD JORDAN, Esq.,
Solicitor of the Treasury.

While the facts found by the district judge upon the summary hearing of the petition for a remission of the forfeiture would seem to have justified the Secretary of the Treasury in granting the prayer of the petitioner, there may have been circumstances which are unknown to your committee which render a strict enforcement of the act of July 13, 1861, necessary. Your committee is of the opinion that the claimant is equitably entitled to relief, and recommends that the bill be amended by striking out the words "in gold coin," in line 5 of the bill, and that the bill as amended do pass.

Before the Clerk had completed the reading of the report, The SPEAKER *pro tempore*. The five minutes allowed in favor of the bill have expired.

Mr. HOLMAN. I hope the balance of the report will be read.

Mr. WELLER. I desire that the remainder of the report shall be read.

The SPEAKER *pro tempore*. In the time against the bill?

Mr. WELLER. Yes, sir; although I favor the bill.

The Clerk resumed the reading of the report.

Mr. WELLER (interrupting). So far as I am concerned I have heard enough.

Mr. HOLMAN. Let the reading continue. The five minutes have not expired.

The SPEAKER *pro tempore*. Three minutes are still left of the five. The Clerk resumed the reading of the report.

Mr. HOLMAN (interrupting). For myself I do not ask for further reading.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. TAYLOR, of Tennessee, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. SPOONER. I rise to call up a bill for consideration.

The SPEAKER *pro tempore*. The gentleman from Rhode Island [Mr. SPOONER] is recognized. The hour provided by the special rule has expired.

WIDOW OF FRANK W. LYNN.

Mr. ERMENROUT. I present a privileged report from the Committee on Accounts. The Committee on Accounts, to whom was referred the resolution which I send to the desk, report it back with the recommendation that it be adopted.

The Clerk read as follows:

Resolved, That the Clerk of the House be directed to pay out of the contingent fund of the House to the widow of Frank W. Lynn, late an employé of this House, a sum equal to his salary for six months and also the necessary funeral expenses, not to exceed \$250.

The resolution was adopted.

Mr. ERMENROUT moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PORTS IN WASHINGTON TERRITORY.

Mr. BRENTS, by unanimous consent, introduced a joint resolution (H. Res. 337) authorizing the Secretary of the Treasury to establish a support of entry and a port of call at Port Angeles, Wash.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

RAILROAD LAND GRANTS IN KANSAS.

Mr. ANDERSON, by unanimous consent, presented a resolution of the Legislature of Kansas, urging the passage of the bill to adjust the grants of lands to certain railroads doing business in the State of Kansas; which was referred to the Committee on the Public Lands.

Mr. ANDERSON. I ask that these resolutions be printed in the RECORD. They are very short.

There was no objection, and it was so ordered.

The resolutions are as follows:

House concurrent resolution No. 10.

Whereas the title to a vast amount of land in the different counties of this State is held in dispute between railroad corporations and settlers; and Whereas such disputed title has caused many vexatious lawsuits, feuds, bloodshed, and loss, greatly to the detriment of the prosperity and settlement of the counties so situated; and

Whereas a bill is now before the Congress of the United States, which, if passed, it is believed would greatly aid in adjusting these land titles: Therefore,

First, *Be it resolved by the house of representatives of the State of Kansas (the senate concurring therein), That our Senators be instructed and our Representatives be requested to use their best efforts to secure at the earliest day possible the enactment of such a law as will afford the relief sought.*

Second, *Resolved, That the secretary of state be directed to forward copies of these resolutions, properly verified, to each of our Senators and Members of Congress.*

I, E. B. Allen, secretary of state of the State of Kansas, do hereby certify that the foregoing is a true and correct copy of the original resolution now on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal.

Done at Topeka this 12th day of February, A. D. 1885.

[SEAL.] E. B. ALLEN, Secretary of State.

FRENCH SPOILIATION CLAIMS.

Mr. BRATTON. A few days ago a resolution which I reported from the Committee on Printing was committed to the Committee of the Whole House on the state of the Union. It is a Senate resolution, authorizing the printing of 3,000 copies of the list of claimants on account of French spoliations. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the report, and that it be recommended to the Committee on Printing.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. WILLIS. I move to dispense with the morning hour, and beg to state that at a certain time agreed upon with the Committee on Appropriations I shall yield the floor to them. Upon that understanding, and with that agreement, I move to dispense with the morning hour.

The motion was agreed to (two-thirds voting in favor thereof).

REPORTS OF UNITED STATES GEOLOGICAL SURVEY.

Mr. SPRINGER, by unanimous consent, introduced a joint resolution (H. Res. 338) providing for the printing of additional copies of the sixth and seventh annual reports of the Director of the United States Geological Survey; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

REPORT OF BUREAU OF ETHNOLOGY.

Mr. SPRINGER, by unanimous consent, also introduced a joint resolution (H. Res. 339) providing for printing additional copies of the sixth and seventh annual reports of the Director of the Bureau of Ethnology; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

MONOGRAPH II OF UNITED STATES GEOLOGICAL SURVEY.

Mr. SPRINGER, by unanimous consent, also introduced a joint resolution (H. Res. 340) providing for printing the usual number of Monograph II, of United States Geological Survey; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

WILLIAM M. GARDNER.

Mr. TUCKER. I ask unanimous consent to take from the Speaker's table the bill (H. R. 7585) for the relief of M. Gardner, with amendments by the Senate, for the purpose of moving concurrence in the Senate amendments.

The SPEAKER *pro tempore*. This is a political disability bill. The gentleman from Virginia [Mr. TUCKER] desires to move concurrence in the Senate amendments.

There was no objection.

The amendments of the Senate were read, as follows:

In lines 2 and 3 strike out "M. Gardner" and insert "William M. Gardner." Amend the title so as to read, "An act for the relief of William M. Gardner."

The amendments of the Senate were concurred in.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. WILLIS. I now move that the House resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. HAMMOND in the chair), and resumed consideration of the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The CHAIRMAN. The pending question is on the amendment of the gentleman from Pennsylvania [Mr. BAYNE], which the Clerk will again report.

The Clerk read as follows:

In line 927 strike out "\$2,500,000" and insert "\$800,000," so that it will read: "Improving Mississippi River from the head of the passes to the mouth of the Ohio River, including the rectification of the Red and the Atchafalaya Rivers at the mouth of Red River, and for keeping open a navigable channel through the mouth of Red River into the Mississippi River: Continuing improvement, \$800,000; which sum," &c.

The question being taken on agreeing to the amendment, there were—ayes 25, noes 73.

Mr. BAYNE. No quorum.

The CHAIRMAN. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Pennsylvania, Mr. BAYNE, and the gentleman from Kentucky, Mr. WILLIS.

The committee again divided; and the tellers reported—ayes 40, noes 114.

Mr. BAYNE. Mr. Chairman, I will not insist upon the point of order.

The CHAIRMAN. The point as to no quorum being withdrawn, the amendment is not adopted.

The Clerk read the next amendment (offered by Mr. HISCOCK), as follows:

In line 926 insert the following:

"But the mouths of said rivers shall not be rectified upon any plan that in the opinion of the Mississippi River Commission will render it necessary to build levees on the Mississippi from the said Atchafalaya River down the Mississippi River."

Mr. HISCOCK. Mr. Chairman, when I offered the amendment a moment since to strike out the lines in this bill providing for the rectification of the mouths of the Red River and the Atchafalaya, and made the assertion that those lines committed the Government to the building and the perpetual support and maintenance of levees from the mouth of Red River down, I was told by some friend of this measure that I was mistaken. To meet that allegation I have offered this amendment, providing that the mouths of those rivers shall not be rectified upon any plan which involves the building of such levees. Everybody knows that for the requirements of navigation there is no need of levees from the mouths of those rivers down; there is plenty of water there; the navigation is perfect; and I have offered this amendment to meet the assertion which was made here on the other side of the House by some friend of this scheme that my statement that it would be necessary to build and maintain such levees was not true.

I now say to members of this committee more than that; I say that this provision in the bill commits the Government for all time to paying the damages that may be sustained from the chance breaking of those levees or from overflow. It commits the Government to the maintenance of the levees at its own cost and expense, and obligates it for all time to preserve the owners of these alluvial lands from the discharge of water upon their lands on account of the closing of the mouth of one of these rivers and the opening of the other. I do not believe that this committee or that Congress is prepared to commit itself to any such policy, but I shall have done my duty in reference to this matter when I have so distinctly brought the question into this committee that every member can understand precisely the point upon which he is voting and the effect of the adoption of this clause of the bill without amendment.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BRECKINRIDGE. That is more stuff, as this House well knows.

Mr. ELLIS. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. ELLIS. I rise to offer a substitute for the amendment just proposed by the gentleman from New York [Mr. HISCOCK], and I send it to the Clerk's desk to be read.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read the amendment (offered by Mr. ELLIS as a substitute for the amendment offered by Mr. HISCOCK), as follows:

Provided, That no portion of this appropriation shall be expended to repair or build levees for the purpose of reclaiming lands or preventing injury to lands by overflows: Provided, however, That the commission are authorized to repair and build levees, if in their judgment it should be done as a part of their plan to afford ease and safety to the navigation and commerce of the river and to deepen the channel.

Mr. ELLIS. Mr. Chairman, after years of consideration we adopted a plan for the improvement of the Mississippi River. That plan has succeeded, and the proofs of it are now visible on the river wherever that plan has been adhered to. A portion of the plan has failed, while another essential portion of it has been neglected. This bill brings back the commission, and restricts them to the original plan with perfect fidelity. Now, sir, having chosen the plan, having chosen the agents to carry out that plan, why should we seek to fetter their brains? Why should we seek to darken counsel by words without knowledge? Why should we seek to fetter the judgment of the men who are in charge of this work, having restricted them to the plan which has succeeded, and which will succeed when adhered to? This provision contains the same language that was used heretofore, and it absolutely prevents the throwing of a single spadeful of dirt for private purposes, for the protection of private property, for the protection of lands from overflow. That is absolutely prohibited; but if they find it necessary for the purpose of deepening the channel of the river and affording ease and facility to the vast commerce that floats upon its bosom—if these purposes can be subserved by making higher banks, the commission are at liberty to do so. The amendment, I am sure, must commend itself to the judgment of this House, and I trust it will be adopted. [Cries of "Vote!" "Vote!"]

Mr. HISCOCK. I move to strike out the last proviso in the substitute just offered by the gentleman from Louisiana [Mr. ELLIS], and I desire to say that the objection which I make to this clause in the bill without my amendment is that the clause itself commits this Government to the building of these levees. The Government would be legally obliged to build them. The moment it turns this immense volume of water into the Mississippi it assumes the liability of protecting the owners of the lands against overflow. That is the purpose of it. It does not depend upon affirmative legislation, but, on the contrary, the Government practically says to the people: We have increased the flood in the Mississippi River and we assume the liability of protecting you from the incursions of that flood.

This scheme is concealed—I do not say it offensively—this scheme is concealed in the simple words of this clause, and therefore I say that no language that can be offered here limiting it will correct the evil if you undertake to rectify the mouths of these rivers in accordance with the plans which have been submitted by the Mississippi River Commission.

The effect of it is to threaten the people upon the line of that river below that point with destruction of houses, villages, and farms by flood; and the Government is compelled to step in and build these levees to protect those people against its own act. Ay, more than that, when damages have been sustained in this way the Government is bound in equity and honor to make compensation to the owners of those alluvial lands for that damage.

Mr. WARNER, of Ohio. I desire to offer an amendment.

Mr. WILLIS. I do not appeal to the rules of this House but to the good faith of members. It was expressly understood that only amendments intended to be substantial and only speeches in support of such amendments were to be allowed in this extended time. I do respectfully appeal to gentlemen on this floor not to violate their agreement.

Mr. WARNER, of Ohio. I have not occupied a minute on this bill.

The CHAIRMAN. The Chair will state that no further amendment is in order until the pending amendment is voted upon.

Mr. ELLIS. If the House will allow me one minute I will dissipate the fears expressed by the gentleman from New York.

Mr. WILLIS. I must object to any extension of the debate.

Mr. HOLMAN. I call for the reading of the substitute and the proposed amendment.

The substitute and amendment were read.

Mr. HISCOCK. I do not care to press the amendment to strike out the last proviso. I withdraw it so as to let the question come squarely on the substitute.

The CHAIRMAN (having put the question on agreeing to the substitute). In the opinion of the Chair the substitute is adopted.

Mr. HISCOCK. I call for a division.

Mr. WILLIS. In order to save time I ask that tellers be ordered at once.

There being no objection, tellers were ordered; and Mr. WILLIS and Mr. HISCOCK were appointed.

The House again divided; and the tellers reported—ayes 101, noes 63. So the substitute was adopted.

Mr. WARNER, of Ohio. I now ask to have read the amendment which I send to the desk.

The Clerk read as follows:

Add to the substitute just adopted the following:
"Provided, That no existing outlets through which the flood waters are carried off shall be closed."

Mr. WARNER, of Ohio. Mr. Chairman, it will be admitted, I think, that the improvement of the navigation of the Mississippi River is one thing and taking care of the flood waters is a very different thing. I am in favor of the improvement of the navigation of the Mississippi River, and I doubt not that jetties and revetments are valuable in the improvement of navigation; but I do not believe it is within the power of man to confine the flood waters of that gigantic river and keep them within artificial embankments.

There was a time, and that within comparatively recent geological time, when the Gulf of Mexico was where New Orleans now is. At that time the surface of the Mississippi River must have been some sixteen feet lower than it is now all the way up to the first falls, and the bed of the river was then much lower than it is now. Extend the mouth of the river into the Gulf; build walls to hold the flood waters, and the waters will continue to rise and its bottom to follow it up, and you may go on indefinitely without being able to confine within your artificial embankments the floods that will occasionally come. For this reason I am opposed to appropriations for the building of levees to confine the flood waters. If I believed the plan would be a success I should not object to appropriations for it; but I do not believe in the plan, and I do not believe that engineers agree at all upon such a plan. I believe in more outlet room for flood waters.

[Here the hammer fell.]

The question being taken on the amendment of Mr. WARNER, of Ohio, it was not agreed to.

The next amendment (by Mr. WHITE, of Kentucky) was read, as follows:

In lines 923, 924, and 925 strike out the words "including the rectification of the Red and the Atchafalaya Rivers at the mouth of Red River."

Mr. WHITE, of Kentucky. As will be seen, Mr. Chairman, the proposition of the committee is to rectify the banks of the Red and the Atchafalaya Rivers. It is intended to carry out the Eads plan of closing up the outlet from the Red River into Grand Lake through the Atchafalaya. Now, it is a well-known fact that when the floods come the Mississippi River extends at least seventy-five miles wide. To talk about closing up the outlet of the Atchafalaya means to build up a levee all along the southern bank of the Red River. Is there any man from Louisiana who will deny that?

Mr. BLANCHARD. I do deny it.

Mr. LEWIS. I deny it.

Mr. WHITE, of Kentucky. Now let me read to these gentlemen. On April 5, 1882, General Humphreys was before the Committee on Commerce, and I desire to read from his testimony taken at that time:

Mr. REAGAN. In determining, as you did, the necessity of extending the levees from the mouth of the Ohio to the mouth of the Mississippi, did you consider whether it was practicable or possible to retain the floods of the Mississippi River within those levees?

General HUMPHREYS. Yes; that was the question. The object of constructing levees and raising them to certain heights was to confine the river within them, otherwise it would be a useless expenditure of money. The great object of making these measurements was to determine the question how high the river would rise if all the water were kept within its channel, and the observations were made because no one had any means of answering that question before.

Mr. HORR. And did you conclude that it could be done?

General HUMPHREYS. Yes, sir.

Mr. REAGAN. Did you contemplate the construction of a line of levees immediately on the banks of the river or at some distance back from them?

General HUMPHREYS. Wherever it was practicable it would be preferable to place levees some distance back from the river, leaving the local proprietors to establish the levees outside.

Mr. REAGAN. In providing on your plan for retaining the water of the river within its channel by levees, did you contemplate putting reverse levees along the affluents of the Mississippi within the alluvial bed or did you propose to leave those open?

General HUMPHREYS. The affluents must be leveed also. We contemplated that, though, if I remember aright, we did not include it in our estimates.

Mr. WHITE. You understand that the Red River is disposed to run into the Atchafalaya now?

Mr. HUMPHREYS. Yes; at times it discharges entirely through the Atchafalaya.

Mr. WHITE. Now, it has been stated that if we levee the Mississippi we shall have to levee also the Red River and the other affluents for some considerable distance back.

General HUMPHREYS. That would be for the protection of the country along those rivers.

Mr. WHITE. Would that necessitate the raising of the levees on the Mississippi? Or would it be better to lead the surplus water there off by another channel, say down the Atchafalaya, and levee that also—that is, would it be better to have a parallel river with low levees, and the Mississippi itself with low levees, or to have all the water concentrated in one river with high levees?

General HUMPHREYS. I should not think for a moment of closing the Atchafalaya or any of those natural bayous. How much that surplus water of the Red River I don't know, nor how much the banks would have to be raised by levees.

[Here the hammer fell.]

The amendment of Mr. WHITE, of Kentucky, was not agreed to.

The next amendment (by Mr. HEPBURN) was read, as follows:

After the word "river," in line 926, insert: "Provided, That no work shall be done at this point that will make the improvement or increase of levees necessary on the banks of the Mississippi River."

Mr. HEPBURN. Mr. Chairman, there are three plans which have been submitted for the rectification of the mouth of the Red River. One involves an expenditure of \$10,511,000; the other involves an expenditure of \$8,061,000. The plan favored by the commission involves an expenditure of \$4,800,000. By this rectification of the mouth of Red River from throwing its floods into the Mississippi River is involved an expenditure in levees to make secure the present levees below Red River, assumed as in previous cases at two feet mean rise, of \$2,872,000. To provide for the increased discharge below Red River consequent upon the execution of this plan would require the additional raising of grade, which, assumed as in a preceding case at one foot increase to mean height, would cost \$1,907,000. There are more than \$4,000,000 made necessary in building levees alone from this mode, compelling the waters which now flow through the Atchafalaya into the Mississippi.

Now, there is certainly a reason for this. As it is, certain lands contiguous to the Atchafalaya are flooded because of this discharge, and they are owned by somebody and that somebody desires their protection, through the diversion of the waters which at times flood them, at the expense of the Government of more than \$4,000,000.

[Here the hammer fell.]

Mr. BLANCHARD. The commission has adopted no such report.

Mr. HEPBURN demanded a division.

The committee divided; and there were—ayes 33, noes 81.

Mr. HEPBURN. No quorum has voted.

The CHAIRMAN appointed as tellers Mr. HEPBURN and Mr. WILLIS.

The committee again divided; and the tellers reported—ayes 15, noes 116.

So the amendment was disagreed to.

The next amendment (by Mr. WHITE, of Kentucky) was read, as follows:

Strike out the following:

"And for keeping open a navigable channel through the mouth of Red River into the Mississippi River."

Mr. WHITE, of Kentucky. I want to call the attention of the com-

mittee to the fact that the effect of striking out these lines is to strike out the idea contained in this bill, that you must close up the outlet at the head of the Atchafalaya. The committee goes upon the idea that because Mr. Eads made a success at the mouth of the Mississippi River he can do anything he pleases with the Mississippi River. Now, Mr. Eads never discovered that jetties would be a benefit to the mouth of the Mississippi River. I read from the same document I read from a while ago, where General Humphreys testified before the Committee on Commerce in 1882 as follows:

I was the first person to demonstrate that the use of the jetties would deepen the river at its mouth, because I was the first person to get the facts by measurements.

That same gentleman who told us that jetties would be a success and who urged their use and said they could be built at the mouth of the Mississippi River, that same gentleman, Mr. Chairman, utterly opposed the idea that the Atchafalaya should be stopped up. Furthermore, he contended that if you began to close up all such outlets as the Atchafalaya you would have to raise all the levees along the banks of all the affluents emptying into the Mississippi River from Cairo down, and if you began on that system it would cost hundreds of millions of money. Why, sir, \$150,000,000 is not an approximation to the cost of leveeing thousand of miles. Both banks of the rivers must be leveed as a consequence of the adoption of any such theory.

Mr. DUNN. How much money?

Mr. WHITE, of Kentucky. Hundreds and hundreds of millions of dollars. You propose covertly in this bill to have Mr. Eads saddled upon this Government by undertaking to carry out any such theory of tickling the flanks of the Mississippi River, tickling the flanks of the banks of its affluents, tickling their flanks by building higher levees on both sides, thus incurring an expense, as I have already said, of hundreds of millions of dollars.

[Here the hammer fell.]

The committee divided; and there were—ayes 12, noes 89.

Mr. WHITE, of Kentucky. No quorum.

Mr. WILLIS. I hope that point of order will not be made.

The CHAIRMAN. The Chair can not avoid it. The point of order is made.

Mr. WILLIS. I appeal to the good faith of this House whether that ought to be done.

The CHAIRMAN. The Chair knows of no way to stop it.

Mr. BRECKINRIDGE and Mr. WHITE, of Kentucky, were appointed as tellers.

The committee again divided; and the tellers reported—ayes 24, noes 141.

So the amendment was rejected.

The next amendment (by Mr. BOUTELLE) was read, as follows:

Amend by striking out from the word "including," in line 923, down to the word "river," in line 926, as follows:
"Including the rectification of the Red and the Atchafalaya Rivers at the mouth of Red River, and for keeping open a navigable channel through the mouth of Red River into the Mississippi River."

Mr. WILLIS. That has been voted on.

Mr. BLANCHARD. Voted on three times.

Mr. BOUTELLE. It is a curious coincidence the amendments should be identical.

The CHAIRMAN. The gentleman will proceed.

Mr. BLANCHARD. The point of order has been made on this amendment that it has already been voted on.

Mr. WILLIS. It has been voted on within the last twenty minutes.

The CHAIRMAN. So far as the Chair knows nothing has been done except adding after the word "river" the amendment proposed by the gentleman from Kentucky [Mr. TURNER] and another addition to that proposition by the gentleman from Louisiana [Mr. ELLIS], and therefore as at present advised the Chair would not rule the amendment out.

Mr. WILLIS. The amendment of the gentleman from Iowa [Mr. HEPBURN], as well as other amendments, covered this same point.

The CHAIRMAN. They were amendments which were voted down.

Mr. WILLIS. I ask for a ruling whether the amendment is in order.

The CHAIRMAN. As at present informed the Chair holds it to be in order.

Mr. WASHBURN. If this amendment had been presented would it now be in order?

The CHAIRMAN. It would not.

Mr. WASHBURN. It is precisely the same as offered by the gentleman from New York [Mr. HISCOCK].

Mr. BOUTELLE. The Chair has ruled my amendment to be in order.

Mr. WASHBURN. It is precisely the same amendment offered by the gentleman from New York [Mr. HISCOCK], and voted down.

Mr. BLANCHARD. That is correct.

The CHAIRMAN. If that be true, that the amendment is precisely the same, the Chair would sustain the point of order, and rule the amendment out.

Mr. BOUTELLE. I understood the Chair to rule that my amendment was in order.

The CHAIRMAN. The Chair ruled if it were not like amendments

already offered it would be received; but that if it were precisely the same as amendments already voted down it would not be in order.

Mr. BOUTELLE. I do not know of anything a man on the floor can do but to submit.

The CHAIRMAN. Submit then, and the Clerk will read the next amendment.

Mr. BOUTELLE. I should not think of appealing from the decision of the Chair.

The next amendment (by Mr. HEPBURN) was read, as follows:

After the word "river," in line 926, insert:

"Provided, That no part of the sums herein appropriated shall be expended in the erection or repair of levees situated on lands not owned by the United States."

Mr. WILLIS. I make the point of order that that amendment has been already voted upon.

Mr. BRECKINRIDGE. That whole question has been voted upon by the committee and disposed of.

Mr. WILLIS. And the substitute of the gentleman from Louisiana [Mr. ELLIS] was adopted by the committee.

Mr. HEPBURN. I have not been able to hear the point of order the gentleman makes.

Mr. WILLIS. The point of order is that this whole subject has been already disposed of.

Mr. HEPBURN. I think if the gentleman will compare the language of this amendment with what has been voted upon heretofore he will find that they are not identical in any respect.

Mr. WILLIS. I think the gentleman is mistaken; my recollection is certainly that way.

The CHAIRMAN. The Chair does not recollect any case where a question pertaining to the levees on lands belonging to private individuals has been considered.

Mr. BRECKINRIDGE. All lands on which the levees are constructed belong to private individuals.

Mr. WILLIS. It is well understood that they are lands belonging to individuals on the banks of that river, and that question having been already raised and voted upon covers this point.

Mr. BRECKINRIDGE. It is impossible to find a square inch of land down there that does not belong to some individual. This whole question has been disposed of already.

The CHAIRMAN. The Clerk will read a paragraph from the Digest in regard to this subject.

The Clerk read as follows:

If an amendment be proposed inconsistent with one already agreed to, it is a fit ground for its rejection by the House, but not within the competence of the Speaker to suppress as if it were against order; for were he permitted to draw questions of consistency within the vortex of order, he might usurp a negative on important modifications, and suppress instead of subserving the legislative will.

The CHAIRMAN. The Chair thinks, therefore, that this amendment is in order.

Mr. HEPBURN. Mr. Speaker, there is, in my judgment, a strong reason why Congress should not authorize the construction of levees upon the property of private individuals that has not yet been discussed in connection with this bill. The Mississippi River Commission, year after year, has asked for legislation at the hands of Congress by which they could condemn property upon which erections of this character may be necessary in their judgment or where it shall be found necessary to get material for the improvement. They say that extravagant prices are asked for such things.

Mr. DUNN. Was not that incorporated in the last river and harbor bill?

Mr. HEPBURN. I take it not, because the same demand for legislation is urged in the last report of the commission. They call attention to their frequent requests on this subject. They call attention to the exorbitant sums demanded of them for brush, poles, and piling, which they find necessary to use in connection with their work. They say that they are at the mercy of cormorants all along the river; even the very men I take it upon whose lands the levees are to be built and for whose benefit they are undertaken they say require exorbitant pay for such items. When it comes to the appropriation of a part of their lands or property they make these excessive demands, and, as the commission say, we are completely at their mercy.

It seems to me that until gentlemen on that side of the House are willing to forget some of their notions about strict construction, and are willing to give the Congress of the United States the power to exercise the right of eminent domain in matters of this kind, they come here with very poor grace asking that these extraordinary appropriations for the benefit of private individuals should be made out of the Treasury.

[Here the hammer fell.]

The question being taken on the adoption of Mr. HEPBURN's amendment, there were on a division—ayes 36, noes 86.

Mr. HEPBURN. No quorum has voted.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. HEPBURN and Mr. BRECKINRIDGE were appointed tellers.

The committee again divided; and the tellers reported—ayes 43, noes 117.

So the amendment was not agreed to.

The Clerk read the next amendment (submitted by Mr. BOUTELLE), as follows:

Strike out the entire paragraph commencing with line 922 and ending with line 938.

Mr. BOUTELLE. Mr. Chairman, if the gentleman in charge of this bill had not manifested so eager a desire to impede the expression of individual criticisms in regard to it I think some time might have been saved with respect to the very few remarks I desire to offer.

My principal object in rising is to ask a question of the gentleman from Arkansas [Mr. BRECKINRIDGE], a member of the committee, who spoke on this bill when it was first reported to the House. I desire to ask that gentleman whether this improvement of the Mississippi River, for which this \$2,800,000 is proposed, is a continuation of that system of work advised by the Mississippi River Commission to which he referred the other day as likely to cost \$150,000,000, and which he denounces as a conspicuous failure, and to which he referred in the following language:

Mr. BRECKINRIDGE. Let me answer the gentleman.

Mr. BOUTELLE. Allow me first to quote the language on which I desire to base my inquiry. The gentleman from Arkansas said—

They—

The commission—

have now a plan of operations sketched out to spend, as stated, \$150,000,000. The calculation is a very plain one, and there is not in any of their work a guarantee that it will last twelve months.

Mr. BRECKINRIDGE. I was emphatic in condemning the departures of the commission from the plan originally adopted for the improvement of that river. And therefore we propose to introduce into this bill instructions that the commission shall adhere to the plan of improvement that were set forth in the first report of the commission.

Mr. BOUTELLE. But I beg to state to the gentleman from Arkansas he now tells us something he proposes to introduce—

Mr. BRECKINRIDGE. I do not propose to permit this commission to go on and spend the money in the line of their departures from the original plan.

Mr. BOUTELLE. I am endeavoring to discuss this bill as it is laid on our desks and presented to the House. And I find the gentleman from Arkansas made this statement—

Mr. BRECKINRIDGE. If you will read the bill it will answer you fully. Its present provisions are more stringent than we propose now, and we only relax this much under protest.

Mr. BOUTELLE. The gentleman made this statement:

They can not point us to any experiments in this departure from the original plan and from reason showing that it will stand twelve months after a single rise.

Mr. BRECKINRIDGE. And that is all perfectly true.

The CHAIRMAN. Debate on this amendment is exhausted.

The question being taken on Mr. BOUTELLE's amendment, it was not agreed to.

The Clerk read the following amendment, offered by Mr. WHITE, of Kentucky:

Strike out lines 926 to 938 and insert as follows:

"Improving Mississippi River from the head of the passes to the mouth of the Ohio River, \$155,000; of which sum \$80,000, or so much thereof as may be necessary, shall be used for the construction of a light-draught side-wheel steamer with dredge attached, and of sufficient power to move from place to place; also, ten wing-dam barges, each one hundred feet in length, enough to make a dam 1,000 feet in length; also, a small light-draught boat to be used in sounding and placing the barges in position on shoal water, and placing the whole under the control of a thoroughly practical river pilot. The said sums appropriated to be expended under the direction of the Secretary of War."

Mr. WILLIS. I make the point of order that that identical amendment was voted on this morning.

Mr. WHITE, of Kentucky. I am glad my colleague has made the point of order. I desire to be heard on it.

Mr. WILLIS. My only desire is in good faith to go on with this bill, and I must make the point of order on this amendment already voted on this morning.

Mr. WHITE, of Kentucky. I do not see where the good faith comes in, when an hour was taken this morning contrary to the agreement of last night.

Mr. WILLIS. I ask for a ruling.

The CHAIRMAN. The Chair will hear the gentleman from Kentucky on the left [Mr. WHITE] as to whether this amendment was offered before.

Mr. WHITE, of Kentucky. I desire to state I had a motion pending last night—

Mr. WILLIS. I withdraw the point of order.

Mr. WHITE, of Kentucky. I thought the gentleman would withdraw the point of order when I stated the facts as they occurred.

Mr. Chairman, I desire to call the attention of the committee to the fact that if this amendment should be adopted we will, in all probability, accomplish for the navigation of the Mississippi River with the small sum of \$155,000 what is proposed, even if we still had Mr. Eads in the bill. Here is a communication from a practical river-man, which I shall insert under the general leave, a letter from Mr. T. L. Lee, formerly of Paducah, Ky., now of Memphis, Tenn., and a practical river-man, stating that with this small amount of machinery and with the

small sum of \$150,000 he can prevent the widening of the river, and can keep a navigable channel through the whole year round. And we can save the millions of money which we have been sinking under your commission plan.

Why, sir, think of it. The repairs last year cost two millions of dollars; the repairs the year before cost two millions of dollars. What has your commission done for the Mississippi River? And the end is not yet. We propose, if we follow this committee, if we follow your commission, if we follow Mr. Eads in any of these propositions—we propose to take millions of money; we—

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. WHITE, of Kentucky. This is the cheapest way to improve the navigation of the Mississippi River.

The letter of Mr. T. L. Lee, referred to by Mr. WHITE, of Kentucky, is as follows:

DEAR SIR: As the matter of improvement of the different rivers, and especially the Ohio and Mississippi, will be under consideration under different plans, I ask your aid in getting before the proper committee of Congress a plan of my own conception. It bears no indorsement from any river improvement commission or convention. I tried to reach Congress through the aid of the river improvement convention which met at Saint Louis in 1880, but I suppose the plan was too cheap, and found a burial (like most economical ones have) at the hands of the committee to whom it was referred. I now ask that the plan be considered on its own merits, without the aid of either council, convention, or commission, believing that your honorable body are fully competent to determine whether there is any merit in it or not. You will have enough convention and commission business to dispose of anyhow. As you are aware, the difficulty of navigation on the Ohio and Mississippi Rivers during low water is due to a great extent to the formation of sand bars; and to the removal of such obstructions is what I desire to call your attention. The plan heretofore adopted has been to construct permanent and costly dams or dikes. These I consider failures to a great extent, as the cutting or wash occasioned by such structures is too great, and removes the difficulty from the point intended only to re-establish it again below and near the point of removal.

Dams and dikes are no doubt excellent improvements where shoals occur on firm bottoms, such as gravel, rock, &c. (such as the improvement now being made in the lower Ohio, at what is known as the Grand Chain, the object being to prevent the main channel flowing among rocks where steamers can not go; but where sand formations are the only trouble, temporary means can be adopted that will accomplish the work, and at a very small cost compared with the present system, and leave no dangerous obstruction when the river is high, such as dams and dikes frequently prove.

The plan offered for your consideration is this, namely:

Instead of building permanent dams use portable ones, constructed by means of barges, with gates attached, on the plan as shown by accompanying drawings, by which during low water a dam several hundred feet in length can be fixed at any given point in a few hours in any shape or angle that may be desired, and when a sufficient depth of channel has been obtained at one point, the dams can be taken up and removed to the next point requiring work; being once removed, the cause may never occur again (such has been demonstrated in many instances by the peculiar breaks and fickleness of sand obstructions).

In connection with the portable wing-dam I would recommend the use of a dredging-machine on the plan herewith submitted and shown by drawings, or something similar. If the use of the cylinder dredge should prove undesirable for the work, the use of water jets from large pumps (such as are used for washing the banks by the Mississippi River Commission) can be substituted and applied in place of same. I am confident both will prove a success. After establishing a temporary dam at the proper angle on a bar, say from one to two thousand feet in length, and putting the dredge at work at foot of dam (that being the channel point), but a few hours' work would be required to get a good depth of channel, and then the whole apparatus could be removed to another field of operation. I have no doubt that many dams have been built which need never have been if this plan had been in use. A sand bar once removed may never occur again in the same place and shape, a fact well known to every practical riverman. Nature sometimes does the work herself, and many places that were the worst years ago are now no trouble, although no artificial means have been used.

Being somewhat conversant with the cost of building boats and machinery, I give it as my opinion that an outlay of \$150,000 by the Government will be sufficient to make a thorough and practical test of the plan. Should it fail of which I have no fears, all the appliances used could be used under the present system of work, except the dredge and gates on barges, which might be removed if not serviceable. The whole cost to the Government (as a loss) would not exceed 25 per cent. of the outlay.

As an experiment, I would suggest the construction of a light-draught side-wheel steamer, with dredge attached, and of sufficient power to move from place to place, ten wing-dam barges, each one hundred feet in length, enough to make a dam one thousand feet in length, and a small light-draught boat to be used in sounding and placing the barges in position on shoal water, and place the whole under the control of a thoroughly practical river-man.

It is well known to you, and to every one else who has paid any attention to such matters, that in many instances the obstructions to navigation caused by sand are not generally of great length; sometimes less than one hundred feet, known as reefs. Start the sand to washing in such places and it goes very rapidly. You will observe that by my plan you have the natural current, the force of the wheels of the steamer and dredge, all working in the proper direction. I think it would be a good idea to try both kinds of dredging, cylinder and water jets.

I have seen the boats constructed by the Mississippi River Commission to wash the banks, and think a similar plan, with the use of my lever frame (used on the cylinder dredge) to keep the nozzles fixed on the bottom as the boat moved over the sand, would induce very rapid washing and accomplish much toward obtaining a uniform depth of water.

I believe on investigation it will be found but little has been accomplished to improve navigation between Louisville, Cairo, Saint Louis, and New Orleans during the last twenty-five years, except by removal of snags and establishing lights, both of which are a great benefit to commerce. I have my doubts of the success of any of the present great schemes for improvement of the Mississippi River, either by jetties or otherwise. If we attempt too much we may fail to do what is necessary, and by grasping at giant schemes lose what good might result from moderate and practical ones. Let us keep up our snagboat and light-house system in the most perfect manner—build dams or dikes where we have firm bottoms, and use portable means where sand is the trouble, and we will find the rivers ample to carry all we may produce, and not spend millions of dollars in trying to work up impossibilities.

I have submitted my plan to some very practical river-men, and have never had one to condemn it, and I might have procured a long list of petitioners indorsing it, but I claim the plan is so plain and the expense so little to try it (in comparison with other schemes), that petitions, conventions, and commissions

are not needed." I therefore submit it on its face value, trusting you and your associates in Congress may deem it worthy of a trial.

Yours, respectfully,

T. L. LEE.

PADUCAH, KY., November 21, 1881.

The following is a communication from the War Department, with inclosure, in answer to a letter addressed to the Department by Mr. WHITE, of Kentucky:

WAR DEPARTMENT, Washington City, April 13, 1882.

SIR: I have the honor to acknowledge the receipt of your letter dated the 14th ultimo, inviting the attention of the Department to a communication inclosed by you, containing the views of Mr. T. L. Lee, of Paducah, Ky., in regard to the improvement of the Ohio and Mississippi Rivers.

In reply to your request, that if the Department finds in the suggestions of Mr. Lee anything worth recommending you may be informed, I beg to invite your attention to the inclosed report of the 12th instant, from the Chief of Engineers, and the accompanying copy of a report from Maj. W. E. Merrill, Corps of Engineers, in charge of the improvement of the Ohio River, from which it will be seen that in the use of movable dikes or wing-dams Mr. Lee has been anticipated both in this country and abroad.

Very respectfully,

JOHN TWEEDALE,
Acting Chief Clerk,
(For the Secretary of War, in his absence).

Hon. J. D. WHITE,
Of Committee on Commerce, House of Representatives.

UNITED STATES ENGINEER OFFICE,
Cincinnati, Ohio, April 5, 1882.

GENERAL: I have the honor to return herewith the letter of Hon. J. D. WHITE, member of Congress, to the honorable Secretary of War, regarding the plan of Mr. T. L. Lee for improving the Ohio and Mississippi Rivers, referred to me by inclosure dated March 20, 1882, and to make the following report:

The use of movable apparatus for the removal of shoals is very ancient. There are doubtless many cases of such use of which I have no record, but the following are to be found in some of my books and reports. The earliest mention of it I have discovered is in a work entitled *Des Travaux du Fleuve du Rhin*, by A. J. Ch. Defontaine (Paris, 1833). On page 37 a certain apparatus of this character is described and the results obtained by using it are given, but there are no drawings of the device itself. These, however, may be found on plate 63 of *Cours de Constructions de Sganzin and Reibell* (Paris, 1839-1841).

On plate 4 of the *Cours de Construction* of M. Minard (Paris, 1841) there is shown, besides the above-mentioned apparatus, another, somewhat similar, that was used on the Garonne.

In the *Navigation Intérieure de De Lagrené* (Paris, 1871), volume 2, page 174, mention is made of a number of similar devices as having been used on the canal of La Somme, on the Burgundy Canal, on the maritime canal of Abbeville, and in the sewers of Paris.

It should be stated, however, that all of the above are small affairs that are not applicable to rivers of any size, and their use differs from that of movable dikes in that they wholly obstruct the channel, and the water is forced to pass with increased velocity under them, while movable dikes only cause a partial obstruction of the stream, and the volume of the river passes alongside. The underlying principle, however, is essentially the same.

In 1874 Mr. Julius Rapp, assistant city engineer of Saint Louis, requested my opinion of a movable dike or "patented portable wing-dam," invented by Messrs. Emerson and Doyle of that city, which had done good service in deepening a bar at the upper end of the city wharf. The patentees wished to have their apparatus tried in Government work on the Ohio. In my reply I objected to the apparatus on the ground of the expense attending its use on a large scale, and the great number of such dikes that would be required if applied to all of the bars of the lower Ohio.

The only case that has come to my knowledge of the actual and regular use of movable dikes is in Russia, on the Volga. I inclose herewith an account of these dikes, being an extract from a letter to me from Mr. P. Michailoff, Russian Government engineer, whose acquaintance I made in this city in 1876, he having visited our Centennial Exposition. I have taken the liberty of making a few verbal changes in the wording of this letter in order to make it read more smoothly, but no change has been made in its meaning. Two tracings accompany Mr. Michailoff's letter, of which copies are inclosed. The titles and dimensions on the originals are in Russian, but the former were kindly translated for me by Lieut. F. V. Greene, Corps of Engineers, and the latter were readily transformed, as the base of the Russian system of measures is the English foot.

It will be observed that according to Michailoff the use of movable dikes has sprung from the failure of fixed ones, and has apparently been a last resort. It is not claimed that they are cheaper, and in view of the fact that all the parts are made of perishable material, it seems clear that they must be considerably more expensive.

In examining tracing No. 1, it will be observed that the diking is held in place by an inclined spar in rear and by chains in front. I know nothing of the amount of drift that annually comes down the Volga, but as the whole of European Russia is a vast plain, usually destitute of trees, I should infer that no annoyance was experienced on that account; in which opinion I am confirmed by the number of floating lights that are shown on figure 1 of tracing No. 2. There are such lights on the Ohio, but it is with great difficulty that they are maintained. The Russian system seems to be as simple and as little likely to be deranged as any that could be devised, but I am afraid that it would be impracticable to apply it on the Ohio on account of the snags and drift that would inevitably catch on the chains and on the back spar.

Another point in favor of Russian rivers is the unusual steadiness of the flow of water. Janicki says (Non-Tidal Rivers, page 28):

"A second characteristic feature distinguishes Russian rivers from the other rivers of Europe: they overflow their banks more rarely and at periodically fixed times. Most of them have only a single spring flood; during summer, autumn, and winter rises are usually rare and always small."

"After the spring floods in Russia the rivers fall to their low-water stage in May or June, and they ordinarily remain there with some slight oscillations until the breaking up of the ice in the following spring."

It is evident that a river that changes its level often during the low-water period is not well adapted to the use of movable apparatus of any kind, as the necessary changes in adjustment and the occasional removal of the whole apparatus would be annoying and expensive: it is also clear that the Volga is better adapted to the use of such affairs than the Ohio.

The extract from Michailoff's letter is apparently in favor of the use of these dikes. The only other Russian opinion on them that I have is that of Janicki, which may be found in *Non-Tidal Rivers*, pages 11 and 12. It will be observed that he refers to the same movable dikes of Yannkowski that are shown in tracing No. 1.

To make this review complete I have yet to mention two or three secondary processes, whose action is only auxiliary and temporary, such as dredging, mov-

able apparatus for contracting channels, the reticulated dikes of Engineer Yannkowski, &c.

"In regard to temporary contrivances of various names and kinds, trellis-work, basket-work, temporary movable gates, &c., designed to momentarily contract the channels of rivers, when they are properly and reasonably applied to removing bars, they can in certain places give incontestable results; but these results are generally so small, so insignificant, and dependent on so many surrounding circumstances that, in my opinion, no serious importance ought to be given to any of these methods. They can only be employed when the water has nearly reached its lowest stage, and when the bars are therefore exposed, and have already become troublesome to navigation. It only requires a slight rise, a storm, some carelessness in placing the apparatus, a shock, or perhaps a little too hard a knock from a boat or a raft, to disarrange them, and thus destroy the additional depth thus obtained over the bar by the aforesaid contrivances."

"Rivers, besides, have more than one bar in their course, and navigation will always find in one place or another more than one troublesome point, and consequently a gain of a few inches in depth at a small number of bars, and at comparatively great cost, does not in reality constitute a complete remedy for the evil. Such machines, however, have a moral effect, if I may be allowed the term. Boat-owners who have to suffer from low water on the bars complain less if they see that something is being done to relieve them. I know not how better to compare these means of temporary contraction than to the anodynes which a physician prescribes in order to quiet his patient until he can make a diagnosis of the disease and begin a really efficacious treatment."

It is evident, therefore, that even in Russia opinions are divided as to the advantages of movable dikes.

Figure 1 of tracing No. 2 shows that at the bar on the Volga, which is there shown, the dike had to be 4,600 feet, or seven-eighths of a mile, long; while Michailoff's letter shows that on the portion of the river where this method of improvement is adopted there are in use eighteen miles of diking five steamboats, three dredges—which is a very expensive outfit.

My conclusion from the above is that it would be advisable for the Government to procure, through its diplomatic agents, the fullest possible information as to the utility and cost of movable dikes as applied to the Volga, and that it is unadvisable for the United States to make expensive experiments in a field that has already been worked by other nations when the results of their expenditures may be learned for the asking. After we know the results of experience in Russia we can decide for ourselves on the expediency of adopting the same system in this country.

It is evident from this investigation that in the use of movable dikes or wing-dams Mr. Lee has been anticipated both in this country and abroad; his special device may be new, but as no drawings accompanied the papers I have no means of forming an opinion on this point.

Respectfully submitted,

WILLIAM E. MERRILL,
Major of Engineers.

Brig. Gen. H. G. WRIGHT,
Chief of Engineers.

MINISTRY OF PUBLIC WORKS, St. Petersburg, June 1, 1880.

DEAR SIR: A year ago I received your letter, stating your wish to have some information concerning the dikes and dams on the Volga; but since that time I have been quite ill and therefore unable to give you the desired information.

For twenty years there have been no fixed dikes constructed on the Volga. The reason for this was the failure of the fixed dikes constructed in the upper Volga from Tver to Rybinsk. Instead of fixed dikes the channel of the Volga has been regulated by floating movable dikes.

The most considerable obstructions to navigation are encountered between Rybinsk and the mouth of the river Kama. The works were designed to give, in the lowest stage of the river, a channel depth of 3 feet 9 inches from Rybinsk to the mouth of the Oka, and of 5 feet 3 inches from the mouth of the Oka to the mouth of the Kama.

This was attained by the use of floating rafts with movable dikes, the construction of which is shown on the inclosed tracing No. 1. The dikes are disposed in lines parallel to the channel, as is shown in figure 1 of tracing No. 2, and their effect is indicated in figure 2 of the same tracing.

Many shoals have entirely disappeared from the effect of these movable dikes. The annual expense of maintaining these dikes, including necessary repairs and removals, is about 15 per cent. of their first cost.

The engineers in charge of these works have at their disposal eighteen miles of the dikes, together with five steamboats and three dredges, and with these they are able to maintain the indicated depth of channel in the Volga from Rybinsk to the mouth of the Kama.

I remain, yours, very truly,

P. MICHAÏLOFF,
Government Engineer.

Col. WILLIAM E. MERRILL,
United States Engineer, Cincinnati Ohio.

[The following, showing the opinion of General A. A. Humphreys, Chief of Engineers until 1879, is also printed by Mr. WHITE, of Kentucky, in connection with his remarks under the general leave to print:

An outlet is intended for a waste-weir in floods only, and is not designed to discharge any water when the river has returned within its banks. Its opponents have claimed that a high-water outlet so permanently built as to remain always unchanged, and which merely discharged sufficient water during flood as to keep the river within its banks, would raise the bed of the river below, and instead of lowering the floods below would raise them. And this they said it would do, because a river always carries an amount of sediment exactly proportioned to the velocity of its current, and if the velocity of that current was reduced sediment would be dropped and a shoal at once be formed.

But, as I have already explained, all the facts ascertained on the Mississippi River disprove this dogma. Indeed, if it was true, and if it was true that the river bed just below the Bonnet Carré crevasse shoaled up thirty feet in 1850 because of that crevasse, then the river bed at New Orleans ought to have filled up completely to the top of its banks long ago, since it is determined beyond question by the investigations of General Abbot and myself that the river there in its low stages and least currents often has more sediment in its water than at very much higher stages and swifter currents.

Mr. WASHBURN. But I understood you to say that the Bonnet Carré crevasse did not shoal the main river below the crevasse.

General HUMPHREYS. That is what I said.

Mr. WASHBURN. And I understand you now in answer to Mr. Townsend to give an opposite opinion as to the effect of an outlet.

General HUMPHREYS. No, sir; you are mistaken. It is the mouth of the river that I am talking about now, two hundred miles from the Bonnet Carré crevasse, and what will take place there, at the mouth, when the outlet becomes the river.

Mr. WASHBURN. I thought the point you were discussing was the effect that a crevasse would have upon the main channel below.

General HUMPHREYS. That was the point, but the question now is the final result of a great outlet.

Mr. WASHBURN. But I understood you to say that the Bonnet Carré crevasse did not cause any change in the channel below.

General HUMPHREYS. Yes; it did not cause any change at that point or elsewhere in the channel.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kentucky [Mr. WHITE].

The committee divided; and there were—ayes 2, noes 92.

Mr. WHITE, of Kentucky. I make the point that a quorum has not voted. A provision that carries so many millions of dollars to destruction should be considered by a quorum.

The CHAIRMAN. A quorum not having voted the Chair will order tellers, and appoints the gentleman from Arkansas [Mr. BRECKINRIDGE] and the gentleman from Kentucky [Mr. WHITE].

Mr. WILLIS. It was agreed with the Committee on Appropriations we should occupy a certain time. That time has now expired; and in pursuance of the agreement I move the committee do now rise.

The motion was agreed to; and the committee accordingly rose.

The SPEAKER (Hon. J. G. CARLISLE) here assumed the chair after an absence of two weeks on account of sickness. His appearance in the chair was the signal for loud and prolonged bursts of applause from members throughout the whole House.

Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

CHANGE OF REFERENCE.

Mr. McMILLIN. Mr. Speaker, I ask unanimous consent that the reference of the bill (H. R. 8015) for the relief of Edward G. Pendleton be changed, and that it be referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

The SPEAKER. In the absence of objection it will be so ordered.

ORDER OF BUSINESS.

Mr. HUTCHINS. Mr. Speaker, I move that the House do now resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the naval appropriation bill.

Mr. WILLIS. Pending that, Mr. Speaker, I rise to a privileged motion.

The SPEAKER. The gentleman from New York [Mr. HUTCHINS] moves that the House do now resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering a general appropriation bill. Pending that the gentleman from Kentucky [Mr. WILLIS] rises to a privileged question, which he will state.

Mr. WILLIS. I move that at 6 o'clock p. m. to-day the House take a recess until 10 a. m. to-morrow.

Mr. VALENTINE. Mr. Speaker, before that motion is put I desire to ask the gentleman from Kentucky [Mr. WILLIS] if he will consent that before 11 o'clock to-morrow the committee shall rise in order that the House may adjourn.

Mr. WILLIS. Yes, sir.

Mr. BROWN, of Pennsylvania. Mr. Speaker, with the understanding that there is to be an adjournment before 11 o'clock to-morrow I have no objection to the motion of the gentleman from Kentucky [Mr. WILLIS].

The SPEAKER. The gentleman from Kentucky [Mr. WILLIS] has so stated.

The motion of Mr. WILLIS was agreed to.

Mr. WILLIS moved to reconsider the vote by which that motion was agreed to; and also moved to lay the motion to reconsider on the table. The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. PETERS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 7585) for the relief of William M. Gardner;

A bill (H. R. 7584) for the relief of A. P. Montgomery; and

A bill (H. R. 3258) to authorize the construction of a bridge across the Saint Croix River at the most accessible point between Stillwater and Taylor's Falls, Minn.

ORDER OF BUSINESS.

The SPEAKER. The question is on the motion of the gentleman from New York [Mr. HUTCHINS], that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering a general appropriation bill.

Mr. KEIFER. Mr. Speaker, before that motion is put I desire to make a suggestion in relation to the discussion that is to take place on this bill. I wish to suggest that when the House resolve itself into Committee of the Whole on the state of the Union we go on with the reading of the bill—not the first part of it, the reading of which may be dispensed with—that we go on with the reading of the bill until we come to that part relating to the increase of the Navy, and have the general debate at that time. I think that plan will facilitate the dispatch of business this evening.

Mr. RANDALL. Mr. Speaker, there is no reason that I am aware of why we should depart from the usual course with reference to this bill. There is no disposition on the part of the committee to abridge debate beyond the necessities of the session.

Mr. KEIFER. Mr. Speaker, in answer to the gentleman from Pennsylvania [Mr. RANDALL], let me remark that I am not saying anything about abridging debate or extending it because, so far as I know (speaking for myself and some others on this side of the House) we do not desire to prolong debate. I am speaking of an understanding as to the part of the bill upon which the general debate shall take place, and I have suggested that we go on and read the bill up to that point, and we will try to get through the general debate as rapidly as possible.

Mr. RANDALL. Mr. Speaker, I think general debate had better begin at once.

The SPEAKER. There seems to be objection to the suggestion of the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. I am sorry for it.

Mr. THOMAS. Mr. Speaker, I desire to reserve the point of order on this bill.

The SPEAKER. The point of order has been reserved. The question is on the motion of the gentleman from New York [Mr. HUTCHINS].

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. WELLSBORN in the chair), and proceeded to consider the bill (H. R. 8239) making appropriations for the naval service for the fiscal year ending June 30, 1886, and for other purposes.

Mr. HUTCHINS. I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. In the absence of objection it will be so ordered.

Mr. HUTCHINS. Mr. Chairman, I will not detain the committee at this stage of the discussion by any extended remarks, but I will ask for the reading of the report; first stating to the House that the report is full in detail and gives a better explanation of the bill and its provisions than I could give if I should talk for an hour. I now ask that the report be read.

The Clerk read as follows:

The Committee on Appropriations, in presenting the bill making appropriations for the naval service for the fiscal year ending June 30, 1886, submit the following in explanation thereof:

The estimates upon which the bill is based will be found on pages 103 to 118 of the Book of Estimates, and aggregate \$30,555,999.50, not including \$26,111, which is payable from the naval pension fund, of which sum there is specifically recommended in the accompanying bill \$12,515,837.95, together with \$30,000 for the naval asylum, which is payable from the naval pension fund, being \$1,464,643.64 less than the appropriations for like purposes for the current fiscal year. The bill also, by section 2 thereof, makes an indefinite appropriation for the increase of the Navy.

Following is a table showing in detail the estimates for 1886, amounts recommended for 1885, appropriations for 1885, and expenditures for 1884.

Naval establishment.	Estimates, 1886.	Recommended, 1886.	Appropriations, 1885.	Expenditures, 1884.
Pay of the Navy and miscellaneous.....	\$7,305,780 00	\$7,415,780 00	\$7,292,605 00	\$7,266,351 55
Contingent of the Navy.....	100,000 00	20,000 00	20,000 00	113,834 92
Increase of the Navy.....	15,071,572 62	(*)	2,305,100 00	1,829,265 75
Navigation and supplies, Bureau of Navigation.....	130,000 00	87,500 00	87,500 00	103,064 39
Civil establishment, Bureau of Navigation.....	6,000 00	5,000 00	5,000 00	4,954 54
Contingent, Bureau of Navigation.....	5,000 00	4,000 00	3,500 00	4,306 95
Ocean surveys, Bureau of Navigation.....	20,000 00			2,200 99
Survey of west coast of Mexico, Bureau of Navigation.....	10,000 00			
Compass-testing house, Bureau of Navigation.....	7,000 00		7,000 00	
Publication of professional papers, Bureau of Navigation.....	12,000 00			
Naval-war college, Bureau of Navigation.....	18,000 00			
Ordnance and ordnance stores, Bureau of Ordnance.....	856,715 00	208,000 00	123,000 00	171,702 74
Civil establishment, Bureau of Ordnance.....	11,217 25	5,000 00	5,000 00	4,900 67
Contingent, Bureau of Ordnance.....	5,000 00	3,000 00	3,000 00	3,802 29
Repairs, Bureau of Ordnance.....	16,000 00	15,000 00	15,000 00	17,699 79
Torpedo Corps, Bureau of Ordnance.....	115,000 00	60,000 00	50,000 00	77,919 34
Equipment and recruiting, Bureau of Equipment and Recruiting.....	896,000 00	800,000 00	750,000 00	642,705 14

* By section 2 of the bill an indefinite sum is appropriated for increase of the Navy.

Table showing in detail the estimates for 1886, &c.—Continued.

Naval establishment.	Estimates, 1886.	Recom- mended, 1886.	Appropri- ations, 1885.	Expenditures, 1884.
Civil establishment, Bureau of Equipment and Recruiting.....	\$18,251 75	\$9,000 00	\$9,000 00	\$8,837 05
Contingent, Bureau of Equipment and Recruiting.....	20,000 00	15,000 00	10,000 00	17,549 07
Transportation and recruiting, Bureau of Equipment and Recruiting.....	35,000 00	30,000 00	25,000 00	36,503 05
Maintenance of yards and docks, Bureau of Yards and Docks.....	425,289 00	200,000 00	200,000 00	203,470 55
Civil establishment, Bureau of Yards and Docks.....	45,929 75	24,000 00	24,000 00	23,979 42
Contingent, Bureau of Yards and Docks.....	25,000 00	20,000 00	15,000 00	19,115 71
Medical department and civil establishment, Bureau of Medicine and Surgery.....	60,000 00	60,000 00	60,000 00	51,173 91
Contingent, Bureau of Medicine and Surgery.....	25,000 00	25,000 00	25,000 00	16,183 21
Repairs, Bureau of Medicine and Surgery.....	20,000 00	10,000 00	10,000 00	18,595 56
Naval-hospital fund, Bureau of Medicine and Surgery.....	30,000 00	30,000 00	30,000 00	29,868 04
Provisions for the Navy, Bureau of Provisions and Clothing.....	1,275,840 62	1,085,000 00	1,100,000 00	1,057,203 77
Civil establishment, Bureau of Provisions and Clothing.....	12,411 50	6,000 00	6,000 00	5,979 94
Contingent, Bureau of Provisions and Clothing.....	60,000 00	50,000 00	35,000 00	30,803 40
Construction and repair, Bureau of Construction and Repair.....	1,750,000 00	1,400,000 00	1,000,000 00	1,353,303 46
Civil establishment, Bureau of Construction and Repair.....	32,858 75	20,000 00	20,000 00	17,022 26
Steam-machinery, Bureau of Steam-Engineering.....	1,000,000 00	950,000 00	780,000 00	1,063,744 19
Civil establishment, Bureau of Steam-Engineering.....	17,317 25	10,000 00	10,000 00	9,025 56
Contingent, Bureau of Steam-Engineering.....	1,000 00	1,000 00	1,000 00	605 75
Pay of Naval Academy.....	102,525 45	98,829 45	98,856 09	97,789 95
Repairs and improvements, Naval Academy.....	21,000 00	21,000 00	21,000 00	21,000 00
Heating and lighting, Naval Academy.....	17,000 00	17,000 00	17,000 00	17,000 00
Contingent, Naval Academy.....	45,500 00	44,400 00	44,400 00	44,391 75
Pay of Marine Corps.....	670,842 00	649,642 00	650,075 00	633,756 15
Provisions, clothing, miscellaneous, and contingent, Marine Corps.....	264,848 56	219,686 50	220,436 50	215,187 80
Total naval establishment.....	30,555,899 50	13,575,837 95	14,980,472 59	15,400,106 12
Naval asylum, Philadelphia, Pa., Bureau of Yards and Docks†.....	98,111 00	60,067 00	59,813 00	59,813 00

* Also \$140,000 reappropriated from unexpended balance for the monitors.

† In addition to the expenditures for 1884 on account of the enumerated items estimated for 1886, there was expended from the appropriation of "General Account of Advances" during 1884 an excess of expenditures over adjustments of \$588,604.56, which, when the accounts are adjusted, will be added to the various appropriations for which payments were made.

‡ Payable from naval pension fund.

New legislation of a general character is contained in the bill, as follows:

"SEC. 2. The President of the United States is hereby authorized to select and appoint a board to consist of three civilians, who shall be skilled in naval architecture and engineering, and three naval officers, one of whom shall be of the line of the Navy above the rank of captain, one a naval constructor, and the third a naval engineer, with the Secretary of the Navy as the seventh member and president of said board.

"Said board shall meet in Washington within thirty days subsequent to their appointment, and, after organization, prepare and cause to be printed and sent to all ex-Secretaries of the Navy, all officers, and retired officers of the line and staff of the Navy, to prominent ship-builders, marine and naval architects, engineers, and others interested in such matters, a circular asking for such suggestions, advice, and information, as they may see fit to offer, within such time as the board may fix, in relation to the types of war vessels necessary for an adequate naval establishment for the United States.

"The board shall, on receipt of replies to such circulars, consider the subject and determine the general classes and character of the vessels to be constructed, and, on approval by the President, shall cause extensive notice to be given calling on marine architects, engineers, inventors, and others skilled in the art of designing and building ships of war for competitive designs for such types of vessels as in the opinion of the board should be first constructed; the designs to consist of exact display and working plans, drawings, specifications, and estimates, accompanied by suitable builder's models, to be presented within a certain day.

"The board shall fairly and equitably consider and determine the relative merits of the various designs and exhibits so presented for competition, and shall make awards for the same for each of the classes of vessels, not exceeding four, that may be deemed worthy of adoption for the service. For the best of each class accepted by the board the award shall be \$10,000, and for the second best \$5,000.

"The board shall complete its work and report to the President on or before the last day of December, 1885, all plans it may deem worthy of notice, and full information of all its acts and awards, for transmission to Congress with such recommendations as he may deem advisable; and said board shall also consider whether the five unfinished monitors are suffering from their present incomplete condition, and whether they should be completed and armed, and shall

embrace their conclusions and recommendations thereon in their report on said classes of vessels to the President, for transmission to Congress.

"One vessel of each class recommended by the board to be first built, if the recommendation be approved by the President, shall be built of American material and in the United States, by contract by the Secretary of the Navy with the lowest responsible bidder, to be awarded after due advertisement inviting proposals therefor; and such contractor shall execute bond in such penalty and with such security as the Secretary of the Navy shall fix and approve for the faithful execution of the contract. The material used in the construction of said vessels shall be subjected to such tests as the Secretary of the Navy may prescribe, and said vessels shall be built under his supervision.

"The board shall have authority to employ such experts, draughtsmen, and clerical assistance as it may deem necessary. The pay of the civilian members of the board shall be \$10 per day and actual traveling expenses; and the pay of its employees shall be such as is fixed by law in the Navy Department for like services. The necessary money to pay the expenses of the board and its awards, and for the building of the vessels as herein provided for, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to be paid, under the directions of the President of the United States, by a naval pay-officer to be detailed therefor by the Secretary of the Navy.

"The provisions of this section shall take effect immediately after the passage of this act.

"SEC. 3. That no officer whose name is borne on the retired-list of the Army, Navy, or Marine Corps shall hold position in the civil service or other employment of the Government, and draw the salary or compensation thereof together with his pay as a retired officer of the Army, Navy, or Marine Corps: *Provided*, That any such retired officer accepting a position in the civil service or other employment of the Government may, at the time of acceptance, elect to take the salary of such position or in lieu to retain his pay as a retired officer: *Provided further*, That the restrictions of this section shall not apply to any officer below the rank of major in the Army or Marine Corps, or commander in the Navy who has been retired by reason of wounds received in service, or to any retired officer of the Army, Navy, or Marine Corps designated by law to perform civilian duty."

Appropriations for, and balances on account of, pay of the Navy, July 1, 1876, to January 1, 1885.

Year.	Balances consolidated under act of June 20, 1874 (18 Stat., 110).	Balances July 1, each year.	Appropriations each fiscal year.	Amount available (total balances and appropriations).	Balances June 30, each year.	Liabilities at end of each period, estimated.
1871.....	\$523 99					
1872.....	590 72					
1873.....	71 03					
1874.....	144 06					
1875.....	1,294 90					
1876.....	55,471 56				\$59,086 26	
Total.....	58,086 26				58,086 26	
Fiscal year—						
1877.....		\$58,086 26	\$6,750,000 00	\$6,808,086 26	13,424 98	
1878.....		13,424 98	7,365,592 12	7,379,017 10	599,788 19	
1879.....		599,788 19	6,868,275 00	7,468,063 19	209,819 70	
1880.....		209,819 70	6,768,275 00	6,978,094 70	1,397,400 78	\$900,000
1881.....		1,397,400 78	6,965,075 62	8,362,476 40	1,747,521 73	1,000,000
1882.....		1,747,521 73	7,078,650 00	8,826,171 73	1,629,067 73	1,050,000
1883.....		1,629,067 73	7,236,990 00	8,866,057 73	2,051,072 59	1,300,000
1884.....		2,051,072 59	7,133,990 00	9,185,062 59	2,182,560 75	1,350,000
First half 1885.....		2,182,550 75	3,566,990 00	5,749,540 75	*2,817,081 36	2,200,000

* December 31.

NAVY DEPARTMENT, Washington, January 23, 1885.

SIR: I have the honor to transmit herewith, for your information, a statement showing the number of officers of the Navy, in certain grades, allowed by the act of Congress of August 5, 1882, the number on the list at present, and the number yet to be reduced.

The several grades omitted from this statement were not affected by the operations of the act above referred to.

Very respectfully, your obedient servant

WM. E. CHANDLER,
Secretary of the Navy.

HON. SAMUEL J. RANDALL, House of Representatives.

[Navy Department, Washington, January 19, 1885. Ensigns on this list have been omitted. Number allowed by law, seventy-five. Act of June 26, 1884, consolidated two grades. The number of senior ensigns, were that grade still extant, would be eighty-two.]

	Allowed under act August 5, 1882.	On list at present.	Yet to be reduced.
Rear-admirals.....	6	6	0
Commodores.....	10	17	7
Captains.....	45	45	0
Commanders.....	85	85	0
Lieutenant-commanders.....	74	74	0
Lieutenants.....	250	256	6
Lieutenants, junior grade.....	75	81	6
Chief engineers.....	70	70	0
Passed assistant engineers.....	60	87	27
Assistant engineers.....	40	75	35
Pay-directors.....	13	13	0
Pay-inspectors.....	13	13	0
Paymasters.....	40	48	8
Passed assistant paymasters.....	20	27	7
Assistant paymasters.....	10	19	9

Mr. LONG (interrupting the reading). I presume it is not necessary for the Clerk to read that portion of the report which merely recites provisions contained in the bill, as they will be read when we come to consider them.

Mr. HUTCHINS. I will not ask for the further reading of the report, as I presume every gentleman has a copy of it before him.

Mr. KEIFER. Having had some consultation with gentlemen on the other side, I desire to renew my proposition that by unanimous consent we now proceed to the consideration of the bill under the five-minute rule, dispensing with general debate upon the bill in general, but that when we come to the part of the bill relating to the increase of the Navy we then have discussion on that proposition in the nature of general debate for two hours on each side.

Mr. HUTCHINS. I presume the gentleman refers to section 2.

Mr. KEIFER. I employed that general expression to indicate section 2 of the bill.

Mr. HUTCHINS. For my part I have no objection to that arrangement, this side of the House taking such portion of the two hours as may be deemed proper, and two hours being allowed to the other side.

The CHAIRMAN. The proposition of the gentleman from Ohio is that this bill be now read by paragraphs under the five-minute rule until section 2 is reached, and upon that section general debate be had for two hours on each side. Is there objection? The Chair hears none.

MESSAGE FROM THE PRESIDENT.

The committee rose informally; and Mr. BAGLEY took the chair as Speaker *pro tempore*.

Several messages from the President of the United States were communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed the bill (H. R. 7131) to authorize suits for damages where death results from the wrongful act or neglect of any person or corporation in the District of Columbia.

NAVAL APPROPRIATION BILL.

The Committee of the Whole House on the state of the Union resumed its session, Mr. WELLBORN in the chair.

The Clerk read as follows:

For the completion and test of two breech-loading rifle cannon of the larger calibers now in course of construction for the Navy, with carriages and ammunition for both, \$80,000: *Provided*, That the test shall be conducted as follows: With battering charges for two hours, and under the most rapid continuous rate of firing, as near as may be like the conditions of a hotly-contested battle; then with the service charge not less than five hours. Permission, with ample notice to be present, shall be given to all persons who indicate a desire to examine the preliminary preparation and witness the firing. Expenditures of public money on all other naval cannon of and above said caliber shall cease until this public test has terminated. And all the facts and incidents of the test shall be reported to Congress by the Chief of the Bureau of Ordnance as soon thereafter as possible.

Mr. HUTCHINS. I am instructed by the Committee on Appropriations to submit the following amendment:

After the paragraph just read insert the following: For completing a 6-inch wire-wound gun, \$4,000.

The amendment was agreed to.

Mr. CURTIN. I offer the amendment which I ask the Clerk to read.

The Clerk read as follows:

For testing American armor made of American material, \$25,000.

Mr. HUTCHINS. I reserve a point of order on this amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CURTIN] is entitled to the floor.

Mr. HUTCHINS. I withdraw the point of order.

Mr. CURTIN. Mr. Chairman, I propose this amendment with the expectation that it will be accepted as proper by this House. I do not know of any line of discovery or any practical results depending upon the ingenuity of man in which the American people are not equal to those of any part of the world. We propose to build a navy; and I sincerely trust that the incoming administration will be committed to the propriety of such protection to this great country. But I propose we shall build that navy here, and build it of material manufactured in the United States.

We have been buying our armor-plate abroad at immense cost. We make to-day a better steel than is manufactured in any part of the world. If you will call at the Ordnance Department the officers will tell you this is the fact. And we can make it cheaper than it is made abroad.

If we are to build a navy of iron-clad ships, and make them all at home, we make our navy popular. And if war, with its calamities, should ever come upon this country, we shall demonstrate to the world that we are equally prepared for defensive or offensive warfare.

Mr. Chairman, the American people have never failed to assert their ingenuity and energy and power or their valor upon land and sea. In 1812-'13 they improvised a navy with which they fought upon the high seas. Our history is illustrated for all time by the heroic conduct of the officers and sailors of that Navy; and when the Army surrendered in Canada and the Capitol of this country was burned, the Navy fought this nation into consequence.

Why, Mr. Chairman, we commenced the late war with muskets loaded at the muzzle by ramrods—many of them flint-locks. We introduced as the first step in progress the Springfield rifle and the Snyder rifle; and at last we gave to the world the Winchester rifle. The guns we thus introduced were adopted by the other nations of the world. Following our example, Germany, in 1866, in her great war with Austria, succeeded by the superiority of her arms; and in the late war between Russia and Turkey, where the Russians failed to take the Turkish forts, the Turks resisted the assaults with American guns.

Mr. Chairman, in three hours down here in Hampton Roads we revolutionized naval warfare for all the world. The Merrimac and the Monitor taught all the nations that they could only engage in warfare upon the sea with iron-clad ships. But we stopped there. Foreign nations improved on the examples we set them.

[Here the hammer fell.]

Mr. ELLIS obtained the floor, and said: I yield to the gentleman from Pennsylvania.

Mr. CURTIN. Foreign nations improved on what was developed from the brain of the American people, until at last they have navies, while we have no Navy that can contend with them on the high seas or in domestic defense. There is no man in this enlightened presence who, if he has read the condition of things abroad, the unrest in Europe, the coalitions there forming, does not fear (if he is not convinced) that there is a war impending which may shake the commerce, trade, and civilization of all the world.

If such a calamity should fall on humanity this great nation should be prepared to take her part, if in the providence of God she should be thrown into any such contest, and we should be prepared for it.

Mr. Chairman, when in the history of this wonderful people has there ever been a discovery or improvement in machinery, in art or science, in the world where if you invite capital and enterprise and ingenuity the American mind is not equal to it. I, sir, am in favor of building a navy that will be formidable in war, respected in time of peace, and equal in its character and force to the dignity and power of this great people. I offer that amendment that we shall satisfy the world if we do build a navy we will do it here with American capital American ingenuity, and American material. [Applause.]

Mr. TALBOTT. Did the gentleman have in view the defective armor invented by Mr. Clark?

Mr. CURTIN. No matter what kind; my amendment includes that as well as all others.

Mr. KEIFER. I move to strike out the last word. I do not desire, Mr. Chairman, to prolong the debate on this subject. I wish to say, if this bill as a whole should be adopted and become law, it is highly important the amendment of the distinguished gentleman from Pennsylvania should prevail. Now, later on I hope to be able to give the reasons why I am not in favor of certain portions of the bill which provide for the construction of certain vessels for the United States Navy out of American material and in the United States, yet I wish now to say I am in favor of the construction of a navy for the United States, one which will be ample and a needful one, that will meet the requirements of the country, and I am in favor of that Navy being constructed of American material and in the United States.

Mr. CURTIN's amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and a message was received from the Senate, by Mr. McCook, its Secretary, announcing the adoption of the conference report on the disagreeing votes of the two Houses on the bill (H. R. 7857) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1886, and for other purposes.

NAVAL APPROPRIATION BILL.

The committee resumed its session; and the Clerk proceeded with the reading of the bill.

The Clerk read as follows:

For the completion of the New York, \$400,000.

Mr. CANNON. I make the point of order on that paragraph, and I rest it upon two grounds: First, that it is new legislation; and in the second place, that it does not retrench expenditure, but rather involves expenditure. I am informed by a member of the Committee on Naval Affairs that the construction of this vessel never was authorized by law, that it has been in New York from 1865 to the present time. How that may be I do not know, except that such is my information.

Mr. RANDALL. If the gentleman wishes to discuss the measure I have no objection, provided we can be allowed to be heard in reply.

Mr. CANNON. I will not discuss the paragraph, but confine myself to the point of order.

Mr. RANDALL. If this is subject to the point of order it goes out, and we can not be heard in reply to the gentleman if he makes any remarks on the merits of the case.

Mr. CANNON. Precisely.

Mr. RANDALL. I only ask if the gentleman discusses the merits on his point of order that there may be an opportunity to answer him.

Mr. CANNON. I am not discussing the merits at all.

Mr. RANDALL. I thought you were.

Mr. CANNON. I was stating my point of order and shall confine myself strictly to it.

Now, I find by referring to Executive Document No. 48, first session Forty-eighth Congress, that the original cost of the New York was \$581,000. When I turned to the law making appropriations for six months of the current year I find a provision in the following language. I have not the law before me, but I read from the current bill, which is a copy of the law:

Provided, That no part of this sum shall be applied to the repairs of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 30 per cent. of the estimated cost, appraised in like manner, of a new ship of the same size and like material.

That has been the law precisely for three years past and is again enacted for the current year. It is existing law, namely, that no money shall be expended for repairs of any wooden ship where the estimated cost of the repairs exceed 20 per cent. of the present value of the ship. It is 30 in the bill but 20 in the law. They propose to enlarge the limit and change the law in that respect. The original cost was half a million dollars, and it is proposed to spend \$400,000 more, they say, for completion. That means for reconstruction, of course. I think it is new legislation, changes the law, and is subject to the third clause of Rule XXI.

Mr. RANDALL. If I understand correctly the point of order the gentleman raises against the paragraph in relation to the completion of the New York is that the bill appropriates \$400,000 not in accordance with law.

Now, Mr. Chairman, there has already under appropriations been expended on that vessel \$200,000, and it is therefore a public work in progress of construction. The clause of Rule XXI on which the gentleman relies is as follows:

3. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

There has been a law by which \$200,000 has been expended on this very vessel, and this paragraph proposes to appropriate \$400,000, in compliance with the suggestion of the Chief of the Bureau, to complete the vessel.

The CHAIRMAN. The gentleman from Illinois claims this is an old ship upon which \$500,000 has already been expended.

Mr. RANDALL. Not \$500,000, but \$200,000.

Mr. CANNON. It is \$500,000 in the document I have here.

Mr. RANDALL. It is not an old ship at all.

The CHAIRMAN. The gentleman from Illinois claims this to be an old ship, and that there is now existing a law preventing repairs on any wooden vessel when the estimated cost of the repairs exceed 20 per cent. of its value.

Mr. RANDALL. That means repairs on a vessel that has been in commission. This applies to an incomplete vessel, a vessel that has never been in commission, and is still on the stocks in an unfinished state.

The CHAIRMAN. The Chair will ask the gentleman with reference to this point of order whether this vessel has been completed or not?

Mr. RANDALL. I have just stated that it has not been completed. There has been expended upon it some \$200,000, but it is yet on the

stocks, and this appropriation provided in the bill is to complete it in conformity with the recommendation of the Bureau of Construction.

Mr. LONG. This appropriation is simply for the completion of the ship which has never been completed, and not for its repair.

Mr. THOMAS. The point, to put it briefly, is simply this: This ship has never been authorized by law; its construction has never been authorized. Therefore the beginning of the ship by the Navy Department without authority of law will not save it against the point of order, which prohibits the expenditure of money on objects not expressly authorized by law.

Now this provision is obnoxious to the third clause of the twenty-first rule in this, that it is an attempt made here for the completion of a vessel begun without authority and which never has been authorized by law. That is the point.

Mr. RANDALL. In response to the gentleman from Illinois, I will say that we have a right to conclude that this vessel was commenced in accordance with law; and the onus is on the gentleman himself to show that it was not so authorized.

Mr. THOMAS. I defy the gentleman to show where it was ever authorized by any law.

Mr. RANDALL. It was commenced under an appropriation made in 1865; and in addition there is as much authority of law for its commencement as there is for either or any of the monitors, as far as I am informed.

Mr. CANNON. I now send to the desk for the examination of the Chair the executive document of which I spoke a short time ago and from which I quoted.

I want to say in reply to the gentleman from Pennsylvania that I do not think this appropriation can be sustained under the clause of Rule XXI which has been referred to by him. I will read it:

No appropriations shall be reported in any general appropriation bill, or be in order as an amendment thereto for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

Now, sir, this is not a public work in progress; on the contrary, the appropriation under which the expenditure has been made was made and expended twenty years ago, and there the ship, I am informed, has lain from that day until the present. I grant you if the appropriation had been made last year and the work had been in progress from year to year it would have been a continuing work, and the point of order might be saved under that clause of the rule. So much for that; I mean unless it were affected by the provision of law in reference to the 20 per cent. expenditure to which I have before called the attention of the Chair, and of which the Chair will take notice in ruling upon the point of order.

Now, in reply to the gentleman, my colleague from Illinois [Mr. THOMAS] has stated that the construction of this ship never was authorized by law. I do not know how that is. If it was authorized by law, then I call on gentlemen to furnish that authority.

Mr. COX, of New York. It was done six years ago.

Mr. TALBOTT. The presumption is that it has been authorized by law; but the burden of proof rests on you.

Mr. CANNON. I do not yield now; but if the gentleman can furnish the authority of law under which this construction was begun I will yield for an answer.

Mr. COX, of New York. And I tell the gentleman that six years ago it was authorized.

Mr. CANNON. Give me the authority.

Mr. COX, of New York. I could look it up—

Mr. THOMAS (interrupting). Why it was begun in 1865, twenty years ago.

Mr. COX, of New York. Yes; but there was an appropriation made for it six years ago.

Mr. CANNON. Six years ago; well, that is exceeding lean. Now, I say it is well fixed, it has been driven home here by points of order by the gentleman from Pennsylvania himself time and again until it has become a part and parcel of the existing law of this country, that no ship can be constructed lawfully until there is authority of law for it.

Mr. TALBOTT. Will you yield for a question?

Mr. CANNON. Not now.

Now, if I moved an amendment here to build a new ship, costing \$4,000,000, and appropriating the money, the gentleman could rise in his place, as I have seen him do time and again, and make the point of order that there is no law authorizing the construction, and that it would not be in order, because it was new legislation on the bill increasing expenditures. If it be true that there is no law for the construction of this ship, and money was appropriated for the resumption of the work upon it in the absence of a general law, when that money first appropriated was expended that was the end of it; and until the general law is passed further appropriations would not be in order.

Mr. TALBOTT. I desire to give one precedent to the gentleman from Illinois. The Puritan was authorized to be built by a Secretary of the Navy at the expiration of his term, and the contract entered into therefor; and there never was a word of law or authority given by any Congress or by anybody except that contract and the ratification of the contract from time to time by the appropriations made by Congress.

Mr. THOMAS. And it has been denounced from one end of the country to the other as unlawful.

Mr. TALBOTT. It never was denounced on that side of the House.

Mr. THOMAS. I denounced it.

Mr. CANNON. I suggest that we are discussing a question of law and not politics.

Mr. RANDALL. I submit that the paragraph is in order under the the exception stated in the rule:

Unless in continuation of appropriations for such public works and objects as are already in progress.

Mr. LONG. I do not care for this matter with reference to the completion of the New York. But if the view taken by the gentleman from Illinois is correct, then that portion of the bill which relates to an increase of the Navy is also subject to the point of order.

I therefore desire to call the attention of the Chair to the fundamental law on this subject. There is existing law for the construction of new vessels. Section 417 of the Revised Statutes reads as follows, and I call the attention of the Chair to that section:

The Secretary of the Navy shall execute such orders as he shall receive from the President relative to the procurement of naval stores and materials and the construction, armament, equipment, and employment of vessels of war as well as all other matters connected with the naval establishment.

There exists to-day a law by which under that sanction the President can order the Secretary of the Navy to construct, arm, equip, and employ vessels; and an appropriation to meet the expense of such construction is an appropriation to carry out an object contemplated by existing law.

Mr. HISCOCK. I would like to inquire of the gentleman from Massachusetts [Mr. LONG], before he takes his seat, if the Secretary of the Navy, unless it is under express law, with the money already appropriated to carry on the work, notwithstanding he should have any number of those orders from the Executive, if he should make a contract involving the Government in a dollar's expense, would not be liable to impeachment?

Mr. LONG. I refer the gentleman to the statute, which says the Secretary shall execute these orders.

Mr. HISCOCK. Oh! the gentleman has read one statute, which has been supplemented by the statute to which I call his attention, and under which the moment the Secretary makes such contracts and involves the Government in a dollar of expense he is liable to impeachment. I appeal to my friends on the other side of the House to verify my statement.

Mr. RANDALL. Will the gentleman from New York indicate the date of the law to which he refers?

Mr. HISCOCK. I refer to those general laws which forbid any Department to make a contract to involve the Government in any way beyond the appropriations already made. I apprehend my declaration upon this point will not be questioned by the distinguished chairman of the Committee on Appropriations.

Mr. DINGLEY. I desire to say one word upon the point of order. It seems to me it is not important in the discussion and decision of this point of order whether or no there exists to-day authority of law for the construction of this vessel; because under paragraph 3, Rule XXI, this exact instance is provided for. The rule says:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law—

If it stopped there the suggestion of my friend from Illinois would be correct; but it proceeds—although there may not be authority of law—yet—

unless in continuation of appropriations for such public works and objects as are already in progress.

A paragraph or amendment with that object in view is in order. If this is a public work in progress, assuming that there was authority for it to have been entered upon and it is not completed, then a provision may be reported in an appropriation bill for the completion of it.

Mr. KEIFER. Will the gentleman from Maine tell us when this vessel has been in progress—how many years ago?

Mr. DINGLEY. It makes no difference. If it is an incomplete work it is in progress until its completion.

Mr. CANNON. The rule does not say "which has been in progress," but it says "in progress"—*in presenti*.

Mr. DINGLEY. The work has been going on. Though there may have been no work during the last week or during the last year, yet if it is incomplete the work is in progress.

Mr. KEIFER. Although suspended?

The CHAIRMAN. The Chair is ready to rule on the point of order. Clause 3, Rule XXI, provides that—

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

Unquestionably the general rule is that no appropriation is in order on a general appropriation bill unless the appropriation be authorized by previously existing law. That is the general rule. But to that general rule there is an express exception:

Unless in continuation of appropriations for such public works and objects as are already in progress.

That is to say, if the work be a public work and it is already in progress, then there need not be any previous legislative authority for the work.

Now, the Chair must believe that the construction of this ship is a public work. The Chair also believes that it is in progress. The mere fact that this vessel begun in 1865 is confessedly still incomplete, the Chair thinks, so far as this rule is concerned, does not show that that work is not now in progress. The fact that the actual construction is temporarily interrupted for want of appropriation or some other reason does not interfere with the idea that the work is in progress. The Chair therefore overrules the point of order.

Mr. HISCOCK. Mr. Chairman, I desire to offer an amendment, which I send to the Clerk's desk to be read.

Mr. KEIFER. I move to strike out the whole provision relating to the appropriation for the completion of the New York.

Mr. HISCOCK. The motion of the gentleman from Ohio [Mr. KEIFER], I apprehend, will be in order first; so I withhold mine for the present.

Mr. KEIFER. Mr. Chairman, I suppose the gentleman from New York [Mr. HISCOCK] desired to offer his amendment to perfect the text of the bill.

The CHAIRMAN. If that is the nature of the amendment it will be first in order, and the Clerk will read it.

The Clerk read as follows:

Add to the paragraph the following proviso:

"Provided, That such completion shall be upon plans and specifications to be prepared by the Navy Department, and by contract by the Secretary of the Navy let to the lowest responsible bidder."

Mr. HISCOCK. Mr. Chairman, I hope there will be no opposition to this amendment. I am sure there is no intention on the part of the Committee on Appropriations to open up work in these navy-yards. We have so long recognized the propriety of doing our work of this kind by contract that I suppose there will be no opposition made to a proviso of this kind.

Mr. BLOUNT. Is not this vessel already in course of construction in a navy-yard?

Mr. HISCOCK. Oh, yes; it is over there in the stocks, I suppose; but I will make this further reply to the gentleman's question: Nothing has been done upon this ship, not a dollar has been expended upon her for a period of nineteen years. I desire to say further, Mr. Chairman, that the Book of Estimates does not show that her completion is recommended by the Secretary of the Navy. Year after year the estimates have come in here and have been submitted to this House without containing any such recommendation. The gentleman from Georgia [Mr. BLOUNT] has passed upon that submission time and time again.

No committee has ever reported in favor of this work. Now I ask that the Committee on Appropriations shall accept this amendment which I have offered, and if we are to complete this old ship at all, do not let it be done so as to have the appearance of being designed to furnish work for somebody or give employment to a new force in the Brooklyn navy-yard. I am sure that nothing of that kind is intended by my distinguished colleague from New York [Mr. HUTCHINS], and therefore I trust that he will accept this amendment providing that this work shall be done in the usual way.

Mr. BEACH. Let us do it in the old way.

Mr. HUTCHINS. I call for the reading of the gentleman's amendment.

The Clerk read as follows:

Provided, That such completion shall be upon plans and specifications to be prepared by the Navy Department, and by contract by the Secretary of the Navy let to the lowest responsible bidder.

Mr. HUTCHINS. The gentleman [Mr. HISCOCK] must be aware of the fact that this ship is about half completed, and has been so far built by the Government. The Chief of the Bureau of Construction and Repair, who certainly could not have had in contemplation that we on this side, or any one, had any intention of employing any particular set of men to do the work, has recommended that it shall be done, and I ask for the reading of an extract from his report upon that subject, which I send to the Clerk's desk.

The Clerk read as follows:

The bureau strongly recommends the completion of the frigate New York at the Brooklyn navy-yard. This vessel has been on the stocks in one of the ship-houses since 1865, and from the fact that she was in frame before work was suspended on her and was neither sealed nor planked, the air has freely circulated through her timbers, and to-day they are as hard as bone and probably in better condition than any frame timbers ever put in a ship. If completed with materials that have been preserved by the Thilmann process for preserving ship-timbers she would make a useful and most efficient ship of her class for twenty years. Although designed in 1865, she is an exceedingly fine model, and if finished will give us a first-class flagship. She can carry a battery as heavy and equally as well arranged for head and stern fire as the new cruiser Chicago has. Her length on the main load-line is 315 feet; extreme breadth of beam 47 feet; depth from lower edge of rabbet of keel to lower port-sill on gun-deck 25 feet 11 inches. She is designed to have a ship's rig, having 24,000 square feet of sail surface in her ten principal sails. Her displacement, at a draught of 18 feet 9 inches forward and 21 feet 5 inches aft, would be equal to 4,527 tons. Her lowest port-sill on the gun-deck would be 8 feet above water. The plans for finishing this vessel are in such a condition that they could be completed in a very short time, and the work on her, if authorized, could be pushed to completion and the vessel put afloat within six months from the time it is resumed.

Mr. HUTCHINS. The committee will perceive that here is a recommendation by the Bureau of Construction and Repair that this ves-

nel be completed. The completion of the vessel is also recommended by the Secretary of the Navy in his estimates. The plans have all been made; the ship is partly constructed under such plans; and this officer tells us in this report that the material has been thoroughly preserved, and that at an expense of \$400,000 a ship of war can be completed equal in efficiency to either the Boston or the Chicago, which are now in course of construction. I believe that in pursuance of the provision of the clause of the bill which has just been read by the Clerk thirty-eight vessels have been stricken from the list of the Navy within the last year, and within two years but very few will remain in commission. Now, for \$400,000 we can finish a partly completed vessel which will be as efficient for all purposes of the future as any of the other ships which are under construction and for which the gentleman is so willing to vote an appropriation.

Mr. HISCOCK. Mr. Chairman, I may be pardoned a word in reply. Certainly some gentlemen upon the other side of the House have cooperated with us in closing these navy-yards, or in limiting them to repair work, and for that reason I thought they approved of our policy.

Mr. HUTCHINS. This Brooklyn navy-yard is not one of that class, as the gentleman knows.

Mr. HISCOCK. Oh, well, the policy in reference to even the Brooklyn navy-yard has been that no new work should be done there.

This is substantially new work; and I say to my friends on the other side that they do not want to drop into that custom or policy which, when the Democratic party went out of power, had brought upon it disgrace and stigma. You remember well all these scandals with reference to the Brooklyn navy-yard and the other navy-yards. The contract system is the better system. Let us have it. Do not now, upon the coming in of a new Democratic administration, inaugurate this policy which we all attempted to stamp out of existence, of filling the navy-yards with voters, with "strikers," with men to carry caucuses and conventions or to take possession of the polls.

Mr. HUTCHINS. The gentleman is talking to me in an unknown tongue. I do not know what he means.

Mr. COX, of New York. The language of the gentleman is not unknown to me. I have known it for many years. Since the Republican party has been in power such language as "strikers," &c., has become quite familiar. Never has that navy-yard opposite New York been used except for Republican "strikers." For twenty-odd years the gentleman's party has had the benefit of that kind of "striking."

I do not rise to answer what he has said, but to say that this vessel, the New York, is under way and should be finished. The work should not be finished by contract, but should be done in the navy-yard by honest labor day by day, under honest Democratic auspices, and not under the scoundrelism that has prevailed during the last twenty-five years. I think that is enough to say—a good climax. [Laughter.]

Mr. RANDALL. I had hoped that no feeling of partisanship would be aroused in regard to this matter. I wish to say it is not practicable to execute this work in the manner proposed in the amendment of the gentleman from New York [Mr. HISCOCK]. This vessel is now in a navy-yard; and to put out by contract the work of finishing her would bring into the yard private persons to do this work, and it would also interfere with the use of the material necessary to complete the vessel and which the Government has on hand. I have never known an instance where any vessel in the Navy has been partly built in a navy-yard under the direction of the respective bureaus and partly built under contract.

The question being taken on the amendment of Mr. HISCOCK, it was not agreed to.

Mr. CANNON. Mr. Chairman, a policy was agreed upon on this subject and written in the law by the last Congress, by the aid of a portion of the gentlemen on the other side and by the almost unanimous action of this side, a policy which originated with the Committee on Naval Affairs under the lead of a most competent gentleman then a Representative from Massachusetts, Mr. Harris. A step, and a long step, was taken toward doing away with these old expensive wooden ships. The reconstruction and repair of these ships was limited to 30 per cent. of their value, and later to 20 per cent., which is now the law, assented to and continued at this session for the remainder of this fiscal year by this House co-operating with the Senate.

Now the Government has about thirty wooden ships afloat. There is not one of these upon which you can make repairs to the extent of \$100,000, notwithstanding they are afloat, because it runs counter to the policy we have entered upon. Yet we find the gentleman from Pennsylvania [Mr. RANDALL] and the gentleman from New York [Mr. HUTCHINS] coming in and seeking upon this bill to complete a ship which has stood in the yard for nearly twenty years, and to expend upon it \$400,000.

Why, gentlemen, if your policy is to be wooden ships, not steel ships, you had better repeal this 20 per cent. law and repair many of these thirty wooden ships—half a dozen of which will go out of commission in the next year—as you can do for less money than you will spend in the manner here proposed; and you will have almost equally good ships as the New York when completed.

The gentleman from New York quotes the recommendation of the Chief of the Bureau of Construction and Repair that this ship, the New

York, be completed. He did not find any recommendation of the Secretary of the Navy or the President of the United States. He did not find any estimate or recommendation to Congress. The matter is without recommendation.

Mr. RANDALL. I desire to say that I have in my hand the estimates of the Secretary of the Navy, and among them is an estimate of \$400,000 for this work.

Mr. CANNON. Oh, yes; a formal transmission of the bureau report; a mere submission without recommendation.

Mr. RANDALL. It is like all the other transmissions.

Mr. CANNON. A formal transmission of the bureau report, which all gentlemen on the Committee on Appropriations understand.

[Here the hammer fell.]

Mr. KEIFER obtained the floor, and said: I yield my time to the gentleman from Illinois [Mr. CANNON].

Mr. RANDALL. I submit that these estimates have had the approval of the Secretary of the Navy.

Mr. CANNON. Now, then, we find gentlemen have suddenly fallen in love with the recommendation of the chief of this bureau. Why, gentlemen, there are other ships of another type which have stood unfinished for almost ten years. You have had to investigate them—five different boards of trained experts of the Navy. Four of those boards have been almost unanimous in recommending their completion. If you will turn over to the next page you will find this very same naval officer you are now following in this matter made the following recommendation:

I can not too strongly urge the completion of these vessels [the monitors] in all respects at an early day, as they will afford us as good vessels of their class as are owned by any nation, and I am of opinion the best type of coast and harbor defense vessels in existence to-day.

Although supplemented by four boards, yet you are silent touching that recommendation.

I wish to state to this committee that the New York is an old type of vessel. It stood for nineteen years without any work being done on it.

Mr. HUTCHINS. Let me ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. CANNON. If I can get a little more time, yes.

Mr. HUTCHINS. Did not the gentleman advocate and vote them an appropriation for the completion of the Mohican on the Pacific coast which has been completed during the current year under an appropriation made last year?

Mr. CANNON. I do not recollect whether I did or not. If I did it was not a specific vote for that ship, but a vote for that ship with other propositions standing with it.

Mr. HUTCHINS. Then I will ask the gentleman whether he did not advocate and vote for an appropriation for the completion of the Mohican on the Pacific coast, which vessel has been completed during the current year by that appropriation made last year?

Mr. CANNON. I say to the gentleman from New York that this appropriation is not to stand or fall by my consistency or want of it, but it is to stand or fall upon its own merits.

Now, Mr. Chairman, this is an old type of ship, and when finished it will be an old-fashioned cruiser of some 4,000 tons. It does not have a compound engine. It will be altogether an old-fashioned type of vessel, costing \$400,000 in addition to what has already been expended upon it. It will be another old tub when completed, and this is the commencement of the naval policy of the Democratic party. This is what is offered to us just as that party is coming into power, the beginning of a policy looking toward the waste of money and the production of vessels not useful. In other words, it is an advancement backward—a retrograde movement; and I hope this Committee of the Whole will not support it and authorize the completion of this old-fashioned vessel.

Mr. TALBOTT. I call the attention of the gentleman to the fact that in the Forty-seventh Congress Mr. Harris, from the Committee on Naval Affairs, reported a list of vessels of the then Navy of the United States, and among others is the New York, of twenty-five guns and 4,000 tons, on the stocks at New York and recommended as worthy of being finished. That was the report made by the chairman of the Committee on Naval Affairs in the Forty-seventh Congress, the same committee which reported to this House the law requiring the sale of vessels when the cost of repairs would exceed 20 per cent. of their value. It is the same committee which reported the bill for steel cruisers. This report was made after careful investigation by a committee organized when the Republicans had control of the House. That committee reported that vessel was on the stocks in New York and was worthy of being completed.

Mr. CANNON. It has been worthy of being completed for nineteen years then, and will my friend inform me why his party did not appropriate for that purpose from 1874 to 1890, when it was in power here?

Mr. TALBOTT. I will ask you why your party did not complete it from 1865 to 1884?

Mr. CANNON. Because they did not think it was worthy of completion. In conclusion I will say to gentlemen on the other side of the House you can not relieve yourselves by alleged shortcomings of the

Republicans in the past; you now are in power, and you must stand or fall in this and all other matters upon the merits; you can not command the confidence of the country by taking up and completing work that was abandoned by the Republican party twenty years ago because it was not worthy of completion.

Mr. TALBOTT. In the report of the chairman of the Committee on Naval Affairs in the Forty-seventh Congress, a Republican committee, in a House controlled by a Republican majority, it was considered to be worthy of completion.

Mr. THOMAS. But the House did not indorse that report.

Mr. TALBOTT. Whether it did or not it made that report.

Mr. HEWITT, of New York. Mr. Chairman, I did not intend to take any part in the discussion of this bill, but the proposition that this great country shall at this stage of naval development undertake to build or finish the building of a wooden ship seems to me as preposterous as it is ridiculous. There is not the smallest nation in the world, not even one of the South American republics, which to-day would spend a dollar on a wooden ship; that would not if it could expend millions in procuring first-class steel cruisers. All Europe to-day is busy reconstructing navies on modern principles, and yet here into this House comes coolly a proposition to build a wooden ship, when we have thirty of them for which we have no use and as to which it would be a blessing if they were sunk by coal-barges to the bottom of the sea.

It is proposed to put old machinery in this useless hull when done. Does the gentleman know that old machinery consumes from three to four pounds of coal per horse-power, while modern machinery has reduced the consumption to one pound and a half of coal? Why, the extra cost of running that ship for coal alone would be four or five times the amount of the interest on the cost of a good steel cruiser.

The whole thing is absurd. It seems to me to be an insult to the intelligence of this people, as it must be to the intelligence of naval authorities, wherever the proposition is presented. I do not know what is behind this proposition, but I know that we might better throw this money into the ocean than to float such a vessel in this age upon its broad bosom.

Mr. KEIFER. I am much obliged to the distinguished gentleman from New York for coming over to this side of the House and making such a good speech in support of my motion to strike out this clause. I wish to say at one time it was my impression it would be wise to complete this vessel; that I was then entirely misinformed or had statements made to me which were inaccurate in respect to the uses to which this vessel could be put.

The vessel if completed, if rigged, with all of her machinery in place, with her guns and munitions on board, and manned with her full quota of troops, would not be worth one copper to the United States in time of war.

Mr. HISCOCK. Allow me to interrupt the gentleman from Ohio by adding, nor in time of peace either. [Laughter.]

Mr. KEIFER. The suggestion is very pertinent. It could not go upon the high seas, it would be of no service as a war vessel, and I did not know but that possibly the idea was that we might point to it as it went into New York Harbor or Brooklyn under full sail as a type of days gone by.

Mr. HEWITT, of New York (interrupting). As an example to be avoided. [Laughter.]

Mr. KEIFER (continuing). As a relic of a past age; and, as my friend from New York has well suggested, possibly an example for us to avoid in the future. In this way, as an example, we might possibly get something out of it; but in time of war it would be useless to us; we would not require it for any conceivable purpose, and the money expended upon it would be thrown away.

It could not be sent upon the high seas for the purpose of meeting armed vessels of war of a foreign nation, because there is not a vessel of war of any foreign nation on earth that could not sweep it from the seas; nor could it be of use for the purpose of harbor defense, because it would be helpless, useless.

Mr. BROWNE, of Indiana (from his seat). Worthless.

Mr. KEIFER. Of no possible service to the Government, and I think a national disgrace.

Now, let me say, in justice to past Congresses of the United States and the distinguished men who have presided over the Navy Department for the last nineteen years at least, that they have not proposed the completion of this vessel. It is true, as the report which was read at the suggestion of the gentleman from New York in charge of the bill [Mr. HUTCHINS] shows, that not being boarded up the air has swept through its timbers for the past twenty years, drying and seasoning them until now with the help of some new iron material and some preservatives for the old material they would do for a ship.

Mr. BOUTELLE (from his seat). The suggestion is that the present timbers are thoroughly seasoned, and therefore in better condition.

Mr. KEIFER. There is a question about that; and as I understand it, it will be necessary to put some modern material in to help to preserve them so that they may be used for the purposes of ship-building. At all events, if new material should be put in with this old material it would not be in harmony with it for ship construction.

Now, Mr. Chairman, I am told that this vessel when fully equipped,

with all of her machinery and stores on board, is calculated to make in these modern times a speed not exceeding ten knots an hour upon the sea. It could be run down by everything in the shape of a vessel. It could run away from nothing and could catch nothing upon the sea, and it would be in that sense therefore without any possible value.

I was surprised a little to see our friends upon the other side of the House so urgent for this appropriation, and I took pains to look at the six-months' naval appropriation bill, I mean the bill for the first six months of the current fiscal year, and found nothing in that on the subject of the finishing of these wooden vessels.

Mr. RANDALL. Let me interrupt the gentleman to state that in response to the recommendation of the Department two vessels were recommended for completion, and money was appropriated for the purpose sufficient to build the Mohican.

Mr. KEIFER. But there has not been a copper appropriated to finish the New York.

Mr. RANDALL. I did not say there had been, but there was to finish the Mohican.

Mr. KEIFER. Fifty thousand dollars was put in the appropriation bill I believe for the purpose the gentleman specifies.

[Here the hammer fell.]

Mr. DINGLEY. Mr. Chairman, it seems to me that this is a practical question, which this committee should look at in that point of view. Here we have at the navy-yard at Brooklyn a frame and other timbers of live-oak for a vessel whose construction was inaugurated nineteen years ago. It has stood there to this day under a roof, carefully protected from the weather, and to-day every timber in that vessel is thoroughly seasoned, and is worth more for purposes of ship construction to-day, double as much, as it was nineteen years ago. Now, in my opinion, when we have a vessel half constructed of this character, notwithstanding it is of wood, in view of the fact that in all the navies of the world there are wooden vessels that may be used and are used for purposes of transportation, for school-ships and training-ships, and for a hundred uses neither offensive nor defensive, but which pertain to the navy, it would be the height of unwisdom to throw this vessel away and not appropriate something to complete it for the many uses to which it may be put.

Bear in mind that it is not an old vessel in the sense that decay has come upon it; not in the sense that it is a bad model, for it is as good a model of vessel as can be constructed to-day, and for the purpose for which such a vessel may be used. It seems to me that it would be wise to complete it in every sense, not so much for defense or offense, but for the thousand uses to which we can put the vessel. I contend that it should be looked at as a practical question, a question whether or not, if we have a frame of live-oak thoroughly seasoned and partly completed, it should not be finished for such uses as it may be applied to.

Mr. HERR. May I ask the gentleman how long it will continue to grow better?

Mr. DINGLEY. As long as it is under cover and protected from the weather.

Mr. HERR. Then let us wait until it gets to the highest pitch of excellence.

Mr. DINGLEY. It has become thoroughly seasoned. And every man acquainted with the subject understands that live-oak thoroughly seasoned under cover is of infinitely more value than any other timber not so seasoned.

Mr. HERR. You say the vessel is half built?

Mr. DINGLEY. I say partly built.

Mr. HERR. That is better.

Mr. DINGLEY. I do not know precisely to what extent it has been.

Mr. THOMAS. Is it possible at this day and age of the world we are going back twenty years to seek models for constructing naval vessels of war? Have the twenty years that have elapsed since 1865 brought no lessons of wisdom to this Congress and this country? Are we to take up the ribs of this old partly-constructed vessel, through which the winds of twenty years have howled, with all its imperfections of model and of arrangement, and to go on now and build it for a modern vessel of war? The machinery was completed seventeen years ago. All the improvements of those seventeen years are taken no note of and can not be used in the completion of this boat, which can be used successfully neither in peace nor in war.

The smallest schooner that floats either upon fresh or salt water can ram this vessel and destroy it in one minute. The smallest gun carried by any vessel of war in any navy of the world could sink her in an hour. And are we going on now to rebuild this vessel, and are the Monitor, the Puritan, the Terror, the Amphitrite, the Monadnock, and the Miantonomoh, vessels of modern construction, provided with all the appointments of naval warfare, vessels built of iron and ready to be used as soon as completed—are they to be left out? Are they not to be finished while this old wooden vessel, the frame of which forsooth is built of live-oak, is to be completed? Are we to have another case of the Lancaster rebuilt at an expense of \$1,600,000 and then get a vessel that can go only nine knots an hour, and that can be caught by any first-class three-masted schooner engaged in the coasting trade of this country?

I want to call the attention of the House and the country to the fact that with all the fault found with Republican administration and the last Republican Congress, that Congress was the first to come up and meet the emergency of the time and construct the three new cruisers of steel according to modern plans, and the dispatch boat, which will be a credit, and the greatest credit, that our Navy is entitled to.

The Republican party is entitled to that credit. They authorized the construction of these vessels. We left behind us the prejudices and the methods of other years and came up to a higher plane, to new designs, new machinery, new armament, new armor, and proposed to erect a navy that would be commensurate with the needs of this country and be an honor to the nation.

[Here the hammer fell.]

Mr. COX, of New York. No gentleman in this House has had more experience connected with our naval affairs, in a modest, quiet way on committees, than my friend from Illinois [Mr. THOMAS]; but he must not forget that some wooden ships are indispensable. Wooden ships are sometimes useful. Wooden ships are sometimes beneficial. It was a wooden ship that ran down the Tallapoosa. [Laughter].

Mr. THOMAS. Very good; and the Tallapoosa was a new vessel, just two years old, too.

Mr. COX, of New York. Made by the Republican party—one of their jobs.

Mr. THOMAS. And an almighty bad job at that. [Laughter].

Mr. COX, of New York. But what I want to say is pertinent to this proposition. I do not care whether it is made by a Republican or Democratic administration, but there are some wooden vessels yet to be used in our Navy, as the gentleman from Maine [Mr. DINGLEY] well said. Some are to be school-ships; some are to have other functions on the sea; some are to have romances, beyond all experience, in the future. I am not one of those who believe in making wooden ships hereafter.

I believe in the steel ships and guns, and the steam and the electricities and all the forces to be harnessed hereafter, connected with our Navy, with the chemistry and explosives and what not that speak of progress.

A MEMBER. You ought to be on the other side.

Mr. COX, of New York. I am not on the other side because I am a progressive man. I believe; however, when we have here a vessel built on a perfect model, but a model which is a mere shell or hull to be filled up hereafter with enginery, such as we will have, of an improved pattern—

Mr. THOMAS. I would like to inquire if the gentleman from New York knows that the engines for this vessel have been built already for seventeen years?

Mr. HISCOCK. In other words, there is no "steel" in this.

Mr. COX, of New York. If there was any "steel" in this my friend from New York would be more anxious about it; he is always very square. T. D. Wilson, chief of the bureau, makes the report which was read by my colleague from New York. What does he say?

This vessel has been on the stocks in one of the ship-houses since 1865; and from the fact that she was in frame before work was suspended on her and was neither celled nor planked, the air has freely circulated through her timbers, and to-day they are as hard as bone, and probably in better condition than any framed timbers ever put in a ship.

That is the hull; that is the shell; put in your timbers. But gentlemen say: "The Democrats are coming into power, and we do not want them to have work on this ship in the Brooklyn navy-yard." That is the wrinkle of my friend from New York over there [Mr. HISCOCK]. [Laughter.] I know him; he is a cunning old politician; he looks at me and smiles, but he knows he means simply this: that no Democrat shall have an opportunity to work in that Brooklyn navy-yard in the construction of any ships hereafter, because, forsooth, this ship has been so long on the stocks worm-eaten by Republican rascality. [Laughter.]

Mr. BOUTELLE. Do I understand my distinguished friend from New York to say that this ship's timbers are worm-eaten? [Laughter.]

Mr. COX, of New York. No; I said the system there has been a general system of worm-eating all through. [Renewed laughter.]

Mr. MCADOO. Mr. Chairman, since our friends on the other side by the voice of the people and the will of Providence have found themselves in the minority they have begun to facetiously criticize this side of the House for proposing to complete the New York. I want to ask them why it is that this vessel was not completed long since, and I tell them that there will be grave suspicion in people's minds that the reason she was not completed before is that she was not a vessel contracted for in the yard of John Roach or some other favorite contractor. The gentlemen on the other side have repeatedly advocated the expenditure of three millions and a half of dollars to complete the monitors, yet I say that this ship, the New York, with her well-seasoned timbers, if armed with good guns, will be superior to any of the monitors in the yard of John Roach or elsewhere, completed or otherwise. [Cries of "Oh!" "Oh!" on the Republican side.]

Mr. MCADOO. I want to read for the information of gentlemen on the other side—not the opinion of a partisan journal, but the opinion of a scientific publication, the Army and Navy Journal—about these monitors upon which our friends propose to spend three millions and a half.

Mr. KEIFER. Does the gentleman call the Army and Navy Journal a scientific journal?

Mr. MCADOO. It is a professional journal, written by experts and read by scientific men.

Mr. HISCOCK. My friend from New Jersey should bear in mind that this bill contemplates the completion of those monitors by a Democratic administration, and he certainly does not want to make a record against that policy.

Mr. MCADOO. I ask to have this extract read.

The Clerk read as follows:

As we recently had occasion to show, the thickest side of armor of these vessels will be but seven inches, and it will be applied only to the center of the vessel. The five inches of armor at the ends will be mere pasteboards to the heavy shot fired from a first-class foreign ironclad, and a single well-directed shot fired from the 80-ton iron gun would partially destroy and render the turret of the Miantonomoh wholly useless; while a shot planted on the side armor would sink her. As it is admitted here that the monitors can not resist the heavy broadside ironclads they must meet, why waste further money in the completion of vessels which will serve neither for cruisers nor harbor defense? It matters not what the English ironclads cost; they are in existence, and a couple of them could sweep away the whole of the proposed monitor fleet.

Now, Mr. Chairman, I return to the charge which I made when I began my remarks, and I say again that if this vessel, begun twenty years ago, had been under the care of the favorite contractors who have battened and fattened on the national Treasury, under Republican administrations, a million of dollars, if asked for, would have been gladly voted by the party then in power in this House to complete her. I repeat, too, what I said a while ago, that this vessel when completed will be superior to any of the monitors, and if she were armed with good guns I would much rather (although I am not a professional man in the military sense) take my chances on board of the well-seasoned, easily maneuvered, quick-sailing New York, than on board the Miantonomoh or any other monitor in the service.

Mr. BOUTELLE. Will my colleague on the Naval Committee yield for a question?

Mr. MCADOO. Certainly.

Mr. BOUTELLE. Do I understand you to hold that there is anything in connection with the model of a monitor which prevents her from carrying as much defensive armor as a broadside ironclad?

Mr. MCADOO. I do not know. I only state how our monitors are clad.

Mr. BOUTELLE. But I want a specific answer to my question: Do I understand you to hold that there is anything about the monitor class of vessels which prevents them carrying as heavy armor as the broadside ironclads?

Mr. MCADOO. No. All I say is that they are steel-clad, as everybody knows—steel-clad in more ways than one.

Mr. BOUTELLE. Is it not true, on the contrary, that, on account of the low free-board, a vessel of the same displacement, built on the monitor plan, can carry infinitely more armor than a broadside ironclad?

Mr. MCADOO. Mr. Chairman, all I have to say in reply to my nautical, scientific, and elaborate friend from Maine [Mr. BOUTELLE] is, that these monitors have seven inches of armor in the center and five inches at the ends; and I say that if this journal from which I have read an extract be correct, that armor would be unable to stand one single, well-directed shot from an 80-ton gun.

Mr. BOUTELLE. Mr. Chairman, I do not wish to press my friend, but I affirm here a very confident belief that a vessel of a certain displacement whose hull is only three feet above the water, and which needs to be armored only for a surface of two or three feet above water, can certainly carry much more defensive armor than a wall-sided vessel with a high free-board.

Mr. MCADOO. Mr. Chairman, I am not up before the civil-service examiners for a position as a naval engineer [laughter], but I say that these monitors are not worth as much as this New York will be when completed.

Mr. BOUTELLE. Mr. Chairman, I was addressing my remarks to the Scientific Journal from which the gentleman [Mr. MCADOO] has quoted.

Mr. HEWITT, of New York. Mr. Chairman, I hold in my hand the latest list which has been published (and it comes down to within one month of the present time) of the ironclads, which are regarded as obsolete by the great powers. They are eighty-five in number—nearly all of them constructed since 1865. Twenty-one of them belong to Great Britain, twenty to France, nine to Italy, and twenty-seven to Russia. Of the twenty-one belonging to Great Britain fourteen are plated with iron, and are of greater tonnage and more horse-power than the ship which this bill proposes to finish. Let me quote one or two instances. Here is the Northumberland, belonging to Great Britain, built of iron, displacement 10,780 tons, mean draught twenty-eight feet, with twenty-seven heavy guns and eighteen light guns, carrying seven hundred and forty-four men, and having a horse-power of 6,560 and a speed of 14.1 knots. Then follow thirteen others, including the Agincourt, the Minotaur, the Achilles, the Warrior, the Black Prince—all of them larger and better ships and with a higher rate of speed than this one of ours, and ironclads at that. These are vessels which Great Britain has determined to discard. Then here are twenty ships belonging to France,

the list beginning with the *Héroïne* of 5,837 tons. Then follow the *Revanche* and *Savoie* of 5,819 tons each, and the *Surveillante* of 5,758 tons. So I might run through the list, every one of these being a better and faster ship than the one we propose to waste our money upon if we enact this bill.

Italy, which we look upon as a second-rate power, is going to discard nine ships—first the broadside ship *Roma*, built of wood, displacement 5,700 tons, mean draught 24½ feet, armor 4½ and 4¼ inches, with twenty-two heavy guns and twelve light guns, speed thirteen knots, coal capacity five hundred and fifty-eight tons, steam cruising power at ten knots 3,000 miles. This ship upon which we propose to spend our money could not carry coal enough to steam 1,500 miles. Yet here is Italy about to discard this vessel the *Roma*; and I have no doubt she would gladly sell it to us for one-half what we propose to spend upon the completion of this ship.

Russia is about to discard twenty-seven ships, beginning with two wooden ships, the *Sevastopoli*, 6,275 tons, and the *Petropanlovsk*, 6,040 tons.

I will not take up time in enlarging upon this subject further, but the proposition here is that at this day this country, which has been complaining that it had no navy, which has declared in the platforms of both parties that it intends to have a navy, shall, upon a proposition from a Democratic committee, spend money in completing an old ship which can float, I have no doubt, but which, if struck with one of the guns of one of these discarded ships, would go straight to the bottom. [Applause.]

Mr. TALBOTT. Are not all these vessels which are being discarded armored vessels?

Mr. HEWITT, of New York. Not all of them, but nearly every one of them.

Mr. TALBOTT. This is not to be an armored vessel.

Mr. HEWITT, of New York. Certainly not; and that is an additional reason why it should not be built. There is not a nation in the world to-day that would think of building an unarmored ship except as a fast cruiser, or "commerce-destroyer," as it is called; yet it is proposed to build an unarmored ship that could not get away from any one of these armored ships which other nations are discarding as too slow. If we build unarmored ships they should be the fastest ships afloat, or they are failures.

[Here the hammer fell.]

Mr. HUTCHINS. Mr. Chairman, I agree with what the gentleman from New York [Mr. HEWITT] has said. He knows perfectly well that it is not our intention to proceed with the policy of building wooden ships. Every word that he has uttered, however, would apply to the proposition to expend 30 per cent. of the value of wooden vessels in repairing them. Will the gentleman tell me whether we have to-day a single vessel afloat that is seaworthy?

Mr. HEWITT, of New York. I think not; and we do not want any more of such vessels.

Mr. HUTCHINS. Then should we not take measures to have one good vessel; and when we have a report from the proper Department saying that for a comparatively small sum of money we may have a vessel good for some purposes, why not complete it?

Mr. Chairman, we must take things as they are. The gentleman knows perfectly well that England to-day, notwithstanding all her discarded vessels, has an effective tonnage of 345,000 tons; France has 209,000 tons, and Russia comes next with 119,000 tons. The United States has but 22,000 tons; and are we to sit still and refuse to appropriate a small sum to complete one good vessel?

We do not desire to cut off supplies for repairs of wooden vessels because they are comparatively worthless. His argument is hardly fair. I would not expend any money to construct a new wooden vessel, but until we have steel cruisers, until we have armored battle-ships, until we have something in the shape of a navy which will stand by the side of other navies of the world, I am willing to appropriate a small sum to complete this ship.

Mr. HEWITT, of New York. Allow me to read to you at that point: "The admiralty count upon the wooden hulls of twenty-three French ironclads as a source of future weakness."

Mr. HUTCHINS. Undoubtedly, and we would discard them under similar circumstances.

Mr. HEWITT, of New York. Why then build up weakness? Let us build up strength.

Mr. HUTCHINS. This is, I am aware, a temporary expedient until we can have time to build war ships which we hope will be the pride of the nation.

I will yield now for one minute to my colleague [Mr. COX].

Mr. COX, of New York. I want to answer my colleague in one word, and that is this: When he reads from these old statistics with which we are all familiar—

Mr. HEWITT, of New York. This is new; I got it by mail.

Mr. COX, of New York. I got it fresh the other day by mail. It is old now. He simply fails to recognize the fact that the projectiles of the world, the power of explosion, the chemistry of which he is a recognized element, can drive through any ironclad possible, and therefore people are discarding ironclads because the projectiles, the force of powder or something else, is greater than ironclads. In other words, there

is more force in powder and ball and projectile than in the defensive operations of our Government. Therefore they are disposing of their old ironclads. Offensive war is bigger than defensive, and everybody knows it. No one knows it so well as my friend who is engaged in steel and iron manufacture.

Mr. HEWITT, of New York. Does not my colleague know every ship abroad has heavy iron clad on it now?

Mr. COX, of New York. Because we have artillery, because we have cavalry, shall we discard infantry? Because we have ironclads or torpedoes, shall we give up wooden ships altogether?

Mr. HEWITT, of New York. Yes.

Mr. COX, of New York. No, sir.

The CHAIRMAN. The gentleman's time has expired.

Mr. RANDALL. The Committee on Appropriations is not a Democratic committee, as has been pushed into this debate by the suggestion of the gentleman from New York [Mr. HEWITT]. We realize that a new navy, a more powerful navy, is required, and we also realize that these vessels which are now unfinished and can be made useful should be completed. We commenced that last year by making an appropriation to finish the *Mohican*. We realize it and recognize it to-day in recommending that the New York shall be completed.

But while as a fighting navy and cruising navy we realize that steel cruisers and heavy-armed vessels are essential to the fighting necessities of war, at the same time we know that this vessel can be made of great service in the Navy, as has been recommended for two years at least by the Secretary of the Navy. Why, you might as well say you would make an army entirely of infantry, and forget cavalry and artillery altogether.

The whole tenor of this bill goes to recognize, if it had been proper so to state it, the requirements of political platforms. We also know this vessel, as stated by the experts of the Government, can be made useful and can be finished with due economy to the Government.

Mr. HERR. Did I understand the gentleman to say that the Secretary of the Navy recommended this?

Mr. RANDALL. I say so unqualifiedly.

Mr. HISCOCK. Will the gentleman read where the Secretary recommends it?

Mr. RANDALL. I have the recommendation here.

Mr. HISCOCK. Have one read.

Mr. RANDALL. It is expressed in his report last year and in this, where he estimates for the New York \$400,000.

Mr. HISCOCK. Have that part read.

Mr. RANDALL. I will have it read with pleasure.

Mr. HEWITT, of New York. I would like to ask my friend from Pennsylvania when the present Secretary of the Navy became an authority for this side of the House?

Mr. RANDALL. I would as soon trust him in authority as you.

Mr. HEWITT, of New York. That is a personal remark which the gentleman's own answer will explain.

Mr. KEIFER. I am willing to yield to allow that to be read.

The CHAIRMAN. The Clerk will read what the gentleman from Pennsylvania forwards to the desk.

The Clerk read as follows:

Executive Document, No. 1, part 3, Forty-eighth Congress, first session, page 31.
Increase of Navy: Completing hulls of the New York and *Mohican*, \$400,000.
Annual report of the Secretary of the Navy for the year 1884, page 40.
For completion of the New York, \$500,000.

Mr. RANDALL. These are the reports of the Secretary of the Navy for the two years to which I have referred.

Mr. HISCOCK. I desire to call the attention of the gentleman from Pennsylvania to the fact that this is precisely what we find in the Book of Estimates, a submission simply under the law and nothing else.

Mr. RANDALL. I take it for granted that the Secretary of the Navy would not put anything in his report that did not meet his approval.

Mr. HISCOCK. We need not have any confusion or misunderstanding about this matter, because the gentleman knows that many items are submitted under the law that are not recommended.

Mr. RANDALL. The gentleman from New York knows that they are recommended. The Secretary submits matters when there is a doubt whether there is law authorizing the expenditure of the money; and I have caused to be read now from his annual reports the amounts that he has estimated for the completion of these vessels.

Mr. KEIFER. I hope this will not be taken out of my time.

I will say to the distinguished chairman of the Committee on Appropriations that 9 to 6, composing the Committee on Appropriations, may not make that committee entirely Democratic, although they are all very distinguished gentlemen, but it gives a very good majority.

Mr. REED, of Maine (from his seat). It creates quite a suspicion, however. [Laughter.]

Mr. KEIFER. Yes, quite a suspicion. Now, these estimates that have been read the gentleman from Pennsylvania claims to afford evidence of a recommendation on the part of the present Secretary of the Navy, or rather he claims that they are entitled to the force of a recommendation on his part, for the completion of the ship *New York*. That, I claim, is an entire misapprehension.

I happen to know that the present Secretary of the Navy regards the

completion of this vessel as entirely unnecessary in every sense of the word; and that all that is spent on it is worse than thrown away, because it embarks us not in the direction of progress, but rather as indicating a retreating from the little advance position that this nation has taken in the matter of building a navy. It is unfair to the Secretary of the Navy to treat these estimates which he is required by law to make to Congress as committing him to a recommendation that such works shall be carried on; and I want to say that the Committee on Appropriations, not speaking of anything that takes place within its doors, and the House of Representatives, of which I may speak, have not been bound by anybody's recommendations on the subject of paying claims or completing other public works. Why then do they stand up for this?

Now, Mr. Chairman, the most specious, artistic, cunning—if I might use the word and not violate parliamentary usage—argument that is made in favor of completing the New York in the Brooklyn navy-yard comes from the gentleman from Maine [Mr. DINGLEY] and another gentleman from New York [Mr. COX]. They say they would finish this vessel in order that it might be used in case of necessity for a school-ship. A great war vessel as we pretend, if it be finished at a cost of \$400,000, which would be more than enough to build a good cruiser, to build a good vessel of war, is to be finished solely because they think it might happen that at some place on the coast of this country we might need a school-ship! We have thirty wooden vessels now, and almost every one of them would do for a school-ship and nothing else. They are fit for nothing else in time of war. Some of them may be used for going on surveying excursions, and there are plenty for that purpose.

My friend from New York [Mr. COX], formerly of Ohio, talked lightly about the Tallapoosa being sunk by a common schooner, and he might have added that it was sunk without any purpose on the part of the schooner to sink it at all. [Laughter.] It was sunk on the coast. This ship, the Tallapoosa, was just about as good as any of these vessels. It was not built only two years ago, but it was rebuilt, as we practically propose to rebuild the New York. That vessel has had twenty years of rest before being used at all, and now you propose to finish it; and it is very remarkable that all at once it becomes extremely necessary to spend \$400,000 to finish the ship that everybody well versed in all these naval matters says will be thoroughly valueless as a war ship, and nobody claims that it would be of any value in time of peace unless we wanted to keep school. [Laughter.]

Mr. DORSHEIMER. Mr. Chairman, I have listened to this debate with great interest and I find myself entirely in agreement with the Committee on Appropriations, and think that this item should be approved and the vessel finished. My colleague [Mr. HEWITT] seemed to argue as if only such war ships should be built as were built upon the idea that the enemy's shot could be kept out of the vessel.

I wish to call it to the attention of the House that our own advisory board has not up to the present time advised the construction of one single new ship upon that theory. The four vessels now in course of construction and the vessels which the Secretary of the Navy this year recommended to be built are all cruisers, unarmored vessels of entirely light construction, and penetrable by the ordinary shot fired from the ordinary guns of foreign ships of war. Those vessels are designed upon the theory upon which all naval vessels have been built in the past and by which the naval distinction of the different countries of the world has been won.

Lord Nelson never commanded a ship built upon the theory of keeping the shot of the enemy out; neither did Decatur nor Bainbridge nor Perry ever command such a vessel. But come down to our own times. The most distinguished American naval officer of our generation, with ironclads in his fleet, did not go on board an ironclad when he entered the harbor of Mobile. He stood upon the deck or climbed into the rigging of a wooden vessel.

Now it is by no manner of means a determined thing as to whether it is the true policy to build heavy armored vessels or not. My colleague [Mr. COX] was entirely correct in his statement that there were evident signs that foreign powers were beginning to doubt the policy of building these heavily armored vessels; for in the contest between the target and the gun which has been going on in foreign countries for almost thirty years the gun has come out the victor; so that targets to resist modern guns can not be built and flotation obtained.

I believe that the future naval battles will be fought in vessels as penetrable to shot as any of the vessels commanded by the great naval captains in the beginning of this century, and that our country will find its safety not in the thickness of defensive armor, but, as it has hitherto done, in the fiery hearts of those who man its ships. [Applause.]

If the choice is to be between a penetrable steel vessel and a penetrable wooden vessel, then it is clear enough that the difference between them can not be a very great one, and that there are manifest uses to which wooden ships may still beneficially be put. I here state, and call the attention of my colleague [Mr. HEWITT] to my statement, that there is not now one European power which is not to-day building wooden vessels for its naval service.

[Here the hammer fell.]

Mr. HEWITT, of New York. Will my colleague give me the authority for that statement?

Mr. DORSHEIMER. I will. I will send it to my colleague.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Ohio [Mr. KEIFER].

The question being taken, there were—ayes 22, noes 62.

So (further count not being called for) the amendment was not agreed to.

The Clerk read to the conclusion of the paragraphs appropriating for the Naval Academy.

Mr. FINDLAY. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 415 insert the following:

"Allowance for reduction of wages under the eight-hour law such sum as may be required in the settlement of all accounts for the services of laborers, workmen, and mechanics heretofore or at present employed by or on behalf of the Government at the Naval Academy at Annapolis, Md., between the 19th day of May, 1869, the date of the proclamation of the President concerning the pay of laborers, workmen, and mechanics under the eight-hour law, and the date of the passage and approval of this act, to settle and pay for the same without reduction on account of the reduction of the hours of labor, as contemplated by the spirit of the act of Congress approved June 25, 1868, commonly known as the eight-hour law. And the money hereby appropriated and necessary to pay such claims shall be made immediately available and be disbursed by the Navy paymaster at said Naval Academy under the direction and supervision of the superintendent thereof.

Mr. HUTCHINS. I make the point of order on that amendment. I suggest to the gentleman from Maryland that he let it lie over until to-morrow and I will examine it.

Mr. RANDALL. I suggest that it shall be agreed we may go back to this amendment.

The CHAIRMAN. Is there objection to passing over the amendment for the present?

Mr. HEWITT, of Alabama. If the point of order is made on it I think it might be as well to have it decided at once.

Mr. HUTCHINS. I hope the gentleman from Alabama will not take the management of the bill out of my hands.

The CHAIRMAN. Is there objection to postponing the decision on this point of order until to-morrow? The Chair hears none.

Mr. RANDALL. The point of order is reserved.

The CHAIRMAN. The Chair so understands.

Mr. COX, of New York. I ask unanimous consent to have printed in the RECORD a communication I have received relative to this subject.

There was no objection.

The letter is as follows:

STATE OF MARYLAND, COURT OF APPEALS.
Annapolis, February 10, 1885.

Hon. S. S. COX,

House of Representatives, Washington, D. C.:

MY DEAR SIR: I duly received your kind reply of December 18, 1884, to my letter of the 17th of the same month, in reference to the proposed relief measure for the Naval Academy employes residing in this city. Your generous offer to aid the measure, as placed in the hands of Mr. FINDLAY, was met by a due manifestation of appreciation by this worthy class of our people.

Inasmuch, however, as the present session is nearing its close, they are fearful that no relief can come to them through the bill recently introduced by Mr. FINDLAY in their behalf, unless it can be secured by way of an amendment to one of the three appropriation bills yet to be reported, namely: the general naval, sundry civil, or deficiency bills. In view thereof, I have prepared and forwarded to Mr. FINDLAY a draught of an amendment, embracing the substance of his bill (No. 7607), and which, if it can by any possibility of a chance be incorporated in either of said appropriation bills, would secure the attainment of the purposes desired.

I herewith inclose you a copy of said proposed amendment, which is almost a literal transcript—*mutatis mutandis*—of the provision contained in the act of 1872, and as now codified as section 3699 of the United States Revised Statutes. By reference to the latter, if time will permit, you will see that these very employes (among others) were paid for all the time employed at the academy in excess of eight hours from the date of the passage and approval of the eight-hour law up to and including the date of the President's proclamation, to wit, May 19, 1869, since which date they have received no compensation for the extra hours so employed, the eight-hour law here having been practically ignored by the Navy Department, and per consequence at the Naval Academy.

So familiar are you with all the minutiae pertaining to matters of national legislation, it would appear unseemly in me, if not quasi-egotistic, were I to attempt to proffer the least suggestion in regard to the best mode of securing favorable consideration and action in the premises; nevertheless, you, I am sure, will not take it amiss if in my zeal for these worthy people I should earnestly request that you will, should you find it convenient to spare sufficient time from the multiplicity of public and local matters which so heavily and necessarily tax your patience, in conjunction with Mr. FINDLAY or otherwise, bring to bear upon the Committee on Appropriations your kind and generous influence whereby the consent of its members may be obtained, in committee, to permit the incorporation of the inclosed proposed amendment in either one of the three appropriation bills hereinbefore mentioned. You will perceive that the proposed amendment is local in its character, and was drafted in that wise in view of a knowledge of the fact that our friend SAMUEL J. RANDALL seems strongly inclined to oppose large appropriations and exhibits rather a sensitive, if not niggardly, disposition toward disturbing the quiet of what has been commonly denominated the "Treasury's unnecessary surplus." Indeed, it would seem that this surplus is by no means unnecessary, for the mere exhibition of the just claims of these employes would be a sufficient answer to the contrary. By way of parenthesis let me remark that to the eyes of many, at least to those outside of the Halls of our national Legislature, it would seem to appear that were the Government to employ a part, at least, of its present surplus money in liquidating its just obligations toward its own citizen-creditors, the long-heard-of lamentations against the \$100,000,000 surplus revenue would soon be stifled and appeased.

I can but hope, my dear sir, that the merits of this measure may receive the hearty approval on the part of every member of Congress who pretends to entertain a due and appreciative regard for honest labor, and that, too, in this instance when the Government itself has already reaped the benefit of the daily toil of these laboring people.

Hoping and believing that you will do what lies in your power to do in the premises, I can but assure you that there will ascend from hearts who know how to appreciate a kindly act done in their behalf as holy incense to a higher sphere, heartfelt invocations on the part of these good people and their families.

Mr. HEWITT, of New York. I move to strike out the last word. It is not often that I take notice of any personal remarks in debate having reference to myself. The gentleman from Pennsylvania, the chairman of the Committee on Appropriations, has chosen to visit me with that heavy club which sometimes he uses to demolish those who have the misfortune to differ with him. At the last session of Congress I happened to be on the same side with that gentleman with regard to monitors and the Secretary of the Navy differed with him. I ask the Clerk now to read the remarks of the gentleman from Pennsylvania [Mr. RANDALL] made then as far as I have marked. And that is all I shall care to say on the subject of the opinion which the gentleman from Pennsylvania now entertains of the Secretary of the Navy and of my humble self.

The Clerk read as follows:

Mr. CALKINS. Who is the author of that?
Mr. RANDALL. Mr. Isherwood, formerly Engineer-in-Chief of the Navy. I might rest the action which we recommend to adhere and not yield to the incorporation of these amounts in the appropriation bill upon the opinion of these two accepted authorities, one now in office and the other formerly at the head of the Engineer Corps of the United States Navy. But I am willing to go further and say if it were necessary that there are not thrown around these propositions those safeguards for the expenditure of the money which circumstances known to the country demand in reference to a Department which is now being investigated.

The next question is as to the monitors. That is a subject which was duly considered in the last Congress, and the Committee on Appropriations of that body did not recommend to the House of Representatives any further appropriation of money in that connection, nor did the House in the passage of the original bill incorporate a dollar for that purpose. The bill went to the Senate, and there the amount was incorporated, and in a sort of coercive way, if I may be allowed in a parliamentary sense to use such a term, the House was compelled to yield. I want to have read in that connection, that it may be still further impressed upon the minds of the House, the language uttered upon this floor by a gentleman here in debate, whose experience as a business man and as a manufacturer in all the forms of iron and steel which enter into the construction of such vessels is large, and whose capacity to judge of such subjects is unquestioned. I ask the Clerk to read from the RECORD what was said on the floor a few weeks ago upon this point. This is a part of the language of the gentleman from New York [Mr. HEWITT].

The Clerk read as follows:

"There are other questions behind this on which I am in full accord with the Appropriations Committee. I believe the monitors are a total failure. I believe every dollar spent on them is wasted, and I shall never vote, as I never have voted, a single dollar in behalf of the monitors."

"I also believe we ought not to build any new cruisers until we know whether those now under way are good for something or not. But we can not tell whether they are good or not until we put guns on them and float them and try what they can do in the open ocean."

Mr. RANDALL. Mr. Chairman, I think that I have said nothing to-day inconsistent with my expressions then, so far as Mr. Chandler was concerned. I have only made the group a little larger in some particulars. I never want to be personally offensive, but the gentleman from New York [Mr. HEWITT] provoked what I said by characterizing the Committee on Appropriations as a Democratic committee—

Mr. REED, of Maine. That was provocation enough. [Laughter on the Republican side.]

Mr. RANDALL (continuing). And then subsequently saying, in substance, that that Democratic committee was following the lead of Mr. Chandler.

Mr. HEWITT, of New York. Mr. Chairman, I beg leave to say that I uttered nothing of the sort. The RECORD will show what was said. I merely now put in a contradiction, and say that I uttered nothing of the kind.

Mr. RANDALL. Well, I so understood it, hearing as well as I can hear, and gentlemen around me also understood that there was an implication in the language of the gentleman from New York [Mr. HEWITT] which was not respectful to the Committee on Appropriations.

Mr. HEWITT, of New York. I have the most immense respect for the Committee on Appropriations. I have been on that committee myself.

Mr. RANDALL. Well, whether that is mutual or not is another matter. But there is one thing certain, that as long as I am at the head of that committee, whenever it is assailed, either by innuendo or in a more courageous manner, I will strike back as hard as I know how.

Mr. HEWITT, of New York. Mr. Chairman, I believe that I never attempt anything by innuendo on this floor. I believe that is not my reputation. The question that I asked was, since when did it happen that the Secretary of the Navy had become an authority upon this side of the House?

Mr. RANDALL. Mr. Chairman, if that was not a reflection on the Committee on Appropriations, I do not know what it means.

Mr. HEWITT, of New York. And if that be a reflection upon the gentleman from Pennsylvania [Mr. RANDALL], it must be because the "shoe fits."

Mr. RANDALL. Oh, well, Mr. Chairman, I am not going to take any offense at that.

Mr. HEWITT, of New York. I should suppose not. The offense has been taken.

Mr. RANDALL. I never take what does not belong to me, and there-

fore I am not going to be offended by such a remark as that; but I do say again that whenever the gentleman will speak as a man should speak, with clean-cut language, and not by inference or insinuation, I will try to answer him in a like manner.

The CHAIRMAN. The Clerk will continue the reading of the bill. The Clerk resumed and read to the end of section 1 of the bill.

Mr. THOMAS. Mr. Chairman—

Mr. HUTCHINS. Mr. Chairman, I move that the committee rise.

The CHAIRMAN. For what purpose does the gentleman from Illinois rise?

Mr. THOMAS. I rise to make the point of order against section 2 of this bill.

Mr. KEIFER. That point can not be made until the section is read. General debate comes in upon this section at this time.

Mr. THOMAS. Then I shall ask that the point of order be reserved.

Mr. KEIFER. It is reserved.

Mr. RANDALL. Mr. Chairman, I wish that the gentleman from Illinois shall be recognized at the proper time to make the point of order against the second section.

Mr. KEIFER. The gentleman from Pennsylvania [Mr. RANDALL] will agree that the right time to make the point is when the section is read.

Mr. RANDALL. After the general debate on the first section the second section can be read.

Mr. THOMAS. All I ask is that the point shall be reserved.

The CHAIRMAN. The Chair understands that the point of order is pending. The gentleman from New York [Mr. HUTCHINS] moves that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BLACKBURN having resumed the chair as Speaker *pro tempore*, Mr. WELLS reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 8239) making appropriations for the naval service for the fiscal year ending June 30, 1886, and for other purposes, and had come to no resolution thereon.

HOOR OF MEETING.

Mr. WILLIS. Mr. Speaker, I ask unanimous consent that the hour of meeting to-morrow (Friday) be 12 o'clock instead of 11.

Mr. BROWN, of Pennsylvania. If we can have an understanding that we shall adjourn before 12, I have no objection to the change of hour.

Mr. WILLIS. That is the understanding, that the morning hour shall not be cut out.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. WILLIS] asks unanimous consent that the hour of meeting to-morrow be 12 o'clock instead of 11. [After a pause.] In the absence of objection it is so ordered.

Mr. WOLFORD. Mr. Speaker, to-morrow night is pension night, and I ask unanimous consent that the hours for the evening session be changed so that we may meet at 7 and adjourn at 9 o'clock.

The SPEAKER *pro tempore*. The Chair has been requested by the chairman of the Committee on Invalid Pensions to state to the House that he does not believe that the work that that committee will have on hand for to-morrow evening's session can be accomplished in any limited time.

Mr. CANNON. Then I object.

LEAVE TO WITHDRAW PAPERS.

Mr. MORSE, by unanimous consent, was granted leave to withdraw the papers in the case of the executrix of Daniel Carroll, deceased.

LEAVE TO PRINT.

Mr. LAIRD, by unanimous consent, was granted leave to extend his remarks on the subject of the bill presented by him to-day under the special rule.

THE CONGO CONFERENCE.

The SPEAKER *pro tempore* laid before the House the following message from the President; which, with the accompanying papers, was referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

I transmit herewith, in response to a resolution of the House of Representatives of the 31st instant requesting copies of all the communications which have been received respecting the Congo conference, and especially copies of the text of the commissions or powers sent by this Government to each of the three American plenipotentiaries or agents, a report of the Secretary of State.

CHESTER A. ARTHUR

EXECUTIVE MANSION, February 19, 1885.

PROTECTION OF SUBMARINE CABLES.

The SPEAKER *pro tempore* also laid before the House the following message from the President; which, with the accompanying papers, was referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

I transmit herewith a report of the Secretary of State, of the 19th instant, recommending the enactment of a law for the protection of submarine cables, in pursuance of our treaty obligations under the international convention in re-

lation to the subject, signed at Paris on the 14th day of March, 1884, and commend the matter to the favorable consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, February 19, 1885.

FRENCH-AMERICAN CLAIMS COMMISSION.

The SPEAKER *pro tempore* also laid before the House the following message from the President; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed

To the House of Representatives:

With reference to my communication of the 27th ultimo, transmitting to the House of Representatives a preliminary report of the Secretary of State, dated the 26th of January, 1885, in response to the resolution of the House of the 9th of January, 1885, calling for copies of the accounts and vouchers of the disbursing officers of the French-American Claims Commission and containing other information in relation to the transactions of said commission, I now transmit herewith a further report on the subject by the Secretary of State, dated the 17th instant, which is accompanied by the desired copies of the accounts and vouchers in question.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, February 19, 1885.

YACAMA INDIAN RESERVATION.

The SPEAKER *pro tempore* also laid before the House the following message from the President; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 16th instant from the Secretary of the Interior, submitting, with accompanying papers, a draught of a bill "to accept and ratify an agreement with the confederated tribes and bands of Indians occupying the Yacama reservation in the Territory of Washington for the extinguishment of their title to so much of the said reservation as is required for the use of the Northern Pacific Railroad and to make the necessary appropriation for carrying out the same."

The matter is presented for the consideration and action of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, February 19, 1885.

DEDICATION OF WASHINGTON MONUMENT.

The SPEAKER *pro tempore*. The Chair desires to call the attention of the House to the fact that, by the arrangements made by the committee having in charge the ceremonies of Saturday next, the desks will have to be removed from the Hall of the House to-morrow night.

Mr. MCADOO. Mr. Speaker, I would ask by whose authority that is to be done?

The SPEAKER *pro tempore*. The Chair would state that by the provisions of the concurrent resolution of the two Houses of Congress the committee has entire charge of the arrangements for the ceremonies.

Mr. MCADOO. I ask unanimous consent that that part of the arrangements be set aside. I do not think it is desirable to have our desks removed.

The SPEAKER *pro tempore*. The Chair scarcely thinks that the House by unanimous consent can vacate a concurrent resolution.

Mr. BLAND. Did that resolution authorize the seats to be removed from the Hall of the House?

The SPEAKER *pro tempore*. The hour of 6 o'clock having arrived, the House stands in recess until to-morrow at 10 a. m.

AFTER RECESS.

The recess having expired, the House reassembled at 10 o'clock a. m. (Friday, February 20), Mr. BLACKBURN in the chair as Speaker *pro tempore*.

LEAVE OF ABSENCE.

Mr. HURD, by unanimous consent, obtained leave of absence for ten days, on account of important business.

EXPLORATIONS IN NORTHERN ALASKA.

The SPEAKER *pro tempore* laid before the House the following concurrent resolution of the Senate; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there shall be printed 5,500 copies of the report of Lieut. George M. Stoney, United States Navy, of his recent explorations in Northern Alaska, with the accompanying charts; 1,500 copies for the use of the Senate, 3,000 for the use of the House, and 1,000 for the use of the Navy Department.

ORDER OF BUSINESS.

Mr. WILLIS. Mr. Speaker, I would be glad if the House would by unanimous consent agree upon some limit as to the debate on the pending paragraph of the river and harbor appropriation bill.

Mr. REED, of Maine. I do not think that ought to be done.

Mr. WILLIS. I would be glad if some arrangement could be made.

Mr. REED, of Maine. I think, Mr. Speaker, the situation of things is such that the gentleman from Kentucky ought not to ask that. We have met here—fifteen or twenty members—this morning. Consent was granted last night, contrary to an understanding which existed while a majority of members were here, extending the present sitting of the House for an hour. I think under all these circumstances we ought not to have any such limitation of debate as is suggested. I believe we ought to go right on.

Mr. O'NEILL, of Pennsylvania. I hope we shall adopt any limitation that may be possible on this bill so as soon to get it out of the way

in some manner. I think the gentlemen who have met here this morning came here to go on with the consideration of this bill—

Mr. REED, of Maine. I have not a doubt of it.

Mr. O'NEILL, of Pennsylvania. And I think we had better do what we can in that direction. I hope the objection will be withdrawn and that we shall go on until we reach some point where there is objection.

Mr. REED, of Maine. I do not think that it is fair to members who are absent.

Mr. WILLIS. I have made this suggestion in good faith. The House is aware of the fact that the time for debate on this section was limited to one hour and a half, and afterward, upon the suggestion of some of the recognized opponents of the bill who stated that it would facilitate the passage of the measure, the time was enlarged to allow three minutes' debate on every *bona fide* amendment. The enlargement of the time was made in good faith on this side and for the purpose of facilitating the passage of the bill, with the implied understanding certainly, if not the express understanding, that all that was wanted was a vote upon these propositions with a brief time to explain them. We have consumed several hours under this extended time; and I submit that as a matter of good faith we ought now to fix some limit to debate on this paragraph, which has already been discussed two hours; that we ought to agree on some reasonable time within which the discussion shall be concluded.

Mr. REED, of Maine. I say again to the gentleman from Kentucky [Mr. WILLIS] that last night the present sitting of the House was extended beyond what was agreed upon when a full House was present. There was not a quorum present last night when the change was made. I was present, but did not object, because I had no objection whatever to this bill going on under full and free discussion; and I have none now. My impression is that the gentleman will accomplish most if he allows the debate to go right on.

Mr. WILLIS. Well, Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union.

RIVER AND HARBOR APPROPRIATION BILL.

The motion of Mr. WILLIS was agreed to; and the House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. HAMMOND in the chair), and resumed the consideration of the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The CHAIRMAN. When the Committee of the Whole rose yesterday tellers had been ordered on a motion of the gentleman from Kentucky [Mr. WHITE] to strike out what is known as the Mississippi River paragraph. The gentleman from Arkansas, Mr. BRECKINRIDGE, and the gentleman from Kentucky, Mr. WHITE, had been asked to act as tellers. The gentleman from Kentucky being now absent, the gentleman from Pennsylvania, Mr. BROWN, will please act as one of the tellers. The tellers will take their places.

The committee divided; and the tellers reported—ayes 4, noes 19.

The CHAIRMAN. No quorum has voted.

Mr. MILLS. No point is made.

Mr. BRECKINRIDGE. No one is insisting on a quorum.

The CHAIRMAN. No quorum being insisted upon, the amendment is rejected.

The next amendment (by Mr. HEPBURN) was read, as follows:

Strike out lines 922 to 938 inclusive and insert the following:

"For the continuation of the improvement of the Mississippi River, \$1,000,000, to be expended in the completion of the Plumb Point and Lake Providence reaches."

Mr. WILLIS. I ask a vote on that amendment.

Mr. REED, of Maine. Mr. Chairman, the strongest ground, the real ground, of opposition on the part of those who are opposed to this bill is the continuance of this Mississippi scheme—a scheme which is objectionable in every point of view. It is objectionable on the ground that it is an expenditure of a large sum of money, which expenditure, by the declarations of the committee itself, has been shown to be useless—a waste of the public money. It is objectionable upon another ground, that the ports and harbors of this country which really need improvement are to-day being robbed of proper appropriations for the sake of this ill-judged expenditure.

Mr. BLANCHARD. Will the gentleman name one?

Mr. REED, of Maine. And it will be noticed that not a single word has been said in defense of this scheme. Not a single argument which has been presented by the gentleman from Arkansas has been met by the so-called friends of this appropriation. They have remained under the very scathing denunciation which he has given to this scheme. Now, he himself has not rectified it by proposing that the committee should stand by the original plan.

Mr. BRECKINRIDGE. How can the gentleman state that when it is in plain contradiction of the facts which appear before us?

Mr. REED, of Maine. What is the contradiction?

Mr. BRECKINRIDGE. We denounce the departure from the original plan.

Mr. REED, of Maine. The gentleman can not take all my time.

Now, Mr. Chairman, I say it is not remedied by the change which the gentleman from Arkansas desires to make.

Mr. BRECKINRIDGE rose.

Mr. REED, of Maine. It is known that the commission are carrying out the very plan on which they started—

Mr. BRECKINRIDGE. The gentleman can not assert that.

Mr. REED, of Maine. With only such additions as their experience has justified, and those additions seem to be, even according to the suggestion of gentlemen on the other side, in the very line of this appropriation. That is, they involve more expenditure, and that is what the whole thing seems to be.

Mr. BRECKINRIDGE. We can not expect any appreciation from the gentleman from Maine and the railroads, which want only the commerce that seeks to go down to the Gulf.

Mr. REED, of Maine. That is part and parcel of the glamour which is intended to be thrown over this question. This is no contest between railroads—it is a question between some gentlemen and the Treasury of the United States.

[Here the hammer fell.]

Mr. BRECKINRIDGE. That is all we expect from the gentleman from Maine.

The CHAIRMAN. The question before the committee is on the amendment of the gentleman from Iowa [Mr. HEPBURN].

Mr. REED, of Maine. Let it be reported again.

Mr. BLANCHARD. I object to that.

Mr. BRECKINRIDGE. No; let it be read again.

The CHAIRMAN. The question is on the amendment of the gentleman from Iowa [Mr. HEPBURN].

Mr. REED, of Maine. I ask for a division.

The committee divided; and there were—ayes 8, noes 33.

The CHAIRMAN. So the amendment does not prevail.

Mr. REED, of Maine. I raise the point of no quorum.

Mr. WILLIS. It comes too late.

Mr. REED, of Maine. I wish simply to say to the gentleman from Kentucky that I had an amendment which I proposed to offer but in some way has been lost from my seat. I simply desire time to prepare another amendment.

Mr. WILLIS. The last time the gentleman from Maine spoke it was against the order of the House, but we made no objection. Although he was not the gentleman offering the amendment we allowed him to speak upon it.

Mr. REED, of Maine. All I wish to do is to offer the amendment which I had already in my seat.

The CHAIRMAN. As the Chair understands the gentleman from Maine he desires time to prepare an amendment agreeing to withdraw his demand for a quorum.

Mr. REED, of Maine. I only made the point for that reason.

The CHAIRMAN. The amendment, then, of the gentleman from Iowa is rejected, and the Chair hears no objection to the request of the gentleman from Maine. The gentleman from Maine will send up his amendment.

Mr. BRECKINRIDGE. The Clerk has other amendments to read, which can be done while the gentleman is preparing his amendment.

The next amendment (by Mr. WASHBURN) was read, as follows:

Strike out in line 928, commencing with "together," to "Ohio River," in line 930, inclusive, as follows: "Together with the sums herein appropriated for the Mississippi River from Des Moines Rapids to the mouth of the Ohio River."

Mr. WILLIS. If the gentleman will allow me half a minute I will say that simply takes out the upper part of the river from the charge of the Mississippi River Commission.

Mr. WASHBURN. If the gentleman will allow me to state the effect of my own amendment—

Mr. WILLIS. I was going to say so far as I knew there was no objection to it.

Mr. WASHBURN. The gentleman is wholly mistaken. The effect of it is to retain the portion of the river between the Des Moines Rapids and the Illinois River under the management of the Engineer Department, and restore the part from the Illinois River to the Ohio River to the commission. All this work has been done under the control of the Engineer Department, and has been entirely successful and entirely satisfactory to the people interested.

Mr. THOMAS. I object.

The CHAIRMAN. The Chair will remark that the private colloquy going on between gentlemen cannot be heard by the reporter.

Mr. BLANCHARD. We can not accept that.

Mr. WASHBURN's amendment was rejected.

Mr. WASHBURN. I move another amendment.

The CHAIRMAN. The amendment of the gentleman from Maine is now at the Clerk's desk.

Mr. REED, of Maine. Let the gentleman go on and finish up the matter while it is fresh before the House.

Mr. WASHBURN. No; I will withhold my amendment.

Mr. REED, of Maine. I offer the following amendment.

The Clerk read as follows:

Strike out lines 923 to 938, as follows:
"Improving Mississippi River from the head of the passes to the mouth of the Ohio River, including the rectification of the Red and the Atchafalaya Rivers at

the mouth of Red River, and for keeping open a navigable channel through the mouth of Red River into the Mississippi River: Continuing improvement, \$2,900,000; which sum, together with the sums herein appropriated for the Mississippi River from Des Moines Rapids to the mouth of the Ohio River, shall be expended, under the direction of the Secretary of War, in accordance with the plans, specifications, estimates, and recommendations of the Mississippi River Commission, as approved or amended by an advisory engineer of said commission, which office is hereby created, said advisory engineer to be appointed by the President, at a salary of \$3,500 per annum; and James B. Eads is hereby recommended to the President for that position."

And in lieu thereof insert the following:

"Preserving improvements on the Mississippi River, \$500,000; for preserving the improvements made by the commission in the Mississippi River, which commission shall report to the next Congress the results of the improvements already made."

Mr. REED, of Maine. I believe that amendment contains the true treatment this subject ought to receive. I believe the plans which have been presented to the House already show conclusively that this expenditure is not justifiable, except after the completion of the experiment which has already been entered into.

In reply to some observations which I made a moment ago, the gentleman from Arkansas [Mr. BRECKINRIDGE] indulged in some remarks with regard to railroads. Now, I call the attention of the House to the fact that such expressions are used simply to create prejudice, and not for the furtherance of argument upon this question. I admit the right and propriety of the Congress of the United States making appropriations to facilitate the transportation of goods by water and thereby exercising a control over the rates which railroads may charge. But like every other business proposition the details of such an arrangement ought to be upon business principles; in other words, if you propose to curb the railroads and bring them within the controlling power of the water ways, it is your duty to do it by an expenditure which will produce that result. But there never has been a time when the Mississippi River would not hold all the commerce that could be put upon it. There never has been a time when this expenditure was necessary even if it would produce the results which are claimed for it by its friends.

But when it has been proved here by the admissions of the committee, by the statements of facts and by the reports of the officers of the Government, that the scheme as attempted is a failure, that it has given every indication of being a failure, I say to continue this under the pretense of regulating railroads is to palter with sound business sense. The commerce of the Mississippi River to-day will demonstrate the truth of what I have said.

[Here the hammer fell.]

Mr. BRECKINRIDGE. I move to strike out the last word.

Mr. WILLIS. I object to that.

Mr. BRECKINRIDGE. I wish to say just a word in reply.

Mr. WILLIS. I must insist upon a strict enforcement of the rule.

Mr. REED, of Maine. The gentleman from Arkansas does not understand me as objecting. I earnestly second his effort for a full and open discussion of this matter.

Mr. BLANCHARD. Yes; to kill the bill if you can.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Maine, which has just been read.

The amendment was not agreed to.

Mr. REED, of Maine. I know by experience the thing is too consolidated to hope anything from a division.

The next amendment (by Mr. WASHBURN) was read, as follows:

Strike out "Des Moines Rapids," in line 929, and insert "mouth of the Illinois River."

The question was taken; and on a division there were—ayes 13, noes 10.

So the amendment was agreed to.

The next amendment (by Mr. HEPBURN) was read, as follows:

Insert, after line 927, the following:

"Provided, That the sum last named shall be expended for no other purpose than to complete the work on the Plum Point and Lake Providence reaches."

Mr. THOMAS. I make the point of order upon this amendment that the same subject has been voted down this morning.

The CHAIRMAN. The gentleman from Illinois makes the point of order that this is the substance of what has been already considered and disposed of. Is it conceded to be the same amendment which has been acted upon?

Mr. HEPBURN. It is not so conceded by me.

Mr. THOMAS. It is a fact, however, whether the gentleman concedes it or not. I feel satisfied that this amendment has been voted upon already.

The CHAIRMAN. The record of the proceedings of yesterday will decide it.

Mr. HOLMAN. The other proposition, I think, was to reduce the amount.

The CHAIRMAN. The Chair will deem that it has not been acted upon unless the gentleman will furnish the amendment to which he refers.

Mr. THOMAS. I have not a copy of it before me, but I am satisfied an investigation will show that it is substantially the same.

The CHAIRMAN. The Chair will cause the amendment heretofore acted upon, and which the Chair presumes the gentleman from Illinois refers to, to be read.

The Clerk read as follows:

Strike out line 922 to 938, inclusive, and insert:
"For the continuation of the improvements of the Mississippi River, \$100,000, to be expended in the completion of the Plum Point and Lake Providence reaches."

The CHAIRMAN. It is evident to the Chair that the two amendments are not identical.

Mr. HEPBURN. Mr. Chairman, I want to call the attention of the committee to the statements which have been made in every report furnished by the Mississippi River Commission, as well as by gentlemen on this floor, to the effect that the improvements now being made on the Mississippi River are entirely in the nature of experiments. No gentleman has yet claimed that these improvements will be successful. Every one who has spoken upon the subject and ventured an opinion, has either said that they were experimental, or, like the gentleman from Arkansas, has said that they were absolutely worthless.

Mr. BRECKINRIDGE. How can the gentleman claim that, when we are simply seeking in the preparation of this bill to stop that which is only experimental and stick to that which is not experimental?

Mr. HEPBURN. I do not yield for an interruption. I know what the language of the gentleman was.

Mr. BRECKINRIDGE. But the gentleman mistakes my language. We have asked to be relieved of the incubus that rests upon the work.

Mr. HEPBURN. I am aware of no change which is made by the bill imposing any new duties upon the commission as far as this work is concerned.

Mr. BRECKINRIDGE. The bill does not recommend an expenditure of a dollar for experimental purposes. The design is to prevent new methods of procedure.

Mr. HEPBURN. They are simply acting upon the plan, in my judgment, as originally proposed.

Mr. BRECKINRIDGE. Ah! in your judgment.

Mr. HEPBURN. Now, the first plan ever proposed provided for this work of revetments, the work of spur-dikes, the work of artificial embankments in midriver, and the commission have done no other work, except upon these three classes of improvements, excepting on the levees.

Mr. KING. Will the gentleman from Iowa permit me to ask him a question?

Mr. HEPBURN. I have not time to answer questions in three minutes.

Mr. KING. I wish to ask just one question.

Mr. HEPBURN. I prefer not to be interrupted.

Mr. KING. I only want to make a correction.

Mr. HEPBURN. I do not want to be corrected. I am satisfied with my own knowledge of the subject.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. HEPBURN] has expired.

Mr. HEPBURN. I hope the Chair will remember that I have been interrupted without my consent.

A MEMBER. Let him have two minutes more.

The CHAIRMAN. The Chair will ask if it is the pleasure to extend the time of the gentleman from Iowa for two minutes?

Mr. KING. Give him five minutes.

The CHAIRMAN. Is there objection to extending the time for two minutes?

Mr. DUNN. I object. Only half a minute was occupied by interruptions.

Mr. REED, of Maine. The gentleman from Arkansas [Mr. BRECKINRIDGE] and the gentleman from Louisiana [Mr. KING] seem desirous to discuss this question. I ask unanimous consent be given to allow those gentlemen to be heard.

Objection was made.

The CHAIRMAN. The question is on the amendment of the gentleman from Iowa [Mr. HEPBURN].

The question being taken, there were—ayes 21, noes 37.

Mr. HEPBURN. I make the point that a quorum has not voted.

The CHAIRMAN. A quorum not having voted the Chair will order tellers, and appoints the gentleman from Iowa, Mr. HEPBURN, and the gentleman from Kentucky, Mr. WILLIS.

The committee again divided; and the tellers reported—ayes 55, noes 109.

So the amendment was not agreed to.

The Clerk read the next amendment (offered by Mr. WHITE, of Kentucky), as follows:

Amend by striking out lines 922 to 944 inclusive.

Mr. WHITE, of Kentucky. I desire to submit to the Chair a question of order. My amendment is not intended to cut off amendments offered to what has been read. It goes a few lines further than the Clerk has read. The point of order I wish to make is that if I should fail to carry this amendment—

The CHAIRMAN. The committee will come to order; the Chair is unable to hear the gentleman from Kentucky.

Mr. WHITE, of Kentucky. I was stating, Mr. Chairman, that, if I understand correctly, the Clerk has read as far down as line 938.

The CHAIRMAN. The whole section has been read.

Mr. WHITE, of Kentucky. I mean in the second reading.

The CHAIRMAN. The whole section has been read, and the bill is not being reread.

Mr. WHITE, of Kentucky. The point of order I wish to raise is this, that in case this amendment, which goes to line 944, shall fail, would it then be in order to move to amend any portion of the paragraph ending with line 938?

The CHAIRMAN. It would.

Mr. WHITE, of Kentucky. Then I desire to address myself for the three minutes to the amendment which has been read by the Clerk. I propose to strike out from line 922 down to and including line 944, taking out the whole provision with regard to the Mississippi River Commission and the examination and surveys at the South Pass and the survey of the Mississippi River from the head of the passes to its headwaters. There are \$75,000 in the bill for continuing the survey from the head of the passes to the headwaters of the Mississippi River. There is no necessity for that; and we had better strike out this whole business and let us have a further expression of public opinion on what has been done.

Mr. BUDD. What is the gentleman's amendment?

Mr. WHITE, of Kentucky. To strike out all from line 922 to line 944, inclusive.

Mr. BUDD. That includes all of the three paragraphs?

Mr. WHITE, of Kentucky. It does.

Mr. BUDD. All right. Let all friends of the bill vote "ay," and thus save it.

Mr. WILLIS. I have no objection to that.

The amendment was adopted.

Mr. WILLIS. I ask for the reading of the next amendment.

The next amendment (offered by Mr. WASHBURN) was read, as follows:

Amend by inserting, at the end of line 950, the following:

"For the completion of the test of the flume invented by M. J. Adams for the improvement of the navigable channel of the Mississippi River between Saint Paul and Des Moines Rapids, provided for by act of Congress approved, March 3, 1879, under the supervision and direction of the said M. J. Adams, \$20,000."

Mr. THOMAS. I make the point of order on that amendment.

The CHAIRMAN. The gentleman will state the point of order.

Mr. THOMAS. That it is new legislation, not authorized by law.

Mr. WASHBURN. I do not think it is new legislation.

The CHAIRMAN. That is not material. This is not a general appropriation bill, and the point of order is overruled.

Mr. WASHBURN. I simply desire to say that an appropriation was made by Congress heretofore to make a test of this, and the matter was very fully considered in Congress when the gentleman from Texas [Mr. REAGAN] was chairman of the committee. He has already investigated the matter very fully, and I yield him one minute to be heard.

The CHAIRMAN. The gentleman from Texas [Mr. REAGAN] does not appear to be in his seat.

Mr. WILLIS. I ask for a vote. In the judgment of the committee the test has not proved satisfactory.

The question being taken, the amendment was not agreed to.

The next amendment (offered by Mr. NICHOLLS) was read, as follows:

After line 953 insert the following:

"For building and equipping a dredge-boat, and operating said boat for one year in the improvement of the rivers and harbors in the States of Florida, Georgia, and South Carolina, \$100,000."

Mr. BRECKINRIDGE. I desire to say a word about that amendment.

The CHAIRMAN. The gentleman from Georgia [Mr. NICHOLLS] is entitled to the floor.

Mr. BRECKINRIDGE. The gentleman from Georgia yields to me.

Mr. HOLMAN. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. HOLMAN. There are certainly two amendments to the preceding paragraphs which have not been voted on.

The CHAIRMAN. The Chair will state that the whole of the paragraph for the improvement of the Mississippi River commencing in line 922 and the two succeeding paragraphs have been stricken out without the attention of the Chair being called to any amendments pending. The paragraphs have been stricken out and it is now too late to raise the question of order.

Mr. NICHOLLS. I yield to the gentleman from Arkansas [Mr. BRECKINRIDGE].

Mr. BRECKINRIDGE. For several years General Gillmore has urged that increased facilities be given him for necessary dredging of Charleston and several other harbors. The present dredging plant of the Government is worn out and utterly useless, and it is absolutely necessary for the commercial wants of Charleston, Wilmington, and Savannah that at least one first-class dredge-boat be supplied for use there. I think this is a most meritorious amendment, and I know of no objection to it that has come from any member of the committee who has given the matter any consideration. The chairman and I have conferred about it and we think it ought to prevail.

Mr. BLANCHARD. Mr. Chairman, I also think that amendment ought to prevail. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. Does the gentleman from Georgia [Mr. NICHOLLS] desire to be heard upon the amendment?
Mr. NICHOLLS. No, sir; I desire a vote.
The amendment was agreed to.
The Clerk read the next amendment (offered by Mr. BUDD), as follows:

After line 953 insert:
"For operating Government dredge-boat on the rivers emptying into the Suisun and San Pablo Bays, California, \$15,000; the same to be taken from the money now on hand to the credit of the fund for the Sacramento and Feather Rivers."

Mr. BUDD. Mr. Chairman, I desire to call the attention of the committee to this amendment, which I understand is acceptable to them. It does not increase the appropriation at all. Last year, under an appropriation made by Congress, the dredge-boat was built, and this amendment simply makes available for operating that dredge-boat certain funds already on hand to the credit of the rivers named.

Mr. WILLIS. I will ask the gentleman from California [Mr. BUDD] whether this increases the appropriation?

Mr. BUDD. Not one cent.

Mr. WILLIS. That is my understanding. I understand that the Government has built the dredge-boat, and that this amendment simply provides for running it, out of money already appropriated for those rivers.

Mr. BUDD. Yes; out of the money already appropriated.

The amendment was agreed to.

The Clerk read the next amendment (by Mr. COOK), as follows:

Strike out all of line 954, after the word "from," and all of line 955.

Mr. COOK. This amendment proposes to strike out all the appropriation for the improvement of the Missouri River below Sioux City. For years past every Congress, I believe, has appropriated money for the improvement of the navigation of the Missouri, and yet I hear of no commerce upon it. The bed of the river is but a body of quicksands. You can not tell to-day where the current will be to-morrow. The sides of the river are so unstable that miles of the shore upon the Iowa, Nebraska, and Kansas side are, from year to year, washed into the river, and it is simply an impossibility ever to make the Missouri navigable to any considerable extent. I have inquired of members from Missouri—

Mr. COSGROVE. I would like to answer the gentleman on that point right now.

Mr. COOK. And of members from Iowa, who live upon the banks of the river, and they say that it is practically of no commercial use, nor has it been for years, especially from Council Bluffs to the mouth. Whatever traffic there is upon the Missouri is above Sioux City up to Fort Benton. I do not believe there are five boats passing between Sioux City and Kansas City during the whole year.

Mr. COSGROVE. That shows how little the gentleman knows about the facts.

Mr. COOK. I think the only effect of this provision in the bill is simply to throw \$350,000 into the Missouri River. The gentleman from Kansas now tells me that during the whole of the past year the draw in the bridge at Atchison has been open but eight times for boats either way.

The gentleman from Missouri is a little excited, but what I assert is a matter of public notoriety. I have frequently been along the river between Kansas City and Sioux City and at every important place, and never have I seen a boat of any kind on the river or tied up at its banks. It seems to me that this is no more nor less than throwing \$250,000 into a river of a little water and much quicksand.

The Clerk read the next amendment (offered by Mr. PUSEY), as follows:

After the word "dollar," in line 955, insert:
"Ten thousand dollars of which, or so much thereof as may be required, for survey and improvement of the Missouri River at the mouth of the Nishnebotny River."

Mr. COSGROVE. Mr. Chairman, is that amendment subject to the point of order?

Mr. PUSEY. Mr. Chairman, this amendment does not increase the appropriation. One of the worst bends in the Missouri River from Saint Joseph to Sioux City is at the mouth of the Nishnebotny (which is a partially navigable stream), and this amendment is simply mandatory upon the commission to spend the amount of money named in removing snags and obstructions at the mouth of that river. The amendment does not increase the appropriation at all, and I believe it is acceptable to the committee.

Mr. WILLIS. The committee has placed this river under the Missouri River Commission. That commission is either competent or incompetent. If incompetent, it ought to be abolished; if competent, it ought to be permitted to pass on this point.

Mr. PUSEY. I think it is entirely within the power of Congress to direct what this commission shall do.

Mr. WILLIS. We refused to do this on the lower Mississippi in regard to Natchez and Memphis.

The CHAIRMAN. The gentleman from Iowa [Mr. PUSEY] is entitled the floor.

Mr. PUSEY. A similar appropriation of \$5,000 was ingrafted on the bill of last year. But the commission passed over this improve-

ment—did nothing for it. This proposition simply requires the commission to make a survey; it does not increase the appropriation. I hope the House will adopt the amendment.

The question being taken on the amendment of Mr. PUSEY, it was agreed to.

Mr. HEPBURN. I have sent to the desk an amendment.

The CHAIRMAN. Where does the gentleman desire the amendment to come in?

Mr. HEPBURN. After the line last read.

The CHAIRMAN. The whole section has been read.

The Clerk read as follows:

After line 953 insert:
"For the improvement of the Mississippi River the sum of \$2,000,000: Provided, That not more than \$1,000,000 of this sum shall be expended on said river south of Cairo, and that sum shall be expended on Plum Point and Lake Providence reaches."

Mr. WILLIS. I am compelled to make a point of order on that amendment. The paragraph to which it relates has been passed.

Mr. HEPBURN. No, sir; I am asking that this be added to the paragraph last read.

The CHAIRMAN. The gentleman from Iowa [Mr. HEPBURN] will remember that yesterday, in trying to arrive at a rule for the solution of the anomalous condition of things, the Chair held that when a paragraph relating to a particular river had been once passed there should be no recurrence to the subject of that river. That ruling was enforced more than once during the last sitting of the committee; and it was only relaxed in the case of the gentleman from Pennsylvania [Mr. CURTIN], who stated that the West Fork of a particular river was known as a distinct stream. The point of order now raised by the gentleman from Kentucky [Mr. WILLIS] is sustained.

The next amendment (by Mr. COSGROVE) was read, as follows:

Strike out, in line 955, the words "three hundred and fifty" and insert "five hundred;" so that it will read when amended: "Improvement of the Missouri River from its mouth to Sioux City, \$500,000," &c.

Mr. COSGROVE. Mr. Chairman, this amendment would only give one-half of the amount which Major Suter of the commission says is requisite and can be judiciously expended between the points named.

In this connection I wish to say a word or two in reply to the gentleman from Iowa who offered an amendment to strike out this entire appropriation. With his usual inaccuracy as to facts he stated, as I recollect, that there were not more than three or four boats plying between Saint Louis and a point named by him. I want to state to the gentleman that there are one or two lines of packets plying daily on that river and making trips from Saint Louis to Kansas City two or three times per week. But few points along that river are touched by railroad, so that the commerce has necessarily to be done largely by boats; at every railroad point on the river—that is, those points touched by railroads—there are at least one or more boats. At the city where I reside boats are constantly plying during navigable season upon this river. This river passes through one of the most fertile portions of the country—

Mr. COOK rose.

Mr. COSGROVE. I decline to yield. The gentleman did not honor me by yielding when I asked him to. I think the gentleman was talking about something he knew nothing about, and probably acting under a misapprehension of the facts furnished to him by one not acquainted with the true state of the case.

I therefore hope this amendment will be adopted. If you are going to spend any money, it is right to spend enough to give the commission an opportunity to do something. It is useless to give them a few dollars—not half enough to accomplish any substantial good in aid of the commerce of that river.

The question being taken on the amendment of Mr. COSGROVE, it was not agreed to; there being—ayes 20, noes 38.

The next amendment (by Mr. ANDERSON) was read, as follows:

In line 955, strike out "\$350,000" and insert "\$1,000,000."

Mr. WILLIS. I ask a vote on that amendment.

The amendment was not agreed to.

Mr. WHITE, of Kentucky. I move to strike out, in line 955, the words "three hundred and."

Mr. Chairman, it will be discovered that the money appropriated for the Missouri River is to be spent in accordance with the estimates, specifications, plans, and recommendations of the Missouri River Commission. That commission is but a branch of the Mississippi River Commission. The plans, specifications, &c., for work on the Missouri River are made by a separate department of the Mississippi River Commission, known as the Missouri River Commission.

Now, in the report of the Mississippi River Commission for 1883 we are told, on page 22—

Within the past year some serious inconvenience has been suffered from exorbitant demands made by land-owners for brush and piers. These materials are in most cases worth little or nothing to the owners, and are unsalable to any buyer except the Government at any price; but at the prices some of the owners ask for them they would make a large item of cost.

It strikes me this thing of tickling the flank of the Missouri River is about as objectionable as tickling the flanks of the Mississippi River, when we know the Missouri River Commission is but a subsidiary branch

of the great Mississippi Commission. Although separated by law, they have the same idea about things. One idea seems to have taken control of the entire Democratic party, and that is to put their hands into the Treasury as deep as possible and draw out as many millions as they can. Therefore, if you are going to strike out the Mississippi River Commission, in good faith you ought to strike out the Missouri River Commission, because they are born of the same spirit of this Democratic party, who will stand for years on the principle that they can not appropriate money because the Constitution forbids them to do so when it is to be devoted to any other section of the country, but when it comes to be devoted to their own section then they are for it, if it only takes enough millions out of the Treasury for their purposes.

[Here the hammer fell.]

The amendment was rejected.

The next amendment (by Mr. FUNSTON) was read, as follows:

In line 935, after the word "dollars," insert:

"Ten thousand dollars of which shall be expended in the improvement of the harbor at Wyandotte, Kans."

Mr. FUNSTON. Now, Mr. Chairman, I do not offer this amendment merely for the purpose of getting what is called my share in this pot, but I do it because of a public necessity, which ought to be satisfied. It is an appropriation which properly belongs to this locality, because every other town of any importance along the Missouri River has received an appropriation for the improvement of its harbor. I hold in my hand the report of the Mississippi River Commission, showing the history of all the appropriations along that river, but the few minutes which are allowed to me under the rules will not permit me to go into any detail, and therefore I will say in general that by this Missouri River Commission report it is shown \$2,000,000 have been appropriated for the Missouri River, and that almost every town of any importance along that river has received its share for the improvement of its harbor. Here are specified the amounts for Saint Joseph, for Kansas City, for Atchison, and other towns along the Missouri River, which have been devoted to the improvement of their harbors, each place receiving from \$10,000 to \$50,000, until as I have said \$2,000,000 have been appropriated and expended in that way. Now, on the bank of this same river stands a city in the State of Kansas, with a population to-day of from 10,000 to 11,000, with a densely populated surrounding country, in which are the largest pork-packing establishments west of the Missouri River, and the most extensive machine-shops in the State, and which so far has never received one dollar for the improvement of its harbor.

I ask this appropriation provided in the amendment which I have moved in the interest of public improvement. It is due to the people of my country that they should have facilities of navigating the stream that goes by their doors, which they are not now able to do because of washes and deposits at and near the banks of the river. I say it is due to this locality that here at this time and in this bill we should have the small appropriation I have asked for to be applied to the improvement of the harbor of that city of Wyandotte.

Mr. DAVIS, of Illinois. Does it increase the appropriation?

Mr. FUNSTON. Not one cent.

[Here the hammer fell.]

The committee divided; and there were—ayes 50, noes 71.

So the amendment was rejected.

The next amendment (by Mr. ANDERSON) was read, as follows:

Strike out "\$50,000" and insert "\$100,000;" so it will read:
"For continuation of surveys of the Missouri River from its mouth to its headwaters, now in progress; to make additional surveys and examinations of said river and its tributaries; and to make such additional examinations and investigations, topographical, hydrographical, and hydrometrical, as are necessary for maturing a plan for the permanent improvement of the entire river, \$100,000."

The amendment was disagreed to.

The next amendment (by Mr. COOK) was read, as follows:

Strike out all of line 974 to line 985, inclusive.

Mr. COOK. This paragraph appropriates \$10,000 in a specific manner for improvements at Fort Leavenworth, Kans., and that so much of the appropriation which precedes it for the Missouri River should be there used. If it is specific, it should be limited to that amount. If it is not a limitation to \$10,000, then it should be stricken out and should rest on an appropriation which covers the river from Sioux City to Saint Louis.

Mr. PERKINS. I desire to offer an amendment increasing the amount to \$15,000.

The CHAIRMAN. That is in order.

Mr. PERKINS. I desire to say this amount of \$10,000 was inserted in the bill by the committee in order to protect the Government property at Fort Leavenworth. There the Government owns more than 7,000 acres of land, much of which is occupied by the fort and for military purposes. The reservation extends on each side of the river. A bridge spans the river there, but the action of the water is such that it now threatens more than 1,500 acres of this valuable land belonging to the United States and the usefulness of the bridge spanning the river.

It was to protect that land as well as to improve the bank and the regimen of the stream this appropriation was inserted. It is not for the harbor of Leavenworth or for private property. I insisted before

the committee that the sum given was not sufficient; yet in view of the policy adopted by the committee in not making appropriations for particular harbors or localities, but leaving the money to be expended under the direction of the commission, they thought it would not be right to appropriate more than is given; but for the protection of this property of the Government, as well as to improve the navigation of the stream, they consented this amount might be appropriated for the specific use mentioned, and under no circumstances should the motion of the gentleman from Iowa prevail. This committee has been charged with sectionalism and with having acted on partisan considerations. In my judgment no such motives influenced the committee in the discharge of its duty. Sectionalism did not actuate or control it, and partisan considerations were forgotten in the appropriations recommended. We have been charged with looking after local interests and in forgetting the public welfare, although as a member of that committee I desire to say that my own State, the State of Kansas, is almost the only State in the Union which gets no dollar from this bill. We have not been influenced by any such considerations as have been charged against us. If it shall be the disposition of the House to vote down this paltry sum proposed for the protection of this Government property, all I can do is to submit; but I present it to the enlightened judgment of the House, believing the provision of the bill will not be stricken out.

Mr. PERKINS's amendment to the amendment was disagreed to.

The next amendment (by Mr. LORE) was read, as follows:

Add after line 985:

"Improving harbor at Wilmington, Del., \$25,000, which shall include the \$15,000 heretofore passed in this bill for that purpose."

Mr. WILLIS. I am compelled to make the point of order upon that amendment.

Mr. LORE. I hope the gentleman will not insist upon the point of order.

The CHAIRMAN. The Chair will ask the attention of the gentleman from Kentucky and the gentleman from Delaware. Under the order of the House certain lines were postponed until after the reading of this entire paragraph—

Mr. WILLIS. This does not come within that agreement. It is clearly subject to the point of order.

The CHAIRMAN. The Chair would like to finish its statement. Under the order of the House certain matters were postponed until we reached the end of the section. The end of the section is at the end of line 985, and this is a proposition to add to this section. Prior to that the three other matters which had been passed over would be in order, and without unanimous consent the Chair thinks it is first in order to dispose of these three subjects to which reference has been made.

Mr. WILLIS. There is no doubt about the point of order upon this.

Mr. LORE. I admit if the point of order is insisted upon that it can be sustained.

The CHAIRMAN. The Chair then understands the amendment to be withdrawn.

Mr. LORE. I will withdraw it, since the point of order is insisted upon.

The CHAIRMAN. The Clerk will now go back to line 332.

Mr. WELLER. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. WELLER. There have been amendments submitted to come in at the end of line 985 that have not been presented to the attention of the committee.

The CHAIRMAN. The Chair is aware of that, but there were certain other reserved lines in the section that have not been presented, and in the opinion of the Chair they take precedence of those amendments that come in at the end of the section.

Mr. WELLER. I understand the amendments I have already offered will not be precluded?

The CHAIRMAN. The Chair does not know, of course, what amendment the gentleman has at the desk. The Clerk will read the amendment to line 332.

The Clerk read the amendment (submitted by Mr. WARNER, of Ohio), as follows:

In line 332, strike out "fifteen" and insert "fifty."

Mr. WILLIS. The gentleman from Ohio is absent, and I owe it to him to say, upon examination of the subject now before the committee, that if he will reduce it to \$25,000 there will be no objection. He is attending a committee meeting, and I ask, therefore, that it be reduced to \$25,000, to which the committee will have no objection.

The CHAIRMAN. Does the gentleman move to amend?

Mr. WILLIS. I move to amend by making it \$25,000.

Mr. JOSEPH D. TAYLOR. Mr. Chairman, I desire to amend by increasing it to \$30,000.

Mr. WILLIS. I hope the gentleman will not do that. There is an agreement between the gentleman from Ohio [Mr. WARNER] and the committee; and this amount will be satisfactory to both parties.

Mr. JOSEPH D. TAYLOR. Large amounts of money have been thrown away there by reason of the fact that no appropriation has been made to complete the work.

Mr. WILLIS. But in this case the gentleman from Ohio [Mr. WARNER] is satisfied.

Mr. JOSEPH D. TAYLOR. If he is satisfied then I shall not insist upon the amendment.

The amendment of Mr. WILLIS was agreed to.

The amendment as amended was agreed to.

Mr. HEPBURN. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HEPBURN. I understand certain lines from 922 to 935, inclusive, have been stricken from the bill. There were, as I understand it, pending certain amendments in the hands of the Clerk at that time. I want to know what becomes of those amendments?

The CHAIRMAN. The Chair has no official knowledge of any amendment to which attention is not called. When the motion to strike out was made by the gentleman from Kentucky, before arguing it he asked a parliamentary question, whether, if his motion failed, other amendments could be voted upon, to which the Chair answered in the affirmative. The motion of the gentleman, however, was carried, and we then passed to other matters and no attention was called to the fact that other amendments had been offered. The Chair had no information of any other amendments pending.

Mr. HEPBURN. Permit me a moment. Under the direction of the Chair these amendments were forwarded to the Clerk and were in his hands. It was supposed of course by members that they were to be considered as pending amendments under that order.

The CHAIRMAN. The Chair will state that a member proposing an amendment should have called attention to the fact before we had passed on to a half dozen other propositions.

Mr. BROWNE, of Indiana. If the Chair will allow me I would ask if these lines, having gone out of the bill, do not necessarily take the amendments with them?

The CHAIRMAN. The Chair supposes that might be the reason affecting the Clerk. But the Chair was not informed in reference to the matter.

Mr. BUDD. Is an amendment pending until it is read?

The CHAIRMAN. The Chair thinks that if gentlemen do not call for the reading of their amendments the Chair is not responsible for their failure to be presented to the committee. The Clerk will report the next amendment.

The Clerk proceeded to read the next amendment (by Mr. WASHBURN), as follows:

Add to line 774:

"The Secretary of War is hereby directed."

Mr. WILLIS. That is to come in under the head of "surveys."

Mr. WASHBURN. I will withdraw the amendment for the present.

The next amendment (submitted by Mr. GUENTHER) was read, as follows:

In line 774, after the word "site," insert:

"Improving the Fox River, Wisconsin: Continuing improvement, \$100,000."

Mr. GUENTHER. Mr. Chairman, I can hardly think it is the intention of this committee to commit so gross a wrong as to fail to make any appropriation for the Fox River.

Mr. WILLIS. I ask my friend to reduce the amount to \$75,000; and I understand the committee under the new report is willing to accept that.

Mr. GUENTHER. In order not to imperil the ultimate passage of the bill I will consent to this reduction to \$75,000, though I should insist upon \$150,000. I therefore modify the amendment and make it \$75,000.

The amendment as modified was agreed to.

The CHAIRMAN. The next amendment in order that was passed over was one to the paragraph commencing in line 813 and relating to the Hennepin Canal. That amendment can not be considered until the question of order shall be disposed of. Is it the pleasure of the committee to have that question of order disposed of now or to take up the amendments which have been offered to come in at the end of the section?

Mr. DAVIS, of Illinois. I ask for a ruling from the Chair now.

Mr. WILLIS. I understand the section is concluded with the exception of the amendment to which the Chair has referred.

The CHAIRMAN. There are amendments at the end of that section still to be disposed of.

Mr. WILLIS. I ask that those amendments may be disposed of.

Mr. DUNHAM and other members. Let us have the ruling on the point of order.

The CHAIRMAN. The gentleman from Georgia [Mr. TURNER] asked that that part of the bill which begins on line 813 and ends with line 842 be stricken out. They relate exclusively to the "construction of a canal from the Illinois River near the town of Hennepin to the Mississippi River at or near Rock Island," and propose that \$300,000 be appropriated therefor. He claimed that they should be stricken from the bill upon four points of order.

The first was that the Committee on Rivers and Harbors had no jurisdiction over the subject-matter of that canal. The second was that that committee had no right to put that canal into this bill and thereby give it the precedence allowed to bills making appropriations for the improvement of rivers and harbors by paragraph 8, Rule XI. The third ground was that said lines are practically the same as H. R. 1975 upon

the Calendar, reported last session by the gentleman from Iowa [Mr. MURPHY] from the Committee on Railways and Canals. That being true, it is contended that those lines are therefore obnoxious to clause 4 of Rule XXI as to amendments. His last point was that this was "new legislation, increasing the amount of expenditure covered by the bill and doing it by a clause not germane to the bill." Allusion was there meant to the familiar third paragraph of Rule XXI.

For convenience the last two points will be disposed of first. In reply to them, it was urged that this bill is not a general appropriation bill and not covered by the third clause of Rule XXI, which in terms applies to "general appropriation bills;" and that clause 4 of Rule XXI is in terms confined to amendments, whereas the lines attacked are in the bill and not offered as an amendment.

In February, 1881, Mr. CARLISLE (our present Speaker), being chairman of the Committee of the Whole House on the state of the Union, considering the river and harbor appropriation bill, held that it was not a general appropriation bill, and that therefore an amendment to add a new work—that is, "an ice-harbor at Dubuque, Iowa, \$40,000"—was not out of order. (See RECORD, volume 47, page 1634, third session Forty-sixth Congress.) That decision has been followed ever since and upon the letter of the rule is fatal to the fourth point above stated. The third point as put is applicable to amendments only, and as the letter of the rule cited covers only amendments, and this is not an amendment, that letter again kills.

The question of the gentleman from Georgia [Mr. TURNER], put to the gentleman from Illinois [Mr. HENDERSON] in the debate, indicated a broader objection, but it was not otherwise suggested. It, therefore, might be improper for the Chair, under the circumstances, to discuss that view. Besides, its elucidation would require a history of the present rule, which would be tedious. The Chair therefore forbears.

Let us now recur to the first and second points of order. Several replies were made to the point that the Committee on Rivers and Harbors had not jurisdiction of the subject-matter of this canal. The first was that several petitions for the construction of this canal had been referred to the Committee on Rivers and Harbors before it reported this bill to the House. It was not claimed that they were referred otherwise than through the petition-box "in the usual and ordinary way." It was said that by "the rules of the House all bills of this character shall be delivered to the Clerk like petitions and memorials, and thence referred."

Another member said in argument that—

When a petition was placed in the petition-box and referred to that committee a record was made of that fact, and that record was not approved until the next day, when the attention of every member of the House was called to that record, which showed the disposition of such petition; and when that record stands approved by action of the House it is too late in the Committee of the Whole or in the House to say the Committee on Rivers and Harbors has no jurisdiction of the question.

Does this conclusion follow from the facts stated? Clause 5 of Rule XXI requires:

All bills for improvement of rivers and harbors shall be delivered to the Clerk as in case of petitions and memorials for reference to the appropriate committee.

That declares two things: First, that all those bills go to that committee not through the House, but through the petition-box only; second, that the House trusts the Clerk to send such as relate to rivers and harbors to the Committee on Rivers and Harbors. It is confined to bills.

Rule XXII needs to be examined, for it covers petitions and memorials (except memorials of State Legislatures, which are covered by clause 1 of Rule XXIV).

Rule XXII plainly shows that the reference of petitions and memorials is not even made by the Clerk, as was erroneously stated in the debate. The Clerk must deliver them to the committee to which the indorsement of the member directs. And if the reference be wrong, that committee may refer them to the proper committee "in the manner originally presented," i. e., through the petition-box. And in that case the Clerk has nothing to do but follow the direction of the committee making the reference. It will be seen that under the rule the House has nothing to do with the reference of petitions. This very fact was urged as an objection to Rule XXII when it was adopted. (See speech of the gentleman from Pennsylvania [Mr. KELLEY] on that point.) Sometimes the committee reports them back to the House for reference, but that is not claimed in this case. And that part of the Journal relating to petitions is not usually read in the House. (See Rules and Practices of House of Representatives, first session Forty-eighth Congress, page 341.) So far as the Chair knows it is never read in the House.

If such a reference gives jurisdiction any member may give jurisdiction to any committee over any subject-matter by his indorsement; he may give it to every committee by referring one such petition to each. He may refer the reorganization of the Supreme Court to the Committee on Ventilation and Acoustics by simply putting the matter of a bill for that purpose into the form of a petition and so directing it by his indorsement. The Chair does not say that by appropriate action the House might not correct such an abuse. The Chair is only showing to what the claim that jurisdiction can be thus obtained will lead.

For many good reasons Rule XI distributes all business between fifty committees. That rule imperatively declares that "all proposed

legislation relating to the improvement of rivers and harbors shall be referred to the Committee on Rivers and Harbors, and all proposed legislation relating to railways and canals, other than Pacific railroads, to the Committee on Railways and Canals." No disregard of that rule by a member's indorsement on a petition or by the retention thereof by a committee, if beyond its jurisdiction, can enlarge the jurisdiction of the committee fixed by the rules.

Next, it was contended that the jurisdiction had been conferred by reference to that committee of the Engineer's Report. The RECORD of the 8th of January last states that "a letter from the Secretary of War, transmitting the Report of the Chief of Engineers, with accompanying papers from officers in charge of river and harbor districts," was laid before the House by the Speaker, and referred to the Committee on Rivers and Harbors. This mere recital and the fact that the canal is mentioned in the volumes of that report it is contended gave to the Committee on Rivers and Harbors jurisdiction over the proposed canal. It seems to the Chair that a fair construction of that act of the Speaker was to commit to the Committee on Rivers and Harbors only those parts of that report "relating to the improvement of rivers and harbors." The construction opposite to this proves too much for those who invoke its aid. That construction would have given jurisdiction to that committee over the seacoast and lake-frontier defenses, the surveys of the Territories, the improvement and care of public buildings and grounds in and around Washington, the water supply of this District, the fishways at the Great Falls of the Potomac, the control of the Washington Aqueduct, &c.; for all these things are covered in that report. (See pages 5, 2300, 2301, 2339, &c.) The quoted language fairly excluded all but the matter about improving rivers and harbors. The other things mentioned therein belong to our other appropriate committees.

That Congress has provided for the construction of certain other canals throws no light upon this question without the facts as to each of them. They may have been passed as separate bills; they may have been reported by the Committee on Ways and Means, or on Appropriations, or on Commerce, or on Rivers and Harbors. Each of those committees has reported such bills, and both separately and combined with other matter. The date of the act, the then jurisdiction of the committee reporting it, &c., must all be known. They may have been to connect parts of the same river with each other, ditches around instead of through obstructions to navigation. They may have been provided for as the original survey of the Hennepin Canal was in the first session of the Forty-seventh Congress, or as the other case cited in debate in twenty-first United States Statutes at Large, 189; i. e., without any points of order being made, and in bills passed by suspension of all rules.

But even if the Committee on Rivers and Harbors had jurisdiction of the subject-matter, the second point of order, that it could not be brought here for consideration in this bill, remains to be answered. Paragraph 8 of Rule XI provides that "the Committee on Rivers and Harbors shall have the same privilege in reporting bills making appropriations for the improvement of rivers and harbors as is accorded to the Committee on Appropriations in reporting general appropriation bills." And Rule XXIII, clause 4, provides that "in Committees of the Whole House business on their Calendars shall be taken up in regular order, except bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors, which shall have precedence," &c.

The proposed work is simply a canal to connect two distinct rivers at the points to be connected thereby seventy-five miles apart. The Chair does not think that in any fair sense that is for the improvement of either river. Nothing but the appropriations for the improvement of rivers and harbors have that great privilege of precedence over all other business except bills raising revenue and appropriating it to carry on the Government. That privilege should not be allowed to anything not clearly entitled thereto.

No answer to this view was made in the debate. The effort seemed to be to avoid that issue by the position that because this bill had been by the House committed to the Committee of the Whole House on the state of the Union containing this provision, no question of order can be here raised, because it is said that this committee can not inquire into the jurisdiction of the committee which brought the bill into the House.

It is admitted that when the bill was reported to the House, and before and upon its reference to this committee, all points of order were reserved openly in the House and entered into its proceedings. But it is claimed that this precise question has been decided. It is asserted that during the last session of this Congress, when a like bill was in Committee of the Whole House on the state of the Union, the then chairman of the committee, the gentleman from Texas [Mr. WELLBORN], held this same canal to be in order under like circumstances, and that on appeal his decision was sustained by the committee by a vote of 103 to 63.

A decision under like circumstances deliberately made by that gentleman would have great weight with the Chair. The vote of the committee on appeal, even though but half the members voted, would add force to the decision were the issues fully understood when that vote was had. It is important, therefore, to examine the facts.

In that case points of order had not been reserved when that bill was referred. That decision did hold that the bill being referred as an entirety must be so considered. The chairman did say that had points of order been reserved he, "with the views he entertains of the question, would hesitate before undertaking to pass upon the original jurisdiction of the Committee on Rivers and Harbors," &c. (See CONGRESSIONAL RECORD, volume 63, 5014.) But when asked to state the ground of the decision he said:

The decision of the Chair is based upon the assumption that points of order were not reserved upon the bill when it was committed to the Committee of the Whole on the State of the Union.—*Congressional Record*, volume 63, page 4915.

Further down on the same page (4015) he said that even had such general reservation of points of order been made as claimed "he still believes it would not be competent for him to pass upon the question of the jurisdiction of another committee," &c. It was after all that that the committee sustained the decision of the Chair. Considering that these expressions came out in a colloquy, the members of that committee may have differed in their understanding of that decision when they voted on the appeal. Quoting these different expressions, gentlemen in this debate have been diametrically opposed in their views of the true grounds of that decision. Nothing beyond that colloquy has been quoted. The Chair will pursue it a little further.

A proposition was offered to amend the Hennepin Canal section by providing for a ship-canal "to connect the waters of the Chesapeake and Delaware Bays." It was ruled out of order on the point that the committee had no jurisdiction, and that that was the substance of a pending bill. (*Ibid.*, 5017.) All the foregoing, as to that bill, occurred on the 11th of June, 1884. On the next day the bill was again under consideration in the Committee of the Whole House on the state of the Union, and the same gentleman was in the chair. The gentleman from Pennsylvania [Mr. O'NEILL] moved to amend by providing for a survey of a ship-canal to connect the Delaware River with the Atlantic Ocean. It was objected to upon a point of order. The Chair held that as the Hennepin Canal was then in the bill this other canal was germane, and therefore in order. The Chair will read on page 5068. Observe its purport:

The Chair will further state that on yesterday he refrained from giving expression to his opinion touching the original jurisdiction of the Committee on Rivers and Harbors over the proposition for the Hennepin Canal, for the reason that the bill in its entirety having been referred by the House to the Committee of the Whole, it was not competent for the Committee of the Whole to go behind the reference and pass upon the question of original jurisdiction in the Committee on Rivers and Harbors.

The Chair thinks it needful to a proper understanding of his present ruling to say that in his opinion the Committee on Rivers and Harbors did not have jurisdiction over that subject, and had the point been presented before the House at the proper time and in the proper way the Chair thinks the clause should have been stricken from the bill.

That extract contained a deliberate opinion "that the Committee on Rivers and Harbors did not have jurisdiction over the subject." It further held that "had the point been presented before the House at the proper time and in the proper way the Chair thinks the clause should have been stricken from the bill." There, as here, jurisdiction was asserted by reason of reference of the Chief Engineer's report, &c., to the Committee on Rivers and Harbors.

That chairman gave no opinion as to what was the proper time and proper way in the House. Doubtless the proper time would have been when the bill was reported and before it was committed to the Committee of the Whole House on the state of the Union. And now about the "proper way." Had the House been informed that this matter was in the bill before it was sent here, action might have been taken in the House other than reserving points of order if its rules and practice allowed consideration in the House before consideration in the Committee of the Whole House on the state of the Union. But there is no such practice as to appropriation bills. When this bill was reported its title indicated what it was. It was an original bill reported from the committee, never having been before introduced into the House. By Rule XXI, clause 1, it was then read only by its title and referred to this committee. It was never read in the House except by title. But suppose it be treated as having been so read. Rule XXIII requires that—

All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money or property * * * shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has been commenced.

It seems to the Chair that had it been so read in the House and a point of order had been raised and a motion had been made to strike out this canal provision, the Speaker could but have said that that was a "motion" or "proposition" or "proceeding touching appropriations of money" under Rule XXIII, and all that the House could do was to refer it to the Committee of the Whole House on the state of the Union, where that rule demands that its first consideration shall be had.

Suppose that is not true. Suppose that the House, when for the only time this bill was before it, had instructed this committee first to pass upon this point of order. None would then doubt that this committee could so act. Where is the difference when, pursuant to its ordinary practice, the House allowed all points of order to be reserved and sent the bill here under that disability for the action of this committee?

Paragraph 3 of the same Rule XXIII declares that "the rules of

proceeding in the House shall be observed in Committee of the Whole House so far as they are applicable." Our Digest of Rules, when it states that the chairman of the Committee of the Whole can not rule a proposition in an appropriation bill committed to it out of order, says:

Of course it is otherwise where the point was reserved before commitment.—*Digest*, 265.

The fact that the House allows points of order to be reserved before commitment proves that it virtually instructs that the fact of commitment shall not cut them off. Otherwise the practice of reserving points of order on these bills would be worse than an unmeaning farce. It would operate as a snare and a fraud. Otherwise all the purposes sought by distributing matters among our committees according to their jurisdictions, fixed by the rules, would be thwarted. Otherwise the river and harbor bill would be an omnibus, capable of carrying whatever a majority of the Committee on Rivers and Harbors chose to pack into it, however foreign to its jurisdiction, and that too with a guaranteed "right of way" in preference to all legislation except that necessary to preserve the life of the Government. Such a construction must be wrong. The first and second points of order are sustained and the lines objected to will be stricken from the bill.

Mr. HENDERSON, of Illinois. I am compelled to take an appeal from the decision of the Chair, and upon that appeal I wish to be heard.

Mr. WILLIS. The hour for adjournment has almost arrived. Will my friend from Illinois yield to me that I may move that the committee rise?

The CHAIRMAN. The Chair will recognize the gentleman from Illinois when the House again resolves itself into Committee of the Whole House on the state of the Union to consider this bill. The appeal taken from the decision of the Chair will be considered as pending.

Mr. TURNER, of Georgia. As the gentleman from Illinois has submitted an appeal from the decision of the Chair, I desire to submit a motion relating to that appeal.

Mr. MURPHY. It is understood we reserve all rights of whatever kind we may have, and that in the flurry of the committee rising at this time no right shall be sacrificed.

The CHAIRMAN. The Chair will state the situation. An appeal is taken from the decision of the Chair. The gentleman taking the appeal has the floor, and, pending that, yields for a motion that the committee rise.

Mr. RANDALL. I ask that the gentleman from Kentucky [Mr. WILLIS] may be allowed to waive that motion until this appeal is disposed of. [Cries of "No!" "No!"]

The CHAIRMAN. The question is on the motion of the gentleman from Kentucky [Mr. WILLIS] that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union having had under consideration the river and harbor bill had come to no resolution thereon.

Mr. WILLIS. I move that the House adjourn.

The motion was agreed to; and accordingly (at 11 o'clock and 59 minutes a. m., February 20, 1885) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. M. CAMPBELL: Petition of citizens of Tyrone borough, Pa., asking Congress to discontinue the carrying of mails and the distribution of mail matter on the Sabbath—to the Committee on the Post-Office and Post-Roads.

By Mr. CURTIN: Papers relating to the claim of Lewis Rothermel—to the Committee on War Claims.

By Mr. ERMENROUT: Petition of George Scoville, for compensation as counsel in the Guiteau trial—to the Committee on the Judiciary.

By Mr. HITT: Petition of Rev. F. A. Robinson and 52 others, of Winnebago, Ill., for legislation checking the increase of polygamy—to the same committee.

By Mr. HOLMAN: Petition of John A. Plattes Post of Grand Army of the Republic of Indiana, praying Congress to grant to each Union soldier, honorably discharged, one hundred and sixty acres of land, or to their widows or minor children—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. HOPKINS: Petition of citizens of Pittsburgh, Pa., for the suppression of polygamy—to the Committee on the Judiciary.

By Mr. HOWEY: Papers relating to the claim of Stephen H. Myers, of Somerset County, New Jersey—to the Committee on War Claims.

By Mr. HUTCHINS: Petition of citizens of New York, asking legislation on the Mormon question—to the Committee on the Judiciary.

By Mr. JAMES: Petition of John D. Wells, D. D., and 70 others, citizens of Brooklyn; of Roswell D. Hitchcock, D. D., and 102 others, citizens of New York; and of D. W. McWilliams and 27 others, citizens of Brooklyn, N. Y., praying for legislation to prevent increase of Mormonism—to the same committee.

By Mr. E. H. MILLER: Petition of citizens of Meadville, Pa., urging legislation to suppress Mormonism—to the same committee.

By Mr. MORRILL: Petition for the appropriation of \$12,000 for the repair of the roads in the military reservation of Fort Leavenworth, Kans.—to the Committee on Appropriations.

By Mr. MURRAY: Petition from ex-soldiers in Washington, D. C., praying for the purchase of Miss Ransom's life-size portrait of General George H. Thomas—to the Committee on the Library.

By Mr. POLAND: Petition of Henry A. Frost, of New York city, praying relief for being deprived of his liberty in violation of the Constitution, with accompanying papers—to the Committee on the Judiciary.

By Mr. ROBERTSON: Petition of citizens of Breckinridge County, Kentucky, asking for an increase of widows' pensions—to the Committee on Pensions.

By Mr. RYAN: Petition of Joseph Dunlap, for reference of his war claim to the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

By Mr. A. HERR SMITH: Petition of 170 citizens of Lancaster County, Pennsylvania, against the ratification of the reciprocity treaty with Spain—to the Committee on Ways and Means.

By Mr. STEVENS: Petition of Losson W. Mead, Company E, Twenty-first Missouri Infantry, for relief—to the Committee on Invalid Pensions.

By Mr. SPOONER: Petition of Boston Handel and Haydn Society, H. H. Darby, of Saint Louis, and many others, citizens of the United States, for the passage of the Dorsheimer bill, or a similar international copyright bill—to the Committee on the Judiciary.

By Mr. WILKINS: Petition of Rev. A. Lehman and 33 others, citizens of Dresden; of J. K. Caldwell and 50 others, citizens of Zanesville; of Levi Knowlton and 110 others, citizens of Utica; and of J. Glover and 60 others, citizens of Coshocton, Ohio, praying for the suppression of Mormonism—to the same committee.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. ANDERSON: Of 18 citizens of Minneapolis; of 91 citizens of Greenleaf, and of 62 citizens of Clyde, Kans.

By Mr. ATKINSON: Of 50 citizens of Franklin County, Pennsylvania.

By Mr. CLARDY: Of Charles A. Weber and 132 others, citizens of Perryville, and of 63 citizens of Belgrade, Washington County, Missouri.

By Mr. ELLWOOD: Of 150 citizens of Kaneville and of 100 citizens of Plato Centre, Kane County, Illinois.

By Mr. FUNSTON: Of citizens of Weir, of Galena, of Equity, and of Wellsville, Kans.

By Mr. GRAVES: Of William Marsh and others, of Holden; of J. O. Dockwell and others, of Independence; of R. Fosset and others, of Kansas City, and of Samuel Cram and others, of Independence, Mo.

By Mr. HANBACK: Of C. E. Monell and 200 others, of Kirwin; of James Secrist and 50 others, of Ellsworth County; of Samuel McClary and 10 others, of Ibaton; of Daniel Truberg and 50 others, of Glen Elder, and of William C. Whitney and 200 others, of Cawker City, Kans.

By Mr. KEIFER: Of A. Richards and 34 others, of Rushsylvania, Logan County, Ohio.

By Mr. MORRILL: Of George Brooking and 60 others, citizens of Saint George; of W. F. McClain and 48 others, citizens of Wetmore, and of Andrew Card and 41 others, citizens of Laclede, Kans.

By Mr. LACEY: Of J. A. Burchard and 62 others, of Bellevue, Mich.

By Mr. ROWELL: Of 90 citizens of Chestnut, Ill.

By Mr. WARD: Of citizens of Hobbs, Tipton County; of Pendleton, Madison County, and of Mason, Clinton, and Noblesville, Hamilton County, Indiana.

By Mr. JAMES WILSON: Of citizens of Marion, Linn County, Iowa.

SENATE.

FRIDAY, February 20, 1885.

The Senate met at 11 o'clock a. m.

Prayer by Rev. JAHU DE WITT MILLER, of the city of Philadelphia. The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting estimate of appropriation by the Commissioner of Internal Revenue of \$10,500, required under section 3689 of the Revised Statutes, to refund to persons money collected from them without warrant of law under a recent decision of the Court of Claims; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, reporting the allowance of the claim of John Finn, payable from an appropriation which is exhausted; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting estimates of appropriations received from the Secretary of the Navy for the contingent expenses of the Navy Department for the fiscal years 1884 and 1885, and for testing rifled cannon for new cruisers; which, with the accompanying estimates and papers, were referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 14th instant, a report of the Chief of Engineers on the subject of a new lock on the Saint Mary's Falls Canal, in the State of Michigan, and estimates therefor; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

PUBLIC BUILDING AT KEY WEST.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a message from the House of Representatives returning a Senate bill with amendments. The message will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, February 19, 1885.

Resolved, That the bill from the Senate (S. 229) to authorize the Secretary of the Treasury to erect a public building in the city of Key West, Fla., pass with the following amendments:

In line 2 of the bill, after the word "directed," to strike out all down to and including the word "necessary," in line 4, and insert "purchase, at private sale, or by condemnation in pursuance of the statute of the State of Florida, all the land that he may deem necessary."

In line 8 strike out the words "including the purchase of land;" in line 10 strike out the word "fifty" and insert "forty."

The PRESIDENT *pro tempore*. If there be no objection the bill with the amendments will be referred to the Committee on Public Buildings and Grounds.

Mr. CALL. The Senator from Virginia [Mr. MAHONEY] informs me that there is a clerical error in the bill as it came from the House.

The PRESIDENT *pro tempore*. The first amendment proposed by the House strikes out certain words from the bill and inserts identically the same words. The Chair thought that it might go to the committee so as to be reported with the correction.

Mr. CALL. Very well.

HOUSE BILL REFERRED.

The bill (H. R. 3343) for the erection of a public building in the city of Auburn, N. Y., was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 7585) for the relief of William M. Gardner;

A bill (H. R. 7584) for the relief of A. B. Montgomery; and

A bill (H. R. 3258) to authorize the construction of a bridge across the Saint Croix River at the most accessible point between Stillwater and Taylor's Falls, Minn.

PETITIONS AND MEMORIALS.

Mr. LAPHAM. I present a copy of concurrent resolutions of the Legislature of New York, which is as follows:

Whereas Hon. GEORGE F. EDMUNDS, in January, introduced into the Senate a bill entitled "A bill to authorize an additional appointment on the retired-list of the Army," which bill has passed the Senate and is now awaiting action in the House of Representatives; and

Whereas the said bill is intended to create a position upon the retired-list of the Army for that illustrious soldier Ulysses S. Grant: Therefore,

Resolved (if the assembly concur), That our Representatives in Congress from this State be, and they are hereby, requested to support the said bill, and to urge a measure which will place General Grant upon the retired-list.

Resolved (if the assembly concur), That the governor be requested to transmit a copy of these resolutions to each of our Representatives in Congress.

I move that the resolutions lie on the table.

The bill having passed the Senate I suppose the resolutions should lie on the table.

The PRESIDENT *pro tempore*. The Chair will state to the Senator from New York that the paper he sent to the Chair is not an original paper. It is a printed copy.

Mr. LAPHAM. I stated that it was a copy.

Mr. MILLER, of New York. The original of the resolution was presented and read several days ago, as I remember.

Mr. LAPHAM. I was not aware of that.

The PRESIDENT *pro tempore*. If there be no objection the paper will be received, and laid on the table.

Mr. MITCHELL. I present a petition of the Ministerial Association of Erie, Pa., in relation to the Mormon question, praying for the passage of a bill the design of which shall be to check in our Republic the subversive influence of Mormonism on our democratic laws, free institutions, and the morality of the nation. I suppose this petition should go to the Committee on the Judiciary.

The PRESIDENT *pro tempore*. As that subject has been passed upon by that committee and by the Senate, the petition had probably better be laid on the table.

Mr. MITCHELL. Very well.

The PRESIDENT *pro tempore*. The petition will lie on the table.

Mr. CULLOM presented a joint resolution of the Legislature of Illinois; which was read, and referred to the Committee on Commerce, as follows:

Preamble and joint resolution adopted by the thirty-fourth General Assembly of Illinois.

Whereas the Senate of the United States did pass a resolution of the date of April 22, A. D. 1884, instructing the honorable Secretary of War to cause an inquiry to be made as to the cost of construction of the Lake Superior Ship Canal and Portage Lake Improvement Company Canal, and also inquire upon what terms said canals might be purchased by the United States, and make free water ways to the commerce of the great lakes; and

Whereas the honorable Secretary of War designated Col. O. M. Poe, of the United States Army, to make such examination and report, in conformity with said resolution; and

Whereas the honorable Secretary of War did report, on or about January 5, A. D. 1885, that Colonel Poe had made such examination, and on whose report did recommend that Congress take steps to purchase the same and make them free water ways to the commerce of the lakes; and

Whereas the tolls collected by these canals are a serious burden to a numerous people and a very large industry embraced inside the limits of the territory supplied by these canals; and

Whereas these water ways should be made free channels to the great traffic that is now springing up with Minnesota, Iowa, and the country along the Northern Pacific Railroad, that passes through Lake Superior, finding an outlet to the east and seaboard; and

Whereas the dangers of the navigation of Lake Superior may be greatly lessened by the improvement of this water way, and make a safe shelter at a point where the dangers of this lake are the greatest and most serious disasters have occurred: Therefore,

Be it resolved by the senate of the State of Illinois (the house of representatives concurring), That our Senators and Representatives in Congress are hereby requested to use their best endeavors to secure such legislation by Congress as will result in the United States acquiring the title to, and the ownership of, the ship-canals connecting the waters of Keweenaw Bay, by way of Portage Lake, with the waters of Lake Superior, in the upper peninsula of Michigan, in accordance with the report of the honorable Secretary of War, presented to the United States Senate on or about January 5, A. D. 1885, in reply to its resolution of April 22, A. D. 1884, and making them free for the navigation and commerce of the great lakes.

Resolved, That the honorable secretary of state is hereby requested to forward a copy of the foregoing preamble and resolutions to each of the Senators and Representatives in Congress from the State of Illinois.

Adopted by the senate, January 30, A. D. 1885.

J. C. SMITH,
President of the Senate.

L. F. WATSON,
Secretary of the Senate.

Attest:

Concurred in by the house of representatives, February 4, A. D. 1885.

Teste:

E. M. HAINES, Speaker.

R. A. D. WILBANKS,
Clerk House of Representatives.

UNITED STATES OF AMERICA,
State of Illinois, ss:

I, Henry D. Dement, secretary of state of the State of Illinois, do hereby certify that the foregoing is a true copy of a preamble and joint resolution adopted by the thirty-fourth General Assembly of the State of Illinois, and filed in this office February 6, A. D. 1885.

In witness whereof, I hereunto set my hand and affix the great seal of State, Done at Springfield, the 6th day of February, in the year of our Lord 1885.

HENRY D. DEMENT,
Secretary of State.

Mr. CULLOM presented resolutions of the Board of Trade of Chicago, Ill., favoring certain amendments of the House bill in relation to bills of lading and to determine the liability of ship-owners and others thereunder; which were referred to the Committee on Commerce.

Mr. COCKRELL. I present a petition signed by a number of leading attorneys and citizens of Saint Louis, Mo., praying that a committee of Congress, or a commission outside of Congress, be appointed to prepare a code of procedure for all Federal tribunals of every kind and jurisdiction. Attached to the petition is a memorial stating the reasons why they desire this done. I ask—it is not very long—that the petition may be printed and referred to the Committee on the Judiciary. It will doubtless attract some attention, and I think it would be to the interest of the public service that it should be printed.

The PRESIDENT *pro tempore*. The Senator from Missouri presents a memorial the nature of which he has stated. He asks that it be printed and referred to the Committee on the Judiciary. That order will be entered, if there be no objection.

Mr. WILSON presented the petition of Elias Jessup, William T. Smith, and Isaac T. Gibson, representing the Iowa Yearly Meeting of the Society of Friends, praying for the establishment of international arbitration for the prevention of war; which was referred to the Committee on Foreign Relations.

Mr. SLATER. I present a petition of citizens of Coos County, Oregon, praying for an appropriation of \$100,000 for the improvement of the mouth of the Coquille River, and setting forth the importance and necessity of such improvement. I move the reference of the petition to the Committee on Commerce.

The motion was agreed to.

Mr. PLUMB presented a concurrent resolution of the house of representatives of Kansas; which was read, and referred to the Committee on Public Lands, as follows:

[House concurrent resolution No. 16, relating to the resurvey by the Government of certain townships in Edwards County.]

Whereas it appears from information in possession of the Legislature, that townships numbered 26, 27, 28, of ranges Nos. 16, 17, 18, 19, and 20, W., 6 P. M., in Edwards County, Kansas, have never been sectionized and subdivided according to law, and that no section corners have ever been established therein; and

Whereas a large population has settled upon these lands (the same being known as the Osage trust lands, &c.) according to law, many of whom it is be-

lieved are not in fact actually located upon the several pieces of land upon which they have legally and in good faith filed their claims and purchased; and

Whereas the Government field-notes of said lands are found to be false and fraudulent, and no section corners, after careful and persistent search, have ever been found in said townships, and as no authority exists under the laws of the State of Kansas by which said lands can be resurveyed and proper lines and corners established; and

Whereas under the laws of the United States as they now exist no such resurvey can be made except at the expense and cost of the settlers upon said lands, which expense said settlers are utterly unable to meet, and as said lands were disposed of by the United States Government under the authority of law, with the express guarantee and said lands had been properly surveyed, sectionized, and the corners distinctly marked according to law; and

Whereas in case of such resurvey, because of the false and fraudulent characters of said field-notes, the United States Government has in fact and law ample security for the cost of such resurvey, in the still existing bonds of the original contractors for the original survey of said township; and as there is good reason to believe that others and similar cases exist in other counties of the State of Kansas inflicting great wrong and hardships upon the settlers upon such lands: Now, therefore,

Be it resolved by the house of representatives of the State of Kansas (the senate concurring), That our Senators in Congress be instructed and our Representatives requested to bring this subject before Congress, and ask the immediate enactment of laws providing—

First. That on the presentation to the Commissioner of the General Land Office that any township or part of township of land, sold or otherwise disposed of under authority of law, had never in fact been surveyed according to law, or that the plat and field-notes on file in the proper office were in fact false and fraudulent, it be made the duty of said Commissioner at once to order a resurvey of said townships or parts of townships at the cost of the Government, and also to prosecute the contractors for the original survey of such townships or parts of townships, and their sureties, for failure to perform their contracts, and for such damages as may be provided for in such contracts.

Second. That on the presentation of such satisfactory proof that any township or part of township has never in fact been legally surveyed and subdivided according to law, that provision be made for the relief of actual settlers upon such lands; that the time given them to perform the duties and make the proofs required according to law.

Third. *Be it resolved,* That the secretary of state is hereby instructed to forward duly authenticated copies of this preamble and of these resolutions, with accompanying papers, to the several members of Congress from this State.

STATE OF KANSAS, Office of Secretary of State:

I, E. B. Allen, secretary of state of the State of Kansas, do hereby certify that the foregoing is a true and correct copy of the original resolution now on file in my office.

In testimony whereof, I have hereunto subscribed my name and affixed my official seal. Done at Topeka, Kans., this 13th day of February, A. D. 1885.

E. B. ALLEN, Secretary of State.

Mr. VANCE presented the petition of certain North Carolina Creek Indians now residing in the Indian Territory praying the confirmation of lands awarded to them in North Carolina under a decree of the circuit court of the United States for the western district of North Carolina; which was referred to the Committee on Indian Affairs.

Mr. SEWELL presented the petition of J. R. Haskell, of New York, praying that an appropriation of \$250,000 be made for the purpose of constructing and testing three of the Haskell multicharge guns; which was referred to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6863) restoring to the pension-roll the name of Caroline Lewis;

A bill (H. R. 7094) granting a pension to Samuel M. Bartlett;

A bill (H. R. 7672) granting an increase of pension to Elbert Hewitt;

A bill (H. R. 7722) granting a pension to Almira K. Parker;

A bill (H. R. 7308) for the relief of David Fried;

A bill (H. R. 8104) granting an increase of pension to George S. Hawley; and

A bill (S. 2367) granting a pension to Sarah A. White.

Mr. BLAIR. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 6940) granting a pension to Sarah M. Bissell, who is the widow of Commodore Bissell, who was in the service from 1826 to 1883, to report it adversely by a majority of the committee, and with a minority report recommending the passage of the bill. In the report the facts are set forth. I ask that the bill be placed on the Calendar.

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). The bill will be placed on the Calendar with the adverse report of the committee, and the views of the minority will be printed, if there be no objection.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 2028) granting a pension to Sarah M. Bissell, reported adversely thereon; and the bill was postponed indefinitely.

Mr. JACKSON, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (H. R. 5838) granting a pension to Henry Ballinger;

A bill (H. R. 3040) for the relief of Mary Tarbell;

A bill (H. R. 5835) granting a pension to J. H. Adams;

A bill (H. R. 6182) granting a pension to Edwin Thomas; and

A bill (H. R. 3158) for the relief of Werner Lentz.

Mr. CULLOM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5555) granting a pension to James Frazier;

A bill (H. R. 2068) granting a pension to James H. Reid;

A bill (H. R. 2284) granting a pension to Elizabeth Fowler; A bill (H. R. 3074) to grant a pension to Jasper J. Henry on account of wounds received while acting as guide for the First Arkansas Cavalry Volunteers in the war of the rebellion;

A bill (S. 1612) granting a pension to Bryson R. McCartney;

A bill (H. R. 5938) to pension Julia A. Marcum;

A bill (S. 2316) granting a pension to Mrs. Cordelia Brainerd Thomas;

A bill (H. R. 7802) to grant a pension to Harriet M. Bailly; and

A bill (H. R. 7731) granting a pension to Lois B. Smith.

Mr. CULLOM, from the Committee on Pensions, to whom were referred the bill (S. 1776) granting a pension to James H. Reid, and the bill (S. 2222) granting a pension to James H. Reid, reported adversely thereon; and the bills were postponed indefinitely.

Mr. VAN WYCK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3749) granting a pension to William Bolwark;

A bill (H. R. 2537) granting a pension to Hugh Ryan;

A bill (H. R. 2539) granting a pension to George W. Kiser;

A bill (H. R. 1046) granting a pension to Mary A. Griffin;

A bill (H. R. 7336) granting a pension to T. A. Morton; and

A bill (H. R. 7338) granting a pension to Chloe A. Whipple.

Mr. MILLER, of New York, from the Committee on Agriculture and Forestry, to whom was referred the bill (S. 2451) for the protection of forests on the public domain, reported it without amendment.

Mr. MILLER, of New York. I am also instructed by the Committee on Agriculture and Forestry to report a joint resolution placing a portion of the Arlington estate, now owned by the United States, under the control of the Commissioner of Agriculture, and I ask for its present consideration.

The joint resolution (S. R. 131) placing a portion of the Arlington estate, now owned by the United States, under the control of the Commissioner of Agriculture was read twice by its title.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. ALLISON. I do not object unless it will lead to debate. If it does, I shall object.

Mr. INGALLS. Is the morning business concluded?

The PRESIDING OFFICER. The morning business is not concluded.

Mr. INGALLS. I ask for the regular order.

The PRESIDING OFFICER. Objection being made, the joint resolution will go upon the Calendar.

Mr. MITCHELL, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7262) increasing the pension of Elmira P. Spencer;

A bill (H. R. 3728) granting a pension to Charles P. Mahan;

A bill (H. R. 3605) granting a pension to Eliza Sluss;

A bill (H. R. 7256) granting a pension to John A. Vanderhoff;

A bill (H. R. 7822) granting a pension to Mark Spencer Van Loan; and

A bill (H. R. 6018) increasing the pension of George Tapp.

Mr. MITCHELL, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 882) for the relief of William B. Stokes;

A bill (S. 186) granting a pension to Penelope T. Heald;

A bill (S. 185) granting a pension to Mrs. Mary S. W. Harris; and

A bill (S. 725) for the relief of Charles Seymour, of Flint, Mich., for services in the war of 1812, and for pension.

Mr. MITCHELL. I am directed by the Committee on Pensions, to whom was referred the bill (S. 358) granting a pension to Thomas E. Brawner, to report it adversely and move its indefinite postponement.

Mr. COCKRELL. I have been trying to get that bill out of the Senate for a long time, and I thought I had once before requested that it should be withdrawn. The pension was granted some time ago, and I suppose that is the ground upon which it is reported adversely.

Mr. MITCHELL. That is the ground of the adverse report.

The PRESIDING OFFICER. If there be no objection, the bill will be indefinitely postponed.

Mr. WILSON, from the Committee on Pensions, to whom were referred the following bills, reported them without amendment, and submitted reports thereon:

A bill (H. R. 7709) granting a pension to Louisa A. Estes; and

A bill (H. R. 4833) granting a pension to Louisa Earle.

Mr. SLATER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendments, and submitted reports thereon:

A bill (H. R. 3352) to restore the name of Warren Sams to the pension-roll; and

A bill (H. R. 5124) granting a pension to Samuel Z. Cooper.

Mr. SLATER. I am directed by the Committee on Pensions to report adversely on the bill (S. 2043) for the relief of Maria L. Strong. I desire to state that this is the report of the majority, there being a minority opposed to the report. I ask that the bill be put upon the Calendar.

The PRESIDING OFFICER. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. SLATER, from the Committee on Pensions, to whom was referred the bill (S. 278) granting a pension to Mary E. McConnell, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. SEWELL, from the Committee on Military Affairs, submitted a report to accompany the bill (H. R. 445) authorizing the establishment of a horse-railroad upon and over the island of Rock Island and the bridges erected by the United States connecting the cities of Davenport and Rock Island, previously reported by him.

Mr. McMILLAN. I am instructed by the Committee on Commerce to report favorably with an amendment the bill (H. R. 6760) to authorize the construction of a bridge across the Mississippi River at Rock Island, Ill., and Davenport, Iowa, and to establish it as a post-route; and I ask for the present consideration of the bill.

The PRESIDENT *pro tempore*. The Senator from Minnesota asks unanimous consent that the bill be now considered. Is there objection?

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. Objection is made.

Mr. McMILLAN. Mr. President—

The PRESIDENT *pro tempore*. Debate is not in order. Objection is made.

Mr. McMILLAN. Will the Senator from Kansas withdraw his objection for a moment?

Mr. INGALLS. Yes, sir.

Mr. McMILLAN. The amendment is such as the Senate has invariably incorporated in these House bills, and its adoption will require the bill to be returned to the House for consideration there. The House, I am sure, if they have an opportunity, will consent to the amendment. It will take but a very brief time to consider the bill if the Senator will withdraw his objection. [A pause.] Silence may be regarded as giving consent, Mr. President.

Mr. INGALLS. I ask for the regular order.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. CAMERON, of Wisconsin. During the last session of the present Congress a bill was introduced for the relief of Juliet Leef and others. The bill was referred to the Committee on Claims, and reported back adversely. Quite recently the House of Representatives passed a similar bill, the bill (H. R. 737) for the relief of Juliet Leef, widow, and the heirs of Henry Leef, deceased, owner of the bark Mary Teresa, illegally seized by Alexander H. Tyler, consul of the United States at Bahia, Brazil. That bill was referred to the Senate Committee on Claims, and I am instructed by that committee to report it back without recommendation. The committee is willing that it should go upon the Calendar. The committee, however, does not withdraw its objection to the bill.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. COCKRELL. I understand that the committee has not changed its former report.

Mr. CAMERON, of Wisconsin. The committee has not changed its former report.

CONSIDERATION OF PENSION BILLS.

Mr. MITCHELL. I desire to state that the Committee on Pensions will ask the Senate to take up private pension bills on Monday, including not only those favorably reported, but a large number adversely reported. Among the latter bills, those of prominent cases that have attracted the general attention of the country and the special attention of many Senators, are the cases of Mrs. Ann Cornelia Lanman, Mrs. Emma De Long, Mrs. Francis McNeil Potter, Mrs. Emily L. Alvord, Mrs. S. Dana Greene, Mrs. Margaret D. Marchand, Mrs. Margaret B. Harwood, Mrs. Martha C. Breese, Mrs. Emily M. Wyman, Mrs. Sophia A. Morgan, and Mrs. Eliza Willson Thornburgh.

Sensors will please take notice of this proposed action, and I think if we go about the business promptly on Monday we can get through with all the pension bills upon the Calendar.

Mr. BLAIR. There are a number of other contested cases on the Calendar besides those which the Senator has mentioned.

Mr. MITCHELL. There are many other cases of adverse reports on the Calendar, in which of course the Senators who requested those bills to be placed on the Calendar are interested. I only mention those which have received attention generally.

SUPREME COURT OPINIONS FOR SENATORS.

Mr. MANDERSON. At the last session of the present Congress there was referred to the Committee on Printing the following resolution:

Resolved, That the Committee on Printing be directed to make provision that printed copies of all opinions given by justices of the Supreme Court be furnished to every Senator as soon as filed.

I am directed by the Committee on Printing to report the following resolution; and I ask for its present consideration:

Resolved, That the Secretary of the Senate be, and he is hereby, directed to obtain 100 copies of each printed decision of the Supreme Court of the United States, and to pay for the same from the contingent fund of the Senate.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. HOAR. I suggest to the Senator to amend the resolution by inserting "and any dissenting opinions filed with the same." I suppose the purpose was to include dissenting opinions.

Mr. MANDERSON. That was certainly the purpose of the committee. I thought the language used would cover that; but still I have no objection to inserting those words, so that there may be no uncertainty.

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). The amendment proposed by the Senator from Massachusetts will be read.

The CHIEF CLERK. In line 4, after the word "States," insert the words "and any dissenting opinions filed with the same;" so as to read:

Resolved, That the Secretary of the Senate be, and he is hereby, directed to obtain 100 copies of each printed decision of the Supreme Court of the United States, and any dissenting opinions filed with the same, and to pay for the same from the contingent fund of the Senate.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

LIST OF TREASURY DEPARTMENT EMPLOYEES.

Mr. MANDERSON. There was referred to the Committee on Printing a letter of the Secretary of the Treasury, transmitting a list of all persons employed in his Department during the year ending December 31, 1884. I am directed by the Committee on Printing to report in favor of the printing of the report, and I ask that it be so ordered. It requires no resolution. A simple order of the Senate that the report be printed will be sufficient.

The PRESIDING OFFICER. Is there objection to printing the report?

Mr. COCKRELL. Let us hear what the report is. I have been trying to catch what the Senator from Nebraska said, and could not hear a word.

The PRESIDING OFFICER. The report will be read, or the Senator from Nebraska will state the substance of it.

Mr. MANDERSON. I can state to the Senator from Missouri what it is. The statutes require that the Secretary of the Treasury shall report to Congress a list of the employees of the Treasury Department. In compliance with that law the Secretary of the Treasury has transmitted the list for 1884, and for the first time the list is classified as required by the civil-service act. The Committee on Printing report favorably as to the printing of that report.

The PRESIDING OFFICER. The order for printing the report will be made if there be no objection.

REPORT ON LABOR AND CAPITAL.

Mr. HAWLEY. A concurrent resolution was referred yesterday to the Committee on Printing which originated in the Senate, went to the House, and was there amended. The committee instructs me to report in favor of concurring in the amendments of the House, and I ask for immediate action upon the matter.

The PRESIDING OFFICER. The amendments of the House of Representatives will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, February 19, 1885.

Resolved, That the House concur in the foregoing resolution of the Senate with the following amendments:

In line 6 of the resolution strike out the word "eight" and insert the word "six."

In line 7 of the resolution strike out the word "sixteen" and insert the word "thirteen."

In line 8 of the resolution strike out the words "and one" and insert the word "five;" and strike out the word "copies" in same line.

In line 9 of the resolution strike out the words "Senate Committee on Education and Labor" and insert "Bureau of Labor Statistics, and 1,000 for the use of the Senate Committee on Education and Labor."

The PRESIDING OFFICER. The question is on concurring in the amendments.

Mr. COCKRELL. Let the resolution be read as it was amended in the House, and as it will be if it is passed as recommended by the committee.

The PRESIDING OFFICER. The resolution as amended by the other House and reported by the committee will be read.

The Chief Clerk began to read the resolution.

Mr. HAWLEY. I can relieve the Secretary from embarrassment in reading the resolution. The blue pencil interlineations are incorrectly made, and in engrossing the resolution the clerks will be governed by the written description of the amendments. The resolution as amended gives 6,000 copies to the Senate, 13,000 to the House, 5,000 to the Bureau of Labor Statistics, and 1,000 to the Senate Committee on Education and Labor, who desire to distribute some numbers to the numerous witnesses who were called before that committee. The aggregate is the same as that ordered by the Senate originally, but a little differently distributed.

The PRESIDING OFFICER. The question is on concurring in the amendments made by the House of Representatives.

The amendments were concurred in.

PUBLIC-LAND LAWS.

Mr. DOLPH. I move that the Senate request the House of Representatives to return to the Senate the bill (H. R. 7004) to repeal all laws providing for the pre-emption of the public lands and the laws allowing entries for timber-culture. I will state that I do this for the purpose of moving, when the bill is returned, a conference on the disagreeing votes of the two Houses. It seems likely that under the rules of the House it will not be possible to secure in that body a consideration of the bill, and, therefore, if the bill is to become a law at this session it will be necessary that this course should be taken.

The PRESIDENT *pro tempore*. The Senator from Oregon asks unanimous consent to move at this time that the House of Representatives be requested to return the bill the title of which he has named, being the bill for the repeal of the pre-emption law. Is there objection to the motion being received?

Mr. COCKRELL. Let the title of the bill be read.

Mr. DOLPH. It is the bill to repeal the pre-emption law, the timber-culture act, and the desert-land act, and for other purposes, which passed the Senate a few days since.

The PRESIDENT *pro tempore*. Is there objection to the motion being entertained?

Mr. SHERMAN. Does the Senator desire simply to move that the Senate recede from its amendments?

Mr. DOLPH. I simply move at this time that the Senate ask that the bill be returned to the Senate from the House of Representatives, and then I propose when the bill is returned to move for a committee of conference.

Mr. SHERMAN. That is an unusual proceeding, I think. I shall have to object for the moment until I can look into the matter.

The PRESIDENT *pro tempore*. Objection is made.

Mr. DOLPH. I ask if the motion is not in order.

The PRESIDENT *pro tempore*. It is not in order at this time. It would be in order under the call for resolutions, subject on objection to be carried over one day.

BILLS INTRODUCED.

Mr. HOAR introduced a bill (S. 2652) for the protection of seamen; which was read the first time by its title.

Mr. HOAR. I desire to have the bill referred to the Committee on Commerce. A bill has come up from the House of Representatives which I am informed undertakes to amend the Dingley act, so called, passed at the last session. The Dingley act prohibited contracts with landlords and with other persons who surround sailors when they are in port by which the sailor should pledge his wages to that class of persons. I understand the bill which has just come up and been referred to the Committee on Commerce repeals that provision, and tends, in the opinion of some humane friends of the sailor, to make the sailor a prey, as he has been in times passed.

The bill which I introduce is a transcript, with the proper changes, of the law of the State of Massachusetts prohibiting all such pledges in advance of the sailor's wages and allowing him only to pledge them for the necessary support of his wife and children during his absence. I hope the Committee on Commerce will consider this bill and report it as a substitute for the House bill, and in that way insure its passage.

The bill was read the second time by its title, and referred to the Committee on Commerce.

Mr. HARRIS introduced a bill (S. 2653) for the relief of S. S. Webb & Co. for the use of William G. Ford; which was read twice by its title, and referred to the Committee on Claims.

Mr. BLAIR introduced a bill (S. 2654) granting a pension to Charles F. Hildreth; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. FRYE. Yesterday I submitted a proposed amendment to the river and harbor bill to continue the dredging of the ship-channel in Portland Harbor, Portland, Me. The print has it "Rockland Harbor." I ask leave to change "Rockland" to "Portland," and to reintroduce it.

The PRESIDENT *pro tempore*. The Chair will send for the original paper. If it is a misprint it does not need any order. The print will be corrected.

Mr. MILLER, of New York, from the Committee on Agriculture and Forestry, reported an amendment intended to be proposed to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SHERMAN submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. DOLPH and Mr. MILLER of California submitted amendments intended to be proposed by them severally to the general deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. BUTLER and Mr. GEORGE submitted amendments intended to be proposed by them severally to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

DISTRICT TAXES AND EXPENDITURES.

The PRESIDENT *pro tempore*. "Concurrent or other resolutions" being in order, the Chair lays before the Senate the resolution which was submitted yesterday by the Senator from Alabama [Mr. MORGAN] and which went over under objection. It will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the commissioners of the District of Columbia be directed to immediately inform the Senate of the causes that have prevented them from complying with the resolutions of the Senate adopted on the 24th of June, 1884, relating to the taxes collected from 1875 to 1884, and to receipts and disbursements on account of the water department or water fund for each year from 1875 to 1884.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. MORGAN. I ask the chairman of the Committee on the District of Columbia whether he has been informed of any return made by the commissioners?

Mr. INGALLS. I have no objection to the adoption of the resolution.

The resolution was agreed to.

PACIFIC RAILROAD COMPANIES' TELEGRAPH LINES.

Mr. GORMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be directed to inform the Senate whether the Union Pacific Railroad Company and the other railroad companies affected by the act approved July 1, 1862, granting subsidies in bonds and lands, have constructed and are maintaining and operating their own lines of telegraph, and whether telegraphic messages are accepted and transmitted for all persons and corporations without discrimination as to price, and other conditions, as provided in section 15 of the act above referred to.

GEORGE E. SPENCER.

Mr. HOAR. I desire to call up a resolution in regard to the payment to George E. Spencer, late Senator from Alabama.

Mr. COCKRELL. Regular order.

Mr. HOAR. This is the regular order.

The PRESIDENT *pro tempore*. It will be the regular order after the call for resolutions is exhausted. Are there further resolutions?

Mr. MITCHELL. I have a resolution to submit.

The PRESIDENT *pro tempore*. The Chair will receive it.

STEAMER WILLIAM H. SEWARD.

Mr. MITCHELL. I offer the following resolution:

Resolved by the Senate of the United States, That the Secretary of the Treasury be, and he is hereby, requested to transmit to the Senate any reports or opinions in his Department relating to any legal services performed, and by whom, in defending suits against the United States Government steamer William H. Seward.

That information is desirable at an early day, and I should be glad to have the resolution adopted at this time.

Mr. WILSON. I suggest to the Senator that he change the word "requested" to "directed." That is the proper form.

Mr. MITCHELL. I accept the suggestion.

The PRESIDENT *pro tempore*. The resolution will be modified accordingly.

The resolution was considered by unanimous consent, and agreed to.

GEORGE E. SPENCER.

The PRESIDENT *pro tempore*. If there be no further resolutions that order is closed.

Mr. HOAR. I call for the resolution which I just now named.

Mr. COCKRELL. I call for the regular order.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the Senate now proceed to the consideration of Order of Business 1236, which is the regular order if the Senator has the floor to make the motion, resolutions being exhausted.

Mr. COCKRELL. But that is setting aside the Calendar.

Mr. HOAR. I rise to a parliamentary inquiry.

The PRESIDENT *pro tempore*. The Chair overrules the point of order, if the Senator from Missouri makes one, because Rule VIII as modified provides that the Senate shall go to the Calendar "unless the Senate shall at any time otherwise order." The Senator from Massachusetts proposes, according to the constant practice of the Senate, that the Senate shall "otherwise order" by taking up the resolution he has named.

Mr. HOAR. I rise to a parliamentary inquiry. This is a resolution which was reported the other day and went over under the rules to the next day. Now, when "concurrent or other resolutions" are in order, is it not in order to ask to have a resolution of that character laid before the Senate?

The PRESIDENT *pro tempore*. The Chair does not think that applies to a resolution reported from a committee, but a resolution reported from a committee is like any other resolution or bill of the Senate, and is placed on the Calendar and requires a motion to proceed to its consideration, unless when it is reached in regular order.

Mr. HOAR. This is a Senate resolution.

The PRESIDENT *pro tempore*. It is a Senate resolution, but it is the report of a committee, the Chair thinks, and has so held constantly.

Mr. HOAR. If I may pursue my parliamentary inquiry, I do not wish to displace the ordinary business of the Senate which the Senate

is expected to conduct at this time by a motion to lay aside the Calendar. I rose supposing I was entitled to call up the resolution when resolutions were reached, as of right, it having gone over one day.

The PRESIDENT *pro tempore*. If it had been a resolution offered by the Senator and objected to, it would have been laid before the Senate the next morning.

Mr. HOAR. Then I ask unanimous consent that I may offer the resolution, in the terms of that, which I will have copied for the purpose, and call it up to-morrow or the next day when resolutions are reached.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks leave to offer a resolution which will be read.

The Chief Clerk read as follows:

Resolved, That there be allowed and paid from the contingent fund of the Senate to George E. Spencer, formerly a Senator from the State of Alabama, the sum of \$7,132, being the amount actually and necessarily expended by him in maintaining his title to his seat.

Mr. COCKRELL. Let it be printed and lie over.

The PRESIDENT *pro tempore*. Objection is made and it goes over. It will be laid before the Senate to-morrow morning on the call of resolutions.

Mr. LAPHAM. I give notice that at the time of the consideration of that I shall also ask for the consideration of Order of Business 787, being the resolution to pay the expenses of Judge Underwood. The subjects ought to be disposed of at the same time.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Massachusetts to withdraw his motion to proceed with the consideration of the resolution on the Calendar.

Mr. HOAR. Yes, sir.

PROCEEDINGS OF TO-MORROW.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the Calendar under Rule VIII.

Mr. HOAR. I desire, with the leave of the Senate and of the Chair, before the Senate proceeds to its morning business, that there shall be an understanding about the proceedings to-morrow, whether the Senate expect to proceed with ordinary legislative business after the ceremonial exercises in the other Chamber are over. For one I hope the Senate will proceed with its ordinary business after we return from the Representatives' Chamber, as we have but ten or twelve more working days, and the time is precious to the country beyond computation.

Mr. SHERMAN. I ask that the order adopted in regard to those ceremonies be read. I think that fixes the matter.

Mr. ALLISON. That order is a very long one. I think we all understand it.

Mr. SHERMAN. I do not ask for the whole programme, but there was an order adopted—I have forgotten myself what it was, and I should like to hear it. My impression is that it provides for no session to-morrow.

Mr. HOAR. I should like to ask the Senator from Ohio at what time he thinks it likely the exercises in the House of Representatives will be completed.

Mr. SHERMAN. I should say not later than 5 o'clock; probably between 4 and 5.

Mr. ALLISON. Let this matter go over until later in the day. I call for the regular order.

The PRESIDENT *pro tempore*. The regular order is Senate bill No. 1886.

DES MOINES RIVER LANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1886) to quiet title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from New York [Mr. LAPHAM].

Mr. LAPHAM. I ask that that amendment may be now read, and I call the attention of the Senate to it.

The PRESIDENT *pro tempore*. The amendment will be again read.

The CHIEF CLERK. It is proposed to add as a new section the following:

SEC. 3. Before the commencement of any action or actions by the Attorney-General, in pursuance of this act, the person or persons in whose interest and for whose benefit the same is to be prosecuted shall deposit with the clerk of the court a bond or bonds (to be approved by the court, or a judge thereof, as to the form and penalty of the same) conditioned to pay to the person or persons to be prosecuted all costs and expenses of the defense or defenses of such action or actions in case the plaintiff shall fail to recover therein.

Mr. LAPHAM. I ask to amend that by adding "a bond with surety or sureties."

The PRESIDENT *pro tempore*. Will the Senator repeat his proposed amendment?

Mr. LAPHAM. My amendment is to make it read, "a bond or bonds, with surety or sureties (to be approved by the court, or a judge thereof, as to the form and penalty of the same)."

The PRESIDENT *pro tempore*. The modification suggested by the Senator from New York will be read.

The CHIEF CLERK. In line 5, after the word "bonds," it is proposed to insert "with surety or sureties."

The PRESIDENT *pro tempore*. The amendment will be so modified.

Mr. LAPHAM. It will be seen that this is the usual form of a bond by way of a security for costs. It is not an uncommon proceeding by any manner of means; it is a very usual proceeding, especially where insolvent parties or parties against whom costs can not be recovered are authorized to prosecute. I do not want this bill converted into a proceeding authorizing the Government to sue *in forma pauperis*, as is the practice in some cases. I want somebody to be responsible for the expenses of the litigation that this bill proposes, in case the prosecution fails to recover.

I have not heard a word from any Senator thus far in opposition to this amendment. I doubt the ingenuity of any Senator to state a reason against this amendment which is deserving of serious consideration. The design and purport of the amendment are so obvious, it seems to me, that it should receive the sanction even of the advocates of this bill, unless they want to prosecute and persecute the purchasers whom I represent with numberless actions without any hope of compensation to them for the expenses to which they are to be subjected. On the contrary, in answer to this proposition that we shall have security for costs, the Senators from Iowa who are advocating this bill renew their proposition that this is a bill like the bill we considered yesterday for the forfeiture of a railroad grant. While I was discussing the amendment offered by the honorable Senator from Alabama to that bill, and urging that there should be a preliminary judicial investigation before the lands were opened to settlement, the senior Senator from Iowa—senior in service I mean—interjected the expression "the Des Moines River bill;" thus showing that he concurs with his colleague that the Des Moines River bill is a bill to forfeit a legislative grant by the Government, as it in fact is. Now, there is a wide difference between these propositions; and the artillery which the Senators from Iowa aim at me in opposition to this bill is like the muskets described by Trumbull:

Though well aimed at duck or plover,
Bear wide, and kick their owners over.

In the proposition submitted by the Senator from Alabama to the Oregon bill some days since and to the Texas Pacific bill yesterday, his object was to provide that the United States should settle all questions of title before it offered the lands to the public. What was the state of things in Iowa? Iowa had a body of public lands about which there was no dispute. The Government gave it to Iowa. There was a defective description of the lands, which the officers decided in the first instance went into the Territory of Minnesota even, which they afterward held only went to the northern boundary of Iowa, and they refused to certify lands to the State of Iowa north of the boundary line of that State. They refused, in fact, as the record shows, to certify any more lands to the State of Iowa unless that State should relinquish all claim to lands in Minnesota. The State refused to do that. That stopped the certification of lands, and that arrested the river improvement. Iowa asked that Congress should make a confirmatory grant of the lands which had thus been certified up to that time, and the resolution of the 2d of March, 1861, was for the express purpose of validating all the titles which had theretofore been conveyed to the State and by the State to the river company and by the river company to purchasers, in whose behalf I appear.

This was all done in the interest of the State of Iowa, for the benefit of the State of Iowa. The State of Iowa obtained over three-quarters of a million of acres of public land from the United States. Iowa spent three hundred and sixty-odd thousand dollars in the attempt to improve the navigation of the river, and there the work was arrested for the reason I have stated, because she would not relinquish her claim to lands in Minnesota. Then it was changed to a railroad along the banks of the river, and that railroad has been built out of the proceeds of public lands. They spent the \$360,000 for improvements out of moneys that were paid by those who purchased the lands, as those I represent purchased the lands from the State.

Now, sir, I submit with great confidence to the Senate the proposition, who should pay these unfortunate settlers, if anybody should pay them? It is the State of Iowa who has had this large grant of public lands from the Government. The attempt by this bill to recover them out of honest purchasers whose titles have been confirmed is an attempt which I trust will not succeed. The law which enables them to make the attempt I trust will not be passed without annexing this condition, the condition that security for costs shall be given before any suit is instituted.

The difference between this bill and the amendment of the Senator from Alabama is so obvious that no one can mistake it. As was said on one occasion by a caricaturist, the amendment of the Senator from Alabama proposes to settle all these questions previous before the war; this bill proposes to settle all these questions previous after the war. There is a hiatus between them as wide as the globe; there is no similarity in the two questions; and unless something can be said which commends itself to the judgment of the Senate against the amendment now pending that we shall have this security, I trust the Senate will vote upon this bill the amendment which I have offered.

Mr. WILSON. Mr. President, this bill has occupied the attention of the Senate so long that I have no doubt all Senators are weary of it, as I am myself, and I must say that it is with a difficulty which I can not

overcome that I endeavored to discover the pertinency of the remarks of the Senator from New York to the amendment which he has proposed.

The bill proposes that a suit shall be instituted by the Attorney-General in the name of the United States for the assertion of the title of the Government to the lands involved. That suit will be in the name of the Government, and the parties for whom the Senator from New York says he appears here will have the same opportunity to co-operate with the Government as will these so-called settlers on the Des Moines lands. The second provision of the bill is:

And in any suits so instituted any person or persons in possession of or claiming title to any tract or tracts of land under the United States involved in such suits may, at his or their expense, unite with the United States in the prosecution of such suits.

That is, they may co-operate; and it does seem to me that it would be unseemly to provide by law that in an action of this kind by the Government in an effort to assert its title to these lands private parties should be required to come in and give bond for security for costs, and therefore I hope the amendment will be voted down.

Mr. LAPHAM. Mr. President, there is an obvious answer to that suggestion. If the settler and the purchaser unite with the Government in a suit to be commenced under this bill, I should like to know who will be made defendant? It is an absurdity on the face of it. Who will be prosecuted? Sir, such is not the design of this bill. The design of this bill is to have the Government unite with these squatters and sue the purchasers, or else there is no design in it. There can be no action commenced without making the claimants to this title under the purchase the defendants in the action.

I am amazed that the advocates of this bill are driven to such subterfuges as this. Who is to be prosecuted, who is to be made defendant, I repeat, if the claimant of the title unites with the Government, and the settler unites with the Government? How long would such a bill stand in a court on a demurrer? How long would a bill stand in court on demurrer if filed by the United States and one of these settlers who have no community of interest? It is either the land of the Government or the land of the settler or of the purchaser under the river grant. There is no joint interest in it; and a demurrer upon the ground of misjoinder of parties would inevitably defeat any action which can be brought under this bill, as every lawyer knows. It is impossible that we can subvert the principles of law by this bill.

Now, then, the purchasers will be prosecuted, if anybody, under this act; and this amendment simply provides that they shall have the ordinary security for costs for two reasons: first, that the settlers are irresponsible, and secondly, that the Government can not be made liable. If we could recover costs against the United States, I would not press this amendment; if the United States was liable for costs, I would not press this amendment; but it is because we shall be compelled to litigate this question at our own expense without any remedy for costs that I have offered the amendment which is now pending.

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). The question is on agreeing to the amendment of the Senator from New York.

Mr. LAPHAM. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. DAWES. I should like to inquire of the Senator from New York whether, if the proceedings are to be in the name of the United States, he desires to have a bond filed by the United States?

Mr. LAPHAM. They will be in the name of the United States and the settlers.

Mr. DAWES. Will the United States and the settlers together be sufficient to pay the costs?

Mr. LAPHAM. The United States is not bound; there is the difficulty; the United States is not liable in an action for costs. There is the trouble.

Mr. DAWES. I do not see why they would not be, if judgment were rendered against them. I understand that while the United States can not be called against its will into court, if the United States does of its own accord go into court it has to run the chances of any party. I may be mistaken.

Mr. LAPHAM. The honorable Senator is entirely mistaken. There can be no judgment for costs against the Government.

Mr. DAWES. Judgment is rendered against the Government in court frequently. I never heard before that it was a judgment without costs; but I may be mistaken.

Mr. LAPHAM. You are. In the Court of Claims by a special provision costs may be recovered.

Mr. DAWES. Does the Senator say that in suits against a collector or in any suit the United States brings upon a bond, for instance, and a judgment gets unfortunately rendered against the United States—that is to say, where the balance was on the other side, as it is sometimes—does he mean to say that judgment is rendered for the amount without costs?

Mr. LAPHAM. A party can not have costs against the Government. The honorable Senator will find no case of that kind.

Mr. DAWES. The Senator is more familiar with these proceedings than I am, and I take his construction on that point; but I confess it is a humiliation to state before the Senate that that is news to me.

The Secretary proceeded to call the roll.

Mr. MORGAN (when his name was called). I am paired with the Senator from Indiana [Mr. HARRISON].

The roll-call was concluded.

Mr. VEST. I am requested by the Senator from Louisiana [Mr. JONAS] to announce that he is confined to his house by illness. I have not paired him on this bill.

Mr. CALL. My colleague [Mr. JONES, of Florida] is absent on account of illness, and is not paired.

Mr. BROWN. I desire to state that my colleague [Mr. COLQUITT] is confined by sickness at his room to-day. I do not know how he would vote, and therefore I have not paired him.

The result was announced—yeas 23, nays 29; as follows:

YEAS—23.

Bayard,	Gibson,	Lapham,	Mitchell,
Blair,	Gorman,	McMillan,	Pike,
Brown,	Groome,	McPherson,	Pugh,
Chace,	Harris,	Mahone,	Sabin,
Fair,	Jackson,	Maxey,	Sherman,
Garland,	Jones of Nevada,	Miller of N. Y.,	

NAYS—29.

Allison,	Dawes,	Manderson,	Slater,
Beck,	Frye,	Morrill,	Van Wyck,
Bowen,	George,	Palmer,	Vest,
Butler,	Hale,	Platt,	Williams,
Call,	Hampton,	Plumb,	Wilson,
Cameron of Wis.,	Hawley,	Ransom,	
Cockrell,	Hill,	Saulsbury,	
Coke,	Ingalls,	Sawyer,	

ABSENT—24.

Aldrich,	Dolph,	Jones of Florida,	Pendleton,
Camden,	Edmunds,	Kenna,	Riddleberger,
Cameron of Pa.,	Farley,	Lamar,	Sewell,
Colquitt,	Harrison,	Logan,	Vance,
Conger,	Hoar,	Miller of Cal.,	Voorhees,
Cullom,	Jonas,	Morgan,	Walker,

So the amendment was rejected.

Mr. LAPHAM. I offer the following amendment, to add at the end of the second section:

In every action commenced under and in pursuance of the provisions of this act the defendant or defendants if successful shall have judgment for costs against the United States.

It will be seen this differs from the other amendment simply in dispensing with security for costs and making the Government liable for the costs. I ask for the yeas and nays on this.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. MORGAN (when his name was called). I am paired with the Senator from Indiana [Mr. HARRISON].

Mr. VANCE (when his name was called). I am paired with the Senator from Illinois [Mr. CULLOM]. I do not know how he would vote.

The result was announced—yeas 16, nays 31; as follows:

YEAS—16.

Bayard,	Dolph,	Lapham,	Manderson,
Blair,	Garland,	McMillan,	Miller of N. Y.,
Brown,	Gorman,	McPherson,	Mitchell,
Chace,	Groome,	Mahone,	Sherman,

NAYS—31.

Allison,	Gibson,	Lamar,	Saulsbury,
Beck,	Hale,	Maxey,	Sawyer,
Butler,	Hampton,	Morrill,	Slater,
Call,	Harris,	Palmer,	Van Wyck,
Cameron of Wis.,	Hawley,	Platt,	Vest,
Coke,	Hill,	Plumb,	Williams,
Fair,	Ingalls,	Pugh,	Wilson,
George,	Jackson,	Ransom,	

ABSENT—29.

Aldrich,	Dawes,	Jones of Nevada,	Sabin,
Bowen,	Edmunds,	Kenna,	Sewell,
Camden,	Farley,	Logan,	Vance,
Cameron of Pa.,	Frye,	Miller of Cal.,	Voorhees,
Cockrell,	Harrison,	Morgan,	Walker,
Colquitt,	Hoar,	Pendleton,	
Conger,	Jonas,	Pike,	
Cullom,	Jones of Florida,	Riddleberger,	

So the amendment was rejected.

Mr. LAPHAM. I offer the following amendment to come in at the end of section 2:

The provisions of this act shall not apply to such of the lands referred to in the joint resolution of March 2, 1861, as the Supreme Court of the United States has decided validated the titles of bona fide purchasers from the State of Iowa or its grantees prior to the passage of said joint resolution.

A few words, Mr. President. It will be seen that this amendment differs from the amendment, which was lost by one majority only, which I first offered, excepting all the lands which had been conveyed under the river grant to purchasers for value. I have drawn this amendment so as to limit it to those titles which the Supreme Court has decided were rendered valid by the resolution of the 2d of March, 1861, so as to prevent by this legislation a reopening of questions which have already been litigated between the settlers and these purchasers, or between other parties and these purchasers.

A large number of cases have been decided; some questions of law have been settled; and my object in this amendment is to prevent this bill from reopening those adjudications and again renewing the contro-

versities which ought to be regarded as having been settled by the decisions which were thus made. I have for that reason limited the exception to the class of cases in which the Supreme Court has decided that by the resolution of the 2d of March, 1861, the titles of the purchasers were rendered valid.

Who can object? If this bill is a bill to quiet titles, shall it be converted into a bill to reopen and disturb the titles already settled? Are Senators willing to vote such consequences as that? Are Senators willing to vote to reopen all the litigations which have been decided? On the contrary, will not Senators, lawyers, say that so far as the Supreme Court has determined these questions this litigation shall not reopen them.

It seems to me, Mr. President, that this proposition ought to receive the sanction of the Senate. I beg Senators to remember in whose behalf I am standing here, accused as I am of consuming time unnecessarily. I am standing here in behalf of a class of persons who more than twenty years ago paid their money to the State of Iowa, \$350,000, which the State of Iowa has had, and whose titles the Supreme Court has said are valid and binding and can not be disturbed. That is my position. I have been earnest in it, I have been persistent in it. I mean to be earnest and persistent in it to the end. I would defend the title of these purchasers here to the last extremity by every means known to the rules of parliamentary law and practice, as I would defend it if I were standing in a court of justice and they were being prosecuted. That is my duty. It is my pleasure, Mr. President, as well as my duty. If there is any position a Senator can occupy, if there is any position a lawyer can occupy, it is the position of defending titles which have been determined by the highest tribunals of the land to be valid; it is to defend those who in good faith have invested their money at the invitation of the Government of the United States, and whose titles have been ratified by the Congress of the United States and confirmed by the judgments of the Supreme Court.

This is my position; this is the secret of my zeal and earnestness in behalf of the measure, and this is why I press upon the attention of the Senate these amendments in the various forms in which I have offered them. First I offered an amendment providing that we should have security for costs. Then I offered an amendment providing that the Government should be liable to costs. First I offered an amendment that all the purchasers in the Des Moines River grant should be excepted. That was voted down by a bare majority. Now, I ask it, confining it only to those whose titles the Supreme Court has decided are valid under the resolution of the 2d of March, 1861. I submit to Senators that there is nothing unreasonable in this exception. It is not as broad as the exception which was framed by Senator McDonald, which I offered as the first of my amendments. It is narrowed to cases which have been adjudicated, which have been decided, which have been determined in favor of these purchasers. Now until this can be done the title of the bill is a misnomer. The bill to quiet the title of the Des Moines River lands is to become a law to reopen and again prosecute the controversies in regard to those lands which the Supreme Court has closed by its repeated decisions, which the courts of Iowa have closed by their repeated decisions, and this bill ought not to become a law without this exception is ingrafted upon it.

It would, as I said yesterday, instead of quieting titles, reopen the whole flood-gate of litigation in the State of Iowa, and perpetuate it we know not how long, and all the insecurity and turbulence and violence which have prevailed there for so many years would be renewed, and renewed in a form which, according to the refusal of the Senate thus far to ingraft an amendment by way of security, will forever deprive the owners of these lands of any compensation for the expenses of the litigation to which they are to be subjected.

Mr. President, I earnestly urge on the Senate the consideration of the amendment in the form in which I now offer it. I earnestly ask that the Senate will consider the propriety of this amendment and place it upon this bill, so as to prevent the retrial of questions which have been heretofore adjudicated.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The Senator from New York will suspend. The hour of 1 o'clock having arrived it becomes the duty of the Chair to lay before the Senate the unfinished business of yesterday, being Order of Business No. 872. The title of the bill will be read:

The CHIEF CLERK. "A bill (S. 1652) to provide for the improvement of the channel between Galveston Harbor and the Gulf of Mexico."

Mr. MORRILL. I move that the Senate proceed to the consideration of the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar. This bill has been partly considered, and the Senator from Ohio [Mr. SHERMAN] is ready to make a brief speech upon the subject, and I trust we may be able to get through with it in a very short time.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senate now proceed to the consideration of Order of Business 1074. The title of the bill will be read.

The CHIEF CLERK. "A bill (H. R. 4976) for the retirement and recoinage of the trade-dollar."

Mr. HOAR. I ask unanimous consent to address a question to the Senator from Vermont and have his answer before the Senate votes. —

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent to be heard on this question. The Chair hears no objection.

Mr. HOAR. I desire to ask the Senator from Vermont what is his purpose. I was very desirous of taking up the railroad funding bill, which it has been expected by a very large number of the Senate would follow the question which was disposed of yesterday. Of course a silver debate, such as we have had a good many specimens of in the last few years, is of no importance to the country; but a silver vote stopping superfluous coinage would, in my judgment, be worth not only any possible inconvenience, but an extra session. I should be prepared, for one, to have both Houses assemble here on the 5th day of March to secure the stoppage of the silver coinage, although it would be at the expense, of course, of great personal inconvenience to all of us to have such a session, so that nothing would stand in the way of the accomplishment of that hope. But I desire to ask my honorable friend from Vermont how soon he believes he will get a vote on the bill if it is taken up?

Mr. MORRILL. Mr. President, have I liberty to respond to the Senator?

The PRESIDENT *pro tempore*. Only by unanimous consent.

Mr. HOAR. I yield, if I can, to the Senator to answer my question.

The PRESIDENT *pro tempore*. The Senator from Vermont will proceed, if there be no objection.

Mr. HOAR. I asked unanimous consent that I might address a question to the Senator from Vermont and have his reply.

The PRESIDENT *pro tempore*. The Chair has asked unanimous consent for the Senator from Vermont, and he has it.

Mr. MORRILL. Mr. President, I do not anticipate a prolonged discussion upon this subject. I understand that the opponents of the amendment proposed by the Finance Committee to the trade-dollar bill are more anxious for a vote upon it than they are for a discussion. I trust that we may be able to get through with it in a very short time.

Mr. HOAR. In an hour?

Mr. MORRILL. No, sir.

Mr. HALE. I ask unanimous consent to be permitted to make a statement.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent to be heard on this question. Is there objection? The Chair hears none.

Mr. HALE. There are now two of the general appropriation bills before the Senate reported with amendments from the Committee on Appropriations, and it is desirable in view of the great appropriation bills which have not yet come from the other House, but which will be poured in upon us next week, that these two bills should be passed by the Senate to-day, for the likelihood is that to-morrow there will be no opportunity for doing business. I wish to give notice that if the Senate does not sustain the motion made by the Senator from Vermont I shall then seek to call up for consideration the agricultural appropriation bill, and upon that being finished the Post-Office appropriation bill in charge of the Senator from Kansas [Mr. PLUMB] will be called up with the leave of the Senate.

Mr. HILL. Mr. President—

The PRESIDENT *pro tempore*. Will the Senate grant consent to the Senator from Colorado being heard on this question? The Chair hears no objection.

Mr. HILL. I desire to say that the opinion expressed by the Senator from Vermont I think is entirely wrong. Before such an important measure as that which he proposes shall pass this body it will be necessary to lay material before it which will occupy at least several days. It is a measure of great importance which affects the volume of currency, and to seek to accomplish such an end by an amendment to the bill of the House seems to me to be very dangerous legislation, and I assure the Senate that it will require several days at least to get the proper information before the body in regard to it.

Mr. McPHERSON. Mr. President—

The PRESIDENT *pro tempore*. The Senator from New Jersey asks unanimous consent to be heard on this question. The Chair hears no objection.

Mr. McPHERSON. I desire to call the attention of the Senate to the fact that the bill which the Senator from Vermont has asked to have considered now by the Senate contains a provision for the retirement of the trade-dollar or its payment in standard silver dollars, about which I suppose there is but little difference of opinion in the Senate. If other subjects involved in the bill will lead to a more lengthy discussion, I hope at least that the Senate will agree to consider and favorably consider that portion of it relating to the trade-dollar.

Mr. MITCHELL. I ask unanimous consent to be allowed to make a very brief statement.

The PRESIDENT *pro tempore*. If there be no objection the Senator from Pennsylvania will proceed.

Mr. MITCHELL. I suppose most Senators know that Pennsylvania is, perhaps, more greatly interested in the primary question involved in this bill than any other State in the Union. The people of that State think a great wrong has been done to them because Congress has not provided for the redemption of the trade-dollar. Therefore, without regard to the importance of the question of coinage and the question

of currency involved in the amendment proposed by the Committee on Finance, I shall vote against that amendment and vote for the passage of the House bill for the redemption of the trade-dollar. I believe many other Senators will do the same; and I trust we shall be able to get a direct vote upon the bill itself as it came from the House. The House passed it to provide for the redemption of the trade-dollar. Then if the question is presented either by a bill from the House or by a bill reported from the Committee on Finance here, I shall be as ready as any Senator to dispose of the whole question. I do not, however, believe it is possible that that question can be disposed of during this session. Therefore I think it impracticable to involve the subject of the redemption of the trade-dollar with the consideration of the coinage question in general. I hope the bill will be taken up.

Mr. CAMERON, of Wisconsin. What is the pending question, Mr. President?

The PRESIDENT *pro tempore*. The motion of the Senator from Vermont [Mr. MORRILL] that the Senate proceed to the consideration of the so-called trade-dollar bill.

Mr. CAMERON, of Wisconsin. Would a motion to proceed to the consideration of an appropriation bill now be in order?

The PRESIDENT *pro tempore*. The Chair thinks not until after the question is put on the pending motion. It would be merely piling up motions which are not subject to amendment.

Mr. CAMERON, of Wisconsin. I call the attention of the Chair to Rule IX, and ask that that rule be read.

The PRESIDENT *pro tempore*. Rule IX will be read, if there be no objection.

Mr. CAMERON, of Wisconsin. The first part of the rule, the first subdivision.

The Chief Clerk read as follows:

RULE IX.

ORDER OF BUSINESS.

Immediately after the consideration of cases not objected to upon the Calendar is completed, and not later than 2 o'clock, if there shall be no special orders for that time, the Calendar of General Orders shall be taken up and proceeded with in its order, beginning with the first subject on the Calendar next after the last subject disposed of in proceeding with the Calendar; and in such case the following motions shall be in order at any time as privileged motions, save as against a motion to adjourn, or to proceed to the consideration of executive business, or questions of privilege, to wit:

First. A motion to proceed to the consideration of an appropriation or revenue bill.

Second. A motion to proceed to the consideration of any other bill on the Calendar, which motion shall not be open to amendment.

Third. A motion to pass over the pending subject, which, if carried, shall have the effect to leave such subject without prejudice in its place on the Calendar.

Fourth. A motion to place such subject at the foot of the Calendar. Each of the foregoing motions shall be decided without debate, and shall have precedence in the order above named, and may be submitted as in the nature and with all the rights of questions of order.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Vermont.

Mr. HALE. I ask unanimous consent that the Senate proceed now to the consideration of the agricultural appropriation bill.

The PRESIDENT *pro tempore*. The Chair will state in reply to the inquiry which the Chair supposed was intended by the Senator from Wisconsin—

Mr. CAMERON, of Wisconsin. I think I have discovered that this rule applies to business during the morning hour.

The PRESIDENT *pro tempore*. The Chair thinks it applies to business all the time except when a special order is up; but Rule X as to special orders provides that they shall be laid before the Senate, and there is one now laid before the Senate. Then at the foot of the rule about special orders it is provided:

And all motions to change such order, or to proceed to the consideration of other business, shall be decided without debate.

The Chair is under the impression that if the pending measure, the Galveston Harbor bill, were not a special order, the operation of Rule IX would be complete and effective, and that a motion to proceed to the consideration of an appropriation bill would stand next in order to a motion to adjourn or to proceed to the consideration of executive business, and must be put in the order of its precedence, no matter when made, as a preceding motion; but the Senate now having before it a special order, the Chair thinks that the simple motion is to proceed to the consideration of other business, and that the Senator from Vermont has made.

The Chair will now ask the unanimous consent which the Senator from Maine proposes, that the Senate proceed to the consideration of the agricultural appropriation bill. Is there objection?

Mr. MORRILL. I shall object, but I will give way by an informal postponement if the bill is taken up.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Vermont that the Senate proceed to the consideration of the trade-dollar bill, so called.

Mr. MORRILL called for the yeas and nays; and they were ordered. Mr. BECK. I understand the Senator from Vermont, after this bill is taken up, is willing to allow the appropriation bill to be considered.

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. MORRILL. I so said.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Vermont, on which the yeas and nays have been ordered.

The yeas and nays were taken.

Mr. VEST. I was about to announce the pair of the Senator from Louisiana [Mr. JONAS] with the Senator from New Hampshire [Mr. PIKE] on authority from the Senator from Wisconsin [Mr. CAMERON], presuming that the Senator from New Hampshire would vote "yea," but I see the Senator from New Hampshire is about to vote.

Mr. CAMERON, of Wisconsin. I will pair with the Senator from Louisiana.

Mr. VEST. The Senator from Louisiana is paired with the Senator from Wisconsin.

Mr. CAMERON, of Wisconsin (after having voted in the negative). I ask leave to withdraw my vote.

The PRESIDENT *pro tempore*. The vote will be withdrawn if there be no objection.

Mr. VEST. The Senator from Louisiana [Mr. JONAS], if present, would vote "nay."

Mr. PIKE. I am paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. MANDERSON. I am paired with the Senator from Florida [Mr. JONES]. If he were here, I should vote "yea."

Mr. CAMERON, of Wisconsin. I understand my pair would vote "nay." I also vote "nay."

The result was announced—yeas 27, nays 22; as follows:

YEAS—27.

Aldrich,	Frye,	Lapham,	Palmer,
Bayard,	Gorman,	McPherson,	Platt,
Beck,	Groome,	Mahone,	Saulsbury,
Blair,	Hale,	Miller of N. Y.,	Sewell,
Butler,	Hampton,	Mitchell,	Sherman,
Chace,	Howley,	Morgan,	Slater,
Dawes,	Hoar,	Morrill,	

NAYS—22.

Call,	George,	Maxey,	Van Wyck,
Cameron of Wis.,	Gibson,	Miller of Cal.,	Vest,
Cockrell,	Harris,	Pendleton,	Williams,
Coke,	Hill,	Plumb,	Wilson,
Edmonds,	Ingalls,	Pugh,	
Garland,	Jackson,	Sawyer,	

ABSENT—27.

Allison,	Cullom,	Jones of Nevada,	Ransom,
Bowen,	Dolph,	Kenna,	Riddleberger,
Brown,	Fair,	Lamar,	Sabin,
Camden,	Farley,	Logan,	Vance,
Cameron of Pa.,	Harrison,	McMillan,	Voorhees,
Colquitt,	Jonas,	Manderson,	Walker,
Conger,	Jones of Florida,	Pike,	

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar.

The PRESIDENT *pro tempore*. The pending question is on the motion of the Senator from Kansas [Mr. INGALLS] to strike out section 5 of the amendment of the Committee on Finance.

Mr. MORRILL. I now consent, as I indicated I would, that the Senator from Maine [Mr. HALE] shall bring up the appropriation bill he mentioned.

The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent that this bill be informally laid aside and that the Senate proceed to the consideration of the agricultural appropriation bill. Is there objection?

Mr. CAMERON, of Wisconsin. I object.

The PRESIDENT *pro tempore*. Objection is made.

Mr. HALE. I was about to make a motion that the Senate proceed to the consideration of the agricultural appropriation bill.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate now proceed to the consideration of the agricultural appropriation bill.

Mr. PLATT. I rise to a parliamentary inquiry. If this motion shall now prevail, will the effect of it be to displace and throw back on the Calendar the bill which has just been taken up?

The PRESIDENT *pro tempore*. The effect of it will be to leave the trade-dollar bill on the Calendar subject to a motion to take it up again.

Mr. PLATT. Then I hope that the Senator from Maine—

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. PLATT. I ask unanimous consent to say that I hope—

The PRESIDENT *pro tempore*. The Senator from Connecticut asks

unanimous consent to be heard on the pending question. Is there objection? The Chair hears none.

Mr. PLATT. I hope the Senator from Maine will not press his motion at the present time. I have no doubt that he can get unanimous consent after a little while.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Maine.

The motion was agreed to.

MARIA G. UNDERWOOD.

Mr. LAPHAM. I ask permission to offer a resolution to lie over until to-morrow.

The PRESIDENT *pro tempore*. Is there objection to the resolution being received at this time? The Chair hears none. It will be read. The Secretary read as follows:

Resolved, That there be paid out of the contingent fund of the Senate, to Alice E. Underwood, executrix of the last will and testament of Maria G. Underwood, administratrix of John C. Underwood, deceased, the sum of \$5,000, in full compensation for the time and expenses of the said John C. Underwood in prosecuting his claim to a seat in the Senate as a Senator from the State of Virginia.

Mr. ALLISON. I object. That resolution is not in order at this time.

The PRESIDENT *pro tempore*. The Senator from New York received unanimous consent to present it. The Chair asked for unanimous consent that he have leave to offer the resolution.

Mr. ALLISON. I did not hear the Chair state that. The PRESIDENT *pro tempore*. The Chair so stated distinctly, and the Chair heard no objection. The resolution is now objected to by the mover of it, and goes over until to-morrow.

Mr. ALLISON. Very well.

The PRESIDENT *pro tempore*. The agricultural appropriation bill is the business before the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House requested the Senate to return to the House of Representatives the bill (S. 229) to authorize the Secretary of the Treasury to erect a public building in the city of Key West, Fla., to correct an error of engrossment of the House amendments.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7857) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1886, and for other purposes.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. 305) for the relief of Thomas T. Stratton, assignee of W. B. Waldran;

A bill (S. 1031) for the relief of W. C. Marsh;

A bill (S. 1347) for the relief of the sufferers by loss of the Government steamer J. Don Cameron;

A bill (S. 1412) authorizing the Secretary of War to adjust and settle the account for arms between the State of South Carolina and the Government of the United States; and

A bill (S. 1839) for the erection of a public building at Chattanooga, Tenn.

GEORGE E. SPENCER AND MARIA G. UNDERWOOD.

Mr. HOAR. I ask unanimous consent that the resolution for payment to George E. Spencer of a sum of money for expenses incurred by him in defending his title to a seat, and the resolution just introduced by the Senator from New York [Mr. LAPHAM] in regard to Maria G. Underwood, be referred to the Committee on the Contingent Expenses of the Senate.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator include in his request both resolutions?

Mr. HOAR. Yes, sir; both.

The PRESIDING OFFICER. The Senator from Massachusetts asks the unanimous consent of the Senate that the resolution introduced by himself this morning, and one introduced on a former day by the Senator from New York, be referred to the Committee to Audit and Control the Contingent Expenses of the Senate. Is there objection?

Mr. HOAR. There are two resolutions on each of these subjects. I should like to have them all go to the committee.

The PRESIDING OFFICER. The two resolutions upon each subject will be included in the request—the two resolutions on the Calendar and the two introduced to-day and on the table. Is there objection?

Mr. INGALLS. I have no objection to the Spencer resolution going to the committee, but the Underwood resolution I propose shall lie over till to-morrow.

The PRESIDING OFFICER. There being objection as to the Underwood resolutions, is there objection to the others being referred?

Mr. MILLER, of New York. I object then to the others being referred.

The PRESIDING OFFICER. There is objection. The reading of the agricultural appropriation bill will proceed.

Mr. MILLER, of New York. I ask consent to withdraw my objection to the request of the Senator from Massachusetts to send certain resolutions to the Committee on Contingent Expenses. I am satisfied there ought not to be anything like retaliation in the legislation of this body, and I regret that I made the objection, although I felt somewhat aggrieved at the moment as to the other case which interested a citizen originally of New York. I withdraw my objection.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. HOAR] renews his request. The Senator from Massachusetts asks unan-

imous consent that the resolutions referred to by him a moment since, the two in respect to Spencer, be referred to the Committee on Contingent Expenses. If there be no objection that order will be made. The Chair hears no objection.

PUBLIC BUILDINGS AT KEY WEST.

The PRESIDING OFFICER laid before the Senate the following resolution from the House of Representatives; which was read:

Resolved, That the Clerk of the House be directed to request the Senate to return to the House the bill of the Senate (No. 229) "to authorize the Secretary of the Treasury to erect a public building in the city of Key West, Fla.," to correct an error of engrossment of House amendments.

The PRESIDING OFFICER. If there be no objection the order returning the bill to the House of Representatives will be entered. Hearing no objection, it is so ordered.

AGRICULTURAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8030) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1886, and for other purposes.

Mr. HALE. I ask that the formal reading of the bill be dispensed with, and that it be considered by clauses or sections for amendment.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent that the bill be read by paragraphs for amendment, and that the amendments reported by the Committee on Appropriations be considered in their order as the reading proceeds. If there be no objection, that order will be made. The Chair hears none.

The Secretary proceeded to read the bill.

The first amendment reported by the Committee on Appropriations was, in the appropriations for the "office of Commissioner of Agriculture," in line 20, after the word "dollars," to insert:

One microscopist, \$1,800; one botanist, \$1,800; one assistant botanist, \$1,200.

The amendment was agreed to.

The next amendment was, in line 35, to increase the total amount of the appropriations for the total compensation of the Commissioner of Agriculture and the clerks and employees in his office, from \$65,480 to \$70,280.

The amendment was agreed to.

The next amendment was, in the heading in line 37, after the word "chemical," to strike out "bureau" and insert "division;" and in line 42, after "chemical," to insert "division;" so as to make the clause read:

CHEMICAL DIVISION.

For compensation of chief chemist, \$2,500; one assistant chemist, \$1,600; one assistant chemist, \$1,400; employment of additional assistance, when necessary, in the chemical division, \$6,000; in all, \$11,500.

Mr. MILLER, of New York. I desire to ask for the reason of the change, striking out "bureau" and inserting "division?" The Agricultural Department uses the word "bureau," and the statistics collected by it go to its bureau of statistics. A year ago we passed a law creating a Bureau of Animal Industry in the Agricultural Department. That, of course, remains as the title was made by law. It seems to me it would be much better to use the title "bureau," in referring to all the special divisions of any Department, rather than to use the word "division." It is more in accordance with the general practice in governmental affairs. I know that the Department itself desires to retain the title "bureau" rather than that of "division."

Mr. HALE. I think the Senator on my explanation will see that the committee are right in this change. The House of Representatives in passing this bill took up each of the little divisions and subdivisions and called it a bureau. For instance, on page 4, the whole force in the business of the Department under the head of "the microscopical bureau" is one man at \$1,800 a year, and they make that the "microscopical bureau."

Mr. MILLER, of New York. That would be undoubtedly wrong.

Mr. HALE. In the botanical branch there are two men, and they are made the "botanical bureau;" and so the seeds division is made a bureau, and so the agricultural statistics division, and so as to this chemical division where the whole number employed is only seven or eight men and \$11,000 is expended. The House made them all bureaus.

To the Committee on Appropriations of the Senate that proceeding smacked of absurdity, if I may use that word. A bureau is a great branch of the Government. The Pension Office, with its thousands of employes and the expenditure of tens of millions of money, is a bureau; the Land Office, with its great interests and expenditure and force is a bureau; the Patent Office, with hundreds of clerks ramifying all over the country into every branch of industry and human invention, is a bureau. So in the Treasury Department; the great subdivisions there, the Comptroller's Office, the Customs Office, the various Auditors' offices, the Treasurer's branch, &c., are bureaus; and in those bureaus are subdivisions which are simply called divisions. The Committee on Appropriations did not believe that it was fitting or proper to elevate the subdivisions of this Department into the scale of bureaus, and so has retained the old arrangement of divisions. A statute of last year created the Bureau of Animal Industry, fixed that in terms, and so the committee

did not seek to interfere with that and has left it, and has left all the rest as they have been heretofore, simply "divisions."

I think this will appeal to the Senator from New York himself. If he were casting the bill he would cast it in this way, I am confident.

Mr. MILLER, of New York. In the main I agree with the Senator from Maine as to what he has said; these small divisions should not be dignified by being made bureaus; but it occurred to me that the change of name might be proper as to the chemical division of the Department of Agriculture, though I am not well informed in regard to that division. In the Treasury Department the Bureau of Statistics is dignified by being called the Bureau of Statistics, and all their statistics are issued by that bureau under that name. In the Agricultural Department statistics are also issued as coming from its bureau of statistics. They use that title, whether legally or not, and it is so on all the publications I have received from the Agricultural Department. I have only to suggest that perhaps in one or two cases the title "bureau" might be retained, but not certainly in all the smaller divisions the Senator has indicated. I have no particular desire or care about it, but there is one bureau, that of animal industry, established by law.

Mr. HALE. That has not been interfered with.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on the amendment reported by the Committee on Appropriations to strike out the word "bureau" and insert "division," in line 37 and in line 42.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in the heading in line 44, after "entomological," to strike out "bureau" and insert "division;" in line 47, after the word "entomological," to strike out "bureau" and insert "division;" and in line 57, after the word "entomological," to strike out "bureau" and insert "division;" so as to make the clause read:

Entomological division:

For compensation of entomologist, \$2,500; one assistant entomologist, \$1,400; assistants in the entomological division, when necessary, \$4,000; for investigating the history and habits of insects injurious to agriculture and horticulture, experiments in ascertaining the best means of destroying them, and for the promotion of economic ornithology, or the study of the interrelation of birds and agriculture, an investigation of the food, habits, and migration of birds in relation to both insects and plants, and publishing report thereon, for drawings, and for chemicals and traveling and other expenses on the practical work of the entomological division, \$20,000; in all, \$27,900.

Mr. MILLER, of New York. I have no objection to that amendment, but I want to move an amendment.

The PRESIDING OFFICER. The Chair will suggest to the Senator that the order is to act first on the amendments the Committee on Appropriations have reported.

Mr. MILLER, of New York. I supposed we were to offer amendments as the reading went on.

The PRESIDING OFFICER. The Chair understood the order to be to act first on the amendments reported by the committee, and then the bill will be open to amendment.

Mr. MILLER, of New York. I think it will be better to let me offer my amendment now. This is the only amendment I have.

Mr. HALE. I have no objection.

The PRESIDING OFFICER. Does the Senator from New York propose to amend the amendment of the committee?

Mr. MILLER, of New York. No; let that be acted on.

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from New York will now propose his amendment, if there be no objection.

Mr. MILLER, of New York. I am instructed by the Committee on Agriculture and Forestry to move an amendment, in line 57, to strike out the word "twenty" and insert "thirty;" and also in the same line to strike out "twenty" and insert "thirty;" so as to read:

And other expenses on the practical work of entomological division, \$30,000; in all, \$37,900.

I ask the attention of the Senate for a few moments to this proposition. The action of the Committee on Agriculture and Forestry was had two or three weeks since on this question, and I gave the papers relating to it to the Senator from Kansas [Mr. PLUMB], a member of the Committee on Appropriations, supposing he would have charge of the agricultural appropriation bill; but it seems in the preparation of these bills it fell to the charge of the Senator from Maine, and I presume his attention was not fully called to this proposition and to the recommendation of the Committee on Agriculture.

The occasion for this increase arises in this wise: In line 51 there has been inserted in this bill a clause including:

And for the promotion of economic ornithology, or the study of the interrelation of birds and agriculture, an investigation of the food, habits, and migration of birds in relation to both insects and plants, and publishing report thereon, for drawings, and for chemicals and traveling and other expenses.

Those words have been put into this bill this year, of course resulting in an increase of the labor of the entomological division and largely increasing its expenditures if it is to do the work that has been assigned to it. The reason for this has come about in this wise: There has been organized in this country an ornithological union, composed of the leading naturalists of this country, extending over the entire country and also over Canada. There has also been organized an international ornithological union, and these unions of the different civilized countries are acting in connection. Some of them have been at work for several years. The unions of the various countries have applied to their respective governments asking that the governments take up this work to a certain extent—that is, the work of the collation of facts and the publication of facts.

These ornithological unions, which are studying the questions designated in these lines, are doing the work voluntarily for the advancement of science and the good of mankind in general. These associations are entirely voluntary, and all their work is done without compensation for love of the cause. They have collected and are collecting large amounts of information upon this subject, which is very valuable and is undoubtedly to be of great value to the agriculturists as a class. They do not feel able to undertake the work of classifying and collating the information which they have obtained, or of publishing it for the benefit of the world, and they have asked for the action indicated in the lines which I read.

During the past two years there have been scattered all over the United States more than a thousand gentlemen engaged in making these observations. Circulars were prepared and sent out to all the various stations by the Smithsonian Institution at the request of the Ornithological Union, of course the expense being paid by the Smithsonian Institution as under the law it had a right to do; but it is not able to go on with the proper publication of these results. A very large amount of information has been obtained. All the light-house keepers in the United States and in Canada have been instructed by the proper department to obtain the information desired; blanks have been furnished them, and they have made regular reports, and these reports have come in in very large numbers.

The Ornithological Union presented some weeks ago to Congress a memorial fully setting forth the work they were doing, and what they desired the Government to do in the premises. I will not detain the Senate by reading the whole of it, but will simply refer to a few passages in it in order to show that the work they are doing is not only of great scientific value to the country but that it has much of practical advantage to farmers. First, as to their means of obtaining information:

The stations from which returns have come, in addition to those in Spanish America, are scattered over the whole country, extending in the east from Sonbrero Key, Florida, to Newfoundland, and in the west from Arizona and Southern California to British Columbia. They are most numerous in New England, the Atlantic district, the Mississippi Valley, and Nova Scotia.

They go on to say:

That material now in hand is of great value, and is so voluminous that the committee can not properly arrange, systematize, and publish it without Government aid. Its value does not consist wholly in its scientific interest, for it has direct bearings upon many of the problems with which the practical agriculturist is concerned.

On that point let me say that this investigation includes a thorough examination into the food and habits of all birds, and they have already discovered that some species of birds which have been supposed to be of injury to the horticulturist and farmer have been found to be their best friend, and instead of being destroyed they ought to be preserved. On the other hand, they have discovered that some birds which were supposed to be of advantage to agriculture are enemies of agriculture and ought to be exterminated. The operations of this union cover the migration of birds, their geographical distribution, and also includes the whole subject of economic ornithology.

The subcommittee on migration has undertaken to ascertain the whereabouts of all our birds during the winter season, and the times of leaving their winter homes; to determine if possible the number and extent of the chief avenues of migration in North America, and the average rate of speed at which the different species travel; to find out the dates of appearance and disappearance of each successive bird-wave for at least a thousand localities, both in spring and fall, for a period of years, together with the causes which influence the same, and to draw therefrom such generalizations and deductions as the material collected will permit.

The inquiry concerning the food of birds is one of much consequence, because it undertakes the solution of many of the problems which beset the practical farmer and sheds light upon many questions concerning which almost universal ignorance prevails.

Primarily, the food of all birds must consist either of animal matter or vegetable matter or both, and its consumption must be serviceable or prejudicial to the interests of mankind. On this basis, all birds may be classed under one of three heads:

I. Birds whose habits render them, on the whole, beneficial.

II. Birds whose habits render them, on the whole, injurious.

III. Birds whose habits, so far as known, make it doubtful whether, on the whole, they are beneficial or injurious.

And it is for the solution of this and other problems that this union has been formed and has been doing this voluntary work. I believe that there is no investigation now being made into natural history which will be of so great value to all our people and to the whole world as the investigations of these various unions of ornithologists who are now pursuing this subject.

In the investigation of economic ornithology still other questions present themselves. Among them may be mentioned:

At what season and for how long a period is the bird with us? How many broods does it rear each season?

Does it inhabit marshes, uplands, cultivated fields, or forests?

Does it take up its abode near the habitations of man, or does it inhabit districts remote from civilization?

What effect does the settlement of a region have upon its bird-life? What birds, if left to themselves, are likely to become most abundant as the country grows older?

In pursuance of these researches it is evident that much good would result from friendly co-operation with the entomological and botanical divisions of the Department of Agriculture and with the United States Entomological Commission.

They continue:

The practical bearings of this investigation are not obscure. When the limitations of the several faunal areas have been ascertained with sufficient exactness and admit of graphic illustration by means of colored maps, it will be possible to predict, with considerable accuracy, the course which an injurious insect will pursue in extending its march from the point where its first devastations are committed, and our farmers may be forewarned, so that those living in districts likely to become infested can plant different crops and thus be saved large pecuniary loss; while those living just outside will derive increased revenue from the cultivation of the particular crop affected. The questions having to do with the distribution of species are referred to the subcommittee on that subject.

Further in regard to the practical value of this work the memorial sets forth:

It has already been shown (in the sections treating of economic ornithology) that the study of the distribution and food of birds has such direct bearings upon practical agriculture that its importance can hardly be overestimated. There can be no reasonable doubt that the farmers of the United States would profit to the extent of thousands of dollars per annum by availing themselves of the results of these inquiries.

In view of the facts herein briefly outlined your memorialists humbly beg to suggest the urgent need of the creation, as a branch of the Department of Agriculture, of an ornithological department or bureau for the collection and elaboration of data respecting the migration and geographical distribution of our birds and the investigation of all questions of an economic character relating to North American ornithology.

In the event of the immediate establishment of such a bureau by your honorable body, your memorialists pledge the same their hearty support and co-operation.

This is signed by the officers of this Ornithological Union. This matter was laid before the Department of Agriculture and brought to the attention of the Smithsonian Institution, and Professor Baird joined in recommending this action, and of course an appropriation is needed. The result has been that authority to undertake this investigation and the compilation of the statistics and the data which can be furnished and will be furnished by this union has been put into this bill, but there has been no increase of the appropriation for the expenditures of the entomological division. Ten thousand dollars was asked for as being the least sum that can properly do this work. When the bill passed the House and the chief of this division, Dr. Riley, discovered it he came to see me, and not finding me wrote to me a letter, portions of which I will read, and from which the Senate will see that it is necessary to increase this appropriation somewhat; otherwise the work can not be done at all:

I regret very much to see that in the bill appropriating for the expenses of this Department, as it passed the House on Saturday, a clause was interpolated in the paragraph making appropriations for the entomological bureau (lines 47-51) requiring certain work in economic ornithology, without making any additional appropriation to meet the additional work required.

By the advice of Commissioner Loring, I beg to call your attention to this fact in the hope that you will urge the Senate Appropriations Committee to so modify the bill by a Senate amendment as to do away with the disadvantages which in its present form it would bring about in my work.

The work of the entomological bureau has all been planned and the force organized on the basis of the present appropriation, and the diversion of any portion of this small appropriation to work hitherto not suggested would seriously affect and cripple the present work of the bureau. In other words, I should be obliged either to disrupt the present organization of the bureau and disappoint the farming community, or, continuing the work already planned, make merely a pretense of pursuing the ornithological work required.

I will say that I am fully in sympathy with the purposes of the Ornithological Union, and that I regret very much having found you out when I called on you.

Then he goes on to say that this item in the appropriation bill of \$30,000, and in all, for the entire division, \$27,900, is precisely the same appropriation that was made last year, and which of course was used in the work of that division, without any reference to this new work which is to be added to it, and it will be absolutely impossible for the division to do this work properly unless this small sum of \$10,000 be added to it. I trust that the Senate, in the interest of agriculture, in the interest of science, will grant this addition of \$10,000. The large amount of work already done by the union would be placed in the hands of the Department, and by proper clerks it can be classified and generalizations from it made and put in proper shape for publication, that all may have the benefit of the work.

Nearly all the other governments of the civilized world, so far as I know, have taken action on this matter, as I understand from the president and secretary of the American union. In Canada the government has done the same thing. I hold in my hand a circular issued by the department of marine at Ottawa, in which it calls on all the various stations of observation established all over that country to send their communications to the department of marine, by which they are to be taken in charge and collated; and it also gives notice that all their communications are to be post free—that is, franked. It seems to me that our Government ought to do this much for the public benefit.

If any Senator has any question or any suggestion to make I shall be happy to answer it.

Mr. HALE. I think we can get at this. Let the amendment be read.

The PRESIDING OFFICER. The amendment will be read.
Mr. MILLER, of New York. It is an increase of \$10,000 in line 57.

The CHIEF CLERK. In line 57, page 3, it is proposed to strike out the word "twenty," before "thousand," and insert "thirty;" so as to read:

For drawings and for chemicals and traveling and other expenses on the practical work of the entomological division, \$30,000.

Mr. HALE. "In all, \$37,900?"

Mr. MILLER, of New York. Yes; that is included.

Mr. HALE. Let me inquire of the Senator from New York if this amendment is moved under the rules by a committee?

Mr. MILLER, of New York. The amendment is moved by proper authority from the Committee on Agriculture and Forestry.

Mr. HALE. I will not, if I can, make the point of order, because I sympathize with the Senator from New York in what he is seeking to accomplish.

Mr. MILLER, of New York. I have no doubt if it had not been on account of my mistake, supposing the Senator from Kansas would have charge of this particular bill, if I had presented the matter to the Senator from Maine and submitted it properly, it would have been put in the bill at once; but I sent it to another Senator, supposing he had charge of the bill, and therefore neglected properly to bring it to the attention of the Committee on Appropriations.

Mr. HALE. I do not make any point of order; but I wish to make a suggestion to the Senator from the letter of Dr. Riley. There has been certain work added to this division. It is a cognate work to what it has been doing before, but it extends its scope and no additional appropriation has been made for that purpose. I see in the letter of Dr. Riley, a part of which the Senator read, he says:

In view of the foregoing facts he would beg you either to get the general appropriation to the entomological bureau increased by either \$5,000 or \$10,000, or, what would be preferable, to add the new matter as a separate and independent clause.

And in a postscript he says:

I had a consultation with Mr. HATCH, chairman of the House Committee on Agriculture, last night, and he agreed to support an addition of \$5,000 to the appropriation, and I have little doubt but an explanation to Senator PLUMB will bring about the desired amendment.

I think if the Senate will put the increase at \$5,000 we shall have no trouble with the House and it will go through easily. I make that suggestion.

Mr. MILLER, of New York. I hope the Senator will not insist upon that in any way, because in my talk with Dr. Riley I found that even \$10,000 would be scarcely enough, and the suggestion that the addition be either \$10,000 or \$5,000 was made under an apprehension that Congress might not be very favorably disposed to scientific pursuits. I think therein he did us great injustice. My conversation with the president and secretary of the American Union of Ornithologists leads me to believe that the appropriation ought to be much more for the amount of work now on hand. I have seen some of the work; and it is very voluminous and very valuable, and I do not believe clerks can be set to work upon it to put it in proper shape ready for publication for less than \$10,000. If we appropriate \$5,000, a less number of clerks will be put to work, and it will simply delay the publication of the results, which I believe are very valuable to all of us, for another year, and certainly I think the Government of the United States can afford to give this pittance of \$10,000 in order that we may get at the results, and that whatever benefit may arise to agriculture or to science may not be delayed and postponed to a distant day. The Department of Agriculture is not a very great burden on the public Treasury, and I hope the Senate will simply consent that my amendment for \$10,000 shall be adopted as it stands. Then if there shall be any trouble with the House, that can be arranged.

Mr. HALE. I do not think the difference is enough to pay for making any more fuss about it, and if the Senator insists on his amendment I shall not oppose it.

Mr. MILLER, of New York. The Committee on Agriculture considered this whole matter, and it is the only change that the Committee on Agriculture suggest in the bill. In other respects they leave it as it is.

Mr. HALE. Let us have a vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from New York.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to strike out lines 74, 75, 76, as follows:

Microscopical bureau: For compensation of microscopist, \$1,900.

The amendment was agreed to.

The next amendment was to strike out lines 77, 78, 79, and 80, as follows:

BOTANICAL BUREAU.

For compensation of one botanist, \$1,900; for one assistant botanist, \$1,200; in all, \$3,000.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 95.

Mr. PLUMB. I do not want to disturb the order of procedure, but inasmuch as the Senator from New York was indulged to propose an amendment prior to the adoption of the amendments of the committee

as a whole, I ask leave to move an amendment at line 94 at this time, if it will not disconcert the Senator having charge of the bill.

Mr. HALE. No, sir; I have no objection to that.

The PRESIDING OFFICER. If there be no objection, the Senator from Kansas will state his amendment.

Mr. PLUMB. In line 94 I move to strike out "twenty" before "thousand" and insert "fifty," so as to make the clause read:

LABORATORY.

For chemicals and apparatus for the use of the chemists and microscopists, and for the necessary expenses in conducting experiments, including experiments in the manufacture of sugar from sorghum and other vegetable plants, \$50,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Kansas.

Mr. PLUMB. The sum of money proposed by the amendment which I now offer was appropriated by the last agricultural appropriation bill. The design of the committee, and of the Senate in providing for that appropriation, was to enable the Commissioner of Agriculture to engage in certain experiments in regard to machinery necessary for the manufacture of sugar from sorghum. The whole of the appropriations are illy placed in the bill. In fact, the bill itself in every way is as badly arranged as any bill could possibly be in failing to bring together cognate subjects of inquiry. But following the arrangement which has been perpetuated ever since appropriations have been made separately for the Agricultural Department, under the head of "laboratory" is this item, which as I said before was increased to \$50,000 last year with the design of having these experiments made.

The experiments were especially calculated to be in a certain direction, in the direction of what is called diffusion as applicable to the extraction of the saccharine matter from cane. The ordinary process of crushing and of steaming in connection with it as sometimes applied has not been satisfactory.

I have before me a letter written by a gentleman in Louisiana addressed to Mr. Wiley, the chemist of the Department of Agriculture, under date of December 15, 1883, in which in discussing this question of the amount of juice extracted from the cane, and referring to the date of 1873, at which time certain experiments had been made among the cane-growers of Louisiana in the use of the diffusion apparatus, he says:

We were then still sharing the common belief of our planters, that they could and did, with their more powerful mills at least, extract from seventy to seventy-two pounds of juice out of every one hundred pounds of cane. We only hoped to increase this, by diffusion, to eighty-four or eighty-five pounds, so that by adopting the process our planters should gain about 20 per cent.

You may therefore judge how great must have been our surprise when, by the use of scales, by the measuring of the juice, and by the usual polariscopic tests, we ascertained beyond a doubt that only a very few mills in this country did extract more than fifty-five to fifty-eight pounds of juice; that instead of obtaining only 20 per cent. more juice by diffusion the yield was really increased from 40 to 50 per cent., and that this juice, in spite of the various defects in our primitive machinery, with its unavoidable irregularities and delays, had rather gained than lost in purity.

It is conceded now everywhere that the ordinary crushing machinery applied to the extraction of juice from cane, whether the Louisiana cane or the bastard cane known as sorghum, does not ordinarily result in the extraction of more than 50 to 55 per cent. of the juice. The total amount of juice is supposed to be 88 per cent. of the weight of the cane, and about 37 to 45 per cent. is the range of the amount obtained by the ordinary processes of extraction.

The question of the manufacture of sugar has recently excited more than usual attention and has resulted in the establishment of works in Illinois and at three different points in Kansas for the manufacture of sugar from sorghum. As the result of that, during the last year from 600,000 to 700,000 pounds of merchantable sugar were made in Kansas from the sorghum plant. I have here a sample of what is called "A sugar," made by the ordinary process, and which I should be glad to have every Senator who has any interest in this matter examine and taste for himself in order to see that the sugar made from sorghum, whatever it may have been heretofore, is as absolutely free from any anti-saccharine substance, from anything which to the taste characterizes it as different from the ordinary sugar, as can be imagined. It is as good in every respect and has taken its place alongside of the best article manufactured out of the Louisiana cane, and has met every expectation of both seller and consumer.

The result obtained in sugar has been supplemented by an equally acceptable result obtained in the manufacture of molasses. It is now made in large supply and of a quality which is nearly as uniform as that which comes from the refineries of the product of the Louisiana cane.

For the purpose of relieving the manufacturer from the great loss resulting from imperfect machinery, experiments have been adopted in the use of a new process called diffusion, and that is new only in this country, because in France and in Germany, where sugar is made almost wholly from beets, the diffusion process has been in use for many years and with great success. It is estimated in those countries that about 98 per cent. of the saccharine substance is taken from the beet.

About two years ago there was set up in a building adjoining the Agricultural Department in this city a small diffusion battery, which was experimented with considerably and I believe satisfactorily, so satisfactorily indeed that the Commissioner of Agriculture recommended, and

Congress yielded to the recommendation, an appropriation sufficient to erect larger batteries to be used elsewhere for the purpose of more completely testing the ability of this process to extract the juice from cane to an extent which would make the manufacture of sugar from sorghum profitable and which would put that industry upon its feet. By some misadventure the apparatus which was designed to be tried last year was not constructed in time to have the experiment made during the last season. However, it has recently been arranged to send that apparatus to Ottawa, in the State of Kansas, to be set up in connection with a manufactory of sugar already in operation there, and at which favorable results have been already obtained.

The interest in this subject is not, however, confined to Kansas; it is not confined to what is known as the sorghum belt; but the interest is also very great in Louisiana, where by reason of the diminished price at which beet-root sugars have been sold during the last year the industry of sugar-making has been almost prostrated. I think it is safe to say that that industry was carried on in Louisiana this year if not at a loss certainly without any profit, and if the existing condition of things shall continue it threatens the overthrow of the entire sugar-making industry of the United States. But even if there should be a revival and an increase of price sufficient to warrant the continuation of the manufacture under the old condition in Louisiana, there is the constant threat of a diminution of the tariff and also a constant threat of the foreign competition, which has been so disastrous this year, and at any time the operation of either one of these causes will be liable to overthrow the industry entirely.

Thus capital is exceedingly timid about even continuing in the manufacture, and certainly no prudent person would under such circumstances engage in it very largely.

In the State of Kansas, as I have already said, there are three manufactories of sorghum sugar. At each one of those establishments sugar has been manufactured for two consecutive years, and I think at one of them for three. So far as the quality is concerned the success has been very great. It has removed very largely, and I may say almost wholly, the objections which have heretofore obtained to this product on account of its being of a taste to which people were unused and which usually made it unacceptable to the consumer.

While this result has been reached, and during the time necessary to bring it about, various important problems connected with the manufacture of sugar from sorghum have been settled, and settled in the right way—that is to say, in the direction of increased economy in manufacture and improvement in the varieties of cane—and if it had not been for the great fall in prices this year the manufacture of this product in Kansas during the past season would have been attended with some profit. As it is, I was informed by the superintendent of one of the works that the sugar made this year cost just about the wholesale selling price. Whether that included the wear and tear of machinery, I am not certain.

Notwithstanding the fact that the industry was carried on this year without a profit, there has been found great ground for encouragement in the fact that the experiments made in connection with the manufacture, and stimulated by it, helped to a great extent by the skill and judgment of an agent of the Department, have demonstrated that the manufacturing season can be extended more than twice as long as was heretofore supposed possible; that by covering the cane with earth the process or change from ordinary saccharine to glucose in the cane is arrested, and so the manufacturing season can be extended from September until as late as the 1st of February. I do not say that this has been determined beyond any possible doubt, but it seems to have been determined beyond any reasonable doubt, and along with it some other questions incidental to it have also been settled. So these manufacturers during the period of three years in which they have been engaged in the business have settled certain very important problems which have heretofore remained unsettled, and have taken long strides in the direction of their ability to manufacture sugar from sorghum successfully, and thus have opened up to the people of the United States a greater possibility than they have ever heretofore had of their ability to manufacture all the sugar needed for their consumption.

This is not a subject of any minor importance if we have regard to the amount of sugar that is used by the people of the United States, and especially if we regard the amount which they import. The value of the sugar imported during the last three years has never been less than \$100,000,000 annually. It is therefore a subject of very great importance if we can approach it with any hope whatever that by any stimulus or by any process or by any discovery we may be able to so meet the emergency as to produce the supply, or even any considerable portion of the supply, which we are now obliged to obtain from outside.

The chief results which have been obtained during the last few years have been at the expense of private capital. The Government has done something. It has had intelligent chemists at work in the Department of Agriculture; it has made some experiments in the way of machinery. I do not in any wise belittle what has been obtained as the result of these efforts either under the present administration of that Department or under preceding administrations, nor have I any designs of comparing one with another, but I say that the chief valuable

results which have been obtained have been at the expense of private capital; that the Government has not given that aid to this industry heretofore which I think it ought to have had. When I speak of that I do not speak of it with reference to the possible profit which might have been derived to the manufacturer himself, but I am thinking about it with reference to the advantage to accrue to the entire people of the United States.

No one question of so great national importance could be presented to the people of the United States as that embracing within itself the possibility of the relief to the people of the expenditure of \$100,000,000 among foreign people for a product which is absolutely necessary and the supply of which they must keep up at all hazards and at all cost.

But the benefit to be derived is not only in the way of relief from the expenditure abroad of a large sum of money. The expenditure of this money at home will give profitable employment to labor. Much the larger portion of the expense attendant upon the production of sugar is the outlay for labor. As is shown by a very intelligent address delivered at a recent convention of the sorghum-makers of Kansas by Professor Swenson, this industry employs more labor, or as much labor certainly, in proportion to the gross product as any other.

The results are so divided that no considerable portion can go to large capital. The cane is produced, as experience shows, to the best advantage by small farmers, men who produce cane as they have heretofore produced corn, and men who in its production use their and family domestic labor, cultivating ten, fifteen, twenty, fifty, or a hundred acres of cane, the product of which they sell to the nearest manufacturer, and the capital employed in one factory will rarely exceed fifty to seventy-five thousand dollars.

The area within which sorghum cane can be raised with profit has not yet been determined; but it is safe to say that, if present results can in any wise be depended upon, it will extend from at least the southern line of Kansas to as far north as a line drawn east and west through the center of Nebraska and the State of Iowa. Undoubtedly Kansas and other States in the same latitude afford the best field for the profitable growth of sorghum; but the discovery that cane can be kept in proper condition some months after being cut, thus extending the season of manufacture, opens up possibilities for more northern latitudes.

I know it may be said that if this is such an inviting field private capital itself ought to explore it without Government help. This is true as a rule. But the Government has too great an interest in this subject to afford to take the chance that private capital may fail of success. The general interest is greater than the private or individual interest. And I unhesitatingly say that it is the part of the highest wisdom that the Government should, upon the threshold of this experiment and with a view to the great possible results to be derived, undertake a part at least of the expense of the introduction of new machinery and new methods which private capital will be slow to take hold of, especially in view of the fact that the industry now is in the depressed condition of which I have spoken, and the disposition of capital already engaged in it to let go rather than to continue, with the doubtful results which now seem likely to follow.

In moving to increase this sum from \$20,000 to \$50,000, it is, therefore, with a view of having the Government continue the experiments which it has already commenced in a small way, and to make them effective, besides entering upon others with the same object in various portions of the country so as to have the advantage of the co-operation of private skill and the advantage of different localities, in order that the experiment may be of the completest possible character. The experiments will be watched with interest, and if they show that success can be made reasonably certain then there will be ample enterprise and capital to enlarge and carry on the business.

With the present competition from abroad, stimulated by the bounty of the German Government, and with the defective machinery now used in this country, there is little hope for success. The germ of what is needed is probably found in the diffusion apparatus used for the manufacture of beet sugar, but it will have to be modified so as to be perfectly adapted for the extraction of juice from sorghum, and the expense of experiments for this purpose should be borne by the General Government.

Capital finds too many fruitful fields in this country on which to enter to warrant it in going where there is doubt and heretofore nothing but failure. The Government with small expenditure can demonstrate what is lacking and make secure what is now doubtful.

If, therefore, by putting into the hands of the Commissioner of Agriculture and his skilled assistants money sufficient to carry on the necessary experiments they will be able to point the way to the manufacturers of the United States, to those who are already engaged in the manufacture and those who are looking to this industry, we shall, I believe, have set in motion instrumentalities which will result in a very few years in relief from any further necessity of sending money abroad to buy this most necessary article, and one which is going into greater consumption every year.

I ask that the Chief Clerk may read a portion of the address of Professor Swenson which I have mentioned, and which sets out in a very intelligent and detailed manner not only the results heretofore obtained, but a very thorough exposition of what may be expected in the future if the proper encouragement is given.

The PRESIDING OFFICER. If there be no objection the Chief Clerk will read the paper referred to by the Senator from Kansas.

The Chief Clerk read as follows:

The past season's work has fully proven that a first-class sugar can be made from sorghum cane. The possibility of making as good an article of sugar from this source as from Southern cane or sugar-beets, may be considered a settled fact.

There are, however, many chances for improvement. Among the most important I will mention the improvement of the quality of the cane by careful selection of seed and by cross-fertilization so as to originate new and better varieties. Already considerable progress has been made in this direction, and we have every reason to believe that in this way the contents of cane sugar may be greatly increased. Another great step in advance would be the lengthening of our working season. One of the greatest difficulties in this business is that we have to do nearly all our work in the short space of three months. This you know is overcome to a great extent by the beet-sugar manufacturers by placing their beets underground, in which way the cane-sugar remains unchanged for several months. Experiments made at Washington and Sterling this year show conclusively that the same is true of sorghum cane. At Sterling the experiment was made by Mr. Cowgill, and samples of Sink's Hybrid cane which he sent me December 6 contained 88.25 per cent. of juice, and the juice contained 15.25 per cent. cane sugar, 1.10 per cent. glucose, and 3.94 per cent. of other valuable solids. The large amount of juice present shows conclusively that the great richness of the juice was not due to the evaporation of water and the consequent concentration of juice. It shows that cane put down in this way not only keeps well but actually improves, for the amount of cane sugar, according to Mr. Cowgill, was considerably less when it was harvested. I consider this matter of immense importance, and I hope that a number will try the experiment next season in such a manner as to work up enough cane into sugar and sirup so that we can know just what to expect.

But the place where improvement is not only most needed, but where it is absolutely necessary to our future existence, is in the extraction of the sugar from the cane. Of 88 per cent. of juice contained in the cane, we obtained but 37 per cent. as an average for the season; five-eighths of the sugar and sirup remained in the bagasse. This is in strange contrast with the yield obtained from sugar-beets, where from 90 to 94 per cent. of the sugar is extracted. The very fact, however, that we are able to so nearly hold our own in spite of such waste is an argument in favor of sorghum cane as a sugar-yielding plant, and it shows what we may do when supplied with more suitable machinery. I consider the whole process of trying to press the juice out of the cane as radically wrong in principle, and any and all attempts to obtain a fair yield in this way have so far failed. The beet-sugar factories underwent the same experience half a century ago; their methods of extracting the juice from beets were very similar to that employed by us. Pressure was employed either in the shape of rolls or hydraulic presses. For many years after they were fairly started they failed to make sugar for less than 20 cents per pound; but, due chiefly to the introduction of the diffusion process, they are now able to drive all other sugars from the European markets. The fact that they are able to do this is not due to the superiority of the beet, but to the superior process employed by them. Sorghum cane can be raised and delivered for \$1.50 per ton.

This is what we can contract with the farmers in our vicinity to raise and deliver it for. The only beet-sugar factory in the United States, at Alvarado, Colo., pays \$4.53 per ton for beets delivered at their factory. Sorghum cane and beets contain about the same amount of sugar—about two hundred pounds per ton. At this rate the sorghum-sugar manufacturer pays three-fourths of a cent per pound for the sugar, while it costs the beet-sugar manufacturer 2½ cents per pound. But our present method of extracting the juice is so imperfect and crude that we lose the very large advantage which we have in the beginning. This much is certain, that it costs less to grow the sugar in the sorghum cane than in any other plant known, and if we can improve our methods of working to the same extent that they have done in the beet-sugar factories we shall be able to supply this country with a pure sugar at a cheaper rate than it can be bought in foreign countries.

It is conceded by all who have tried diffusion that it works perfectly on a small scale; the only difficulty apprehended is in the reduction of the cane to chips, but it does not seem probable that a mechanical difficulty of this kind will long remain unsolved.

The question is frequently asked, "To what extent may the industry be developed, or what portion of the sugar consumed in the United States will we be able to supply?" With a yield of only 37 per cent. of juice we obtained about fifty pounds of sugar per ton. By the aid of implemental crushers this yield can be increased by one-half, or a total of seventy-five pounds per ton. With a yield of ten tons of cane per acre we would have seven hundred and fifty pounds of sugar per acre. This is certainly an inside estimate when everything is worked as it should be, with the very best of our present appliances. Taking that as a basis it would take 3,000,000 acres of land to produce the crop necessary for supplying the entire United States with sugar. The amount of land is about one-third the cultivated area or two-thirds of the land planted in corn in the State of Kansas in 1884, and every State in the Union having a mean temperature no lower than that of Kansas would probably be equally well adapted to cane growing. In fact where corn will grow cane will grow, so that the question of a sufficient production will depend entirely on whether it will pay sufficiently well to command the capital necessary for its development.

Every million pounds of sugar produced will require an investment of at least \$50,000; so that this industry would open a new field for the investment of \$100,000,000, and would turn a large amount of our lands into the production of cane that now grow crops that are produced largely in excess of the demand. This industry would give employment to a vast number of workmen and call into existence new industries for manufacturing the necessary machinery and other supplies. The hundred millions that go abroad every year to buy foreign sugar would be kept at home and be distributed among our own workmen. The great value of the product per acre as compared with other crops ought especially to commend this industry. The same number of acres grown to cane would give employment and support to at least five times as many people as the same amount of land growing corn or wheat.

So far this work has been carried on at a loss to the manufacturers. This has been largely due to the fact that the decline in the price of sugar has just about kept pace with the progress we have been able to make.

The time has come when a change must be made in the manner of operating our works. We must be equipped with better appliances for extracting the sugar from the cane, and must enlarge our works so as to be able to handle our crop more economically. To accomplish this will require time and money. It means new and expensive machinery and costly experiments.

It is to help us over this crisis that we have asked the State of Kansas to give some aid in the shape of a bounty on the sugar produced. There are very few if any industries that can add so much to the material wealth of a State, giving employment as it does to almost every kind of labor. The farmers find a ready market for a crop that is not only sure but very profitable. A new field is open to our laborers and mechanics, and the best talent from our institutions of learning will here find a work that will be worthy of their closest study and tax their utmost skill. It has been urged that the bounty might in the space of five years which it will cover grow to an enormous tax on the State.

The total sugar production in the State for the past season did not exceed 600,000 pounds. It is safe to say that any notable increase in the number of our factories will not take place until by improved methods we shall be able to

make sugar at a less cost. We may, however, look for an increased production of sugars in the factories now in operation. If by improving our method so that we can double our present yield we will have practically reached our present limit, for it will take years to improve the cane. But such a result can not be reached in one or two years. So that it is safe to assume that the average production for the next five years will not exceed 1,000,000 pounds per year. This would tax the State to the amount of \$15,000 per year for the five years. Kansas pays \$1,000,000 per annum as tariff on foreign sugars and at least \$3,500,000 goes out of the State every year to pay for the sugar consumed in the State. With a fair prospect of not only retaining this large amount of money at home, but of making the production of sugar one of the chief industries and sugar one of the staple exports of the State, we sincerely hope that the Legislature may see fit to give us the aid we have asked. What would have been the outcome of the beet-sugar industry of Europe had it not been fostered and cared for by the governments during the early part of its existence?

There were many then that assumed the same attitude toward it that many now do toward the sorghum-sugar industry, claiming that it never could become a commercial success. Fortunately these predictions come from persons who know the least about the matter, and I doubt if there can be found one who has fairly and intelligently studied the matter who does not believe that the problem of supplying our own sugar has been practically solved. I believe the time is not far distant when by improved cane and processes 2,000 pounds of pure sugar will be obtained from an acre of Kansas cane. But to attain to such a result will require renewed efforts on our part and a little timely aid by our State.

If by any reasoning based on facts it can be shown that this industry can not become self-supporting, the State will lose nothing by its downfall. If, on the other hand, facts clearly show that it contains every element needful for success, and that wherever failure or but partial success has been the result it has been due to the causes and circumstances that time and experience will remove, then I claim that nothing more disastrous than the downfall of this new industry could befall the commercial interests of this State.

Mr. PLUMB. The amount of money which will be necessary for this purpose so far as now known is very small. Fifty thousand dollars a year is nothing. I look over the agricultural appropriation bill and I find that we are appropriating \$110,000 a year for seeds. Every one knows that if it were not for the fact that these are distributed largely by Senators and Members in a manner which brings to them some degree of favor from those who receive them that provision would not be in the bill, at least to this extent.

No such amount of money can be appropriated in any one year usefully for the purpose of disseminating new varieties of seeds of different kinds. I find also that under the head of "Gardens and grounds" we appropriate \$18,450 for the little experimental gardens we have here, which practically result in nothing except a few nosegays which from time to time we receive at the hands of the gentleman who manages the establishment. Under the head of "Entomological division," for the purpose of investigating bugs, we give \$27,900, and that has just been increased \$10,000 more. I notice in the report of the Commissioner of Agriculture for this year that while he devotes a page and a half under the head of "Gardens and grounds," only seven lines are devoted to the sugar industry. This I do not speak of for the purpose of making a complaint, because I know that we shall find in due time, when the volume comes to be printed, that the chemist has been doing a valuable work, a work in which he has had the considerate support of his chief; but it only indicates that after all this industry has been under that kind of a ban, has been side-tracked, so to speak, in such a way that it gets only that which is left over; that it does not get the direct attention and the careful nursing and the thorough consideration which any industry with such great possibilities ought to have.

That is because Congress itself has not manifested an interest in it. The chief of the bureau can not do more than he is bid. He can not spend more money than we give him; but we have been so engrossed in other matters, we have been ourselves so affected by the comparative failures heretofore, we have been so content to let well enough alone, that we have not given to this subject the thought nor the appropriation nor the stimulus in any degree which its importance demands.

I hope, Mr. President, that at least this small sum of money may be given, and I shall hope that next year when the result of that will come to be presented to Congress, I shall have the satisfaction of saying that it has not only done a great deal of good, but that we are much further along in the experiment which in time, as I believe, is to put the American people in a condition to produce all the sugar they use.

Mr. HALE. The Committee on Appropriations last year went quite fully into this subject and was a good deal impressed with the importance of this industry, and the sum of \$50,000 was given in the bill of last year. The House this year has put the amount down to \$20,000, and the Committee on Appropriations did not increase it because there was no pressure upon it in that direction.

I do not rise for the purpose of opposing the amendment submitted by the Senator from Kansas because the reasons which operated last year and controlled me then, in charge of the bill, are the same now. I only wish to ask the Senator from Kansas if he is entirely satisfied that the appropriation which was made last year has been devoted to such purposes as have stimulated this industry; and further, whether he is entirely confident if the increased amount which he asks shall be given it will be so devoted to practical experimentation or assistance that this growing industry in his State and elsewhere will receive a real benefit in proportion to the money which we give?

Mr. PLUMB. The money that was appropriated last year was not all spent, but it will be spent between now and the close of this fiscal year. Unfortunately the diffusion apparatus which was designed to be sent to the West was not completed in time to be sent there, but is under contract to go now, so as to be there for the coming season.

I know, however, that many of the persons employed by the Department for the purpose of investigating this subject in the various States have rendered most valuable service. The experiment which I spoke of as having been carried on in Kansas with such favorable results, that of covering the cane and determining by experiment the time in which the cane could remain covered so as to keep it in a condition for manufacture, was carried on by a very intelligent agent of the Department, Mr. Cowgill, and that has done as much as anything else to stimulate the hopes of persons engaged in the manufacture there that the coming year will enable them to do better than they have done this year.

But back of it all is this question of machinery. It has been demonstrated that not more than one-half the juice is taken from the cane by any present process in use, that is, any process in use now in this country. Something ought to be done, therefore, to devise ways and means whereby all the juice can be extracted. It is believed now that the process of diffusion, substantially as used in France and Germany for the extraction of saccharine from the beet, can be so modified and adapted as to do the same work for sorghum. A firm in Wilmington, Del., the Pusey & Jones Manufacturing Company, I believe, have manufactured an apparatus of that character which they believe, and which is believed by intelligent people who have inspected it, comes near at least to answering this purpose, but the actual fact can only be determined by experiment.

Mr. HALE. Is it expected that this appropriation, or some portion of it, will be devoted to the end of securing an advanced method of machinery as applied to the sorghum in extracting the juice?

Mr. PLUMB. That certainly is the expectation. The present Commissioner of Agriculture has stated to me that he designed, if this appropriation was made (and no doubt his successor would feel similarly minded), to erect a machine of that kind in Louisiana to be used there in connection with the manufacture of sugar by private apparatus, which would demonstrate, if demonstrate it can, the ability of that machine to meet this great lack.

Mr. GIBSON. If the Senator from Kansas will permit me, I can give the Senator from Maine some information in respect to this matter.

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Louisiana?

Mr. HALE. Certainly.

Mr. GIBSON. The Commissioner of Agriculture, with the appropriation that was made last year of \$50,000, has done much by scientific experiments and investigations to aid the manufacture of sugar, and has had constructed in Wilmington, Del., a diffusion machine for manufacturing sugar from sorghum cane. It is of American manufacture, and the first of its kind I believe. It has not yet been tested, but will be in readiness for the crop this autumn. The Commissioner desires to contract for a diffusion machine adapted to the ribbon cane that is produced in Louisiana, which is harder and of a tougher texture than sorghum cane. The machine will require certain modifications to suit this cane.

This diffusion process was early applied both in France and Germany to the manufacture of beet sugar, and, I may say, it has reached perfection in those countries. Everything that chemical or mechanical science or governmental favor could do to facilitate and stimulate the production of sugar from the beet has been done. And by our laws all machinery for the manufacture of sugar from beets is admitted into our country free of duty, while machinery for the manufacture of sugar from cane is taxed at a very high rate—over 60 per cent. ad valorem, if I remember correctly.

It is true, as the Senator from Kansas says, that the producers of sugar in this country are greatly embarrassed. But this embarrassment is not owing so much to natural as to artificial causes. It is owing chiefly to governmental interference—to the Bismarckian policy of Germany. A drawback or bounty is allowed by the German Government upon every pound of sugar exported, equal to the cost of its production. This policy has increased vastly the production of sugar in Germany, has enabled the Germans to drive the French sugars out of the English markets, to overwhelm the English refiners, and to gain an undisputed supremacy not only in the English markets but in the sugar markets of the world.

The producers of sugar in all countries have been overwhelmed in a common ruin. The planters in the British possessions in the West Indies, British Guiana, and Honduras have petitioned Parliament for relief and set forth by grand committees their grievances and distresses. Cuba is bankrupt. The Spanish bondholders are also crying out for relief. The producers of sugar are seeking our markets as the only remedy. Sugar is cheaper relatively than any other article of food.

Mr. McPHERSON. How much is the German export bounty?

Mr. GIBSON. About the cost of production in Germany—about 2 cents a pound. This action of the German Government about two years ago created intense excitement and resentment among the sugar-refiners of England, and threatened to produce a reaction against the free-trade principles which have prevailed since the repeal of the corn laws, and led to a re-examination of the theories of the school of Cobden. The English refiners cried out for fair trade.

But Mr. Gladstone took ground against the refiners and insisted that if the German people were willing to tax themselves in order that sugar

might be produced in Germany and be sold to the consumers in England below the cost of production, for less than it could be bought in the tropics and refined in England, the English people ought not to complain; they ought rather to rejoice at the cheapness of an article so necessary to their comfort and well-being. This answer might be made on behalf of the people of the United States. I represent a community which is suffering from the cause I have assigned, and not as many persons imagine because sugar can not be profitably cultivated in Louisiana. I do not ask for bounties or for an increase of the tariff to counteract the effects of the action of the German Government, though on principles of international equity this might be done.

We already have a fair tariff upon foreign sugars, and I know that governmental action is powerless to maintain prices or to override the laws of supply and demand. During the Robert J. Walker tariff, from 1846 to 1860, the sugar industry of Louisiana was rapidly developed, enjoyed its greatest prosperity, and supplied over one-half of all the sugar consumed in this country. But what is the condition of this trade today? Why, the supply from domestic sources is only about 10 per cent. of the consumption, and we import one hundred millions' worth of foreign sugars a year. Germany is selling sugar to-day in New York for less than it costs to produce it in Cuba and Louisiana.

If she gain a monopoly of our markets and destroy the sugar culture in the West Indies and Louisiana, our dependence will become as absolute as that of England for an article of food which our people can not do without. By derangement of our foreign relations, any accident, any disturbance of our relations with Spain or England or any European nation would place it out of our power to obtain supplies unless we had a navy sufficient to command the seas and keep open the markets of the world and the sources of supply. Under those circumstances I am rejoiced to hear the Senator from Kansas [Mr. PLUMB] give such ample assurances based upon facts well authenticated of the capacity of his and the neighboring States to produce sugar from sorghum, and surely the sample he has presented to the Senate is fit for any table and any taste however fastidious. I believe, sir, that with improved methods of cultivation and manufacture the crop of Louisiana can easily be increased so as to supply again one-half of the sugar consumed in this country.

It is believed by those who have the matter in hand that the diffusion process when successfully applied will increase the yield fully 25 per cent. We already begin to perceive the ill effects of the bounty system in Germany on the Germans themselves, for overstimulation has led to bankruptcy, and I do not believe that a policy originating in resentment against France and that imposes such a tremendous burden upon the German people can long be maintained.

At all events, sir, I feel assured that every Senator will admit the expediency of bringing the aid of scientific experiment to enable us to produce sugar on a larger scale at fair profit and at lower rates for the people of our own country.

I find that for the purposes indicated the sum of \$20,000 has already been appropriated by the bill. The Commissioner told me this morning he would require \$50,000.

I trust the amendment of the Senator from Kansas may be adopted. Mr. McPHERSON. Will the Senator from Louisiana please permit me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Maine [Mr. HALE] yield to the Senator from New Jersey?

Mr. HALE. Yes, sir.

Mr. McPHERSON. I am addressing myself to the Senator from Louisiana. I wish to know whether I correctly understood the Senator. If I understood him aright, he said that the German Government offered an export bounty of 2 cents per pound upon sugar exported from Germany, and that 2 cents per pound given by way of export duty repaid the cost of production. In the Senator's opinion is it not reasonable to suppose that if Germany can raise sugar at 3 cents a pound the United States upon its virgin soil, inexhaustible as it is in fertility, can raise it for even a less price than 2 cents a pound? If that be so, is it not the duty of the Government of the United States in every way it possibly can to encourage the production of sugar in order that the product may be cheapened to our own people and in order that our agricultural interests may be increased?

Therefore, is it not wise, inasmuch as Germany and France, upon soils comparatively barren as compared with our own, can produce beet sugar at 2 cents a pound, that this appropriation should also cover machinery for the preparation of beet sugar as well as sorghum and cane sugar? In other words, if an experiment is to be made, had it not better be made in the direction of experiments heretofore made in other countries which have produced success? If they can raise beets in Germany or France from which sugar can be profitably made at 2 cents per pound, I am quite sure that with the same diligence on the part of our Government sugar may be raised and manufactured here from like products (as to other products I know nothing, but certainly from like products) at a price even less.

If the amendment of the Senator from Kansas does not cover the point I wish to make, which is that it may include machinery for the manufacture of sugar from all products, cane, sorghum, and beets, I should like to have it so amended.

Mr. HALE. Will the Senator from New Jersey allow me to interrupt him for a moment?

Mr. McPHERSON. Yes, sir.

Mr. HALE. The language of the clause contains nothing whatever about machinery. That is left to the discretion of the administrator of this Department. How this money shall be applied to the encouragement and development of the cultivation of sugar from one vegetable product or another Congress has not sought to settle or decide, but the fund is given. I do not, as I said before, rise to object to the amendment. I am willing the appropriation should be made \$50,000, but I should not like to see any particularization as to how the money should be spent by the Department. If it is to be spent in improving machinery and developing tests, let that be done by the Commissioner of Agriculture and not by us.

Mr. McPHERSON. Very well; but if I understood the Senator from Louisiana correctly his statement was that it is the purpose of the Commissioner of Agriculture to prepare machinery by which economy may be practiced in the manufacture of the cane sugar of Louisiana. I take it that no very large portion of this country can profitably cultivate the cane sugar that is cultivated in Louisiana. I also believe that sorghum may be cultivated in almost every State of the Union, and profitably. It is profitably cultivated to-day in New Jersey under a bounty offered by the Legislature of that State. New Jersey pays, I believe, 1 cent per pound upon all the sugar manufactured from sorghum grown in the State. It pays also \$1 per ton upon all the sorghum cane grown in the State and manufactured into sugar. Under that bounty the sorghum industry has grown to quite large proportions, and it has forcibly demonstrated the fact that sorghum sugar can be cultivated and profitably cultivated in this country. Certainly upon the great Western plains and in the valley of the Mississippi, where the soil is rich and inexhaustible in its fertility, both sorghum and beet sugar can be grown and profitably grown, thus opening another wide field for agriculture.

Relying entirely upon the statement of the Senator from Louisiana that the purpose of this amendment is in order that machinery may be constructed or improved entirely and simply for the manufacture of cane sugar, I think it would be unwise to restrict it to that, if the amendment proposes to do so.

Mr. HALE. I misunderstood the Senator from Louisiana if he said that the object of this appropriation was exclusively what he referred to, in the direction of experimentation on the sugar-cane of Louisiana. It is only one of the things that the Commissioner of Agriculture will consider, and I do not think the Senator from Louisiana believes that the appropriation is for that purpose alone.

Mr. GIBSON. By no means. The presumption of the bill itself would exclude that idea, for it says in lines 93 and 94, "including experiments in the manufacture of sugar from sorghum and other vegetable plants," which would include beets.

Mr. ALDRICH. As I understood the Senator from Louisiana, one at least of the objects of the amendment is to enable the Commissioner of Agriculture to purchase machinery to experiment upon a new method of manufacturing sugar from cane. I am sorry that the Senator has left his seat, because I am anxious to know whether the policy is to be adopted whenever an industry may be depressed of having the Government of the United States purchase machinery for the purpose of experimenting upon new methods of manufacture. The Senator from Massachusetts [Mr. DAWES] asks me why not? I should be glad to have him answer the question he asks. But if it is to apply to the manufacture of cane, why not apply it to all kinds of manufacture? For instance, when the woolen industry happens to be depressed, why should not the Government buy up machinery and establish a woolen manufactory for the purpose of experimenting upon some new methods of manufacturing woolen goods?

I do not mean to oppose the amendment, but I want to understand exactly what the gentlemen who are favoring it desire and intend by it. I want to ask the Senator from Louisiana whether he thinks it is within the legitimate province of the Government to expend the public money in the purchase of machinery to promote an experiment on new methods of manufacture?

Mr. WILLIAMS. Mr. President, I do not want to make a speech, but it does strike me that the amendment offered by the Senator from Kansas to add \$30,000 to this appropriation is a mere bagatelle at which the Senate should not hesitate an instant.

What are the facts in this case? All the industry that we have in the manufacture of sugar from sorghum and beets has received whatever encouragement it has received at the hands of Congress through the Agricultural Department. Before appropriations were made to enable the Commissioner of Agriculture to experiment with the different kinds of cane and the machinery and methods of extracting the saccharine matter from the cane, not a pound of sugar had ever been extracted from sorghum in the United States; but year after year Congress has made small appropriations and experiments have been made by that Department.

It has now an organized corps of able chemists and experimenters and machinists; it has a laboratory upon the grounds, and from time to time we have encouraged the Commissioner of Agriculture in his experiments. The information which he has collected has been disseminated among our people from one end of the country to the other. He first demonstrated that sugar could be extracted from sorghum, produced in almost every State of this Union, and that information has been

sent out to our people until there is now a belief among the farmers of the West that with proper and improved machinery the day is just at hand when we shall manufacture from cane, sorghum, and beets every pound of sugar that the millions of people upon this continent will consume.

Why shall the Senate of the United States hesitate a moment upon an appropriation of \$30,000 additional to continue these experiments which promise results so great, which will save us a hundred million dollars a year? I believe fully in it. We have now a beet-sugar manufactory in the State of California which promises immense results. We all know that the sugar-cane in Louisiana will never produce sugar enough for the consumption of our own people. Louisiana now furnishes but 8 per cent. of that which is consumed in this country. Nobody ever hesitates in protecting Louisiana sugar, because it is always an important question of revenue. Only \$3,000,000 or \$9,000,000 worth are manufactured there as compared to the hundred million dollars' worth that we import from abroad.

In order to still further encourage these experiments let us give the Commissioner of Agriculture \$50,000 or \$100,000, if he wants it, so that he may bring from abroad or have manufactured in our own country such machinery as science may indicate would be necessary to provide better methods of extracting the saccharine matter from the beet or the sugar-cane or from sorghum.

I see nothing wrong in this policy. I do not want to have the appropriation applied specifically to beets or to sugar-cane or to sorghum. Let it, as in the language of the bill, apply to sugar-producing "plants," including all, and leave it in the discretion of the Commissioner of Agriculture, for I have confidence in him.

The results heretofore have shown us that the policy is a wise one. Before this matter was intrusted to the Agricultural Department sorghum had been known only to produce a sour sort of molasses scarcely fit for the table, but under the investigations of science conducted by that Department better methods of extracting the juice have been discovered which have led to the manufacture to-day of the very best molasses and sirup extracted from sorghum found upon the tables of the best hotels and families in the whole United States. There is a sample of sugar extracted from sorghum upon the desk of my friend from Kansas which is as good as any sugar ever made from the beet on the face of the earth.

We have a country which produces to some extent sugar-cane, but we have a country which produces in a universal degree the sorghum; and in large sections of it we find lands proper for the production of beets. Let us give every encouragement in our power to develop the industry and furnish our own people all the sugar they want.

Mr. ALLISON. I intend to vote for the amendment suggested by the Senator from Kansas, and I think the Committee on Appropriations would have reported the increased appropriation if it had been suggested to the committee from any source that it was necessary.

That is about all I wish to say upon this subject, except that last year we appropriated \$50,000 for this purpose, a very small portion of which has yet been expended, and it can not very well be profitably expended until during a portion of the next fiscal year, as these experiments of course can only be made during the summer and fall season. But I am in favor, and I think the Committee on Appropriations are in favor, of liberal appropriations for the purpose of making these experiments with sorghum.

With respect to the experiments proposed as to the production of sugar from cane, I did not suppose, and do not now suppose, that any considerable portion of this money will be expended for that purpose. The success of this experiment I think will prove that in the end we can profitably manufacture sugar from sorghum, and I hope it will so prove, in order that we may in our own country manufacture sugar from these plants.

Mr. INGALLS. Succulent roots?

Mr. ALLISON. That we may manufacture sugar from succulent roots, as my friend on my right suggests, by which of course he means the production of sugar from beets. I trust that we may be able to produce our own sugar, and in that way save the large sums that we annually expend in foreign countries for this purpose, amounting on the average to \$100,000,000 per annum, of which about \$48,000,000 is paid in the shape of duties upon foreign imports.

Mr. HALE. Everybody seems to be in favor of the amendment. I hope we shall have a vote upon it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas [Mr. PLUMB].

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the heading in line 96, after "seed," to strike out "bureau" and insert "division;" and in line 97, after the word "seed," to strike out "bureau" and insert "division;" so as to read:

SEED DIVISION.

For compensation of chief of seed division, \$1,800; one superintendent of seed-room, \$1,600; four clerks at \$1,000 each; one clerk, at \$840; for the purchase and propagation, and distribution, as required by law, of seeds, trees, shrubs, vines, cuttings, and plants, and expenses of putting up the same, to be distributed in localities adapted to their culture, \$100,000; in all, \$108,240.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 106, to insert:

An equal proportion of two-thirds of all plants, seeds, trees, cuttings, vines, and shrubs shall, upon their request, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents, or shall, by their direction, be sent to their constituents; and the persons receiving such seeds shall inform the Department of the results of the experiments therewith: *Provided*, That all seeds, plants, and cuttings herein allotted to Senators, Representatives, and Delegates in Congress for distribution remaining uncalled for at the end of the fiscal year shall be distributed by the Commissioner of Agriculture: *And provided also*, That the Commissioner shall report, as provided in this act, the place, quantity, and price of seeds purchased, from whom purchased, and the date of purchase. But nothing in this paragraph shall be construed to prevent the Commissioner of Agriculture from sending flower, garden, and other seeds to those who apply for the same. And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, propagation, and distribution of improved and valuable seeds, plants, cuttings, and vines: *But provided, however*, That the Commissioner shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each member may have seeds of equal value, as near as may be, and the best adapted to the locality he represents.

The amendment was agreed to.

The next amendment was, in the heading in line 132, before the word "of," to strike out "bureau" and insert "division;" before the word "thousand," in line 144, to strike out "seventy-five" and insert "one hundred;" and before the word "thousand," in line 145, to strike out "nine" and insert "thirty-four;" so as to make the clause read:

DIVISION OF AGRICULTURAL STATISTICS.

For compensation of one statistician, \$2,500; two clerks of class 4, \$3,600; three clerks of class 3, \$4,800; four clerks of class 2, \$5,600; five clerks of class 1, \$6,000; seven clerks, at \$1,000 each; four clerks, at \$840 each; two clerks, at \$720 each; for collecting foreign and domestic agricultural statistics, and compiling, writing, and illustrating matter for monthly, annual, and special reports, \$100,000; in all, \$134,300.

The amendment was agreed to.

The next amendment was in line 149, after the word "annex," to strike out "six thousand" and insert "seven thousand five hundred;" so as to make the clause read:

FURNITURE, CASES, AND REPAIRS.

For repairing buildings, heating apparatus, furniture, carpeting, matting, water and gas pipes, and other necessary articles, and painting Department building and annex, \$7,500.

The amendment was agreed to.

The next amendment was, in line 169, to increase the appropriation "to establish and maintain quarantine stations, and to provide proper shelter for and care of neat cattle imported, at such ports as may be deemed necessary," from \$25,000 to \$30,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "contingent expenses," before the word "traveling," in line 196, to insert the word "actual," so as to make the clause read:

For stationery, freight, express charges, fuel, lights, subsistence and care of horses, repairs of harness, paper, twine, and gum for folding-room, and for miscellaneous items, namely, for advertising, telegraphing, dry goods, soap, brushes, brooms, mats, oils, paints, glass, lumber, hardware, ice, purchasing supplies, and necessary items, including actual traveling expenses while on the business of the Department, \$15,000.

The amendment was agreed to.

The next amendment was, in section 2, line 1, after the word "hereafter," to strike out "to be;" so as to read:

That no part of the money herein or hereafter appropriated for the Department of Agriculture shall be paid to any person, as additional salary or compensation, receiving at the same time other compensation as an officer or employee of the Government, &c.

The amendment was agreed to.

Mr. HALE. I have one amendment to offer on page 7. At the end of line 145, I move to insert the following limitation:

Provided, That all illustrations for the Agricultural Department shall be made by the Public Printer under the direction of the Joint Committee on Public Printing.

The amendment was agreed to.

Mr. HALE. The committee has nothing further.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 70) for the relief of Joseph M. Cumming, Hamilton J. Miller, and William McRoberts.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 441) for the completion of a public building at Council Bluffs, Iowa; and

A bill (H. R. 7655) granting an increase of pension to the widow of Maj. Thomas T. Thornburgh, late of the United States Army.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 7857) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending

June 30, 1886, and for other purposes; and it was thereupon signed by the President *pro tempore*.

ORDER OF BUSINESS.

Mr. PLUMB. I now move that the Senate proceed to the consideration of House bill 8138, being the Post-Office appropriation bill.

Mr. BAYARD. That, I presume, will be done with the understanding that it does not displace the trade-dollar bill.

Mr. BECK. That was displaced before.

Mr. BAYARD. I meant to say that the present motion should not further postpone the silver bill, which was taken up by a vote this morning.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Chair will state to the Senator from Delaware that by the action of the Senate this morning the silver bill has gone back to its place on the Calendar. There was a motion to proceed to its consideration, which was determined in the affirmative, immediately after which a motion to proceed to the consideration of the agricultural appropriation bill was made and adopted; which returned the silver bill to its place on the Calendar.

Mr. BAYARD. I was constrained to say what I did in the absence of the Senator from Vermont [Mr. MORRILL], who may be considered in charge of the silver measure, which I rank among the measures of chief importance at the present session.

The PRESIDING OFFICER. The Chair would state to the Senator from Kansas [Mr. PLUMB] that under the ruling of the President *pro tempore* of the Senate, it is the duty of the Chair to lay before the Senate at this time the only remaining special order, after which the Senator's motion will be in order. The Secretary will read the title of Order of Business 113, Senate bill 60.

The CHIEF CLERK. "A bill (S. 60) to declare certain lands subject to taxation."

Mr. PLUMB. Now I renew the motion which I made before.

Mr. INGALLS. I suggest that, in order to avoid displacing the special order, my colleague ask unanimous consent.

Mr. PLUMB. I ask unanimous consent.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent of the Senate that the special order be informally laid aside.

Mr. HOAR. I object.

Mr. PLUMB. Then I move to take up House bill 8138 at this time.

The PRESIDING OFFICER. The Senator from Kansas moves that the Senate do now proceed to the consideration of the bill indicated by him, the title of which will be read.

The CHIEF CLERK. "A bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes."

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 19th instant, approved and signed the following acts and joint resolution:

An act (S. 2158) granting an increase of pension to Jessie V. Harold;

An act (S. 150) granting a pension to Sarah Denny Ripley;

An act (S. 1416) granting a pension to Mrs. Charlotte Hackett;

An act (S. 1546) granting a pension to Orin R. McDaniel;

An act (S. 2231) granting a pension to Mrs. Kate A. Drummond;

An act (S. 2398) granting a pension to Cyrus Reeser; and

Joint resolution (S. R. 92) authorizing and requiring the Secretary of War to deliver to the Eighth New York Heavy Artillery Association the regimental colors which belonged to said artillery and which are now in the custody of the Secretary of War.

The message also announced that the President had this day approved and signed the act (S. 1251) to authorize the purchase of a wharf for the use of the Government at Wilmington, N. C.

HOUSE BILL REFERRED.

The bill (H. R. 441) for the completion of a public building at Council Bluffs, Iowa, was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

WIDOW OF MAJ. THOMAS T. THORNBURGH.

The bill (H. R. 7655) granting an increase of pension to the widow of Maj. Thomas T. Thornburgh, late of the United States Army, was read twice by its title.

Mr. MITCHELL. I ask that that bill be placed on the Calendar. The Senate Committee on Pensions has reported a bill in the same case.

The PRESIDENT *pro tempore*. If there be no objection the bill will be placed on the Calendar.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. HOAR submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 194) to authorize the Secretary of the Treasury to convey land in Providence, R. I., for highway purposes.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1321) for the erection of a public building at Reading, Pa.;

A bill (H. R. 1618) to provide for the construction of a court-house and post-office at Clarksburg, W. Va.; and

A bill (H. R. 4067) to change the limit of appropriations for the public building at Louisville, Ky.

POST-OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes.

Mr. PLUMB. I move that the formal reading of the bill be dispensed with and that it be read by paragraphs for amendment.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from Kansas asks the consent of the Senate that the first formal reading of the bill be dispensed with and that it be read for amendment. Is there objection? The Chair hears none, and it is so ordered. The reading will proceed.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was in section 1, line 28, to reduce the item of appropriation "for compensation to clerks in post-offices" from \$5,300,000 to \$5,150,000.

Mr. HAWLEY. I ask the attention of the Senator in charge of the bill to this amendment. I have not before me at this moment the estimates. There is a deficiency bill appropriating \$75,000 for compensation to clerks in post-offices for the current year. I have been informed, and I believe that the Postmaster-General in estimating for the compensation to clerks for the coming fiscal year estimates what he really wanted and did not overestimate with the expectation of having a discount made, but believed that the public service required actually the full amount he asked for. I ask for information as to whether the appropriation as the committee would have it is up to the estimate.

Mr. PLUMB. The appropriation as made by the House was exactly the estimate, \$5,300,000. The Senate Committee on Appropriations believed that that might be, and ought to be, reduced. I do not mean by that that the Postmaster-General had not some warrant for his estimate, but the estimate is not by any means conclusive and has never been so regarded. Last year the appropriation was \$4,900,000 and that led to a deficiency of \$75,000. Four million nine hundred and seventy-five thousand dollars, therefore, was the full measure of the expense and the necessary expense for that service last year. The committee did not think that it was proper to add to that amount \$325,000. That was a larger increase than had been made in any year heretofore, and we believe it was in excess of the needs of the Department, which would be of course in excess of those of last year, but there is manifestly some error in the distribution of this money, and we think that a little pressure on the Department would correct these errors and that the addition of the amount we allow will amply provide for this service.

Mr. HAWLEY. I concur with the Senator in believing that there has been some error of judgment in the distribution of this money. I am satisfied that there has been a lack of sufficient funds. I have had occasion several times within a year or two to beg for additional clerical force under circumstances where I knew it was absolutely required, and in one case where I knew that the postmaster himself sacrificed a portion of his revenue that the public work might be done. I will instance the post-office in my own town of Hartford. The net profits to the Government of the United States of the post-office in the town of Hartford were \$90,000 last year, and the postmaster paid a portion of his salary of \$3,000 towards additional clerk-hire in one case, and he is begging that there be another clerk allowed him. One clerk at \$1,200 a year is allowed him now.

This increase is not according to the increase of the population of the United States, which is in the neighborhood of 3 per cent. per year. If the appropriation for this kind of service should increase 1 or 2 per cent. a year, I should not be at all surprised. It would be in accordance with the natural growth of the business of the country, the establishment of new post-offices and the natural increase of the business at the old offices. I shall vote against any reduction of the Postmaster-General's estimate in this respect, for I should like once to see enough appropriated to do the business of the Government decently.

Mr. PLUMB. The committee certainly believe we have given enough for that purpose.

Mr. HAWLEY. I am afraid the committee is wrong.

I ask the sense of the Senate on this amendment proposed by the Committee on Appropriations, and hope the Senate shall disagree to it, for I sincerely believe that the Postmaster-General did not overestimate the necessities of the Department. Every year we have been obliged to appropriate for a deficiency. The estimate in this case was \$5,325,000.

The House struck off \$25,000. The Senate committee, on general principles, struck off \$150,000 more. I do not care how strictly the Department shall be held to account in this matter, but I should like to have it once able to say in response to an urgent demand for a little more help that it had the money but did not think the thing ought to be done, and not be obliged to say, as it does for the last six months of every year, "We know you need it, but we have not the money."

I ask the Senate to disagree to the amendment.

Mr. PLUMB. The Senator from Connecticut made one mistake. He stated that the Department's estimate was \$5,325,000, and that the House had cut it down \$25,000. That is an error. The estimate was \$5,300,000, exactly what the House appropriated. The Senator made another mistake, and that was that the Senate committee had cut it down on general principles. I think that would be in a great many cases ample justification for reducing the appropriations called for by estimates, because in a great many cases estimates are made very much larger than are necessary for carrying on the service; and I do not speak of the Post-Office service particularly; but in all branches of the service the Departments estimate for more than they expect Congress will give them or than they deem absolutely necessary.

Mr. HAWLEY. Will the Senator pardon me a word?

Mr. PLUMB. I will.

Mr. HAWLEY. The Senator can take it for what it is worth, but the Postmaster-General assured me that he told Congress the truth in this case, that he wanted and believed he absolutely needed \$5,300,000. Whether they all say that or not I do not know. I have known Departments to say that, in order to meet a cutting down which committees would inevitably make in order to show economy, they sometimes overestimated. In this case the Postmaster-General declared that he did not—and I believe him—overestimate a dollar.

Mr. PLUMB. I was coming to that. I was proceeding to say that I think it safe, as a general rule, to cut down the estimates, which are generally from 25 to 50 per cent. more than is appropriated, and I think the Government has been able to get along fairly with the moneys appropriated. While I am about it I will say that I believe if the expenses of this Government were reduced several millions it would be a better machine than it is now; but in regard to this particular item it is not safe to disregard the expenditures heretofore made. Last year we added \$125,000 to the amount appropriated for the year before. That was not enough, but it was all that the Department estimated for. That is to say, the House last year, in the bill which came over, gave precisely the amount that had been appropriated the year before, the Senate added enough to put it up to the estimate, \$125,000 additional, and that was appropriated, and the result was a deficiency of \$75,000. In other words, if we had appropriated last year \$4,975,000 we should have had enough for the service. Now this year the House, repenting of its contracted views of the year before apparently, went to the other extreme and gave an addition of \$400,000 beyond the amount appropriated the year before.

Mr. HAWLEY. Remember that it is really only \$325,000 more, because they put \$75,000 into the deficiency bill.

Mr. PLUMB. I will stick to my statement. It is exactly true. They appropriated \$400,000 more than was appropriated the year before. That is what I said, and I repeat it. Now, the Senate Committee on Appropriations did not think that \$400,000 more than the appropriation of last year, being \$325,000 more than the actual and necessary expenses of the year, was needed. They believed that amount might be contracted. This is to be considered, that if you appropriate \$10,000,000 it will be spent; if you appropriate \$6,000,000 it will be spent. Any sum you appropriate will be spent; and the only control Congress has over this matter at all is in the making of the appropriations, because there is not and can not be in the nature of things any special designation by law of the sum of money to be received by a particular postmaster or at a particular post-office for clerk-hire. It must be left to the discretion of the Postmaster-General.

The committee believe—not on general principles, but after investigation—that there are many post-offices which are getting too much; that there is a discrimination in favor of certain post-offices which if remedied would reduce the expenditure for this purpose very largely.

The Senator speaks of the poor, pitiful pittance of \$1,200 for a clerk at Hartford. There is not a clerk in a post-office in the State of Kansas that gets \$1,200; there are not, probably, half a dozen who get \$1,000. There is no complaint at all from Hartford by comparison with the complaint that legitimately exists in the Western country.

Our complaint, however, is not so much that Congress does not give enough money as that it is not properly distributed. Of the \$125,000 we added last year to what was appropriated the year before the Postmaster-General gave \$76,000 to four or five large offices, and offices at places where clerks now are getting salaries that more than double the salaries in any place west of the Mississippi River. We believe that extravagances of that kind are not necessarily put upon this appropriation, and that if we would have a proper distribution and an economical distribution of this fund the only way to do it is to put the amount as small as we think the Department can properly get along with. If we are to add \$150,000 on the theory that it can be spent and that every demand which is to come in for clerk-hire is to be satisfied, then of

course we must keep adding and adding and adding every year, because there will never be any cessation of demand. The committee believed that the amount appropriated by their amendment would be sufficient for the purpose.

Mr. MILLER, of California. The Senator from Kansas has made a charge against the Post-Office Department of the improper distribution of this fund. I am not able to say about that, but I know that in the State which I in part represent there is great complaint that there have not been clerks enough in the post-offices. There has been no complaint about the salaries that I know of, although the salaries are very small; but in that part of our country in our post-offices we have not had a sufficient number of clerks to properly perform the service, and that is a matter of public notoriety in that State. I do not know whose fault it is, but to be on the safe side I shall vote with the Senator from Connecticut.

The PRESIDING OFFICER. The question is, Will the Senate agree to the amendment recommended by the Committee on Appropriations?

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 36, section 1, to reduce the appropriation "for payment to letter-carriers and the incidental expenses of the free-delivery system" from \$4,535,000 to \$4,485,000.

The amendment was agreed to.

The next amendment was, in line 49 of section 1, after the word "that," to strike out "hereafter;" so as to read:

For rent, light, and fuel, \$490,000. That the Postmaster-General may lease premises for use for post-offices of the first and second classes at a reasonable annual rental, to be paid quarterly for a term not exceeding five years; and whenever any building or part of a building under lease becomes unfit for use as a post-office, no rent shall be paid until the same shall be put in a satisfactory condition by the owner thereof for occupation as a post-office, or the lease may be canceled, at the option of the Postmaster-General; and a lease shall cease and terminate whenever a post-office can be moved into a Government building.

The amendment was agreed to.

The next amendment was, in line 60, section 1, before the word "office," to insert "safes and other;" and in the same line, after the word "furniture," to strike out "twenty" and insert "thirty;" so as to make the clause read:

For safes and other office furniture, \$30,000.

The amendment was agreed to.

The next amendment was, in line 68 of section 1, to increase the appropriation "for transportation on railroad routes" from \$14,010,000 to \$14,500,000.

The amendment was agreed to.

Mr. BECK. Before the next amendment, beginning on line 106 and extending to line 138, is read, I desire to ask Senators to listen to the reading of it carefully. I speak of it now before it is read so that they may listen to it to prevent its being read two or three times, as it may have to be unless attention is called to it now. That provision was stricken out by the committee in obedience to what we understand to be the rule of the Senate and the requirement of the Senate. The committee obeyed what they understood to be the desire of the Senate and its rule, and have reported accordingly; but a number of members of the committee—I will not say all—desire to retain this provision and as individual members of the Senate expect to vote against the amendment that they have reported in obedience to what they understand to be the rule of the Senate. I mention that now so that the matter may be understood. It is the clause reducing the rate of newspaper postage and increasing the weight of a letter at the single rate from half an ounce to an ounce. That is stricken out *pro forma*, and I call the attention of the Senate to it.

Mr. MILLER, of New York. Do I understand the Senator from Kentucky to say that the committee have stricken out the lines indicated in obedience to a rule of the Senate?

Mr. BECK. We so understand. It is legislation, and we can not insert any legislation ourselves, and so we feel instructed to strike out what is positive legislation inserted by the House, and submit the question to the Senate whether they will have it in the bill or not.

Mr. MILLER, of New York. I understood the Senator to say that it was stricken out in obedience to a rule of the Senate. I know of no rule which requires a committee of the Senate to strike out any matter put into a bill by the House of Representatives.

Mr. BECK. Perhaps I have not been felicitous in the form of my expression, but we have been instructed that legislation should not go upon appropriation bills until we have felt constrained to present the question to the Senate, reserving our own individual right as Senators to vote as we please. We know that if the clause is stricken out here it can be inserted in a conference committee and will be inserted by the conference committee if the House conferees can convince the Senate conferees that the legislation is good. For myself, believing this to be good legislation, I reserved the right to vote for it here, and so did other members of the committee.

The PRESIDING OFFICER. The question is on the amendment recommended by the Committee on Appropriations, which has not been read. The part of the bill proposed to be stricken out will be read.

The CHIEF CLERK. After the word "dollars," in line 106 of section 1, it is proposed to strike out:

That upon all matter of the first class, as defined by chapter 180 of the laws of Congress approved March 3, 1879, entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes," and by that act declared subject to postage at the rate of 2 cents for each half-ounce or fraction thereof, postage shall be charged, on and after the 1st day of July, 1885, at the rate of 2 cents for each ounce or fraction thereof; and drop-letters shall be mailed at the rate of 2 cents per ounce or fraction thereof, including delivery at letter-carrier offices, and 1 cent for each ounce or fraction thereof where free delivery by carrier is not established. That all publications of the second class, except as provided in section 25 of said act, when sent by the publisher thereof, and from the office of publication, to bona fide subscribers, or when sent from a news agency to actual subscribers thereof, or to other news agents, shall, on and after July 1, 1885, be entitled to transmission through the mails at 1 cent a pound or a fraction thereof, such postage to be prepaid as now provided by law: *Provided, however,* That publishers of second-class publications may mail sample copies of such publications at the rate of 1 cent for each four ounces or fractional part thereof, to be prepaid by ordinary stamps affixed thereto; and all acts, so far as they fix a different rate of postage than herein provided upon such first and second class matter, are to that extent hereby repealed on and after July 1, 1885. Any article or item in any newspaper or other publication may be marked for observation, except by written or printed words, without increase of postage.

Mr. MILLER, of New York. I trust that this amendment will not be agreed to. The clause proposed to be stricken out contains several separate provisions, as will be seen. The first and most important one is that which increases the weight of letters allowed by law from a half-ounce to an ounce, leaving the rate of postage the same upon the full ounce as it heretofore has been upon the half-ounce. I trust that that will become a law. I presume before taking the question upon agreeing to this amendment it will be in order to perfect the clause by moving amendments to it. I desire to strike out several lines in this section before the vote is taken on striking out the whole clause. The proviso in line 129 is:

Provided, however, That publishers of second-class publications may mail sample copies of such publications at the rate of 1 cent for each four ounces or fractional part thereof, to be prepaid by ordinary stamps affixed thereto.

I desire to strike out those words for the express purpose of having only one rate of postage on second-class matter. I believe that to be in the interest of the public, and certainly it is in the interest of an economical management of the Post-Office Department.

Mr. HALE. Will the Senator allow me to ask a question?

Mr. MILLER, of New York. Certainly.

The PRESIDING OFFICER. Will the Senator from New York repeat what he proposes to strike out?

Mr. HALE. What I am trying to find out is what the Senator is seeking to reach. Does he seek to leave the lines 129, 130, 131, and part of 133 in the bill as the House has left them, thereby exempting them from the striking-out process of the Committee on Appropriations as reported?

Mr. MILLER, of New York. I desire the Senate to disagree to the amendment of the committee except as to those lines and one or two others which I shall indicate.

Mr. HALE. The Senator desires to leave in those lines?

Mr. MILLER, of New York. I desire to leave those lines out of the bill; I desire the Senate to disagree to the amendment of the committee to strike out all the lines which have been read. That will restore them to the bill. Then, I desire to have these few lines stricken out. The Senator from Kansas suggests that it would be better to act on these important questions separately, taking one step at a time; for instance, act separately on the first part, which increases the weight of letters from a half-ounce to an ounce; but I do not see how parliamentarily we are to do that.

Mr. HALE. That is one of the things I want to find out. Here are several propositions sent us by the House in this bill, and the Committee on Appropriations strikes a line through all of them. They are separate and distinct, raising different kinds of questions. Now, in what way can the Senate, hampered as it is by its rule, modify this clause so that it may strike out a portion and leave the rest remaining in the bill?

Mr. MILLER, of New York. Allow me to suggest—

The PRESIDING OFFICER. The Chair may be allowed to suggest that the Chair sees no reason why the question may not be divided so far as different parts of the clause refer to different and distinct objects.

Mr. HALE. Can we take a distinct vote on each proposition?

The PRESIDING OFFICER. The Chair sees no reason why it may not be done.

Mr. HALE. That would reach it, of course.

Mr. SHERMAN. There are here six different substantive propositions that have no necessary connection with each other. I ask for a division of the question upon each of these. The first will extend down to line 117; that is the one which increases the maximum weight, allowed for a letter paying single postage, from a half-ounce to an ounce. Then the next is down to line 121, relating to drop-letters.

The PRESIDING OFFICER. The Senator from Ohio proposes that the first question shall be on striking out down to line 117, ending with the word "thereof."

Mr. MILLER, of New York. Would it be in order to vote now to disagree—

The PRESIDING OFFICER. The Senator from New York will please suspend a single moment. The Chair desires to understand from the Senator from Ohio at what line he begins the striking out of the first proposition he asks for a division upon.

Mr. SHERMAN. I ask for a separate vote upon the proposition to strike out from line 106, beginning "that upon all matter of the first class," down to and including "ounce or fraction thereof," on line 117.

The PRESIDING OFFICER. The entire amendment of the committee down to the word "thereof," in line 117?

Mr. SHERMAN. Yes, sir. I ask for a separate vote on that question.

Mr. BECK. I desire to know why the proposition made by the Senator from New York is not perfectly in order. We now have the text of the House bill before us. The proposition of the committee is to strike it out. Pending that motion of the Senate committee to strike out the paragraph, the Senator from New York seeks to amend it by striking out from line 129 to the word "thereto," in line 132, in order to perfect the text of the House bill before the motion to strike out is considered. Why is not that perfectly in order now?

Mr. SHERMAN. When we reach that point in the paragraph, as a matter of course that will be proper enough; but as I have asked for a separate vote on each different proposition, the first question will be on striking out the part I have already indicated.

Mr. BECK. So that this will amount to the same thing. The Senator from New York will still have his right when we reach that part?

Mr. SHERMAN. Undoubtedly when we reach that; I agree with him there.

Mr. BECK. That is right.

Mr. MILLER, of New York. I have no objection to the course suggested by the Senator from Ohio.

The PRESIDING OFFICER. A division of the question is on the first branch of the amendment recommended by the Committee on Appropriations.

Mr. HALE. Let us have that read.

The PRESIDING OFFICER. The Chief Clerk will read the first branch of the amendment on which the vote is to be taken separately.

The CHIEF CLERK. It is proposed to strike out the following words, beginning in line 106 and ending with the word "thereof," in line 117:

That upon all matter of the first class, as defined by chapter 180 of the laws of Congress approved March 3, 1879, entitled, "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes," and by that act declared subject to postage at the rate of 2 cents for each half-ounce or fraction thereof, postage shall be charged, on and after the 1st day of July, 1885, at the rate of 2 cents for each ounce or fraction thereof.

The PRESIDENT *pro tempore*. The question is on striking out these words.

Mr. SAULSBURY. I should like to inquire of the chairman of the committee, or whoever has charge of the bill, how these various provisions are to affect the postal revenues? Before I vote I want to know something about the effect of the proposed legislation.

Mr. PLUMB. I will state the conclusion of the committee on that point. The first provision is not estimated to affect the revenues at all. That increases the weight which may be sent at 2 cents from a half-ounce to an ounce. It is believed that will not diminish the revenues, and possibly may even increase them, because certain matter which now goes as printed matter unsealed by reason of the fact that it weighs more than half an ounce will be sent sealed, and therefore more matter will be sent sealed because it can go with more security and will be more attractive to the person receiving it—that is, he will be more likely to read it if it comes sealed at 2 cents postage.

The next item, proposing a reduction on second-class matter, will nominally reduce the revenue of the Government a million dollars, the gross amount received from that service now being about \$2,000,000. There has been a suggestion that to some extent that will be compensated for by reason of the fact that more of this class of matter will go by mail than now, a considerable portion now going by express, and to that extent some portion of the deficiency of a million dollars will be made up; but that of course is speculation.

The third clause, commencing with line 129, if adopted, would undoubtedly increase the revenue somewhat. That matter now—sample copies of second-class publications—goes at the pound rate.

Under the law of 1879, being the Post-Office appropriation bill for the fiscal year 1880, publications of the second class were entitled to be transmitted through the mails at 2 cents a pound, the postage being prepaid. That included sample copies. By this provision sample copies are required to pay a cent for four ounces, which is 4 cents a pound—double the rate now charged.

Mr. BECK. I wish to state with regard to the provision relative to sample copies that unless I change my mind on the argument of the Senator from New York I am disposed to adhere to the provisions of the House bill. It is said that these so-called sample copies are used for many other purposes than as sample copies; that the lotteries use them to a great extent, the patent-medicine people, and everybody who

wants to get his advertisements in at the pound rate, and they are generally not legitimate newspapers nor used by newspaper publishers. They are being sent all over the country at the low rate, not as legitimate publications for use but as advertisements for private speculation. If that is cut off by increasing the rate from 2 cents per pound to 4 cents as this proposes, and the express companies lose a portion of their business, as they will by the lower rate on second-class matter, instead of losing a million the loss will be less than half a million, and perhaps a good deal less even than that. But the sample business has been abused enormously, according to the information we have had.

Mr. MILLER, of New York. The discussion seems to be going on upon the whole subject rather than upon the point made by the Senator from Ohio in regard to my proposition to strike out from line 129 to and including line 138. Under this provision all regular publications of the country will be compelled to pay two rates of postage upon the same matter, one rate to their regular subscribers, 1 cent per pound, and upon all sample copies which are sent out by all weekly publications, particularly at the close and the beginning of the year, in large numbers, they will be compelled if this provision is left in to pay postage at the rate of 4 cents per pound.

I do not care to argue the question as to what the rate ought to be, whether it shall be 1 cent or 4 cents, or any other sum; but the ground I take is that there should be one rate of postage for the same class of matter, whether it is going to a regular and permanent subscriber who gets his paper or his magazine by the year, or whether it is sent out as a sample copy for the purpose of inducing subscriptions. I do not believe it wise to make any such distinction.

Now as to the objection raised by the Senator from Kentucky, that if this provision be stricken out it will allow all sorts of matter to go through the mails as second-class, including advertisements, I have only to say that under the present regulations of the Post-Office Department no publication is permitted to be taken in the mails as second-class matter unless it is shown to the Post-Office Department that it is a regular publication; that it is issued regularly weekly, monthly, or quarterly. The publisher must give sufficient and proper evidence to the Post-Office Department to allow it to be mailed as second-class matter.

Undoubtedly under the law as it now stands, and under the law as it will stand if this provision is stricken out, many journals which are called trade journals will circulate large numbers, not only to regular subscribers, but to persons engaged in the trade which the particular journal represents. Those journals contain a great deal of advertising matter, but I imagine that one of the chief duties of the Post-Office Department is to carry advertisements for the commercial community. All of our daily papers, all of our weekly and semi-weekly journals, and all of our quarterlies and magazines contain large numbers of pages of advertisements, and they are carried at these regular rates.

It certainly is a very great convenience to the business community, to all commercial men, and I can imagine no rule which should be applied to the Post-Office Department that will make two rates of postage upon identically the same class of matter. That is what this proposes to do. Therefore, after that section of the amendment designated by the Senator from Ohio has been voted upon, I shall, in some parliamentary way, ask that the remainder of the amendment be disagreed to, with the exception which I have named; and if that is done, then there will be the one rate of postage on all second-class matter, whether it goes to an individual subscriber or whether it is sent out as a sample copy for the purpose of soliciting other subscribers.

I believe it to be unwise to make so many different rates of postage. I venture the assertion that there is not a Senator on this floor to-day who can sit down and write out the different rates of postage which are imposed by the United States laws, not even the members of the Post-Office Committee. I served upon that committee for two years, and I am very sure I could not tell the rates of postage on many kinds of matter without looking at the Post-Office regulations. We ought to have one rate on letters (2 cents), no matter whether the weight is half an ounce or an ounce. Let us have one rate on all publications.

Mr. PLUMB. In striking out this legislation from line 106 to line 151, inclusive, the committee acted more upon the idea of striking out legislation than of furnishing information as to its own opinion as to the character of the legislation proposed. I think I may safely say that with reference to the first two provisions, the committee as individuals were all of them in favor of them—that is to say, they believed the propositions were wise. I have been running back over the appropriation bills for a number of years, and I find that all the amendments to the rates of postage for the last twenty years have been made in appropriation bills. I find also that in the appropriation bill for the fiscal year 1880 there are twenty-two sections of general legislation regulating the classification of mail matter, and that is the law as it stands to-day except as it was modified in an appropriation bill two years ago when letter postage was reduced from 3 cents to 2 cents. If, therefore, the Senate shall see fit to disagree to the proposition of the committee so far as it relates to the first two subjects down to and including line 128, certainly the committee itself will have no occasion for any feeling at being overruled. In regard to other matters something will remain to be said when they shall be reached.

Mr. SHERMAN. I find that members of the Committee on Appropriations who propose to strike out this clause, substantially agree with me, and other Senators who have spoken think that on the whole, although this legislation is in a bad place, it is legislation that probably is justified by public opinion and by good reason. I therefore feel disposed to gratify them by refusing to vote for their amendment. I presume that is what they want us to do, and I am rather inclined to oblige them in that particular.

Mr. President, the first clause of this provision of the bill I think is a very good one, because we know that by the custom of using envelopes, especially envelopes of a large and official character, many letters are of a weight that just goes beyond the half-ounce, and sometimes they are sent without being weighed, as most persons send them, not having the means of weighing them, and they are detained because of an insufficiency of postage.

Then again, we know—every Senator I presume has had that experience, I have had it—that we have been called upon every month for little contributions to the Post-Office Department to pay the deficiency of postage on letters sent to us from our constituents. I presume all Senators have had the same kind of bills presented to them that I have had. It is rather inconvenient to pay for letters that we do not care about receiving, especially when the bills for postage come in monthly installments in this way. The people really have not the means of telling whether a letter weighs half an ounce or a little more, and it creates embarrassment without any use.

I do not believe that the adoption of the provision will in any way lessen the revenue of the Government, but it may make simplicity, and probably to that extent it will do good, and therefore I am in favor of it. In respect to drop-letters, that is clearly a provision in the right direction. Under the present postal law the Government charges the same postage for a letter dropped in the town in which I live to go to my neighbor a few squares off that it does to carry a letter across to California. It seems to me that it is an unwise and unjust provision to require two cents postage on a drop-letter.

Mr. ALLISON. That is not changed by this provision.

Mr. SHERMAN. I thought it was.

Mr. ALLISON. No.

Mr. SHERMAN. It ought to be. I see, beginning in line 119, the provision:

And 1 cent for each ounce or fraction thereof where free delivery by carrier is not established.

Mr. ALLISON. That is the law now.

Mr. SHERMAN. In that particular Senators think I am mistaken. If so, it ought to be changed.

Mr. PLUMB. The only effect of the clause on that point is to accommodate that to the rate established by the preceding paragraph.

Mr. SHERMAN. To the extent it goes it is very well; but I should like to go further. I see no reason why this charge should be made of 2 cents for a drop-letter, while only 2 cents is charged for a letter across the continent; and therefore in this particular I should be very glad if we had the power under our rules to change that, and make that rate 1 cent for each ounce or fraction thereof.

Now in regard to the third clause of this paragraph, the reduction of the rate of postage on publications, reducing it one-half, in my judgment that will tend to throw into the mails a great mass of matter that is now carried by express, and therefore it will tend to swell the mails and tend to make good any deficiency that may occur by the reduction of the rate. Then, besides, the rate of transportation now on all mail matter, especially by railroads, is greatly less than it was when the present scale of postage was adopted. It was adopted a number of years ago, and I have no doubt the rate of transportation of all matter over railroads throughout the country has decreased since the passage of the existing law as much as it is proposed to reduce the rate of postage now upon these publications, and it seems to me, therefore, that if the rate prescribed by the existing law was right when it was fixed, this rate would conform to the proper standard now. So it seems to me there is no objection to that provision which reduces the rate one-half.

Then besides the increase of the number of publications the very great increase, I believe said to be threefold what it used to be, will probably tend still further to make good any deficiency that may be caused by this provision.

Now in respect to the proviso I never could see any reason why a discrimination should be made against a publisher sending a single copy of his paper to a particular person. It is no doubt intended by the man who is the publisher as an advertisement, to advertise his paper; but if it tends to induce a subscriber to take the paper we are reimbursed; and to the extent that the number of papers carried in the mails is increased by this provision it will tend to increase the revenues of the Government. If a newspaper by this means gets a new subscriber, we also get some benefit from that new subscription by an increased revenue. So I can see no objection to that.

I do see objection decidedly to the provision made in lines 129, 130, and 131, which discriminates between papers sent as samples and papers sent to subscribers. The Senator from Kentucky [Mr. BECK] gives the only reason I know of, that the motive in the one case is that the publisher may gain a new subscriber, but I do not think we have any—

thing to do with the motive that induces a man to write a letter or send a paper.

Mr. BECK. Perhaps the Senator from Ohio did not quite catch the objection I had to the provision as to sample copies, which was that a sample copy was not used legitimately for that purpose, but was marked as a sample copy when nine-tenths of it was an advertisement of a lottery or an advertisement of a patent medicine, and not sent out with a view of getting subscribers, but as a cheap mode of advertising a lottery or a patent medicine, and sent all over the country at lower rates than the Government could afford to carry it—not to aid a newspaper but to aid a private individual in making sale of his goods or getting his lottery tickets sold.

Mr. SHERMAN. If we should discriminate and make different rates of postage according to the character of the communications sent, we should be involved in a labyrinth. We have no right to inquire into the motive of the man sending a paper or the motive of a lottery dealer sending an advertisement. We ought not to charge any more for carrying a lottery advertisement than an advertisement of a sermon or any other good production. We might exclude such things on the ground that they tend to immorality, but we must not make a distinction in the rates.

As a matter of course we ought to make love-letters from young men to young women free. That would be right, and I should be glad to do it, but we can not very well discriminate in their favor. We might make a thousand discriminations for good reasons, but we can not do it; and therefore I think this proviso ought to be stricken out. The same rate should be applied to all newspapers or matters of that kind. With that exception I am prepared to overrule, no doubt to their satisfaction, the Committee on Appropriations, even if it does not exactly conform to our rule, and keep the provision in.

Mr. ALLISON. Mr. President, the Committee on Appropriations examined these provisions with some care, as I have examined them. If they were here as a separate measure from the Committee on Post-Offices and Post-Roads I should be glad to give most of them my assent. I think the latter clause is utterly unnecessary, because I believe it is practically the law now. But we are endeavoring to establish a rule here with reference to legislation on appropriation bills, and I think the honorable Senator from Ohio has been disposed to be quite as vigilant in that regard as the rest of us. Now, if we agree to this legislation upon this bill, I do not see but that we place ourselves in the attitude hereafter of legislating on appropriation bills whenever we think the legislation is right.

Mr. SHERMAN. I will ask my friend from Iowa upon what ground, if that was the view to be taken in all cases, did the committee allow that important legislation on page 3 to be left which authorizes the Postmaster-General to rent premises for the use of post-offices?

Mr. ALLISON. We did not regard that as legislation in any sense. The Postmaster-General now leases a building for a post-office for ten years. It is not worth while for me to say on the authority of the Committee on Appropriations, but it is the judgment of the committee that the provision here on that subject is not in the nature of legislation.

Mr. BECK. I should like to ask the chairman of the committee a question if he will yield to me.

Mr. ALLISON. Certainly.

Mr. BECK. After the concession that he and I and all of us make on this floor that this is good legislation and that if it were in a separate bill we would support it, how are we going to get the House conferees to yield it in the face of such confessions as we are making? Is it not better to meet it here than to meet it there, when we know we shall have to yield it, and our own record will convict us if we insist on resisting it.

Mr. ALLISON. My answer to the Senator from Kentucky is the usual answer with a conference committee, "Sufficient unto the day." When we meet the conferees of the House, if the Senate shall conclude that this provision should go out, we shall meet those gentlemen the best way we can. We have met them upon other propositions in a similar way, and the House has receded from its propositions from time to time at other sessions of Congress.

Mr. President, we have a Committee on Post-Offices and Post-Roads whose duty and business it is to propose changes in our postal laws in the first instance where they are needed, and make such recommendations to the Senate. We are now within twelve days of the close of this Congress, and so far as I have any information this Committee on Post-Offices and Post-Roads up to this hour have not given us any advice upon this subject. They have presented no bill to the Senate which we could vote and act upon on this matter.

It seems to me that if we are to have any rule at all with regard to legislation upon appropriation bills, here is a good place to show our virtue with respect to it, because if we place upon these bills legislation where we are in favor of such legislation, very soon we shall be confronted with the idea that most of the legislation in this Senate as well as elsewhere will be in the first instance presented by the Committee on Appropriations.

For one I do not desire to argue this question, but only to say that if this Senate desires that the Committee on Appropriations shall take into

its control and under its direction all the legislation or practically all the important legislation from session to session let it say so by its vote, and the committee will do the best they can with these subjects; but in the nature of things we can not consider these legislative provisions with the care and scrutiny that a committee charged with the particular subject can do, having leisure and time and opportunity for investigation.

Mr. SAULSBURY. I should like to ask the Senator from Iowa if he understands the rule of the Senate to make it incumbent upon the Appropriations Committee to strike out from the House bill this legislation put there by the House? My understanding of our rule is that we can not amend it, but I do not know that there is any obligation on the Committee on Appropriations to strike out legislation put on by the House which the committee itself deems important legislation.

Mr. ALLISON. Of course the Committee on Appropriations can not strike out this legislation; it can only be done by a vote of the Senate. All the Committee on Appropriations can do is to make its recommendation.

Mr. DAWES. I have been an interested observer of this discussion this afternoon. If there is anything to me which is interesting it is to have some gauge by which I can determine what is the wish of the Senate touching its own rules and its own methods of legislation.

The Committee on Appropriations seem to be the subject of a good deal of discussion from time to time. The Senate will not forget the manner in which they were instructed long before the appropriation bills reached this body. They were told in plain English that they were doing what the Senate has been insisting upon doing itself now that the Committee on Appropriations have determined that they will not do it. I stood up here two days within a week resisting the insertion of independent legislation in an appropriation bill, which legislation itself met my hearty approval. I was compelled to do so by the rules of the Senate and by my own record for consistency, and by a belief that in the end it was wise and would produce the best and healthiest legislation to adhere to the rule that cut out by the vitals most important legislation from an appropriation bill.

The Senate followed the Appropriations Committee in that respect, although I had reason to believe from the sentiment about the Senate that they agreed with me that in the abstract that was excellent legislation; yet in the concrete it was wise to adhere to the rule of the Senate. If now after that appropriation bill has been treated by the Senate under the wisdom and requirement of its rules and stripped of everything but naked appropriations, as it ought to have been, the Senate turns around to-day and forgetful of the rule and looking only at the character of the legislation itself, shall vote to keep it in, I do not know why I should not consider that as instruction to a conference committee to recede altogether. Let the Senate determine what will be its course and make that its rule, and the chairman of the Committee on Appropriations, I give you my word, will hold the Committee on Appropriations to the rule.

Mr. President, it is pretty hard to be called upon to vote against this measure in an appropriation bill; and if it were in a bill by itself I would not vote against it on any account; but I will vote to strike it out of this appropriation bill, because our rules require that appropriation bills shall be free and stripped of independent legislation; and if I do not vote to strike this out, I have no answer to make for the course I pursued here a few days ago. And those who know that heretofore I had advocated strongly legislation which crept into an appropriation bill, and know that two or three days ago I urged the Senate to strike it out, can well call upon me to explain whether I am honest in this position or not.

Mr. CULLOM. Will the Senator allow me to ask him a question?

Mr. DAWES. Certainly.

Mr. CULLOM. As I understand from the Senator and every member of the committee who has expressed himself on this subject, they believe that this legislation is right and proper separate from an appropriation bill, and the only reason why they are not for keeping it here is because of the rule. Now I should like to ask the Senator whether he has any idea that if it is not kept in, this good legislation that we are talking about will be had at all during this session of Congress?

Mr. DAWES. On whom will the responsibility rest if there is no such legislation? There is time enough to-day for the Post-Office Committees of the two branches to awake from their lethargy. There is time enough for the Senate, independent of its Post-Office Committee, to rally to its own duty. It is not necessary for the Senate to save itself through its Appropriations Committee and by violation of its rules. If the Senate or any other branch of this Government has got apprehensive within ten days of the end of the session that it has slept too long, and that its salvation lies only in a violation of all parliamentary law by its Committee on Appropriations, let it settle that with its constituents. I say that I have been ready and I have been anxious that the Committee on Post-Offices and Post-Roads should not lag behind and only wake up when they see an opportunity to turn over into somebody else's bill that which the rules of the Senate and some other branch of this Government require that they should do.

Am I called upon to abandon all the rules of the Senate and of other parliamentary bodies because everybody else in the Senate has got to

that pitch that you can put a pertinent question to me that this is the only way—

Mr. CULLOM. The Senator will allow me to suggest that he will only be following the rules of the Senate as adopted, as I understand, for the last twenty years, because during that time there has been no important legislation in reference to post-office matters that has not been incorporated upon appropriation bills.

Mr. DAWES. Not by the Senate. The Senate had a rule till within six or eight years allowing this very thing to be done, and they found it worked so that they made a rule that they would do so no longer; and the moment they made that rule some other branch of this Government turned around and made a rule that they would do that very thing which they had never done before. The Senate and some other branch of this Government have changed sides in this matter. It is but a few years ago that this could not be done anywhere but in the Senate; and now it can not be done in the Senate and must be done somewhere else, and all the evils pertaining to it are crowding upon our attention every moment. Why do not our friends, so anxious to wake up in the last days of the session, propose to amend the rules so that they can do it according to the rules, or make a rule that they can suspend the rules?

Mr. MILLER, of New York. I desire to ask the Senator a question. He talks about the rules of the Senate preventing this legislation. I have no knowledge of any rule of the Senate that prevents this body from acting upon general legislation fixed in an appropriation bill by the House of Representatives. If he does, I should like to know what it is. Why this harangue about the Post-Office Committee and the other committee being called upon to wake up and do their duty, on the ground that there is no power in this body under its rules to act on general legislation in an appropriation bill when placed there by the House of Representatives? I do not understand that there is any such rule. I hold that in adopting this legislation we are not violating the rules of the Senate at all. The only rule, as I understand it, is that we can not of our own original action put it in.

I understood the chairman of the committee and the Senator from Massachusetts to say that the committee had stricken out of this bill everything which was general legislation. I desire to ask the chairman and also the Senator from Massachusetts what sort of legislation is found in this clause, beginning on line 80:

The Postmaster-General is authorized to contract for inland and foreign steamboat mail service, when it can be combined in one route, where the foreign office or offices are not more than two hundred miles distance from the domestic office, on the same terms and conditions as inland steamboat service, and pay for the same out of the appropriation for inland steamboat service.

Is not that new legislation and general legislation?

Mr. PLUMB. According to the instruction the committee have had on this question, that is not general legislation. That is only a direction in regard to the manner in which a particular item of appropriation made for this fiscal year may be spent, and is not a continuous direction at all. Therefore is not general legislation. Its purpose and function is continuous only during the coming fiscal year, and it is not, as I think, obnoxious to the rule.

Mr. MILLER, of New York. I am very glad to have the opinion of the Appropriations Committee on this most important subject, and I hope that the presiding officer of the Senate will concur in the interpretation which they have given to this legislation, because if that is to hold then we can turn over any amount of the money which is appropriated for inland service to the carrying of our foreign mails; we can begin to encourage the establishment of steamship lines to the South American and Mexican ports and to any other foreign ports; and we shall be able under that decision, if it holds, to put any amendment on this bill to that effect that a majority of the Senate may desire to do. I agree fully with the Senator.

Mr. PLUMB. I only want to put this on the proper ground. It is not an invention of anybody, certainly not of the committee. The committee only accept the rule as given to them by the presiding officer of the body. That we understand to have been the ruling in a number of cases, and especially in one which was raised on the Army appropriation bill two years ago, the presiding officer then holding that any direction in regard to the expenditure of the money appropriated by the bill which did not continue longer than the appropriation itself continued, and which was for a service authorized by law, was not general legislation, and was competent.

Mr. HILL. I wish to say, Mr. President, in regard to the reflection of the Senator from Massachusetts upon the Committee on Post-Offices and Post-Roads that there is no foundation in fact for the statement which has been made. That committee has disposed of every bill of any importance that has been before it one way or another, I believe. It has acted upon several of the measures which are proposed in this bill. It has voted in some cases not to report bills embodying the same features. We have repeatedly passed bills in this body and sent them to the other House which they have made part of an appropriation bill. That the Post-Office Committee of the Senate has no control over, but I think the Post-Office Committee has done its duty fully in regard to every measure that has been before it.

Mr. CONGER. If, as the Senator from Massachusetts says, we have any rule which prevents a vote on these propositions and prevents their

being considered by the Senate, the President of the Senate should have applied that rule and ruled them out without the report of the committee at all. If it is subject to the action of the committee, and they may report to have the legislation stricken out and the Senate may vote to strike it out or to keep it, we violate no rule in keeping it in or in striking it out. It must be so.

Now, sir, we find in the bill coming from the House this legislation, which even the committee that moves to strike it out (not being required to do it by any rule of the Senate, except by the general feeling of the Senate that legislation is bad on an appropriation bill) concedes to be good. We have no rule by which the President of the Senate can on a point of order refuse to permit it to remain in the bill. We have no rule which requires the Committee on Appropriations to strike it out or to move to strike it out, or to report to the Senate that it should be stricken out. There is nothing to regulate their conduct either way except the general feeling which the Senate may have against legislation in appropriation bills.

When the Committee on Appropriations report any amendment to this or any other bill, if they have done it in the discharge of their duty, and the Senate may vote upon it, then they are free from any rule except their own judgment. So I feel free when such a proposition is made to vote for retaining the legislation which the House put in, or to vote to strike it out. I know of no rule that can control me in that. I do not agree with the Senator from Massachusetts that we are compelled by some rule to vote contrary to our own judgment when the matter is properly before the Senate and not subject to be ruled out on a point of order.

That is my view of the condition of this question. I am in favor of these propositions which are by the division of the question to be voted upon separately—every one of them. I shall vote in favor, in whatever form the question comes, of retaining them as a part of the bill. I have received petitions, as every Senator has, not only from the publishers of papers in my own State, but from other States all over the country, asking this kind of legislation; and when I have in the strict performance of my duty, and violating no rule of the Senate, the opportunity to vote as my constituents desire me to do, I shall vote that way. I am not to be deterred from expressing my judgment on the propriety of legislation when it is in a bill and can not be ruled out on a point of order; when it is in a bill, and is submitted to me to say whether I approve of that legislation, I am not to be prevented by a mere sentiment that the Senate does not desire to have upon appropriation bills any legislation from giving my vote, if I am free to vote as I choose under the rules, in favor of the legislation, and to keep it in the bill.

Sir, I believe this legislation that is proposed to be stricken out is all good, unless it be the proviso that has been referred to. I am in favor of increasing the weight of the letter under the same postage; especially I am in favor of decreasing the postage on second-class mail matter. I have received from my State scores and scores of letters requesting me as their representative to use my best influence and my votes in favor of that measure. If the rules of the Senate forbid me voting upon that proposition at all, if they forbid me expressing my preference, I am bound by the rules. I regret it, but I shall be bound by them if that is the necessity of the case. But when I am free to say yea or nay on keeping in or striking out legislation which the President of the Senate can not rule out on a point of order, and upon which I am to express my sentiments, I will vote as my judgment and the wishes and interests of my constituents require me to do.

Now one word in regard to the parliamentary situation of these propositions. I understand that while the President of the Senate was not occupying the chair it was proposed to divide these different propositions and vote upon them separately. The motion made by the Senator from New York in regard to one of them was to strike out of this section one of these propositions before we vote upon it all.

In my judgment the motion to strike that out is one way of leaving it in, to be adopted contrary perhaps to what the Senator desires. It seems to me, and I ask therefore the opinion of the President whether the question put in a proper parliamentary way would not be on these several clauses, Will the Senate concur in the recommendation of the committee as to striking out this paragraph? If the Senate non-concurs, that remains then as part of the bill, and so of each of the others.

Mr. MILLER, of New York. The Senator will understand me. As I understand the situation by unanimous consent we agreed to do just that thing, to take a vote on each proposition separately.

Mr. CONGER. Yes, but that does not touch the point I am speaking of. We agreed to vote on each of these propositions separately; but if there be a motion to strike out of the section one proposition and it is voted to strike out of the section that one and the others are not stricken out, then only those that are not stricken out can be subject to a motion to agree or disagree. I think that the proper way, and I wish the Chair would state that proposition.

The PRESIDENT *pro tempore*. Although the question is not now presented for action, the Chair has no hesitation in saying that as these phrases are in the body of the bill and the Committee on Appropriations have reported an amendment to strike them all out, so far as they are susceptible of division the question may be taken piecemeal, so to speak, on the separate divisions that are capable of being made. If the Senate refuses to strike them out, they stand as part of the bill and will

be before the Senate accordingly. Whatever the Senate does strike out as in Committee of the Whole will have then been stricken out, and the question will be, when the bill is reported to the Senate, on agreeing to the action of the Senate as in Committee of the Whole striking out such and such parts of the text of the bill. It is in these respects exactly like any other bill.

Mr. CONGER. Yes, Mr. President, but there seems to be a motion to strike out upon a motion to strike out.

The PRESIDENT *pro tempore*. The Chair does not so understand.

Mr. HARRIS. The Senator from Michigan will allow me to say that the occupant of the Chair at the time the question was raised ruled that the amendment reported by the committee was susceptible of division, and that the question could be taken and should be taken, if demanded by any Senator, upon each substantive and distinct proposition contained in the amendment. That was the ruling of the Chair, and the ruling went no further.

Mr. CONGER. I understood that to be the ruling.

The PRESIDENT *pro tempore*. That was the ruling the present occupant of the Chair would have made.

Mr. CONGER. There is pending a motion to strike out one of these propositions.

The PRESIDENT *pro tempore*. There is pending a recommendation of the committee to strike them all out. The question on striking them all out has been divided under the rules of the Senate so as to take the question on the particular, separate, and independent parts of the propositions proposed to be stricken out.

Mr. CONGER. The Chair does not quite understand me. The recommendation of the committee, and therefore the question to be acted on, is the striking out of the whole. The motion of the Senator from New York is to amend that recommendation by striking out a part.

The PRESIDENT *pro tempore*. The Chair does not understand any such motion to have been made. The Senator from New York simply demanded a division of the question on striking all out.

Mr. CONGER. The Chair probably did not understand. The motion was to strike out one clause—

Mr. HARRIS. If the Senator from Michigan will again allow me a single word, the Senator from New York indicated his disposition to make the motion that the Senator from Michigan refers to, when the Chair suggested to him that the question was divisible so far as the amendment reported by the committee contained distinct and substantive propositions, and the then occupant of the chair understood the Senator from New York to acquiesce in that suggestion, and the Senator from Ohio demanded a vote upon each substantive provision.

The PRESIDENT *pro tempore*. The Chair could not have entertained a motion, in the present state of the bill, to strike out a part of that which the committee recommend the striking out of, because that would be a repetition in substance of precisely the same thing. Therefore the matter stands on the recommendation of the committee to strike all out and the demand by the Senator from New York that the question be divided.

Mr. CONGER. That report was made subsequently. Now, may I ask this question: On each of these propositions those who desire it to stand in the bill will vote against striking out, as I understand?

The PRESIDENT *pro tempore*. The Chair so supposes.

Mr. CONGER. That is all I wish to get at, because the other motion would have made it difficult to tell what the result would be.

Mr. WILLIAMS. I want to understand this subject a little better than I do. It strikes me that it is bad policy usually to ingraft general legislation or permanent laws upon an appropriation bill, and we have a rule of the Senate on that subject which governs us and can not govern the House. I do not think it is competent for us to offer amendments to a House bill which embrace permanent legislation upon an appropriation bill.

But if the House, which is independent as we are, sends us an appropriation bill with general legislation pertinent to the subject, germane to it, I do not think it is in violation of our rule for us to vote for that legislation just as it comes from the House. Our rules govern us, but they do not govern the House. Nothing but a joint rule of the two Houses is obligatory on both; and when general legislation comes from the House upon an appropriation bill, which is proper and right and germane to the subject of the bill, I intend to vote for it, feeling that I have not violated any rule of the Senate.

I can not see for my life why we are bound to object to the legislation that comes from the House even if that legislation is ingrafted upon an appropriation bill, for there are exceptions even to the general rule of its being bad policy to put general legislation on appropriation bills. A vast amount of the most important legislation of this country has been upon such bills; and when an appropriation bill comes with proper legislation, germane to the subject for which the appropriation is made, I am prepared to vote for it, our rules to the contrary notwithstanding. They bind us but do not bind the House. Nothing but a joint rule can bind both.

LAND TITLES IN NEW MEXICO.

Mr. HILL. I ask the unanimous consent of the Senate to be allowed to offer a resolution at this time.

The PRESIDENT *pro tempore*. The Senator from Colorado asks unanimous consent to be allowed to offer a resolution at this time. Is there objection?

Mr. ALLISON. Let it be read first.

The PRESIDENT *pro tempore*. It will be read for information, after which the Chair will ask for objection.

The Chief Clerk read the resolution, as follows:

Resolved, That the portion of the resolution directing the Secretary of the Interior to furnish to the Senate copies of the reports of F. D. Hobbs and A. R. Green, &c., which passed the Senate February 4, 1885, embracing the following words, "and also copies of all papers on file in the Interior Department relating to this subject," is hereby rescinded.

The PRESIDENT *pro tempore*. Is there objection to this resolution being now received?

Mr. ALLISON. I ask that it go over until to-morrow morning.

The PRESIDENT *pro tempore*. Objection is made to the reception of the resolution. It can not be received.

Mr. ALLISON. No; I do not object to its reception.

The PRESIDENT *pro tempore*. Is there objection to the resolution being received? The Chair hears none. Objection is made to its present consideration. It will be printed and go over.

Mr. HILL. Will the Senator allow me one word of explanation? It is a matter of some importance that the resolution should be adopted at once to save expense. I am informed by the Commissioner of the General Land Office that a compliance with the resolution of the 4th instant will involve the necessity of copying 1,500 pages of papers which I do not deem material, and to save that expense this resolution is offered.

Mr. ALLISON. I withdraw my objection.

The PRESIDENT *pro tempore*. Is there objection to the present consideration? The Chair hears none.

The resolution was considered by unanimous consent, and agreed to.

POST-OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes.

Mr. MILLER, of California. It appears very probable that the Senate is about to reverse itself on the question of adopting general legislation on appropriation bills. I desire to ask the Senator in charge of this bill, or the chairman of the Committee on Appropriations, whether the committee have given sufficient attention and consideration to the clause which proposes to raise the weight of letters to one ounce to be able to state whether a loss to the revenue derived from letters will be incurred or not?

Mr. PLUMB. We had before us the Postmaster-General and we gave this subject all the consideration we had within the limited time allowed us and arrived at the conclusion, which I stated some time ago to the Senate, that there will be no loss of revenue by reason of the adoption of that provision.

Mr. MILLER, of California. I understand the Senator, then, to state—

Mr. PLUMB. No appreciable loss; probably none at all.

Mr. MILLER, of California. I understood the Senator, then, to state that the expert officers of the Post-Office Department, the Postmaster-General, and the committee are of opinion that there will be no substantial loss in the revenue derived from letter postage by the adoption of this clause. I desire to have that assurance before voting upon this matter. There seems to be a disposition now to retain this legislation in this bill.

A few days ago the Senate could not bear the proposition to do justice to a few obscure individuals for whose benefit there were certain provisions in the Indian appropriation bill; but the case now seems to be very different. Other parties are interested in these provisions who are of higher and greater consideration, and I suppose that the rule will be abandoned in this case. It looks like it. To be consistent I should not object, because the other day I contended very strenuously that certain just and equitable and proper legislation should be retained in an appropriation bill. But it is a little interesting to see the performances of the Senate on this subject.

The PRESIDING OFFICER (Mr. HARRISON in the chair). The question is on the first branch of the amendment of the Committee on Appropriations, proposing to strike out the words from line 106 to and including the word "thereof," in line 117.

Mr. HAWLEY. I am not sure that I understand the purpose of this discussion. I thought we were about to say what we liked in this proposed legislation, and then to raise the point of order upon it and strike it all out; and that the Committee on Appropriations would meet the House conferees with the point of order striking it all out, but nevertheless would have the opinion of the Senate as to such legislation as it might yield to. I shall not give up the point of order against legislation.

Mr. MILLER, of New York. What is the point of order? I think the Senator has entirely misconceived the object of this debate.

Mr. HAWLEY. Will the Senator please explain to me whether we are to raise the point of order on this legislation and strike it all out?

Mr. MILLER, of New York. I do not understand that there is any point of order that lies against it. It is impossible to raise any point of order. We must decide by a vote affirmatively or negatively whether this shall stay in or go out. In other words, we are to vote now whether to concur in the amendment of the Committee on Appropriations striking this out. If we disagree, this provision remains in.

Mr. HAWLEY. I see what the Senator is aiming at, but the Committee on Appropriations very properly brings in a bill with blacklines drawn across certain portions of it because it is obnoxious to the rule against legislation on an appropriation bill. I shall raise the point of order if nobody else does that this is a change of existing law, and that these paragraphs have no right here under the rule of the Senate. At the same time I am perfectly willing to express my opinion on these different points made here, because I know very well what the result will be, that in cases like this, where the Appropriations Committee and the Senate really believe in the justice of certain legislation, they will not precipitate an extra session on the country for the sake of adherence to our rules. That is just all there is of it.

Mr. CONGER. I ask the Senator under what rule he can raise any point of order against this?

Mr. HAWLEY. That it is general legislation on an appropriation bill.

Mr. CONGER. Is there any Senate rule on that point? The rule is only as to amendments moved in the Senate, not as to a bill that comes from the House.

Mr. HAWLEY. For what reason, then, does the Appropriations Committee report this bill with certain clauses in it marked out that they believe in and would like to have go into the statutes if it were not for the objection to legislation on an appropriation bill?

Mr. CONGER. Because there is a kind of sentiment in the Senate that we are trying to govern the House in accordance with Senate rules, which we have never been able to do yet.

Mr. HAWLEY. I have sufficiently made my point, and now I will express my opinion on these different propositions. I would have confined it to the proposition which the Senator from Ohio desired to, have first acted upon except for the fact that everybody talking on this subject has talked on the whole matter. I like that. I like the second except the words in lines 123 and 124, which qualify the reduction of postage on newspapers. It reads now:

That all publications of the second class, except as provided in section 25 of said act, when sent by the publisher thereof, and from the office of publication, to bona fide subscribers, or when sent from a news agency to actual subscribers thereof.

I do not like the words "bona fide subscribers," for the reason that I fear they will compel publishers to assort their mails in different bags and different lots. A considerable percentage of the mail sent out from every newspaper office is composed of papers sent to exchanges. I think it possible that under this clause it might be required of the publishers to make separate bags of the papers sent to the exchanges, but if it should be held that the paper sent to a neighboring publisher with whom you exchange is one which is paid for by his paper to you, then that might be considered as a bona fide subscription. But I would just as lief strike that out and make certain of that construction. I should like to know what the Senator from Kansas thinks of that point.

Mr. PLUMB. I wish to say, in the first place, that I hope the Senate will, in justice to itself and in justice to the committee, vote its own sentiments on this bill, and not leave to the Committee on Appropriations or the committee of conference to be held on this bill in all probability the determination of this question. It is not fair to the committee and it is not fair to the Senate that the committee of conference should have the responsibility thrust upon it of saying there shall be an extra session or we will yield to various influences that may be brought to bear upon us by the House conferees in regard to the merits of this proposition.

Mr. HOAR. Allow me to ask the Senator from Kansas how much general legislation have we put on appropriation bills this year?

Mr. PLUMB. Practically none.

Mr. HOAR. Have we not left some?

Mr. PLUMB. We have left one lonesome, solitary provision on the pension appropriation bill, which is the only one I know of of any moment. That was about the presumption of soundness at the time of enlistment.

Mr. HOAR. We legislated last year in that bill about the fees of attorneys.

Mr. PLUMB. That was stricken off this year's bill and that bill is in conference.

Mr. HOAR. I am very desirous for one to vote for the provision reducing the postage on newspapers, and I do not want to be put in the position of opposing that if the Senate is going to leave on these bills other legislation.

Mr. PLUMB. Certainly the Senate itself had better exercise the discretion of what shall go on the bill than a committee of conference. If there is an overwhelming desire here to put it on, they ought to put it on; or if they do not have it on, let them say they will proceed in the exhibition of this Roman virtue even to standing to the extent of having it an instruction to the committee of conference that they are to

resist even at the cost of an extra session of Congress if necessary. The reports of conference committees will come into the Senate when the Senate will not have a quorum probably; it will never be fuller than it is now, and the vote of a handful of the Senate, even if the question were submitted by a conference committee, will not amount to that expression on the part of the Senate which it ought to have on a question which has been the subject of so much discussion and so much decision on the part of the Senate.

Mr. HOAR. On the third page of this bill there is a change of the law in regard to leasing premises for post-offices.

Mr. PLUMB. That might be called legislation by some, and there is a good deal of doubt in regard to it, but the Postmaster-General is doing that thing now, and we only regulate the manner in which he shall exercise the discretion he is now exercising.

Mr. FRYE. That is, you make that law which hitherto was not law.

Mr. PLUMB. No, I am not certain that it is not law now; but at the same time there is no law that directs him to attach certain conditions to these leases, which we here provide that he may. The merit or demerit of that proposition is not in the fact that he may make leases for five years, because he makes them for ten, but it is in the fact that we provide that a certain equipment shall be put into the particular buildings he leases and that he was not in a condition perhaps to insist upon before.

Mr. CONGER. I do not see any prospect of finishing this bill to-night. ["Oh, yes!"]

Several SENATORS. We are ready to vote.

Mr. CONGER. I desire to move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. Does the Senator from Michigan make that motion?

Mr. CONGER. If Senators do not expect to finish the bill to-night, it is important that we should have an executive session.

Mr. CULLOM. I hope the Senator will not make that motion until we get through with this amendment. It has been thoroughly discussed and we are ready to vote.

Mr. CONGER. Just about the time we are ready to go into executive session Senators will have gone. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The question is on the motion of the Senator from Michigan.

The motion was not agreed to, there being on a division—ayes 13, noes 33.

Mr. CONGER. I think it so important that I shall call for the yeas and nays unless there is some understanding that after disposing of this amendment we shall have an executive session.

Mr. SHERMAN. Let us have it after that.

The PRESIDING OFFICER. Does the Senator call for the yeas and nays?

Mr. CONGER. With the understanding that at half past 5, as some Senator suggests, I shall move to go into executive session, I shall not press the motion now.

The PRESIDING OFFICER. The question is on the first branch of the amendment, to strike out from line 106 to 117.

Mr. SHERMAN. I do not care anything now about the division, finding from the debate that there is a general concurrence in the whole of this clause except the proviso. It will properly expedite matters if I withdraw my demand for a division. ["No!" "No!"] Very well, let us vote separately.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Committee on Appropriations, to strike out from the words "that upon," in line 106, to the word, "thereof," in line 117.

Mr. VAN WYCK called for the yeas and nays, and they were ordered.

Mr. WILLIAMS. I understand the vote we are now about to take is on agreeing to the amendment reported by the Committee on Appropriations of the Senate. Is that the vote?

The PRESIDING OFFICER. The Senator from Kentucky is right, but the question has been divided. The first vote is, Will the Senate agree to the amendment proposed by the committee from line 106 to line 117?

Mr. WILLIAMS. On that point I wish to state the principle which will govern my vote. The House has sent up a bill which proposes to reduce the postage on all second-class matter. I believe that the Senate is really in favor of that, but it is said we have a rule of the Senate that interferes with our agreeing to the bill of the House. I have been here nearly six years, and I have never known the Senate to have any rule except the rule of courtesy, that rule which governs gentlemen in their intercourse with each other, and I want it distinctly understood that I shall vote against the amendment of our own committee based upon the alleged rule, because they keep the postage as high as it is, and I am in favor of a lower postage.

Mr. MITCHELL. I desire simply to say that while I am in favor of the proposition contained in the bill I shall vote against it because I do not believe in legislation on appropriation bills.

Mr. COCKRELL. As I understand, the question now is on the recommendation of the committee to strike out from line 106 down to line

117—in other words, to strike out the provision which increases the weight of letters to an ounce instead of a half ounce. ["That is it."] I hope and trust the Senate will vote down the proposed amendment of the Committee on Appropriations, and not strike out this legitimate and proper legislation upon this bill, and for the striking out of which there is no rule of the Senate.

Mr. EDMUNDS. Mr. President, I do not know whether this proposed legislation is good or bad. There are two sides to that. As I am charged the next ten days with executing the rules of the Senate I wish to recall to the attention of the Senate the fact that, on two or three recent occasions in respect of important and apparently necessary legislation on appropriation bills, the Senate has held, in harmony with its own rules in respect of its own bills, that it would not accede to legislation proposed by the House on an appropriation bill that was purely legislation, as everybody agrees that this is, and upon the broad ground that I need not restate, for we all understand it now.

I should be glad, as one Senator, to have the Senate preserve a reasonable degree of consistency, and not refuse to amend the pension laws, for instance, the other day where on a former appropriation bill a gross error to say the least of it had been committed, and then on a Post-Office appropriation bill to reverse its action and decide that, because it liked that legislation a little better than it did the other, it would allow it to stay on. We ought to be consistent, and we ought, therefore, to be just, because justice and consistency usually go together.

If the Senate has not courage enough to adhere to one principle, then we ought to know it long enough in advance, so that it may become in every case a question of whether the Senate likes the legislation on an appropriation bill or not. If it thinks it is good legislation, and is, therefore, willing to have it on an appropriation bill, it ought to apply universally and fairly, so that on the legislative and executive and judicial appropriation bill the Committee on the Judiciary can report many amendments that they have presented in the form of separate bills, necessary to the good order and administration of justice as the country goes on, and yet we do not do it for that reason.

Now, why can we not be consistent and either repeal our rules and our practice altogether and say that we will put on to every appropriation bill everything that we think is good and strike off, as we do on all other bills, everything that we think is bad; or adhere consistently to the idea that a general appropriation bill for carrying out the existing laws of the Government and carrying on its operations shall be that thing and nothing more.

I only recall this matter to the attention of the Senate in order that if possible we may preserve our consistency for at least a week at a time.

Mr. BECK. While the Senator from Vermont is on the floor I desire to suggest to him the same difficulty that I did to the chairman of the Committee on Appropriations, and I shall be very glad to hear how we can get out of this difficulty.

I shall be one of the conferees, perhaps, on this bill—I may be at least, having been on the subcommittee in charge of it. I am looking to that possibility. The President of the Senate knows that the House has a right to insert anything that it chooses. It has inserted this. We can not strike it out so as to keep it out. It will come before us again in conference.

Most of the members of the Committee on Appropriations have already confessed that it is legislation which they would be willing to vote for as a separate measure. That is part of the record. That the House knows. That the House conferees understand. Then, with that admission staring us in the face, when we meet in conference, knowing it is good legislation, and admitting that it is, how can we refuse to pass necessary appropriations for the Government and force an extra session, which nearly all of us deplore, by standing up to a rule that we can not control, because we can not prevent the House from inserting legislation there, nor can we prevent their conferees from adhering to it after we admit that the legislation is good? That is the difficulty I have.

Mr. EDMUNDS. That to my unsophisticated mind is no difficulty at all practically. I was once a member of the Committee on Appropriations and I do not know but that I should have been there since, but for the fact that at that time the river and harbor bills went to the Committee on Appropriations, and I committed the gross sin of being opposed to a certain appropriation in it, and I discovered the next Congress that I was no longer a member of the Committee on Appropriations. But on other bills than those for rivers and harbors the Committee on Appropriations then found when the Senate was unwilling to put on an appropriation bill any piece of legislation, either because it thought it was not good, or because it thought that it was better to have it in a separate bill even if good, and the Senate conferees said to the House conferees, "You have a right to put all your bills into an appropriation bill if you want to; we have nothing to do with your rules; you are an absolutely independent body of us; we have no right to criticize your rules—they belong to yourselves—any more than Her Majesty's Government of Great Britain has any right to criticize our rules about the public lands, or anything else; it is none of our business; we are equally independent," and when we told the House conferees, "The Senate is of opinion that this sort of thing ought not to be on this bill" for either

reason, because it was not good of itself as far as we could see, or because we did not wish to have it in an appropriation bill, good or bad, and said to them, "If you wish to take the responsibility of saying that you will not have any appropriations at all to carry on the Government under existing laws, because the Senate is unwilling to agree to something additional that you believe in and we do not—for whatever reason; you take your responsibility; it is your right," they never took it and they never will, because they are patriotic and upright and independent as we are, and they know that they stand in exactly the same attitude that we would stand if our rules authorized us to put separate and independent legislation on an appropriation bill and the House rules did not, and we sent over an amendment of our own and said to the House of Representatives, "We will not have any appropriations unless you will agree to this legislation; your conferees admit that it is probably good legislation, but you will not have it on this bill; if you will not, then we will not have any appropriations at all."

We have always thought that such a position was totally untenable, as it is, and it never was maintained. So that there is no practical difficulty about it at all. If the Senate of the United States is really sincere in saying that it will not put on appropriation bills general legislation that changes permanently the permanent laws of the United States, but will keep them free, so that they can be sent to the President of the United States for his approval of the items within the laws, and not embarrass him by a thousand questions that may be presented if you present one, then there is no difficulty in carrying on your Government without the slightest trouble or friction even between the two Houses of Congress. They are equally independent, and I repeat, if the Senate is sincere in believing that it is vicious to legislate on appropriation bills, and will not give way to the temptation, when something that appears to be good is presented, of agreeing to it, and then stultifying itself, there is no difficulty at all in having an appropriation bill go through in due time and in good order.

The only trouble is that two years have gone by since this Congress assembled, and these various matters of useful legislation that are germane to every appropriation bill, or some one of those bills have not been brought forward as separate measures and brought to their passage, and when we run down to the end of the session and appropriation bills come in then, as they always do at that time, then we are tempted to say, "why here is something good that is germane to this one; let us put it on; and here is something that a majority of us think is good, let us put that on," so as to vitiate the security and safety of legislation that we all, I believe, agree in the Senate ought to be had in respect of keeping bills entirely separate from each other, and having appropriation bills what they purport to be, bills providing for the payment of money out of the Treasury to carry on the regular objects of the various Departments of the Government.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CAMERON, of Wisconsin (when his name was called). I am paired upon this question with the Senator from Louisiana [Mr. JONES].

Mr. MANDERSON (when his name was called). I am paired on questions generally with the Senator from Florida [Mr. JONES]. Understanding that he would vote against this amendment I feel privileged to vote. I vote "nay."

The roll-call was concluded.

Mr. FRYE. The Senator from Texas [Mr. COKE] is called out from the Senate for a couple of hours, and I think he understands I am paired with him.

Mr. MAXEY. My colleague [Mr. COKE] would vote "nay" if he were present.

Mr. FRYE. I think he understands that I am paired with him, and therefore I refrain from voting.

Mr. RANSOM. The Senator from Arkansas [Mr. GARLAND] is paired with the Senator from Illinois [Mr. LOGAN].

The result was announced—YEAS 18, NAYS 33; as follows:

YEAS—18.			
Allison,	Edmunds,	Jones of Nevada,	Pike,
Bayard,	Hale,	Lapham,	Platt,
Butler,	Harris,	Mahone,	Wilson.
Dawes,	Hill,	Mitchell,	
Dolph,	Hoar,	Morrill,	
NAYS—33.			
Beck,	Gorman,	Morgan,	Sherman,
Blair,	Hampton,	Palmer,	Slater,
Bowen,	Hawley,	Pendleton,	Vance,
Brown,	Ingalls,	Plumb,	Van Wyck,
Call,	Jackson,	Pugh,	Vest,
Cockrell,	McMillan,	Ransom,	Williams.
Conger,	Manderson,	Sabin,	
Cullom,	Maxey,	Saulsbury,	
George,	Miller of N. Y.,	Sawyer,	
NOT VOTING—25.			
Aldrich,	Fair,	Jonas,	Riddleberger,
Camden,	Farley,	Jones of Florida,	Sewell,
Cameron of Pa.,	Frye,	Kenna,	Voorhees,
Cameron of Wis.,	Garland,	Lamar,	Walker.
Chace,	Gibson,	Logan,	
Coke,	Groome,	McPherson,	
Colquitt,	Harrison,	Miller of Cal.,	

So the amendment was rejected.

Mr. CONGER. Now I move that the Senate proceed to the consideration of executive business.

The question being put, there were on a division—ayes 23, noes 26.

Mr. CONGER. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. CAMERON, of Wisconsin. I move that the Senate do now adjourn.

Mr. CONGER. On that I call for the yeas and nays.

The yeas and nays were ordered.

Mr. ALLISON. I hope the Senator from Michigan and the Senator from Wisconsin will withdraw their several motions for a little while so that we may go on for a time with this bill. We can have no legislation to-morrow, and it seems to me we ought to finish this bill, or very nearly so, to-night.

Mr. CONGER. I can not state the reasons why we should go into executive session for a few moments to-night, because the rules forbid.

The PRESIDING OFFICER. Debate is not in order on either motion. Does the Senator from Wisconsin withdraw his motion to adjourn?

Mr. CAMERON, of Wisconsin. If the motion to go into executive session shall be withdrawn I am willing to withdraw the motion to adjourn.

The PRESIDING OFFICER. On the motion to go into executive session the yeas and nays have already been ordered.

Mr. HARRISON. And also on the motion to adjourn.

The PRESIDING OFFICER. Does the Senator from Wisconsin withdraw his motion? If not, the question is, Will the Senate adjourn?

Mr. CAMERON, of Wisconsin. I withdraw the motion to adjourn.

The PRESIDING OFFICER. The motion to adjourn is withdrawn. The question is on the motion of the Senator from Michigan that the Senate now proceed to the consideration of executive business, upon which the yeas and nays have been ordered. The roll will be called.

Mr. CAMERON, of Wisconsin. Unless the motion to go into executive session can be withdrawn, I shall renew my motion to adjourn.

The PRESIDING OFFICER. The Senator from Wisconsin moves that the Senate do now adjourn.

Mr. CONGER. I thought the first name had been called.

The PRESIDING OFFICER. There had been no response. The question is on the motion of the Senator from Wisconsin that the Senate do now adjourn. [Putting the question.] The yeas appear to have it.

Mr. CONGER. I call for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. FRYE. I am paired with the Senator from Texas [Mr. COKE].

The result was announced—yeas 12; nays 38; as follows:

YEAS—12.

Bayard,	Cameron of Wis.,	Jones of Nevada,	Saulsbury,
Brown,	Cockrell,	McPherson,	Slater,
Call,	Hampton,	Ransom,	Van Wyck.

NAYS—38.

Allison,	Gorman,	McMillan,	Platt,
Beck,	Harris,	Mahone,	Pugh,
Blair,	Harrison,	Manderson,	Sabin,
Butler,	Hawley,	Maxey,	Sawyer,
Conger,	Hill,	Miller of Cal.,	Sherman,
Cullom,	Hoar,	Miller of N. Y.,	Vest,
Dawes,	Ingalls,	Mitchell,	Williams,
Dolph,	Jackson,	Morrill,	Wilson.
Edmunds,	Lamar,	Palmer,	
George,	Lapham,	Pike,	

NOT VOTING—26.

Aldrich,	Fair,	Jonas,	Riddleberger,
Bowen,	Farley,	Jones of Florida,	Sewell,
Camden,	Frye,	Kenna,	Vance,
Cameron of Pa.,	Garland,	Logan,	Voorhees,
Chace,	Gibson,	Morgan,	Walker.
Coke,	Groome,	Pendleton,	
Colquitt,	Hale,	Plumb,	

So the Senate refused to adjourn.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Michigan that the Senate proceed to the consideration of executive business.

Mr. SHERMAN. I trust the Senator will allow me to make a motion as to the order of business. I move that when—

The PRESIDENT *pro tempore*. Does the Senator from Michigan withdraw his motion?

Mr. CONGER. No, sir, I do not withdraw it.

Mr. SHERMAN. For a moment.

Mr. CONGER. For what purpose?

Mr. SHERMAN. I move that when the Senate adjourn to-day it adjourn to meet at 1 o'clock to-morrow in order to have as much of the day as possible.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that when the Senate adjourn to-day it be to meet at 1 o'clock in the afternoon to-morrow. The question is on agreeing to that motion.

The motion was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Michigan that the Senate proceed to the consideration of executive business, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 24, nays 31; as follows:

YEAS—24.

Bowen,	Dawes,	McMillan,	Morrill,
Brown,	Dolph,	Mahone,	Palmer,
Cameron of Wis.,	Hale,	Manderson,	Platt,
Chace,	Harrison,	Miller of Cal.,	Sabin,
Conger,	Jones of Nevada,	Miller of N. Y.,	Sawyer,
Cullom,	Lapham,	Mitchell,	Sherman.

NAYS—31.

Allison,	Gorman,	Lamar,	Saulsbury,
Bayard,	Groome,	McPherson,	Slater,
Beck,	Hampton,	Maxey,	Vance,
Blair,	Harris,	Morgan,	Van Wyck,
Butler,	Hawley,	Pike,	Vest,
Call,	Hoar,	Plumb,	Williams,
Cockrell,	Ingalls,	Pugh,	Wilson.
George,	Jackson,	Ransom,	

NOT VOTING—21.

Aldrich,	Fair,	Jonas,	Sewell,
Camden,	Farley,	Jones of Florida,	Voorhees,
Cameron of Pa.,	Frye,	Kenna,	Walker.
Coke,	Garland,	Logan,	
Colquitt,	Gibson,	Pendleton,	
Edmunds,	Hill,	Riddleberger,	

So the motion was not agreed to.

Mr. CONGER. I move that the Senate adjourn.

Mr. PLUMB. I hope the Senate will not adjourn until we dispose of these amendments.

The PRESIDENT *pro tempore*. Senators will please resume their seats and cease conversation. If the Senator from Michigan will withdraw his motion for a moment the Chair will receive a message from the President of the United States.

Mr. CONGER. Certainly.

[A message, in writing, was received from the President of the United States, by Mr. PRUDEN, one of his secretaries.]

Mr. CONGER. Has intervening business occurred so that I may renew the motion to go into executive session?

The PRESIDENT *pro tempore*. It is in order to make that motion.

Mr. CONGER. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The Senator from Michigan moves that the Senate proceed to the consideration of executive business.

[Putting the question.] The yeas appear to have it.

Mr. CONGER. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 29, nays 24; as follows:

YEAS—29.

Aldrich,	Dawes,	McMillan,	Platt,
Blair,	Dolph,	Mahone,	Sabin,
Bowen,	Edmunds,	Manderson,	Sawyer,
Brown,	Harrison,	Miller of Cal.,	Sherman,
Cameron of Wis.,	Hill,	Miller of N. Y.,	Wilson.
Chace,	Hoar,	Mitchell,	
Conger,	Jones of Nevada,	Morrill,	
Cullom,	Lapham,	Palmer,	

NAYS—24.

Allison,	Gorman,	Jackson,	Ransom,
Bayard,	Groome,	McPherson,	Saulsbury,
Beck,	Hampton,	Maxey,	Slater,
Call,	Harris,	Morgan,	Vance,
Cockrell,	Hawley,	Plumb,	Vest,
George,	Ingalls,	Pugh,	Williams.

ABSENT—23.

Butler,	Farley,	Jones of Florida,	Riddleberger,
Camden,	Frye,	Kenna,	Sewell,
Cameron of Pa.,	Garland,	Lamar,	Van Wyck,
Coke,	Gibson,	Logan,	Voorhees,
Colquitt,	Hale,	Pendleton,	Walker.
Fair,	Jonas,	Pike,	

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-two minutes spent in executive session the doors were reopened, and (at 6 o'clock and 16 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 20, 1885.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. J. S. LINDSAY, D. D.

THE JOURNAL.

The Journal of yesterday was read.

Mr. STEELE. I desire to know what is meant by an entry in the Journal which says that a certain statement in the RECORD shall be made to conform to a statement in the Journal. As I understood the motion of the gentleman from Kentucky [Mr. THOMPSON] it was to reconsider the vote by which the House agreed not to consider the pension bill (S. 2511), and there was nothing said about having the bill withdrawn from the House Calendar. And I understand that it so appeared in the RECORD.

The SPEAKER. The Clerk will read that part of the Journal to

which reference has been made; the Journal of the previous day's proceedings has been sent for.

The Chair understands the House by a yea-and-nay vote refused to consider a bill which came from the Senate and that it went to the House Calendar. Afterward the gentleman from Kentucky [Mr. THOMPSON] entered a motion to reconsider the vote by which the House had refused to consider the bill and it so stands.

Mr. STEELE. But that does not take the bill from the House Calendar.

The SPEAKER. It does not. It is now on the House Calendar, and will remain there unless the vote of the House is reconsidered.

Mr. HORR. I wish to say to the Chair that the House did not by any vote refer the bill to the House Calendar. It was sent there by the Chair. The vote was on the question whether the House would consider the bill.

The SPEAKER. Does the gentleman from Michigan claim that the bill was on the Speaker's table?

Mr. KEIFER. No, sir; it was reported by the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

Mr. HORR. The bill having been reported, a motion was made by myself raising the question of consideration. That question was decided in my favor by the House on a yea-and-nay vote; whereupon the Chair sent the bill to the Calendar. There was no motion made about it. It went there by direction of the Chair.

The SPEAKER. Of course a report from a committee, unless some other disposition be made of it, goes to one of the Calendars under the rules of the House.

Mr. KEIFER. I want to say a word about this matter, which is of some importance. The point I make with reference to it is this: that there was no motion, as appears on the Journal, entered by the gentleman from Kentucky [Mr. THOMPSON] to reconsider the vote by which the bill was referred to the House Calendar. No such motion was made. But that gentleman did enter a motion, and the RECORD of yesterday morning shows it, that the House should reconsider the vote by which the House refused to consider the bill when it was reported. It was a privileged report. The Select Committee on Payment of Pensions, Bounty, and Back Pay was authorized by order of the House to report that bill back at any time, which made it privileged, and privileged for consideration. But the House refused to consider it, and the gentleman from Kentucky entered a motion late in the evening to reconsider the vote by which the House refused to consider the bill. I ask, in order that we may get into no confusion hereafter about this matter, that the Clerk shall read exactly what took place and I am authorized to say that the reporter's notes agree with the RECORD and show exactly what did take place.

The SPEAKER. The Chair will call on the Clerk to read what the Journal shows upon this subject, because that is the question now under consideration.

The Clerk read as follows:

Mr. JOHN H. ROGERS, as a privileged question, under authority to report at any time thereon, from the Select Committee on the Payment of Pensions, Bounty, and Back Pay, to which was referred the bill of the Senate No. 2511, relating to claim agents and attorneys in pension cases, reported the same without amendment, accompanied by a report in writing thereon.

Mr. KEIFER made the point of order that the said bill, under clause 3 of Rule XXIII, must receive its first consideration in a Committee of the Whole.

The SPEAKER *pro tempore* overruled the said point of order; that it did not appear that any provision in the said bill either appropriated money out of the Treasury or required such appropriation to be hereafter made; and when

Mr. HORR raised the question of consideration; and the same being put, namely, Will the House now consider the said bill? When the yeas and nays were demanded thereon and the same were refused.

Mr. WILLIAM H. HATCH moved to reconsider the vote by which the yeas and nays were refused; which motion was agreed to.

The question recurring on ordering the yeas and nays, and being put, the same were ordered. The question being again put, to wit, Will the House now consider the said bill? It was decided in the negative—yeas 116, nays 136, not voting 72.

So the House refused to consider the said bill at the present time.

Ordered, That the said bill and report be referred to the House Calendar and printed.

Mr. KEIFER. There has never been any controversy about that part of it, Mr. Speaker.

The SPEAKER. Later in the Journal of that day a further entry appears, which the Clerk will read.

The Clerk read as follows:

Mr. THOMPSON, as a privileged question, entered a motion to reconsider the votes by which the House refused to consider the bill of the Senate No. 2511, relating to claim agents and attorneys in pension cases, and referred the same to the House Calendar; which said motion was passed for the present.

Mr. HORR. That last part did not occur here.

Mr. KEIFER. Now, Mr. Speaker, I ask that the portion of the RECORD which contains the proceedings as they occurred, in exact accordance with the reporter's notes and with the recollection of gentlemen all around me, shall be read in order to show what did actually take place.

The SPEAKER. The Clerk will read the portion of the RECORD indicated.

The Clerk read as follows:

Mr. REED, of Maine. I move that the House do now adjourn.

Mr. THOMPSON. I rise to a question of the highest privilege.

The SPEAKER *pro tempore*. The gentleman from Maine moves that the House

do now adjourn, pending which the gentleman from Kentucky states that he rises to a question of the highest privilege, which he will state.

Mr. THOMPSON. I rise to enter a motion to reconsider a vote taken to-day, which is a question of the highest privilege.

The SPEAKER *pro tempore*. The Chair will recognize the motion.

Mr. THOMPSON. I enter a motion to reconsider the vote by which the House refused to consider Senate bill No. 2511.

Mr. KEIFER. That would not avail anything if it was done now.

Mr. THOMPSON. I enter the motion, at any rate.

Mr. KEIFER. A motion to reconsider would not bring it up for consideration this evening.

Mr. THOMPSON. I am aware of that fact.

Mr. KEIFER. It would not bring it up for consideration.

The SPEAKER *pro tempore*. The Chair is hardly called upon to decide what would be the effect of the motion.

Mr. THOMPSON. I enter the motion to reconsider the vote on the bill the number of which I have stated. I refer to the bill of the Senate in relation to claim agents.

The SPEAKER *pro tempore*. The motion will be entered.

Mr. WILLIS. I move that the House take a recess until to-morrow at 10 o'clock, and will state that if this is done I will move an adjournment before 11 o'clock.

Mr. KEIFER. Mr. Speaker, that includes everything that took place, and you will notice from what was said on each side that there was nothing, and could have been nothing said that related to a reconsideration of the vote, or of the order of the Speaker, by which the bill was referred to the House Calendar. We had some controversy as to what would be the effect of a reconsideration of the vote by which the House had refused to consider the bill.

The SPEAKER. The Chair thinks that the latter part of the entry upon the Journal really amounts to nothing, because the House had not, by any vote, sent the bill to the House Calendar; and that the parliamentary effect of the motion is simply to reconsider the vote by which the House refused to consider the bill.

Mr. KEIFER. With that we are satisfied.

Mr. WARNER, of Ohio. But, Mr. Speaker, I ask where does that leave the bill?

Mr. THOMPSON (to Mr. WARNER, of Ohio). That question will come up later. When the question of reconsideration is passed upon, if the House reconsiders the vote, then the whole case will be laid before the Speaker as to the condition of the bill.

The SPEAKER. The Chair simply gives his interpretation as to the parliamentary effect of the motion made yesterday afternoon.

Mr. WARNER, of Ohio. But I wish to say that my understanding of the motion to reconsider as entered by the gentleman from Kentucky corresponds exactly with the Journal, and it was talked of before the entry was made.

The SPEAKER. Still there was no motion referring the bill to the House Calendar.

Mr. HORR. It could not have occurred.

Mr. VALENTINE. No such words were spoken.

The SPEAKER. Is there objection to approving the Journal? If not, it will be approved as read.

Mr. KEIFER. Before passing from this matter, pardon me a minute. What I object to is not the Journal of this morning but the RECORD of this morning, which undertakes to correct the RECORD of yesterday morning. The suggestion of the gentleman from Ohio [Mr. WARNER] would make it appear there were two motions made, one a motion to reconsider the vote of the House refusing to consider the House bill 2511, and the other a motion to reconsider the vote by which the bill was referred to the House Calendar. We think that should be corrected.

Mr. WARNER, of Ohio. I asked unanimous consent to correct the RECORD so as to make it correspond exactly with the Journal and exactly with what I think took place.

The SPEAKER. The correction will be made.

Mr. WARNER, of Ohio. The correction was ordered yesterday.

The SPEAKER. The Chair thinks there can be no motion to reconsider anything except a vote taken by the House.

Mr. HORR and Mr. VALENTINE. That is right.

HOURLY MEETING FOR TO-MORROW.

Mr. DORSHEIMER. Mr. Speaker, I move that when the House adjourns to-day it adjourn to meet to-morrow upon the call of the Speaker on the arrival of the procession at the Capitol.

The SPEAKER. The Chair thinks this motion would have to be made by unanimous consent, as it fixes no particular hour at which the House will meet. Is there objection? The Chair hears none. It will be so ordered.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. BURNES. I desire to make a privileged report, which I ask the Clerk to read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7357) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1898, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 12, 13, 19, 20, 22, 23, 24, 43, 49, 51, 52, 62, 63, and 64.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 21, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 36, 37, 38, 39, 41, 42, 45, 46, 47, 49, 50, 53, 54, 55, 56, 57, 58, 60, 61, and 65, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "For salary of envoy extraordinary and minister plenipotentiary to Turkey, \$10,000."

"For salary of envoy extraordinary and minister plenipotentiary to the United States of Colombia, \$7,500."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$319,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$48,890;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: Restore the word stricken out by said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "And provided further, That no allowance shall be made for the keeping or feeding of any prisoner who is able to pay or does pay the above sum of 75 cents per day; and the consular officer shall certify to the fact of inability in every case;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$25,000;" and the Senate agree to the same.

JAS. N. BURNES,
R. W. TOWNSHEND,
W. D. WASHBURN,

Managers on the part of the House.

W. B. ALLISON,
EUGENE HALE,
JAS. B. BECK,

Managers on the part of the Senate.

Mr. HOLMAN. Very little information is furnished by the conference report. I ask that the accompanying statement of the House conferees be read.

The Clerk read as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7857) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1896, submit the following written statement in explanation of the conference report herewith presented.

Aside from certain verbal changes in the text of the bill and the manner of its arrangement, the bill as agreed upon by the conferees compared with the bill as it passed the House presents the following changes:

The salary of the minister to Turkey is increased from \$7,500 to \$10,000.

A minister-resident and consul-general is provided for at \$6,500 to Roumania, Servia, and Greece.

Five thousand dollars are provided for extending the commerce of the United States in the Congo Valley.

The salary of the secretary of legation in Turkey is increased from \$1,500 to \$1,800.

An interpreter at \$1,000 is provided for to the legation in Corea.

Five thousand dollars are appropriated for the expenses that may occur in complying with the act regulating fees and the practice in extradition cases.

For rent of buildings for legation and other purposes in China \$3,100 are given.

The salaries of the consuls-general at Constantinople and Rome are increased from \$2,000 to \$3,000 each.

The salary of the consul at Hankow is increased from \$1,500 to \$3,500.

The salary of the consul at Jerusalem is increased from \$1,500 to \$2,000.

For salaries of interpreters to consulates in China and Japan \$12,000, instead of \$10,000, are given.

One thousand dollars are given for interpreters and guards at the consulate in Constantinople.

The allowance for a steam-launch for the official use of the legation at Constantinople is increased from \$500 to \$1,000, and \$500 are given for hire of a boat for use of the consul at Osaka and Hiogo.

For the expense of a prison and prison-keeper at the consulate in Bangkok, Siam, \$1,000 are given.

For relief and protection of American seamen in foreign countries an increase of \$10,000 is given.

Five thousand dollars are appropriated for a preliminary search of the records of the French prize courts for evidences touching the French spoliation claims.

Twenty-five thousand dollars are appropriated to enable the President to meet unforeseen emergencies arising in the diplomatic and consular service and to extend the commercial and other interests of the United States.

The entire bill as agreed upon appropriates in all \$1,242,925, being \$73,340 more than the amount of the bill as it passed the House; \$23,535 more than the law for the current year; \$48,100 less than as it passed the Senate; and \$390,251.75 less than the estimates submitted by the State Department for the year ending June 30, 1896.

JAMES N. BURNES,
R. W. TOWNSHEND,
W. D. WASHBURN,

Managers on the part of the House.

Mr. BURNES. I move the previous question on the adoption of the conference report.

The previous question was ordered; and under the operation thereof the report was adopted.

Mr. BURNES moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WIDOW OF MAJ. THOMAS T. THORNBURGH.

Mr. WOLFORD. I call up the motion to reconsider the vote by which House bill 7655, to increase the pension of the widow of Major Thornburgh, was rejected.

The SPEAKER. The gentleman from Kentucky [Mr. WOLFORD], as a privileged matter, calls up the motion to reconsider the vote by which the House refused to pass the bill (H. R. 7655) granting an increase of pension to the widow of Maj. Thomas T. Thornburgh, late of the United States Army.

Mr. WARNER, of Ohio. I will inquire whether that is in order at this time.

The SPEAKER. It is.

Mr. HEWITT, of Alabama. I move to lay the motion to reconsider on the table.

The question being taken on the motion of Mr. HEWITT, of Alabama, there were—ayes 54, noes 93.

Mr. WARNER, of Ohio. It was agreed unanimously—

The SPEAKER. The Chair has not announced the result of the vote.

Mr. WARNER, of Ohio. I rise to a point of order. When this bill was considered in the House last Friday evening it was agreed unanimously that there should be a vote upon it by yeas and nays. I think the RECORD will show that.

The SPEAKER. Was that agreement made in Committee of the Whole?

Mr. WARNER, of Ohio. In the House.

The SPEAKER. An agreement among members may bind them individually, but unless there was an order of the House the Chair can not recognize any agreement.

Mr. WARNER, of Ohio. An order to that effect was entered, I understand. It was to be entered, and I ask whether it was not?

The SPEAKER. The gentleman claims that an order was made that the yeas and nays should be taken—on what?

Mr. WARNER, of Ohio. On the passage of the bill.

The SPEAKER. The Chair will announce the result of the vote just taken. The yeas are 54, the noes 93. So the motion to reconsider is not laid on the table.

Mr. MILLS. What is now the condition of the bill?

The SPEAKER. The motion to lay on the table is not agreed to.

Mr. MILLS. What is the present condition of the bill?

The SPEAKER. The House by a vote has refused to pass the bill. The gentleman from Kentucky entered a motion to reconsider that vote. This morning he called that up.

Mr. WARNER, of Ohio. It is now subject to amendment.

The SPEAKER. There is nothing now pending except the motion to reconsider the vote.

Mr. RANDALL. Let me correct the Chair. The gentleman from Illinois [Mr. SPRINGER] who voted with the majority moved to reconsider.

The SPEAKER. The Chair supposed the gentleman from Kentucky made the motion. The gentleman from Kentucky calls it up, as he has a right to do under the rule. The question now recurs on the motion of Mr. SPRINGER to reconsider the vote by which the House refused to pass the bill. The House will be in order, as it is impossible for the Chair to hear what gentlemen are saying on the floor.

Mr. HEWITT, of Alabama. I rise to debate— [Cries of "Order!"]

The SPEAKER. The previous question has been ordered, and the question of reconsideration is not debatable. The question is on the motion to reconsider the vote by which the bill was rejected.

The motion was agreed to.

The SPEAKER. The question now recurs on the passage of the bill.

Mr. WOLFORD. I demand the previous question on the passage of the bill.

The House divided; and there were—ayes 96, noes 42.

So the previous question was ordered.

Mr. WARNER, of Ohio. I rise to a parliamentary inquiry. There being no debate before the previous question, is it not debatable under the new rule for thirty minutes?

Mr. RANDALL. It was debated in the Committee of the Whole House on the Private Calendar, and therefore does not come under the special rule.

Mr. WOLFORD. I move to reconsider the vote by which the previous question was ordered; and also move the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. WARNER, of Ohio, rose. [Cries of "Regular order!"]

Mr. WARNER, of Ohio. Let me have five minutes.

Mr. KEIFER. I make the point that debate is not in order.

Mr. RANDALL. I rise to a point of order. This bill was discussed at some length in the Committee of the Whole House on the Private Calendar on Friday night last. Under that state of facts I submit to the House it does not come under the special rule.

The SPEAKER. The Chair will examine the RECORD.

Mr. RANDALL. The previous question having been ordered on that evening, it does not come under the special rule.

The SPEAKER. The Chair will cause to be read from page 1660 of the CONGRESSIONAL RECORD what occurred in Committee of the Whole House in reference to this bill, which, perhaps, will amount to an agreement among members as to the proceedings of the House.

The Clerk read as follows:

Mr. RANDALL. The gentleman from Ohio has made a suggestion that the friends of this measure will agree to, that the previous question prevail in the engrossment and third reading of the bill, and that there be allowed on each side five minutes for debate.

Mr. WARNER, of Ohio. I have no objection to that.

Mr. PERKINS. And that the vote shall not be taken until a quorum is present.

Mr. WARNER, of Ohio. That is the understanding.

Mr. ROGERS, of Arkansas. Can the House be bound by any agreement made in Committee of the Whole?

Mr. RANDALL. This agreement can be made after the committee rises to-night in the House.

Mr. CONVERSE. And made a matter of record on the Journal.

Mr. PERKINS. Let me ask if any agreement made in this manner in Committee of the Whole will have any binding effect upon the House?

The CHAIRMAN. The gentleman from Arkansas has just made the same inquiry. It is suggested that the agreement be made in the House when it comes before the House after the committee rises.

Mr. WARNER, of Ohio. That is satisfactory to me.

The bill was accordingly laid aside to be reported to the House with the recommendation that it do pass and with the understanding above recorded.

Mr. RANDALL. That takes it out of the special rule.

Mr. KEIFER. That agreement should be carried out.

The SPEAKER. The Chair thinks that agreement should be adhered to.

Mr. RANDALL. It will be

Mr. HEWITT, of Alabama. I thought I was recognized. The bill comes from my committee.

The SPEAKER. There will be five minutes on each side for debate.

Mr. HEWITT, of Alabama. I am opposed to the bill.

The SPEAKER. There will be five minutes for and against the bill.

Mr. WARNER, of Ohio. I made the point in the House and it was agreed I should have five minutes.

The SPEAKER. The Chair recognized the gentleman from Ohio because the agreement in regard to the debate seems from the RECORD to have been made by that gentleman.

Mr. WARNER, of Ohio. This is a bill to increase the pension of the widow of Major Thornburgh from \$25, to which she is entitled under the law and which she now draws, to \$50 a month. If the House passes this bill, then I hold it should increase the pension of the widow of every major, of every lieutenant-colonel, of every colonel, of every brigadier-general, and of every major-general who was killed in battle in any war, to \$50 a month.

Further still, why draw the line at the rank of major? Why give their widows \$50, while the widows of captains and lieutenants are allowed but \$22 or \$17? Or why stop there? There are 75,000 widows of private soldiers, who were killed in battle or died from disease or wounds incurred in the service, who are receiving but \$8 a month. There are 75,000 more claims of widows on file waiting adjudication, asking even for \$8 per month, which has not yet been allowed them. Passing these all by, it is proposed in this bill to make an exception in one case out of a large number of cases probably just as worthy, just as meritorious as this. In my notion of things this is not right, it is not equitable, it is unjust to all who are equally deserving and equally entitled to the beneficence of the Government.

And I do not believe, Mr. Speaker, that we can do this without breaking down all principles upon which pensions are granted. It is establishing a new and unwarranted precedent. Can this Government say to the widow of one officer who was killed in some battle, "You shall have a pension of \$50 a month," and to the widow of another officer of the same rank who was killed in another battle or perhaps in the same battle, "You shall have a pension of but \$25 a month?" I do not think, sir, that we can afford to do that. But if this bill passes we do that very thing, unless all widows of officers are granted like pensions. By the passage of this bill, I say the House will be taking that position. It becomes, therefore, a precedent entirely new, and one which will vex Congress in future.

There are some 7,500 pensioners on the rolls drawing \$25 a month. I do not know how many are the widows of officers who would be as justly entitled to \$50 as the widow of Major Thornburgh. Is it possible that because an officer was educated at West Point his widow becomes entitled to more than the widow of a volunteer officer? That Major Thornburgh was a brave and gallant officer none will dispute. But there were other officers who lost their lives on battlefields who were just as true and worthy as he, and whose widows are as needy and are as much entitled to the consideration of this Government as is the widow of Major Thornburgh.

I appeal to the House to do equal justice to all; not to take up one case from the top of the pension-roll and raise that higher, while we leave the great majority of pensioners—the 75,000 widows of private soldiers, many of them killed in battle while bravely doing their part—to draw but \$8 a month, out of which they must support and educate their families. The average pension to disabled soldiers is but about \$4 a month. The place to begin to raise pensions is from the bottom ranks, not from the top. Begin with the widows who get but \$8 a month, not with those who get \$25; and then treat all alike. The essence of justice is equality. I have entered my protest against the passage of all bills of this kind. I would not, with my view of pensions, be consistent if I did not.

Mr. HEWITT, of Alabama. Will the gentleman let me ask him a question?

Mr. WARNER, of Ohio. Very good.

Mr. HEWITT, of Alabama. I wish to ask the gentleman if the House has not refused to increase the pension of Mrs. Cushing?

Mr. RANDALL. Yes; and it did very wrong in so refusing.

Mr. WARNER, of Ohio. And it has refused to grant pensions to other widows of officers of like rank in the Army and Navy.

I yield now the remainder of the time to the gentleman from Kansas [Mr. MORRILL], if he desires to occupy it.

The SPEAKER. The gentleman has one minute of his time remaining.

Mr. MORRILL. I desire to say, Mr. Speaker, that this is simply establishing a precedent never established before. Hundreds of officers of the rank of major, lieutenant-colonel, and colonel fell while leading their regiments in battle, but their widows are allowed only from \$25 to \$30 a month. Here was a man who was educated at the expense of the Government, who for thirteen years was drawing a liberal salary, and, happening to be killed on an Indian raid, they now propose to increase his widow's pension from \$25 to \$50, and all the time the widows of the hundred thousand soldiers who perished on the battlefields or in the hospitals are receiving but \$8 a month.

Mr. WARNER, of Ohio. And let me add in this connection that this is a report adversely from the committee.

Mr. MORRILL. The committees of the House and the Senate both report adversely upon it.

Mr. WOLFORD. The gentleman is entirely mistaken. The House committee did not report adversely upon the bill.

Mr. HEWITT, of Alabama. The House committee did.

Mr. WOLFORD. I will not yield to you now. I state facts, and I want my own time in this discussion. I repeat they did not report adversely but favorably upon the bill. The only change was that the amount was reduced from \$50 to \$30. That was the exact report of the House committee.

Everybody admits, as has been admitted by the distinguished gentleman from Ohio [Mr. WARNER], that this is an exceptional case.

Mr. WARNER, of Ohio. Yes, very exceptional, it seems you are trying to make it.

Mr. WOLFORD. Everybody admits who has read the history of the gallant Thornburgh, a man who was sent out on a dangerous expedition with fewer men than were requisite for protection, and who gave up his life in the discharge of his duty—I repeat everybody admits that this pension should be granted to his widow. There is no man who has read the history of his gallant efforts in behalf of his country who will doubt that he made one of the most daring, chivalrous, and gallant charges that has ever been made on this earth, and no person who has examined into this case with proper care will doubt that it is one demanding consideration at our hands.

But the gentleman from Ohio comes up here and says that this man who went as a mere boy into the Army of the United States, who went out on the plains to fight the Indians, who fell beneath his glorious colors distinguished for his gallantry, who won faster than any other man in the United States service distinction and rank, who at his own request went into the line of the regular Army instead of into the Quartermaster's Department—I say that everybody who has read that history, who has read Sherman's report or read Schofield's report or the reports of General Crook, must see that this man has accomplished more great things, brave, noble, manly, ambitious as he was, and that he had a prominent future before him, with rank and honors waiting him at no distant day. But what do you see here? The gentleman from Ohio says that you do injustice to the private soldiers because you recognize the gallantry of this man. Does anybody believe that our fathers thought the time would ever come, or will it ever come in this country's history, when the widow of a private soldier expects to receive the same pension that a gallant officer's widow does?

Mr. HOLMAN. I hope so. Why not?

Mr. WOLFORD. They did not do as much. The order of God Almighty is that he who has done much shall receive much. [Applause.] That is the rule which will be observed at the great day of accounts when we shall all stand before the great White Throne. Then those who have done much good shall receive much. Major Thornburgh did much. He did more than any other man could have done unless he was placed in the same situation. God Almighty placed him in that situation, and he died a martyr for his country. I say you will spend millions of dollars to educate the children of the Indians who murdered him, but you will not educate the great Thornburgh's children. You will give money to educate the children of the red man, the man who scalped him and murdered him, but you will not give money to educate Thornburgh's children.

And I want to call the attention of the House to the fact that no one of these special pleaders has ever introduced a bill to increase the pension of the widows of the privates.

Mr. MATSON. I beg the gentleman's pardon; he is mistaken. I have myself introduced and reported a bill to increase the pensions of the widows of private soldiers from \$8 to \$12 a month.

Mr. WOLFORD. I can not yield for interruptions.

The SPEAKER. The time of the gentleman from Kentucky [Mr. WOLFORD] has expired.

Mr. MATSON. I move to recommit the bill with the instructions which I send to the desk.

The Clerk read as follows:

Recommit the bill to the Committee on Pensions, with instructions to inquire into the question whether a general bill to increase the pensions of the widows of all officers and soldiers killed in battle to \$50 a month shall be reported by said committee.

Mr. VALENTINE. I make the point of order that that is an instruction to convert a private bill into a general bill, which is not in order.

The SPEAKER. The Chair thinks the point of order is well taken. Mr. MATSON. Then I move to recommit the bill without instructions.

The question being taken on the motion to recommit, there were—ayes 80, noes 104.

Mr. MATSON and Mr. HEWITT, of Alabama, called for the yeas and nays.

The yeas and nays were ordered, 52 members voting therefor.

The question was taken; and there were—yeas 119, nays 126, not voting 79; as follows:

YEAS—119.

Adams, G. E.	Davidson,	Houseman,	Rogers, J. H.
Alexander,	Davis, G. R.	Howey,	Rosecrans,
Anderson,	Davis, L. H.	Jones, B. W.	Rowell,
Bagley,	Deuster,	Jones, J. H.	Seymour,
Ballentine,	Dockery,	Jones, J. K.	Shively,
Barksdale,	Dorsheimer,	Lanham,	Skinner, T. G.
Belmont,	Dowd,	Long,	Smalls,
Bennett,	Dunn,	Lovering,	Steele,
Blackburn,	Eaton,	Lowry,	Stevens,
Blount,	Eldredge,	McMillin,	Stockslager,
Bowen,	English,	Matson,	Taylor, J. M.
Buckner,	Ermentrout,	Miller, J. F.	Thomas,
Burnes,	Forney,	Miller, S. H.	Tully,
Cabell,	Fyan,	Mills,	Turner, H. G.
Campbell, Felix	Geddes,	Money,	Turner, Oscar
Campbell, J. M.	Gibson,	Morrill,	Van Alstyne,
Candler,	Graves,	Moulton,	Vance,
Cannon,	Green,	Muldrow,	Van Eaton,
Carlton,	Halsell,	Muller,	Warner, A. J.
Clements,	Hammond,	Mutcher,	Warner, Richard
Cobb,	Hancock,	Oates,	Wellborn,
Cook,	Hardeman,	O'Ferrall,	Weller,
Congrove,	Hatch, H. H.	Peel,	Wilkins,
Covington,	Hatch, W. H.	Perkins,	Williams,
Cox, S. S.	Hemphill,	Peters,	Willis,
Cox, W. R.	Hewitt, G. W.	Pierce,	Winans, E. B.
Crisp,	Hitt,	Price,	Winans, John
Culbertson, D. B.	Hoblitzell,	Pryor,	Wise, G. D.
Culbertson, W. W.	Holman,	Reid, J. W.	Yaple.

NAYS—126.

Aiken,	Fiedler,	Libbey,	Singleton,
Arnot,	Findlay,	Lyman,	Skinner, C. R.
Atkinson,	Finerty,	McAfee,	Smith, H. Y.
Barbour,	Follett,	McComas,	Spooner,
Barr,	George,	McCormick,	Stephenson,
Bayne,	Glascok,	Millard,	Stewart, J. W.
Beach,	Goff,	Morse,	Stone,
Bingham,	Guenther,	Murphy,	Strait,
Bisbee,	Henback,	Murray,	Sumner, D. H.
Boyle,	Hardy,	Nelson,	Swope,
Brainerd,	Harmer,	Ochiltree,	Talbott,
Bratton,	Hart,	O'Hara,	Taylor, J. D.
Breitung,	Haynes,	O'Neill, Charles	Tillman,
Brewer, J. H.	Henderson, T. J.	O'Neill, J. J.	Valentine,
Brown, W. W.	Hepburn,	Paige,	Wadsworth,
Budd,	Hewitt, A. S.	Parker,	Wait,
Burleigh,	Hiscock,	Patton,	Wakefield,
Caldwell,	Holmes,	Payne,	Wallace,
Clardy,	Hopkins,	Payson,	Washburn,
Converse,	Horr,	Pettibone,	Weaver,
Craig,	Houk,	Phelps,	White, J. D.
Curtin,	Hunt,	Poland,	White, Milo
Dargan,	Jeffords,	Post,	Whiting,
Davis, R. T.	Johnson,	Pusey,	Wilson, James
Dibble,	Kean,	Randall,	Wilson, W. L.
Dibrell,	Keifer,	Ranney,	Wood,
Dixon,	Kelley,	Ray, G. W.	Worthington,
Dunham,	Ketcham,	Ray, Ossian	York,
Elliott,	King,	Robertson,	Young,
Ellwood,	Lawrence,	Rockwell,	
Evans,	Le Fevre,	Rogers, W. F.	
Everhart,	Lewis,	Russell,	

NOT VOTING—79.

Adams, J. J.	Ferrell,	Lore,	Shaw,
Belford,	Foran,	McCoid,	Slocum,
Blanchard,	Garrison,	Milliken,	Smith, A. Herr
Bland,	Greenleaf,	Mitchell,	Snyder,
Boutelle,	Henderson, D. B.	Morgan,	Spriggs,
Breckinridge,	Henley,	Morrison,	Springer,
Brewer, F. B.	Herbert,	Neece,	Stewart, Charles
Broadhead,	Hill,	Nicholls,	Storm,
Browne, T. M.	Holton,	Nutting,	Struble,
Brumm,	Hooper,	Potter,	Sumner, C. A.
Buchanan,	Hurd,	Rankin,	Taylor, E. B.
Campbell, J. E.	Hutchins,	Rosgan,	Thompson,
Cassidy,	James,	Reed, T. B.	Throckmorton,
Chalmers,	Jones, J. T.	Reese,	Townshend,
Clay,	Jordan,	Rice,	Tucker,
Collins,	Kellogg,	Riggs,	Ward,
Connolly,	Kleiner,	Robinson, J. S.	Wemple,
Cutcheon,	Lacey,	Robinson, W. E.	Wise, J. S.
Dingley,	Laird,	Ryan,	Woodward,
Ellis,	Lamb,	Sency,	

So the motion to recommit was not agreed to.

Mr. TALBOTT. I ask unanimous consent to dispense with the reading of the names.

Mr. PAYSON objected, but subsequently withdrew the objection, and it was then renewed by Mr. WELLER.

The Clerk read the names of members voting.

The following members were announced as paired on all political questions until further notice:

Mr. MORRISON with Mr. JOHN S. WISE.

Mr. SHAW with Mr. LAIRD.

Mr. RANKIN with Mr. KELLOGG.

Mr. THEOCKMORTON with Mr. EZRA B. TAYLOR.

Mr. JORDAN with Mr. HENDERSON, of Iowa.

Mr. HURD with Mr. RICE.

The following members were announced as paired for this day:

Mr. REESE with Mr. LACY.

Mr. SPRINGER with Mr. CUTCHEON.

Mr. HANBACK with Mr. SNYDER.

Mr. CONNOLLY with Mr. BREWER, of New York.

Mr. NICHOLLS with Mr. HOOPER.

Mr. SUMNER, of California, with Mr. CHALMERS.

Mr. HERBERT with Mr. HOLTON.

Mr. STEWART, of Texas, with Mr. STREUBLE.

Mr. BURLEIGH with Mr. JONES, of Alabama.

The following members were announced as paired on this vote:

Mr. TOWNSHEND with Mr. BRUMM.

Mr. HARDEMAN. I desire to say that my colleague, Mr. REESE, is detained at his room by sickness.

The result of the vote was then announced as above stated.

Mr. RANDALL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The question now is, Shall the bill pass?

Mr. WARNER, of Ohio. Considering the vote already taken as a test vote I shall not insist myself on the execution of the order of the House requiring a ye-and-nay vote on the passage of the bill.

The SPEAKER. There was no order of the House as to a ye-and-nay vote on the passage of the bill. It was an agreement simply as to debate, and the question is on the passage of the bill.

The bill was passed.

Mr. WOLFORD moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MRS. MARIE LOUISE CRAVEN.

Mr. HEWITT, of New York. Mr. Speaker, pursuant to the same arrangement as in the last case, I now call up the bill (S. 1228) to increase the pension of Mrs. Marie Louise Craven.

The SPEAKER. Is there a motion to reconsider?

Mr. HEWITT, of New York. On Friday night last, at the same time when the agreement as to the Thornburgh bill was made, it was arranged that the House should at its next regular session for private bills consider the bill for increasing the pension of Mrs. Marie Louise Craven, and that a ye-and-nay vote should be taken upon it if required.

The SPEAKER. Was the bill reported to the House by the Committee of the Whole?

Mr. HEWITT, of New York. It was, by the same agreement and at the same time as the Thornburgh bill.

The SPEAKER. Then the question is on ordering the bill to be read a third time.

Mr. RANDALL. Let us have it read by title.

The Clerk read the bill by title, as follows:

A bill (S. 1228) granting an increase of pension to Mrs. Marie Louise Craven.

Mr. MATSON. I desire to call the attention of the gentleman from New York [Mr. HEWITT] to the agreement that was made in relation to debate—that there should be five minutes on each side.

Mr. HEWITT, of New York. That was the understanding. Does the gentleman from Indiana [Mr. MATSON] desire to occupy the five minutes in opposition to the bill?

Mr. MATSON. The gentleman from Alabama [Mr. HEWITT] is, I presume, entitled to the time, as the bill comes from his committee. [After a pause.] I will undertake to control the time.

The SPEAKER. Does the gentleman from Indiana [Mr. MATSON] desire to be heard upon this bill?

Mr. MATSON. I suppose that the gentleman from New York [Mr. HEWITT] desires to be heard in its favor.

Mr. HEWITT, of New York. Mr. Speaker, under the practice of the House I suppose that the first five minutes belongs to the gentlemen on the other side.

Mr. MATSON. Mr. Speaker, this is a bill to increase the pension of the widow of Commander Craven, and is very similar in character to the bill which has just passed the House. This is the case of an officer of the rank of commander, below the rank of a general officer. The precedent has been made in this House, and well established, of increasing the pensions of the widows of general officers to \$50 a month. There have been some exceptions to that rule; among the number the bill that has just passed the House; but the general practice has been to limit these increased pensions of \$50 a month to the widows of general officers, and whenever you go beyond that the question is, Can this Government afford to give \$50 a month to the widows of all its soldiers? That is the question.

Mr. WARNER, of Ohio. That is the question.

Mr. MATSON. It is a very plain practical question, Mr. Speaker, and I ask any gentleman who favors this bill to consider how he could resist an application from the widow of a soldier to have her pension increased to \$50 a month when he is willing to increase the pension of the widow of this officer to that amount. How could he refuse? Our pension laws have been made in such a way as to discriminate in relation

to rank. That may have been right, or it may have been wrong; but the laws are fixed, and without some precedent the law itself ought to control in regard to the rate of pension to be allowed to the widows of officers and soldiers. If this House embarks upon this new policy of increasing pensions indiscriminately, there is no telling where it will end.

The effect of it is to legislate for favorites; that is the proposition, to do that for some which you refuse to do for all. Now, if that is right, if gentlemen representing their constituencies here can afford to vote for the constituents of others what they know they can not get for the widows in the communities they represent, let them go ahead. I can not afford to do it; nor do I believe that any gentleman who represents a soldier constituency upon this floor can afford to vote for a bill that will give larger pensions to the constituents of others than he could possibly get for his own.

The SPEAKER. There are two minutes remaining of the time in opposition to the bill.

Mr. MATSON. I reserve the remaining time.

Mr. HEWITT, of New York. The proposition of the gentleman from Indiana is that the law grants pensions in accordance with rank, and that no exceptions should ever be made except by a change in the general law; in other words, that no circumstances can occur to take a pensioner out of the general category fixed by law. But this House has been in the habit of making such exceptions. It made one only the other day in the case of the widow of General George H. Thomas; it made one only two weeks ago in the case of the widow of Lieutenant Greene, a lady who was entitled under the law to a pension of \$25 a month, which was raised to \$50 a month. There are therefore exceptions to the gentleman's rule, and on this very day this House has made, and justly made, an exception in the case of the widow of Lieutenant Thornburgh.

The practice of the House, then, having been established, it only remains for me to bring the case of Mrs. Craven within the rules under which the House acts.

Lieutenant Craven was a commander in the Navy of the United States. At the time of his death he was in command of the ship *Tecumseh*. Admiral Farragut was about to enter the harbor of Mobile with that fleet whose achievements have made his name glorious—Farragut, to whose widow Congress voted a pension of \$2,000 a year. He waited for the *Tecumseh* to arrive from New York before he would attempt to enter the bay of Mobile, and he announces her arrival in this language:

The *Tecumseh*, Commander Craven, arrived on the evening of August 4, and everything being propitious I proceeded to the attack on the following morning, the *Tecumseh* having been given the leading position.

Again Admiral Farragut says:

The attacking fleet steamed steadily up the main ship-channel, the *Tecumseh* firing the first shot at forty-seven minutes past 6 o'clock a. m.

The *Tecumseh* was struck by a torpedo and sunk, carrying down with her nearly all the crew and her gallant commander. This is how he died.

When the monitor *Tecumseh* was sunk at the battle of Mobile Bay her gallant captain, Commander T. A. M. Craven, of the Navy, went down in her. At the moment of the explosion Craven and the pilot, Mr. John Collins, were in the iron tower, or pilot-house, directly over the turret, steering the ship to attack the confederate iron-clad *Tennessee*. Seeing the inevitable fate of the vessel, Craven and the pilot scrambled down into the turret and met at the foot of the iron ladder leading to the top of the turret through a narrow scuttle, the only exit now left for escape from the doomed vessel. At that point Craven drew back in a characteristic way and said, "After you, pilot!" "There was nothing after me," relates Mr. Collins, who fortunately escaped to tell the tale of heroism. "When I reached the topmost round of the ladder the vessel seemed to drop from under me."

Finally, when Admiral Farragut announced to the Department that the *Tecumseh* had been lost and that her brave commander had met death like a hero, as he was, the Admiral received the following reply from the Secretary of the Navy:

Great results in war are seldom attained without great risks, and it was not expected that the harbor of Mobile would be secured without disaster. The loss of the gallant Craven and his brave companions, with the *Tecumseh*, by a concealed torpedo, was a casualty which no human foresight could guard.

Now listen! The Secretary continues:

While the nation awards cheerful honors to the living, she will ever hold in grateful remembrance the memory of the gallant dead who periled their lives for their country and died in her cause.

That was the pledge given by the Secretary of the Navy to the gallant Craven who lost his life in the cause of his country—the pledge that that country would provide for his widow and his children. They are now in poverty, and they come here to ask that their pittance of \$30 a month shall be increased to \$50, in accordance with the repeated action of this House in dealing with the families of men by whom heroic deeds have been performed. I appeal to the House to redeem the pledge made by Secretary Welles in the hour of victory when death deprived Mrs. Craven of her heroic husband. Death under such circumstances ought to be equivalent to promotion of the single grade which would have entitled her to the pension proposed in this bill.

Mr. MATSON. I yield the remainder of my time to the gentleman from Georgia [Mr. HAMMOND].

Mr. HAMMOND. Mr. Speaker, the reading of the words "grateful remembrance" recalled to my mind a law in regard to soldiers passed some years ago by Congress. I ask the Clerk to read from the fifteenth

volume of the Statutes at Large a portion of an act approved March 3, 1865.

The Clerk read as follows:

And be it further resolved, That in grateful recognition of the services, sacrifices, and sufferings of persons honorably discharged from the military and naval service of the country, by reason of wounds, disease, or the expiration of terms of enlistment, it is respectfully recommended to bankers, merchants, manufacturers, mechanics, farmers, and persons engaged in industrial pursuits to give them the preference for appointments to remunerative situations and employments.

Mr. HEWITT, of New York. Craven is dead.

Mr. HAMMOND. I have had this provision of the law read for the purpose merely of showing how absolutely ridiculous Congress makes itself on the subject of the soldier. There is an advertisement such as is inserted in the daily papers at so much a line. And Congress is making itself quite as ridiculous in granting pensions every day in "exceptional" cases. Every case is "exceptional" because these gentlemen fear to vote against the soldier.

[Here the hammer fell.]

The SPEAKER. The question is on ordering the bill to be read a third time.

Mr. WARNER, of Ohio. Is the bill now open to amendment?

The SPEAKER. It is not. The previous question has been ordered. [Having taken the vote.] The ayes are 60, the noes 92. The noes have it, and the bill is rejected.

Mr. GEORGE D. WISE. I move to reconsider the vote just taken; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. HOLMES, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 305) for the relief of Thomas T. Stratton, assignee of W. B. Waldran;

A bill (S. 1347) for the relief of the sufferers by loss of the Government steamer *J. Don Cameron*;

A bill (S. 1412) authorizing the Secretary of War to adjust and settle the account for arms between the State of South Carolina and the Government of the United States; and

A bill (S. 1839) for the erection of a public building at Chattanooga, Tenn.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. 1031) for the relief of W. C. Marsh.

CORRECTION.

The SPEAKER. A mistake having been made in the engrossment of an amendment to a Senate bill, the Chair asks unanimous consent to lay before the House for consideration a resolution which will be read.

The Clerk read as follows:

Resolved, That the Clerk of the House be directed to request the Senate to return to the House the bill of the Senate No. 229, to authorize the Secretary of the Treasury to erect a public building in the city of Key West, Fla., to correct an error of engrossment of the House amendment.

There being no objection, the resolution was considered and adopted.

WITHDRAWAL OF PAPERS.

Mr. JOHN S. WISE, by unanimous consent, obtained leave for withdrawal of papers in the case of Phoebe A. Ross.

LEAVE OF ABSENCE.

Mr. RAYMOND, by unanimous consent, obtained leave of absence indefinitely, on account of a death in his family.

ORDER OF BUSINESS.

Mr. RANDALL. I would like to make a motion that all private business for to-day be dispensed with.

Mr. VALENTINE. Will that affect the hour under the new rule?

Mr. RANDALL. No, sir.

Mr. PETERS. Will it dispense with the session this evening for pension business?

Mr. McMILLIN. I understand that session has already been dispensed with and a session on Monday night substituted.

Mr. PETERS. If it does not interfere with the Friday night session for pension business, I will not object.

The SPEAKER. In the opinion of the Chair it would not affect that session. An order of this kind has not been so construed heretofore.

Mr. McMILLIN. The public business is now in such a condition that I think the motion of the gentleman from Pennsylvania [Mr. RANDALL] is entirely proper, and I shall not oppose it in the interest of private business.

Mr. BROWN, of Pennsylvania. Will the adoption of this motion interfere with the hour under the new rule?

The SPEAKER. It will not.

Mr. HOPKINS. I wish to appeal to my colleague [Mr. RANDALL] to have the unfinished private business which would come up to-day disposed of before making the order which he suggests.

Mr. RANDALL. That might take the whole day.

Mr. HOPKINS. No; the previous question has been ordered.

A MEMBER. What is the bill?

Mr. HOPKINS. The bill for the relief of Captain Bigley.

Mr. KEIFER. That can be taken up some other time.

The SPEAKER. The question is on the motion made by the gentleman from Pennsylvania that private business for to-day be dispensed with.

Mr. DUNHAM. Will that interfere with the evening session for pension business?

The SPEAKER. It does not.

The question being taken, the motion of Mr. RANDALL was agreed to (two-thirds voting in favor thereof).

Mr. WILLIS. I understand that the House has now dispensed with all private business for to-day except at the evening session.

The SPEAKER. That has been done.

Mr. WILLIS. Now I move that at 10 o'clock to-night the House take a recess until to-morrow morning at 10.

Mr. MORRILL. Say half past 10 o'clock to-night.

The SPEAKER. An order was made this morning, upon the motion of the gentleman from New York [Mr. DORSHEIMER], that when the House adjourns to-day it adjourn to meet upon the call of the Speaker to-morrow. The motion of the gentleman from Kentucky [Mr. WILLIS] would not interfere with that at all, because it does not contemplate an adjournment.

Mr. DORSHEIMER. What is the motion?

The SPEAKER. The gentleman from Kentucky moves the House this evening at 10 o'clock will take a recess until 10 o'clock to-morrow morning.

Mr. VALENTINE. That ought not to be done.

Mr. DORSHEIMER. I wish to say, Mr. Speaker, the employes of the House will be busy taking out the desks to-night, and it will be impossible to have an evening session if we are to carry out the proceedings which have been arranged by the joint committee of the two Houses. I venture to suggest instead of a session this evening a session be held some evening next week.

Mr. WARNER, of Ohio. Say Monday.

Mr. DUNN. I think that order has been made.

The SPEAKER. It was suggested yesterday evening, but was not agreed to.

Mr. DORSHEIMER. If the employes of the House can have possession of this Hall to remove the desks this evening there will be then no inconvenience in taking a recess until to-morrow morning at 10 o'clock; but the members at that time will not have their desks.

Mr. MATSON. The proposition made by the gentleman from New York will not be objected to by anybody, if it were certain a session could be held Monday evening or any other evening next week. There is but one more night necessary, but that night is absolutely necessary to the passage of a number of Senate bills which ought not to be allowed to die and would die unless another night session is given. I apprehend the employes of the House can begin after adjournment and have his work completed before midnight.

A MEMBER. Let them have a sufficient force.

Mr. ANDERSON. I wish to inquire of the gentleman from New York whether in the event that a session were held to-night the employes of the House could not have time enough to remove the desks to-morrow morning? So the question would come between a pension session to-night and a session for rivers and harbors to-morrow.

Mr. DORSHEIMER. I will say in response to the gentleman that the Architect of the Capitol has informed us it is necessary for him to have the entire evening, not only for the purpose of removing the desks, but arranging the platform and rearranging the seats for to-morrow, if this Hall is to be rearranged to give seats for eight hundred people on the floor to-morrow. And the time will not be too long the Architect of the Capitol will have if he can work here at once.

Mr. ANDERSON. Can not we do that to-morrow if we are not to have any session?

Mr. WILLIS. I suggest this is the condition of things: Under the rule of the House we have to-night a session for pensions. That rule can not be dispensed with except by unanimous consent. Unanimous consent has been refused, and the motion I make is not in conflict with any suggestion as to the convenience of the officers for to-night. You can not dispense with the night session, it being the order of the House, except by unanimous consent.

Mr. DORSHEIMER. In answer to the suggestion made by the gentleman from Kentucky I have to say that the arrangement by which to-morrow's proceedings are to be had is in pursuance of a law of Congress, and those arrangements, under full authority from both Houses of Congress made by the joint commission, require this room shall be in possession of the employes of the House this evening.

Mr. MATSON. Unless we have our session for pensions to-night there is probability no session can be had to-night, and therefore I shall be obliged to insist.

Mr. RAY, of New Hampshire. If we have an evening session at 7 and get through at 9, then the employes can have the benefit of an hour or two we should otherwise occupy by taking a recess until 8, as usual.

The SPEAKER. The question now before the House is on the mo-

tion of the gentleman from Kentucky that the House, at 10 o'clock this evening, will take a recess until 10 o'clock to-morrow morning.

Mr. RAY, of New Hampshire. I ask by unanimous consent the evening session shall commence at 7 and close at 9.

Mr. WILSON, of Iowa. The House, by a concurrent resolution, has agreed with the Senate to give up the use of this Hall to-night.

The SPEAKER. There is no order of the House heretofore made in reference to any proceeding to-day; it is only for to-morrow.

Mr. WILSON, of Iowa. Does not the agreement of the Senate provide for removing the seats on this floor?

The SPEAKER. It does; but it does not provide when it shall be done.

Mr. McMILLIN. The motion of the gentleman from New Hampshire will meet every necessity of the case.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent the session this evening shall begin at 7 and close at 9. Is there objection?

There was no objection, and it was ordered accordingly.

Mr. WILLIS. I now, Mr. Speaker, modify my motion to the effect that the House shall take a recess at 9 o'clock to-night to meet at 10 o'clock to-morrow morning.

Mr. VALENTINE. Then if that prevails the House will be in session during the ceremonies at the monument?

Mr. WILLIS. Yes, sir.

Mr. VALENTINE. I trust the motion will not prevail.

The question being taken on the motion of Mr. WILLIS, on a division there were—ayes 59, noes 91.

So the motion was not agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had agreed to the amendments of the House of Representatives to the resolution of the Senate of July 14, 1884, to print the report of the Senate Committee on Education and Labor and the relations between labor and capital, with accompanying testimony.

Also, that the Senate had passed with amendments, in which the concurrence of the House of Representatives was requested, the bill (H. R. 3933) to declare forfeited land granted to the Texas Pacific Railroad Company, and for other purposes.

ALLEGED FRAUDS IN OFFICIAL-ENVELOPE CONTRACTS.

Mr. BINGHAM. I wish to make a privileged report. Mr. Speaker, I am directed by the Committee on Post-Offices and Post-Roads to report back a resolution of inquiry referred to that committee.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Whereas sundry newspapers in the country published notices during the summer of 1884 concerning alleged great frauds in the supply of official envelopes to the Post-Office Department, whereby many thousands of dollars were lost to the Government:

Resolved, That the Postmaster-General be, and is hereby, requested to communicate to the Committee on the Post-Office and Post-Roads all the facts, with papers or copies thereof, connected with the annulment in August, 1884, of the contract with P. P. Kellogg & Co., of Springfield, Mass., for the supply of official envelopes for the fiscal year ending June 30, 1885; also how the cost of envelopes under the said contract compared with the cost of the same in the contract subsequently made; also whether envelopes inferior to contract requirements were furnished under any other contract than the said one of P. P. Kellogg & Co.; also whether any officer or employe of the Government was at fault in connection with the supply of any such inferior envelopes; and also what action has been taken by the Postmaster-General to protect the interests of the Government in connection with the supply of such inferior envelopes.

Mr. VALENTINE. I think this resolution is scarcely privileged in its present form. If information is sought by the House it would be proper, but this is a request that the Committee on Post-Offices and Post-Roads be informed of these facts.

Mr. BINGHAM. I will change that at the suggestion of the gentleman. This is unanimously requested by the committee.

Mr. VALENTINE. Let the information come to the House and not to the committee.

The SPEAKER. The rule of the House requires all communications from heads of Departments to be addressed to the House itself.

Mr. BINGHAM. I will change that, so it will read:

That the Postmaster-General be, and he is hereby, requested to communicate to the House of Representatives, &c.

Mr. VALENTINE. This should be done. I noticed a day or two ago that a resolution of that kind appeared by the RECORD to have been passed; but I think in all cases they should be made to conform to the rule.

The resolution as modified was agreed to.

Mr. BINGHAM moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The hour under the special rule begins at nine minutes past 2 o'clock.

Mr. WILLIS. I wish to ask what is probably in the nature of a parliamentary question. Under the order of the House is there not a session required to-morrow?

The SPEAKER. There is; but it will not begin until the House

shall be called to order by the Speaker after the procession has arrived at the Capitol.

CUSTOM-HOUSE LOT, PROVIDENCE, R. I.

Mr. SPOONER. Mr. Speaker, I ask to take up, under the special rule, from the Speaker's table Senate bill 194, to authorize the Secretary of the Treasury to convey land in Providence, R. I., for highway purposes, and put it upon its passage.

The bill was read, as follows:

Be it enacted, etc. That the Secretary of the Treasury is hereby authorized to convey to the city of Providence, in the State of Rhode Island, for highway purposes, such portion of the old custom-house lot, so called, owned by the United States, situated on the southwest corner of South Main street and Custom avenue, in said city, as may be required for the widening of said South Main street upon the application for such widening now pending in the supreme court of Rhode Island.

SEC. 2. That the Secretary of the Treasury is authorized to agree with the city of Providence upon the amount of compensation to be paid the United States for said land and damages to the building on said lot, and to receive such amount in full payment therefor.

Mr. SPOONER. I desire to move an amendment to the Senate bill by striking out the word "southwest," in the seventh line of the printed bill, and inserting in place thereof "northwesterly." This is to correct a misdescription of the location of the lot in question.

Mr. MILLS. Is the Government to be paid for this land?

Mr. SPOONER. The Government is to be paid.

Mr. MILLS. How is the value to be arrived at?

Mr. SPOONER. By agreement with the Secretary of the Treasury.

Mr. MILLS. What does he know of the value of lands in Rhode Island? Would it not be better that there should be some commissioner appointed to ascertain and report the value of the land?

Mr. SPOONER. I suppose the Secretary of the Treasury could easily ascertain through inquiry of the officers of the United States the value of the property.

Mr. MILLS. It seems to me it would be better to have it ascertained by some person familiar with the value of property in that city.

Mr. WELLER. Let me ask the gentleman from Rhode Island if these lands are not required for the use of the public buildings there now?

Mr. SPOONER. No; not more than this, as stated very fully in the report of the committee: The lot in question is the old custom-house lot, upon which an ancient building now stands about 40 by 40 feet in extent, which building is used now for store-house purposes, the custom-house business being transacted in the new custom-house building erected some twenty or more years ago.

Mr. WELLER. I desire to inquire further of the gentleman if the sale of this lot will not necessitate the buying of other lands to accommodate the public buildings in that locality; and I would like to add also to the question if that is not the purpose of the parties who have this property in hand?

Mr. SPOONER. That is not at all the purpose of this bill, nor of those moving in it. As is well understood, probably, in our Eastern cities, and peculiarly so in Providence, the streets laid out in early days were many of them very crooked and narrow. With the extension of business and the increase of population it has been necessary to widen and straighten a great many of our streets, and the project of widening and straightening this particular street, which is one of the principal streets in the city, has been a consideration for many years.

Proceedings are pending in the supreme court of Rhode Island under the Rhode Island law for the appointment of commissioners and to provide for the straightening and widening of this street. Under the law all of those who are injured or damaged by reason of what is being done, or whose property is damaged by reason of widening or straightening the streets, are compensated by the city, and the amount of such compensation is arrived at in the first instance by commissioners appointed by the supreme court, and if their decision is deemed insufficient or unsatisfactory, by an appeal to the court itself.

It seems to me that the bill is perfectly guarded, and there is no design or intent on the part of the city of Providence to do otherwise than to pay a fair value for the land taken and the damages occasioned. If it is thought better by the House the amount of damages should be ascertained in the same manner as damages to private property by proceedings in court, I will offer a section to that effect; but I do not think it necessary.

The SPEAKER. The time for debate in support of the bill has expired.

Mr. WELLER. I call for the reading of the report in my time in opposition to the bill.

The SPEAKER. The gentleman from Iowa rises to oppose the bill, and asks for the reading of the report in his time.

Mr. SPOONER. I send to the desk the report made by the House committee on identically the same bill which they have reported to the House.

The Clerk read the report (by Mr. HOPKINS, from the Committee on Public Buildings and Grounds), as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 2703) to authorize the Secretary of the Treasury to convey land in Providence, R. I., for highway purposes, respectfully report:

That said city of Providence has an application pending in the supreme court

of the State of Rhode Island, under the laws of said State, to enable said city to widen and straighten South Main street, in said city, and thereby to make an improvement demanded by the business interests of that locality.

The "old custom-house lot," so called, belonging to the United States, is situated on the northwesterly corner of said South Main street and Custom avenue, measuring about forty feet on South Main street and about sixty-four feet in depth. The "old custom-house," an ancient brick building, about forty by forty feet in width and depth, and two and one-half stories in height, and now used as a storehouse, stands upon the front portion of said lot, and on the present westerly line of South Main street.

For the purpose of said proposed widening and straightening, a small portion of the front part of said lot is required.

Your committee are of the opinion that the bill sufficiently protects the Government interests involved; and, as the payment of damages to said lot and to the building thereon is provided for in said bill, they recommend the passage thereof.

Mr. WELLER. I am of the opinion there should be objection offered to the consideration of this bill, with the suggestion that it be referred back to the committee, with instructions to make an amendment, creating a commission to appraise this property instead of leaving it to the judgment of the Secretary of the Treasury.

Mr. SPOONER. I hope that will not be done.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. WELLER. I object.

Further objections being called for, only three members rose—not a sufficient number.

The SPEAKER. If there be no objection, the amendment proposed by the gentleman from Rhode Island [Mr. SPOONER] will be adopted.

There was no objection.

Mr. WELLER. I now move the bill be recommitted with instructions to report an amendment that a commission be instructed to appraise the property in question.

The question being taken on the motion of Mr. WELLER, it was not agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. SPOONER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT READING, PA.

Mr. ERMENTROUT. I call up the bill (H. R. 1321) for the erection of a public building at Reading, Pa.

The bill was read, as follows:

Be it enacted, etc. That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the post-office, internal-revenue offices, and other Government offices, at the city of Reading, in the State of Pennsylvania. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of \$60,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Pennsylvania shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

Mr. ERMENTROUT. It has never been my good fortune to have an opportunity to present any claim from the district I have the honor to represent until now; and I therefore beseech a patient hearing while I make a brief statement of the merits of this bill. The city of Reading is in point of population the fortieth city in the United States, and it is the fourth city in Pennsylvania, having a population now of between 55,000 and 60,000 people. During the last four years the average number of buildings constructed annually has been over four hundred. In 1880 there was a registration of 10,000 voters; in 1884 there was a registration of 13,000 voters, which, under the ordinary rules, indicates a population of 60,000.

The city is situated fifty-eight miles from Philadelphia, thirty-six miles from Pottsville, fifty-four miles from Harrisburg, and is the center of a rich manufacturing and agricultural region. It has at its door the anthracite-coal regions of the Schuylkill and of the Lehigh. There are two systems of railroad now running through it, the Pennsylvania Central and the Philadelphia and Reading. Its public business is large. The postal money-order business amounted in the last year at Reading to over \$100,000. The gross income of the post-office was over \$42,000; the net income over \$21,000; the total business of the office to over \$250,000. There is much more to be said in favor of the measure, but in case there are any objections to the measure, I will reserve the balance of my time to answer them.

The SPEAKER. Five minutes are allowed for debate in opposition if any gentleman desires to occupy that time. [After a pause.] Is there objection to the consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

PUBLIC BUILDING AT COUNCIL BLUFFS, IOWA.

Mr. WILSON, of Iowa. I call up for consideration the bill (H. R. 441) for the completion of a public building at Council Bluffs, Iowa.

The bill was read, as follows:

Be it enacted, etc., That the additional sum of \$100,000 is hereby appropriated to erect a post-office, court-room, and internal-revenue building at Council Bluffs, Iowa, to be expended by the Secretary of the Treasury, subject to the requirements of an act for that purpose approved May 25, 1892, and the limit of cost prescribed in said act is hereby extended.

Mr. STORM. I ask if this bill has not been offered once before?

Mr. ANDERSON. That makes no difference.

Mr. WILSON, of Iowa. It has not been offered since the rule was amended so as to admit of explanations.

The SPEAKER. This bill was called up by another gentleman from Iowa who was recognized on the first day of the operation of the new rule when all these motions were objected to. Afterward the rule was changed.

Mr. STORM. I make the point that no gentleman should be recognized to call up a bill once objected to until all other members have the privilege of calling up bills.

The SPEAKER. The rule does not make any provision as to that.

Mr. WILSON, of Iowa. I yield to my colleague from Iowa [Mr. PUSEY].

Mr. PUSEY. I desire to make a brief statement in reference to this measure. It is recommended by the Secretary of the Treasury that this additional appropriation be made. The Forty-sixth Congress appropriated a sum of money out of which the site was purchased and the excavation was commenced last fall. The superintendent struck quicksand and there was great difficulty in getting a foundation for the building.

We have sunk some \$18,000 in building a proper foundation. We have built the wall up to the grade line of the street, and the Secretary of the Treasury asks this additional appropriation in order to complete this fire-proof building. We have to bring our material for the construction of this building five hundred miles. I settled in that town when we had but two mails a week, brought to us on buckboards, and I think there is something due to the people that go out on our frontiers and build up towns and cities, and thus change the postal service from a burden upon the Government into a source of revenue. The revenue of the post office there is now between \$35,000 and \$40,000; we have a circuit court and a district court; the town is an important business center, and I do not think there is a single gentleman on this floor who will object to the additional appropriation that is asked. [Cries of "Vote!" "Vote!"]

Mr. WARNER, of Ohio. I wish to ask the gentleman what amount has already been appropriated for that building.

Mr. PUSEY. One hundred thousand dollars.

Mr. WARNER, of Ohio. And this is \$100,000 more?

Mr. PUSEY. Yes, sir.

Mr. WARNER, of Ohio. I will offer an amendment to reduce the sum. I will not make objection to the consideration of the bill, but I ask the gentleman from Iowa [Mr. PUSEY] to accept the amendment which I send to the Clerk's desk to be read in my time.

The Clerk read as follows:

Add the following:

"And no plan shall be approved which will involve the expenditure for site and building complete, including the approaches, of any sum greater than the limits herein fixed."

Mr. WARNER, of Ohio. This amendment expressly prohibits the Secretary of the Treasury from accepting or approving any plan for this building which will involve a larger expenditure than the amount fixed in the bill.

Mr. PUSEY. I accept the amendment.

The SPEAKER. The gentleman from Iowa [Mr. PUSEY] states that he will accept the amendment. Is there objection to the consideration of this bill? [After a pause.] If not, the amendment will be adopted and the bill ordered to be engrossed and read a third time.

Mr. WARNER, of Ohio. Mr. Speaker, I offer another amendment.

The SPEAKER. The bill has been ordered to its third reading.

Mr. WARNER, of Ohio. Mr. Speaker, I understand that under the rule a bill is open to amendment after debate.

The SPEAKER. This bill has been ordered to its third reading. The gentleman may move to reconsider, if he desires.

Mr. WARNER, of Ohio. I think the amount ought to be reduced.

Several MEMBERS. No, no!

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WILSON, of Iowa, moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. TILLMAN. Mr. Speaker, I call up from the Speaker's table the bill (S. 70) for the relief of Joseph M. Cumming, Hamilton J. Miller, and William McRoberts.

The bill was read, as follows:

Be it enacted, etc., That Joseph M. Cumming, Hamilton J. Miller, and William McRoberts, late copartners in the business of commission merchants and bonded warehousemen in the city of New York, be permitted to sue in the Court of Claims; which court shall pass upon the law and facts as to the liability of the United States for the acts of its officer, Joshua F. Bailey, by reason of the seizure, detention, and closing up of the commission houses and bonded warehouses

of said copartners, for the breaking up and interruption of their said business, and for the seizure and detention of the property, books, and papers in and connected with said business, by Joshua F. Bailey, collector of internal revenue for the fourth internal-revenue district of said State, or by said Bailey and other internal-revenue officers. The United States shall appear to defend against said suit, and either party may appeal to the Supreme Court as in ordinary cases statute of limitation to the contrary notwithstanding.

Mr. TILLMAN. The House Committee on Claims approve this bill, which has passed the Senate. In the last Congress the Committee on Claims in each House reported favorably upon a bill similar to this; but there was no opportunity to take it up in either body. As a member of the Committee on Claims, after thoroughly investigating the facts connected with this case, I have, in the exercise of my privilege as a member under the rule lately established by the House, called up this bill and asked that it be passed, in order to correct one of the greatest wrongs ever committed, within my knowledge, by any officer or agent of the Government. The parties who suffered this wrong were the members of a firm of merchants in New York city.

Mr. REED, of Maine. What was the date of the transaction?

Mr. TILLMAN. The transaction occurred in the latter part of 1897 and the forepart of 1898.

Mr. REED, of Maine. What was the nature of it?

Mr. TILLMAN. Joseph Cummings & Co. were commission merchants and exporters and importers in the city of New York, engaged in a large whisky and wine business, their sales amounting to over \$1,000,000 a year. It was perhaps on account of the large extent and success of their business operations that they were selected for a "raid" made by an internal-revenue collector named Bailey, in order that he might levy "blackmail." He shut up their warehouse, took charge of their books and papers, and would not permit them to carry on any business whatever.

Mr. PAYSON. Under what pretext?

Mr. TILLMAN. Upon a general charge of fraud without ever making any specification. After a couple of months these partners in trade, finding they could get no relief from Bailey, came to the Treasury Department here and asked whether there were any charges against their firm. They were told there were none. They then asked for an investigation. The Secretary of the Treasury sent an officer of his Department to New York, who, in company with two deputy collectors, made an investigation, and found the books, papers, and goods all right. Yet this man Bailey, persisting in his general charge of fraud, refused to surrender control of the books, papers, and goods belonging to the firm.

After three or four months more these merchants demanded a second investigation, which was had; and every package of goods, whether in the store or bonded warehouse, in either bottles or in wooden vessels, was examined and found to correspond precisely with the books. A report to this effect was made to the Treasury Department. When the goods were finally given up to the merchants six months had elapsed; the business season was over; the price of their goods had fallen, and the firm was ruined. The evidence is convincing that if they had been permitted to export to fill contracts—

A MEMBER. What became of Bailey?

Mr. TILLMAN. Bailey in the mean time took "leg bail."

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. REED, of Maine. I rise to oppose the bill, and yield my time to the gentleman from South Carolina [Mr. TILLMAN]. I desire that he may complete his explanation.

Mr. TILLMAN. I thank the gentleman. The counsel of this business firm advised them that they should first institute proceedings against Bailey, and after getting judgment against him appeal to the Government, from which they hoped to get redress by having recourse to the sureties of Bailey. But Bailey fled. They then waited, by advice of their counsel (Mr. Allen, of the New York bar), in the hope that Bailey would return, and upon a solemn assurance of Bailey's counsel (Mr. Runkle, another member of the New York bar) that he would return. Thus time went on until their right of action was barred by the statute.

This bill merely provides that these parties may go to the Court of Claims and that the Government or the claimant may appeal to the Supreme Court. No appropriation of money is provided in the bill, and if the case should go to the Supreme Court and should there be decided against the Government the case would have to come here for an appropriation, and all the facts and circumstances could then be re-examined here. I assure the House, after a thorough and extensive investigation, that I think the bill ought to be passed.

Mr. FINDLAY. Will the gentleman state why Bailey fled the country?

Mr. TILLMAN. He fled the country because he was a defaulter to the Government to the amount of about \$180,000; and although the Government officers had notice of the monstrous wrong done to these merchants—one of whom died in the poor-house a year or two ago, the other of whom, a man ruined in fortune, is now on a sick bed—although the Government officers had notice of the monstrous wrong done to these merchants and of the rascally conduct of this man toward the Govern-

ment, they compromised with his sureties for \$50,000. The point of law involved is merely the question of notice.

Mr. PAYSON. Has this matter ever been investigated by any committee of either branch of Congress?

Mr. TILLMAN. It has been examined by committees of both branches, and favorable reports made.

Mr. PAYSON. I mean has the proposed plaintiff ever made any application to Congress for direct relief in the form of an appropriation?

Mr. TILLMAN. Never.

Mr. McMILLIN. He never has; and this bill simply gives the right to bring a suit in the Court of Claims.

Mr. PAYSON. I understand that. I did not know but perhaps there might have been some previous application and some adverse report.

Mr. TILLMAN. There has never been any adverse report.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. RAY, of New York. I object.

The SPEAKER. Gentlemen who object to the consideration of this bill will rise. [After a pause.] Only one gentleman rises; and the bill is before the House for consideration.

The bill was ordered to a third reading, read the third time, and passed.

Mr. TILLMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING, CLARKSBURG, W. VA.

Mr. GOFF. I call up for present consideration the bill (H. R. 1618) to provide for the construction of a court-house and post-office at Clarksburg, W. Va.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, authorized and directed to purchase a suitable site, and cause to be erected thereon, at Clarksburg, in the State of West Virginia, a substantial and commodious public building, with fire-proof vaults, for the use and accommodation of the United States courts and post-office and for other Government uses. The site, and the building thereon, when completed according to plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed the cost of \$50,000; and for the purposes herein mentioned the sum of \$50,000 is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury: Provided, That no part of said sum shall be expended until a valid title to said site shall be vested in the United States, and the State of West Virginia shall cede to the United States exclusive jurisdiction over the same during the time the United States shall be the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

Mr. GOFF. Mr. Speaker, I will not detain the House for any length of time in discussing this matter. For a great many years the courts of the United States have been held at this place, and during all these years they have used the county court-house, the county furnishing the building free to the Government of the United States, and all the necessary expenses connected with heating and lighting the same. The rapid increase of the population of that county, the extension of business, and increase of litigation have been such as to occupy it all the time by the courts of the county until it has become virtually no place where United States courts can be held. Over 300,000 people in the surrounding counties transact their business there. There is no safety to the records. Over fifty years of records, of decrees, of titles to property are kept in a frame building, without security at all. I practice in that court, and my attention has been called to this matter by citizens of Massachusetts, New York, Pennsylvania, and Maryland to the insecurity of these records. This bill has been considered by the committee and unanimously reported, and I do not desire to detain the House further.

Mr. HOLMAN. I wish to make two suggestions to the gentleman from West Virginia. One is that the whole sum should be appropriated by this bill. The provision of the statute which imposes a duty upon the Supervising Architect of the Treasury touching the construction of public buildings does not operate effectually until the whole sum is appropriated.

Mr. GOFF. There is only \$50,000 for the whole amount.

Mr. HOLMAN. Then the whole amount is appropriated by this bill?

Mr. GOFF. Yes, sir.

Mr. HOLMAN. I misunderstood the bill from the reading. Then it is all right.

The other matter is this: Will the gentleman have objection to the limitation imposed in some of the other bills being put upon this—that the site shall first be purchased?

Mr. GOFF. It is there now.

Mr. HOLMAN. Will the gentleman consent to the provision being inserted that the Secretary of the Treasury shall not approve the plan if it involves a larger expenditure than the appropriation?

Mr. GOFF. It says the cost of the lot and building shall not exceed the sum of \$50,000 all told.

Mr. HOLMAN. The House having declined to adopt this provision on one bill, I do not wish to press it now, but I think my friend will find it to his advantage to have this limitation included.

Mr. GOFF. I think it is there already, and I claim nothing more.

Mr. HOLMAN. It will come in the way of a proviso which I ask the Clerk to read.

The Clerk read as follows:

Provided, That it shall be the duty of the Secretary of the Treasury after the site for said building shall have been purchased to cause plan and specifications of said building to be prepared, which said plan and specifications shall not involve an expenditure in the erection and completion of said building and purchase thereof exceeding the portion of said \$50,000 remaining after the site of said building shall have been paid for; and no plan shall be approved by the Secretary of the Treasury involving an expenditure exceeding the sum so remaining after paying for the site of said building.

Mr. HOLMAN. I wish to say that I do not insist on this, but I think it ought to be adopted.

Mr. WARNER, of Ohio. I ask the gentleman from West Virginia to accept it.

Mr. GOFF. Very well; let it be adopted.

Mr. WARNER, of Ohio. How far is the location of this building to the nearest point where a United States court is held?

Mr. GOFF. One hundred and twenty-five miles.

Mr. WARNER, of Ohio. At Parkersburg?

Mr. GOFF. I thought you said district court. It is about one hundred miles.

Mr. McMILLIN. What is the population of this town?

Mr. GOFF. I do not know, and for this reason: The corporate limits of this town, like those of others, do not include the whole population.

Mr. McMILLIN. What about is the population?

Mr. GOFF. Five thousand.

Mr. McMILLIN. Quite small.

Mr. GOFF. The courts are held there.

There was no objection, and the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. GOFF moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING, LOUISVILLE, KY.

Mr. WILLIS. I call up for present consideration the bill (H. R. 4067) to change the limit of appropriation for the public building at Louisville, Ky.

The bill was read, as follows:

Be it enacted, &c., That the act entitled "An act for the erection of a public building at Louisville, Ky.," approved May 25, 1882, be amended by making the limit for said building \$1,000,000, and that sum is hereby fixed as the limit of cost thereof.

Sec. 2. That the Supervising Architect and the officers of the United States Government having charge of the erection of public buildings are authorized and required to be governed by the limitation hereby prescribed in making contracts for the erection of said building.

Mr. WILLIS. Mr. Speaker, I have already personally explained this bill to nearly all the members of this House, and I respectfully call their further attention to the facts connected with it. Three years ago Congress passed an act to construct a public building at Louisville, Ky. The site was bought, but the architect declined to go ahead because the amount fixed in the act was as the limit of cost inadequate to the public business of that city. The Secretary of the Treasury, in a communication which I hold in my hand, recommends \$1,500,000, and we are only asking \$1,000,000, which is the amount recommended by the unanimous vote of the Committee on Public Buildings and Grounds. As introductory to some facts which I wish to present I will read the letter of the Secretary of the Treasury and the report of the committee:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 4, 1885.

SIR: I have the honor to inclose herewith a copy of a communication from the Supervising Architect of this Department, recommending that the limit of cost of the proposed public building at Louisville, Ky., be extended to \$1,500,000, and to state that I concur in the recommendation.

Very respectfully,

H. McCULLOCH, Secretary.

To the SPEAKER of the House of Representatives.

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
February 2, 1885.

SIR: I have the honor to call your attention to the fact that the limit of cost fixed for the proposed public building at Louisville, Ky., is \$500,000. This amount is totally insufficient to provide accommodations for the proper transaction of the public business at this time. In view of the fact that the post-office business has more than doubled in the last ten years, and as the collections for internal revenue for the year ending December 31, 1883, and the quarter ending March 31, 1884, are more than \$10,000,000, and for corresponding dates for 1884 and 1885, will, according to the estimate of the collector, exceed \$15,000,000, I respectfully recommend that to provide for present needs, and to make proper provision for the future growth of the public business in Louisville, the limit of cost for the building be increased to \$1,500,000.

Very respectfully,

M. E. BELL,
Supervising Architect.

The honorable SECRETARY OF THE TREASURY.

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 4067) to increase the limit of appropriation for the public building at Louisville, Ky., respectfully report:

Upon a full presentation of the facts, the last Congress recognized the propriety and necessity for additional accommodations for the Federal offices at Louisville by the passage of an act for that purpose, which was approved May

25, 1862. With the appropriation already made a site for the building has been secured, but no further steps have been taken. The Supervising Architect, being of the opinion that no building adapted to the increased and increasing wants of the Government service at that point can be erected within the present limit, declines from a sense of public duty to make out the plans until Congress has had further opportunity to express its judgment.

Louisville, the metropolis of Kentucky, occupies an area of eighteen square miles. Its population at the census of 1870 was 100,733; its population according to the last census was 123,758. The rapidity of its increase may be seen from the fact that since 1830 its population has trebled, and it now ranks as the sixteenth city of the Union.

But while the size and prospective growth of a city should receive due consideration, the amount of public business should, in the opinion of your committee, be the chief factor in determining the necessity and character of Government buildings to be established.

The ordinary revenues of the United States from all sources for the fiscal year ended June 30, 1883, were \$398,287,561. Of this sum \$359,426,965 were received from customs and internal revenue. In other words, over nine-tenths of all the revenues which are paid to the Government at cities where public buildings are located come from these two sources. The amount of these, therefore (customs and internal revenue), affords a criterion, at least so far as the receipts of public money are concerned, for determining the size and value of the public building to be erected.

THE INTERNAL-REVENUE OFFICE.

The collections of internal revenue at Louisville for the fiscal year ended June 30, 1883, were \$7,550,481. The amount collected for the fiscal year 1881 was \$3,489,672. In two years the receipts from this source have more than doubled, and every year hereafter they will continue to increase. By the law of 1878, whiskies are permitted to remain in bond three years before paying the tax. In districts like that of Louisville, where fine whiskies that require age to make them valuable are chiefly manufactured, a large per cent. of the product, since the passage of the law, has been left in bond, and the amount of revenue from this source has thus temporarily been diminished. The last report of the Commissioner of Internal Revenue shows that 28,107,473 taxable gallons of whisky were in bond at Louisville on the 30th June, 1883, which is 23,132,374 gallons more than any district in the country, or more than all the remaining eighty-two districts combined, excluding the Kentucky districts. During the seasons of 1881-'82, comprising one year, over 20,000,000 taxable gallons of spirits were produced in that district, the tax upon which would amount to \$18,000,000 per annum. The amount of internal revenue collectible at Louisville will, therefore, hereafter average over \$12,000,000 per annum.

Upon the last official report of the Department, Louisville, as compared with the other 84 collectors' offices in the United States, ranks fourth in importance, Chicago, Cincinnati, and Peoria being the only cities which exceed it. One-twentieth of all the revenues from this source is collected at Louisville.

There are employed in this district 1 collector, 25 deputy collectors and clerks, 48 gaugers, and 184 storekeepers, making a total of 258 officers. Of these, 140 are on duty at Louisville.

CUSTOMS RECEIPTS.

In the custom-house at Louisville there are permanently enrolled 56 vessels, of 17,664.61 tons.

The rapid increase of customs duties may be seen from the following statement, covering a period of five years:

Amount of duties collected—	
During year 1878	\$36,651
During year 1879	44,034
During year 1880	58,788
During year 1881	75,053
During year 1882	
During year 1883	95,119

The increase of business as will be seen, has been more than 100 per cent. The transportation of foreign goods to inland ports without appraisement is destined to revolutionize the methods of collecting revenue in the United States, and the extension of the system renders it necessary for the Government to materially enlarge her interior custom-houses, as the examination and appraisement of imported goods are now performed at the interior ports instead of being made at the seaboard.

POSTAL RECEIPTS.

Next in importance to customs and internal revenue is the postal business. The postal receipts at the Louisville office for year ended June 30, 1881, were \$200,000. Of the 50,000 post-offices in the United States, Louisville is the thirteenth city in amount of business and sixteenth in receipts. Of the one hundred and nine free-delivery offices, eighty-two of them do not return one-half as much and sixty-seven of them do not return one-third as much in receipts as the Louisville office, and yet in all of them the buildings in which their business is transacted are, upon an average, fifty times larger and more expensive than the one in Louisville. It has forty carriers and thirty-five postal clerks and route agents. The total employees are ninety-four. The clerical force has more than trebled in twenty-five years.

PENSION OFFICE.

The public business of the country embraces not only receipts, but expenditures; of these the pension claims are the largest which affect this question. The pension business, at first transacted by fifty-eight officers, has since been limited to seventeen, and one of these is at Louisville. The following statement shows the amount of business in this direction:

Statement showing amount of business transacted at United States pension agency, Louisville, Ky., for the calendar years ending December 31, 1882, and December 31, 1883.

Year.	Number of payments.	Amount paid.
1882.		
Army pensions	24,526	\$1,365,555 30
Examining surgeons	101	7,377 15
1883.		
Army pensions	26,684	1,623,902 22
Examining surgeons	208	6,965 95

* No surgeons paid since July, 1883, owing to exhaustion of appropriation for that purpose.

A correct statement according to records of this agency.

R. M. KELLY,
Pension Agent.

UNITED STATES COURTS.

The whole State of Kentucky constitutes one judicial district, in which the district and circuit courts, located at Louisville, transact four-fifths of the busi-

ness. The offices of district attorney and his assistants, of the judges of the district and circuit courts and their clerks, together with the rooms for petit and grand juries, should all be located in the same building, a result which is not now possible.

SUMMARY.

The aggregate amount of public business, besides that of the United States circuit and district courts, attended to at Louisville, Ky., would be therefore as follows:

Internal revenue	receipts	\$7,550,481
Customs	do	95,119
Post-office	do	300,000
Pension business	expenditures	1,630,886
Total		9,476,468

In view of these facts, it is the opinion of your committee that the sum of \$600,000 is not sufficient for the erection of a suitable Government building at Louisville. The estimate of the Supervising Architect of the Treasury is the sum of \$1,500,000. But inasmuch as an eligible site has been secured at the extremely low price of \$140,000, your committee recommend that the limit be raised to \$1,000,000. This will leave about \$860,000 available for the erection of the building.

Your committee therefore beg leave to report in favor of the passage of the bill, with the following amendment, namely: Strike out the words "five hundred thousand," in lines 6 and 7 of the first section, so that the limit of cost shall be \$1,000,000.

I might, Mr. Speaker, content myself with the case as presented in these two official reports, but to do so would be less than justice to the city whose claims I am now urging. What I mean to say is that, accepting the statements of the Secretary of the Treasury, the public business of Louisville the present year instead of being \$9,476,468, as stated in the report of the committee, will be \$16,925,987, or, deducting the pension disbursements and confining the public business to the three items, namely, the customs receipts, the internal-revenue receipts, and the post-office receipts, the aggregate amount would be \$15,295,120. How does this city compare with others of equal or greater size and population? I will give the public business of a few of the leading cities of the country. I give as to these cities the three items which constitute nine-tenths of the public business that is transacted:

Philadelphia:	
Post-office receipts	\$1,581,791
Internal-revenue receipts	2,955,174
Customs receipts	12,900,078
Total	17,437,043
Cost of public building at Philadelphia, \$6,072,391.	
Chicago:	
Post-office receipts	\$1,949,180
Internal-revenue receipts	8,447,053
Customs receipts	3,850,343
Total	14,246,576
Cost of public building at Chicago, \$5,873,746.	
Cincinnati:	
Post-office receipts	\$638,634
Internal-revenue receipts	9,826,123
Customs receipts	815,956
Total	11,280,703
Cost of public building at Cincinnati, \$5,800,000.	
Saint Louis:	
Post-office receipts	\$843,730
Internal-revenue receipts	4,995,427
Customs receipts	1,530,902
Total	7,370,059
Cost of public building at Saint Louis, \$6,055,000.	
Baltimore:	
Post-office receipts	\$540,566
Internal-revenue receipts	3,155,000
Customs receipts	2,306,287
Total	6,001,793
Limit to cost of public building and site, \$2,555,000.	
Pittsburgh:	
Post-office receipts	\$344,850
Internal-revenue receipts	1,923,035
Customs receipts	488,508
Total	2,762,393
Limit of cost of public building at Pittsburgh fixed by present Congress at \$1,500,000.	
Detroit:	
Post-office receipts	\$314,549
Internal-revenue receipts	1,207,549
Customs receipts	148,535
Total	1,670,595
Limit of cost of public building at Detroit fixed by present Congress, \$900,000.	

The public business of Louisville for last year (the year which the preceding calculations cover) is as follows:

Louisville:	
Post-office receipts.....	\$250, 377
Internal-revenue receipts.....	8, 626, 352
Customs receipts.....	119, 829
Total.....	8, 996, 558

But for the present and future years (as the Secretary of Treasury shows in his letter) the internal-revenue receipts will be \$15,000,000. Hence the public business of Louisville will be, as I first stated, for the current year, over fifteen millions. Upon either of these estimates it will be seen that the limit of \$1,000,000 is far, very far, within what the judgment of either this or preceding Congresses has fixed as a proper limit for a public building.

Taking the first and smaller estimate, it will be seen that the port business of Louisville was last year over three times as great as Pittsburgh and over five times as great as Detroit, and yet the pending bill asks you to give it only \$100,000 more than you have given Detroit and \$500,000 less than you have given Pittsburgh. I voted with pleasure for both of these cities, and I refer to them now not in any complaining spirit, but simply to show the very reasonable request that my own district is now making. If this Congress applies the same rule to Louisville as to Detroit and Pittsburgh, it will fix a limit of \$4,500,000 instead of \$1,000,000.

So much for the leading cities of the Union. If time permitted I could show from a tabular statement before me that if the same ratio were observed at Louisville as at six-sevenths of the cities of the United States it would now, averaging the whole list upon the same basis, be entitled to an appropriation of \$125,000,000. This is a startling but an easily demonstrated statement. Can any city in the United States, Mr. Speaker, make out a stronger case than this? The mere statement of the figures is, I submit, a conclusive argument in favor of the bill now before the House.

It should be remembered also that the whole State of Kentucky constitutes but one judicial district, and four-fifths of the business of the Federal courts is transacted at Louisville. Connected with this are the offices of United States district attorney and his assistant, United States marshal and deputies, clerk of circuit and district court, commissioner for the court, &c. One of the seventeen pension agencies of the United States, an agency disbursing many millions of dollars, is also located there. This is not included in the total estimate of public business which I have stated.

The collector's office is there—an office which during the last year collected over \$10,000,000.

Mr. COOK. May I ask the gentleman a question?

Mr. WILLIS. Certainly.

Mr. COOK. Is this amount, \$500,000, to be appropriated in addition to what has been heretofore appropriated?

Mr. WILLIS. Yes, sir; this bill passed the committee in the Forty-sixth Congress when no limit was prescribed. Afterward, after the bill had been acted on in committee, the general clause as to limit was adopted, and without further consideration \$500,000 was inserted as the limit. This is in addition to that amount.

Mr. COOK. That makes \$1,000,000 in all?

Mr. WILLIS. Yes, sir; \$100,000 more than at Detroit. The Secretary of the Treasury recommends \$1,500,000.

Mr. COOK. You spoke of the amount of revenue collected there; how much would that be reduced if the tax was taken off tobacco and whisky?

Mr. WILLIS. We would still be among the leading cities in the Union in point of public business. The gentleman knows that that tax constitutes in Louisville, as it does in Chicago, Cincinnati, Saint Louis, and other large cities, the greater part of the public revenues.

All these matters have been fully considered by the committee and by their unanimous vote this has been recommended. I therefore respectfully ask the vote of the House for it. I will append several statements in further support of this request.

Mr. WARNER, of Ohio. Let me ask the gentleman from Kentucky how much has been expended for the site of this building.

Mr. WILLIS. One hundred and forty thousand dollars.

RATE OF GROWTH.

Cities.	1870.	1880.	Increase per cent.
Saint Louis.....	310, 864	350, 518	12.75
Cincinnati.....	216, 239	255, 139	17.98
Louisville.....	100, 753	123, 758	22.83

The growth of Louisville as a city dates substantially from the close of the war. The decade from 1870 to 1880 is the first decade in which Louisville can be said to have fairly embarked in her career as a live and progressive city, and though her great transportation facilities have nearly all been attained since 1880, and her manufacturing development has been more than twice as rapid since that date as it was before, yet the progress from 1870 to 1880 is quite gratifying, and is an earnest of what may be expected during the present decade, with her vastly increased opportunities and abilities.

The growth in population of the three principal cities of the Mississippi and Ohio Valleys from 1870 to 1880, as shown by the United States Census Reports, is as follows:

Louisville leads in growth of population in the race of three cities whose competition is most direct for the trade of the Southern and Southwestern States. Could an enumeration be had to-day it would show this city in a much more favorable light, relatively, than does the census of 1880, for the increase rate of growth since 1880 has been very marked. Persons acquainted with the city's history, and not over sanguine, but practical business men, believe, from experience and observation, that the increase of population for this decade will be fully double that of the last.

Bank clearings in leading cities of the United States.

For the years ending—

	Dec. 31, 1879.	Dec. 31, 1880.	Dec. 31, 1881.	Sept. 30, 1882.	Sept. 30, 1883.
New York.....	\$29, 235, 646, 530 00	\$38, 614, 448, 223 00	\$49, 679, 823, 678 00	\$46, 552, 846, 161 34	\$40, 293, 165, 257 65
Boston.....	2, 674, 429, 499 00	3, 326, 343, 166 00	4, 233, 240, 201 00	3, 753, 496, 901 00	3, 540, 980, 659 00
Philadelphia.....	2, 627, 743, 334 00	2, 354, 840, 429 00	2, 716, 828, 851 00	2, 700, 946, 905 49	2, 794, 181, 748 96
Chicago.....	1, 257, 790, 124 00	1, 725, 684, 895 00	2, 252, 261, 407 00	2, 373, 903, 487 00	2, 507, 022, 178 00
Cincinnati.....	574, 924, 104 00	729, 650, 500 00	903, 149, 100 00	971, 900, 000 00	972, 375, 700 00
Saint Louis.....	559, 685, 128 00	711, 459, 489 00	832, 631, 830 00	878, 549, 184 00	874, 272, 698 00
New Orleans.....	388, 878, 045 00	468, 927, 894 00	562, 728, 081 00	484, 615, 412 00	515, 655, 203 00
Baltimore.....	598, 172, 321 00	682, 904, 049 00	734, 617, 211 00	700, 464, 508 35	696, 499, 933 09
San Francisco.....	553, 953, 906 00	486, 725, 954 00	568, 086, 832 00	635, 787, 678 51	615, 618, 573 97
Milwaukee.....	325, 288, 547 00	316, 309, 008 00	359, 865, 130 00	368, 170, 946 06	174, 911, 297 45
Louisville.....	255, 856, 816 00	299, 114, 426 00	398, 086, 835 00	392, 185, 934 00	407, 161, 516 00
Pittsburgh.....	217, 982, 849 00	297, 804, 747 00	389, 170, 370 00	433, 689, 238 82	538, 134, 071 54
Providence.....	155, 328, 100 00	199, 629, 300 00	217, 293, 800 00		226, 558, 200 00
Kansas City.....	68, 200, 251 00	101, 330, 000 00	134, 931, 300 00		126, 758, 450 00
Indianapolis.....	64, 160, 900 00	85, 951, 025 00	109, 509, 000 00		
Cleveland.....	65, 115, 849 00	84, 613, 179 00	103, 113, 648 00		
Hartford.....				178, 044, 500 00	110, 756, 380 00
New Haven.....	38, 075, 930 00	50, 361, 513 00	58, 855, 601 00	88, 493, 000 00	92, 758, 885 47
Memphis.....		48, 855, 302 00	45, 937, 851 00		64, 135, 000 61
Columbus.....	30, 530, 019 00			43, 693, 882 97	54, 671, 255 45
Peoria.....					60, 206, 815 00
Worcester.....	25, 417, 258 00	38, 648, 550 00	39, 224, 732 00	54, 828, 517 00	50, 961, 493 00
Springfield.....	25, 582, 512 00	31, 847, 911 00	37, 568, 608 00	42, 769, 666 00	44, 243, 340 00
Lowell.....	15, 483, 387 00	19, 981, 950 00	22, 991, 836 00	41, 450, 006 06	40, 861, 119 29
Syracuse.....	14, 908, 455 00	17, 296, 588 00	19, 110, 241 00	28, 502, 573 08	36, 732, 968 36
Saint Joseph.....				21, 929, 316 97	22, 903, 350 99
Total.....	39, 333, 216, 932 00	50, 688, 934, 098 00	64, 409, 580, 867 00	61, 054, 353, 584 75	54, 876, 394, 946 83
Outside of New York.....	10, 007, 574, 322 00	12, 074, 485, 875 00	14, 729, 758, 288 00	14, 501, 507, 423 41	14, 583, 229, 669 18

UNITED STATES INTERNAL REVENUE.

COLLECTOR'S OFFICE, FIFTH DISTRICT, KENTUCKY, April 11, 1884.

DEAR SIR: In accordance with your request of this date, I give below statement of collections of internal revenue in this district from all sources for the year 1883 and for the first quarter of 1884:

Total collections for year ended December 31, 1883..... \$8, 249, 809 36
Total collections for quarter ended March 31, 1884..... 2, 019, 948 39

Unless the withdrawals for export are very excessive, I think the collections for corresponding dates for 1884 and 1885 will far exceed the figures given above, and will amount probably to \$15,000,000.

Respectfully,

LEWIS BUCKNER,
Collector.

WILLIAM A. ROBINSON, Chairman.

	Hogsheads.
1860	17,506
1861	20,823
1862	28,908
1863	36,717
1864	63,326
1865	44,210
1866	35,927
1867	34,218
1868	29,508
1869	32,419
1870	43,002
1871	48,008
1872	53,066
1873	70,213
1874	29,234
1875	61,035
1876	
For year ending January 1—	56,219
1877	71,080
1878	58,099
1879	65,001
1880	67,408
1881	61,441
1882	88,911
1883	

Receipts, sales, and stocks of leaf-tobacco (in hogsheads) in the six principal leaf-tobacco markets of the West.

[From the reports of Col. William H. Chilton.]

Years.	Louisville.	Cincinnati.	St. Louis.	Piedmont.	Hopkinsville.	Clarksville.	Total.
RECEIPTS.							
1863	71,866	61,823	10,800	15,261	3,793	18,097	188,640
1862	53,073	30,182	8,859	10,561	8,086	14,732	145,495
1861	54,469	37,197	22,042	9,339	9,416	12,577	166,236
1860	52,609	49,402	14,034	10,444	8,654	16,586	152,009
1859	48,870	34,360	15,522	8,377	7,955	14,499	130,012
1858	60,016	35,363	16,354	19,818	13,408	22,241	189,962
1857	50,532	37,150	19,057	12,772	4,140	11,585	135,239
1856	54,883	32,176	16,091	20,834	10,908	16,737	151,626
SALES.							
1863	88,911	90,595	8,714	14,957	11,331	17,981	232,499
1862	61,440	48,531	7,358	9,999	8,763	14,649	150,740
1861	67,408	48,519	8,842	8,716	10,533	12,475	156,494
1860	65,281	45,797	2,591	10,363	11,246	16,296	151,573
1859	58,005	31,425	5,221	8,474	9,895	14,051	127,101
1858	71,028	37,296	10,972	17,806	16,357	21,005	178,903
1857	76,218	35,268	18,574	12,643	5,604	13,220	141,728
1856	61,352	32,197	12,217	20,987	13,608	14,221	154,561
STOCKS END OF EACH YEAR.							
1863	3,294	11,313	3,397	476	218	798	19,596
1862	4,912	12,153	3,892	177	334	451	21,991
1861	4,882	9,469	6,847	188	797	574	22,207
1860	7,639	2,855	7,835	211	286	569	20,435
1859	13,355	4,324	8,310	372	1,109	851	28,921
1858	13,361	2,935	4,999	1,035	910	888	24,122
1857	6,018	7,288	2,965	208	629	329	17,518
1856	5,806	5,405	845	611	150	2,040	14,957

Mr. WARNER, of Ohio. That will leave about \$850,000 to be applied to the building.

Mr. WILLIS. Yes, sir; \$860,000 exactly.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The question being taken on the amendment of the committee to strike out the words "five hundred thousand," in lines 6 and 7 of the first section of the bill, it was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WILLIS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WASHINGTON'S HEADQUARTERS, MORRISTOWN, N. J.

Mr. KEAN. I ask to take up House joint resolution 197, authorizing the Secretary of War to assist in canceling the debt and in enlarging and improving the grounds and collections of Washington's headquarters in Morristown, N. J., and in securing suitable ground in which to gather the remains of Revolutionary soldiers there buried, and in erecting a monument over the same, and put it upon its passage.

The joint resolution was read, as follows:

Whereas Morristown was occupied for two winters by the Continental Army, and its headquarters was for this long period the home of General Washington, and from time to time the home of many of his most famous generals; and Whereas the Washington Association of New Jersey has from private funds bought, and the State of New Jersey, by annual appropriation of \$2,500, has assisted the association to adorn and keep these headquarters for the use and enjoyment of the people of the United States; and

Whereas a wise patriotism suggests that additional grounds should be added to this national memorial, and that certain desirable additions and improvements should be made to this property; and

Whereas it is especially becoming and proper that the soldiers who died in the great cause, and who lie in scattered and unnoted graves in the vicinity, should be gathered into a common and designated resting-place: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he hereby is, authorized and directed to pay for the purposes named the sum of \$25,000, to be paid to the treasurer of the Washington Association of New Jersey, for the purpose of enlarging and improving the grounds, collections, and buildings of Washington's headquarters at Morristown, N. J., and for the purchase of ground in which to place the remains of Continental soldiers, and to mark the spot with a suitable monument.

Mr. KEAN. Mr. Speaker, as the resolution sets out fully and clearly all of the facts, and the object of the appropriation of \$25,000 which is asked, I will not occupy the time of the House by explaining it further, but will reserve my time to answer any questions that may be made in opposition.

Mr. McMILLIN. Did I correctly hear the bill—there was some confusion here when it was read—that it provides that the Government shall make an appropriation of \$25,000, which is to be paid to some private association in the State of New Jersey?

Mr. KEAN. Yes, sir. This association, I will say, has been chartered by the State for the purpose of keeping up these grounds.

Mr. STORM. Is there a report accompanying this?

Mr. KEAN. Yes, sir.

Mr. McMILLIN. Let the report be read.

The report (by Mr. KEAN) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the joint resolution (H. Res. 197) authorizing the Secretary of War to assist in canceling the debt, and in enlarging and improving the grounds and collections of Washington's headquarters in Morristown, N. J., and in securing suitable ground in which to gather the remains of Revolutionary soldiers there buried, and in erecting a monument over the same, beg leave to report it favorably and to recommend its passage.

The resolution gives to a patriotic association which has for years had the premises in charge \$25,000, with which to improve and enlarge the famous Washington's headquarters at Morristown, N. J.

Morristown is the last, though its merits would entitle it to be first, of those spots sacred to Revolutionary memories which have asked the aid of the National Government in the patriotic task of commemoration. Spots memorable as the theater of a single heroic act, or of a single dramatic scene, have all received aid from the national Treasury. Groton has received \$5,000; De Kalb, \$10,000; The Cowpens, \$20,000; Monmouth, \$30,000; Newburg, \$25,000; Saratoga, \$30,000; Bennington, \$40,000; Yorktown, \$100,000; but Morristown, where Washington and his army spent the two long winters of 1778-'79 and 1779-'80, now ask aid for the first time. It asks it under circumstances which entitle the request to special favor. Congress is asked to complete a work which private munificence and State aid have fostered. Ten years ago citizens of New Jersey contributed \$17,000 and bought the headquarters and the plot of land appurtenant. They repaired the house, filled it with furniture and relics of the times that were past, and gave it to the public of all the States. To assist in its maintenance the State of New Jersey annually contributes \$2,500.

It is now the wish of the association, into which the gentlemen who bought these headquarters have incorporated themselves, to secure \$10,000 with which to pay a mortgage debt now on the property; \$2,000 with which to purchase and add to the collection certain valuable relics and mementoes; \$4,000 with which to buy additional land about the old homestead fitting and necessary for the security and dignity of the place; \$2,000 with which to inclose the grounds with a substantial wall; \$2,000 with which to recover the bodies of officers and soldiers who died during two winters of sickness and exposure, which now lie scattered in the neighborhood, and to reinter them in one cemetery, and \$5,000 to erect in this cemetery a suitable monument or other memorial to mark the graves of those who died one hundred years ago for their country.

These are all proper objects, and the sums appropriated for each, based upon careful estimate, seem to your committee to be fixed with that economy which is more generally displayed when improvements are made with private rather than with public funds.

The committee believe there is no need of argument to induce their fellow-members of Congress to take the committee's view of this matter. Were anything necessary, they would think it would be nothing more than the statement that this roof has sheltered more of the famous men of the Revolution than any other in our land. Generals, statesmen, foreign envoys, and members of the Continental Congress all gathered here to meet the great rebel chief. Here came Hamilton, and Greene, and Knox, and Steuben, and Kosciuszko, and Schuyler, and "Light-Horse Harry" Lee, and "Mad" Anthony Wayne, and Israel Putnam, and Benedict Arnold. Such a spot belongs to the whole country, and should be cherished by it.

Mr. KEAN. I yield now such time as I may have to my colleague.

Mr. PHELPS. Mr. Speaker, this resolution proposes to give \$25,000 to inclose Washington's headquarters at Morristown, in the State of New Jersey, to be expended mainly for two objects.

Mr. COBB. I rise to a question of order. It seems to me the time has expired for debate.

Mr. PHELPS. I understood the report was read in opposition to the proposition.

The SPEAKER. The gentleman from Pennsylvania controlling five minutes in opposition asked for the reading of the report. The gentleman from New Jersey is entitled to the floor.

Mr. PHELPS. This bill asks \$25,000 with which to free from debt and to improve Washington's headquarters at Morristown, and to buy a piece of ground, into which may be gathered from neighboring and unmarked graves hundreds of Revolutionary soldiers who now sleep about it. Yorktown, Bennington, Saratoga, Newburg, and many other spots have properly received aid from the national Treasury. But Morristown has this special merit: It was the scene not of one, but of many incidents. Here Washington's army spent two winters, and under the roof of the old mansion came to visit their great commander nearly all the heroes of the Revolution.

But aside from its national historical value New Jersey asks aid because she as a State and her citizens have already done much.

More than twelve years ago private citizens bought and refitted these

headquarters. They contributed over \$20,000, and ever since the association, which was formed for the purpose, has kept them open as a source of pleasure and instruction to all their countrymen. The State now aids them by contributing annually to the cost of maintenance \$2,500. And this application is now made to the National Government because the citizens and the State of New Jersey have done their part in buying and keeping for the nation this great memorial.

[Here the hammer fell.]

The SPEAKER. The hour under the special rule has expired.

ENROLLED BILL SIGNED.

Mr. PERKINS, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 7857) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1886, and for other purposes.

REPORT OF BUREAU OF ANIMAL INDUSTRY.

Mr. HATCH, of Missouri, by unanimous consent, from the Committee on Agriculture, reported a joint resolution (H. Res. 341) providing for printing the second annual report of the Bureau of Animal Industry for the year 1885; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

AGRICULTURAL REPORT FOR 1885.

Mr. HATCH, of Missouri, from the Committee on Agriculture, also reported a joint resolution (H. Res. 342) providing for printing the annual report of the Commissioner of Agriculture for the year 1885, and for other purposes; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

COMMERCIAL NATIONAL BANK OF CHICAGO.

Mr. BUCKNER, by unanimous consent, from the Committee on Banking and Currency, reported back with a favorable recommendation the bill (S. 2375) to authorize the increase of the capital stock of the Commercial National Bank of Chicago; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. HUTCHINS. I move to dispense with the morning hour, my object being to proceed to the consideration of the naval appropriation bill.

Mr. STORM. I ask for a division, because that cuts out the hour assigned for reports of private bills.

Mr. RANDALL. It cuts out private bills but promotes the public business.

The SPEAKER. The Chair will state to the gentleman from Pennsylvania [Mr. STORM] that the consideration of private business has already been dispensed with for this day.

Mr. STORM. By what action?

The SPEAKER. By the vote of the House.

The motion to dispense with the morning hour was agreed to (two-thirds voting in favor thereof).

Mr. ROGERS, of New York. I desire to make a privileged report. I am instructed by the Committee on Printing to report back with a favorable recommendation the joint resolution (S. R. 114) to provide for printing the annual report of the Smithsonian Institution.

The SPEAKER. That is not a privileged report.

Mr. HUTCHINS. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

The motion was agreed to.

NAVAL APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. WELLSBORN in the chair), and resumed the consideration of the bill (H. R. 8239) making appropriations for the naval service for the fiscal year ending June 30, 1886, and for other purposes.

The CHAIRMAN. At the last sitting of the Committee of the Whole House on the state of the Union in the consideration of the pending bill section 2 was reached. By unanimous consent general debate was postponed until this section should be reached, and by like consent debate was limited to four hours, two in favor of and two against the section. The Clerk will now report the section, after which the general debate will be in order.

Mr. KEIFER. I think the committee will be disposed to dispense with the formal reading of the section.

The CHAIRMAN. Is there objection to dispensing with the reading of the section?

Mr. TALBOTT. I understand it is still open to amendment.

Mr. HUTCHINS. Certainly.

The CHAIRMAN. The first formal reading of the bill has been dispensed with, and it is now being read for amendments. Does the gentleman from Maryland insist on the reading of the second section?

Mr. TALBOTT. I do not.

Mr. THOMAS. I reserved the point of order on this section.

The CHAIRMAN. The Chair so understood.

Mr. THOMAS. And before amendments are offered I want that point of order disposed of.

Mr. HISCOCK. Do I understand the point of order has been reserved?

The CHAIRMAN. The Chair will state the situation. The general debate was postponed till this section should be reached. Had it taken place before the reading of the bill for amendments of course the point of order would have been determined when the section was reached, and the postponement does not interfere with what otherwise would be the regular order. The point of order is reserved, and will be determined after the conclusion of the general debate.

Mr. THOMAS. That is all I want.

The CHAIRMAN. But the Chair is informed by the Clerk there was an amendment pending to the preceding section, which was not disposed of yesterday.

Mr. HUTCHINS. That was an amendment offered by the gentleman from Maryland [Mr. FINDLAY] in relation to the eight-hour law, and I made a point of order on it.

The CHAIRMAN. The Clerk will report the pending amendment, which is an amendment to section 1.

The Clerk read as follows:

After line 415 insert the following:

"Allowance for reduction of wages under the eight-hour law such sum as may be required in the settlement of all accounts for the services of laborers, workmen, and mechanics heretofore or at present employed by or on behalf of the Government at the Naval Academy at Annapolis, Md., between the 19th day of May, 1869, the date of the proclamation of the President concerning the pay of laborers, workmen, and mechanics under the eight-hour law, and the date of the passage and approval of this act, to settle and pay for the same without reduction on account of the reduction of the hours of labor, as contemplated by the spirit of the act of Congress approved June 25, 1868, commonly known as the eight-hour law. And the money hereby appropriated and necessary to pay such claims shall be made immediately available, and be disbursed by the Navy paymaster stationed at said Naval Academy under the direction and supervision of the superintendent thereof.

Mr. HUTCHINS. I am compelled to insist on my point of order. This amendment is new legislation, and makes an indefinite appropriation. It may be very meritorious, but it should be in a separate bill.

Mr. FINDLAY. Of course it is only proper to discuss the question which arises on the point of order. It is not proper now to go into the merits of the case, and I shall not depart from the rules of propriety in this discussion.

The point of order, of course, arises upon this much-quoted paragraph 3 of Rule XXI, and, I suppose, arises under the first clause of that paragraph, which reads:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law.

Now, of course if this amendment provides for an expenditure which has not been previously authorized by law, it is amenable to the point of order. If it does not, it is not so amenable. We must then see what the law is.

If you will refer, Mr. Chairman, to section 3738 of the Revised Statutes, which codified the act of the 25th of June, 1868, you will find as to all laborers, mechanics, and employes in the employ of the United States, when they do a day's work, which is a day of eight hours and no more, this section prescribes in terms that eight hours shall constitute a day's work for the class of persons I have described. The law was dormant until the 19th of May, 1869, when the President of the United States undertook to give it effect by executive proclamation. In that proclamation President Grant, referring to the act and citing the terms of the act I have quoted, said:

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby direct that from and after this date—

The 19th day of May, 1869—

no reduction shall be made in the wages paid by the Government by the day to such laborers, workmen, and mechanics on account of such reduction of the hours of labor.

Well, sir, on May 18, 1872, there was ingrafted on an appropriation bill an amendment precisely similar in terms, almost in *totidem verbis*, to the one I have sent to the desk. That amendment was adopted, and it required the auditing officers of the Treasury Department of the United States to ascertain the balances due the workmen, mechanics, and laborers of the United States by reason of the fact that they had been working more than the legal day prescribed by the statute, which was eight hours. Under that act of the 15th of May, 1872, the laborers in the employ of the United States received the difference to which they were entitled for a period measured from the date of the original act, the 25th of June, 1868, down to the date of the proclamation of the President, the 19th of May, 1869.

Now, sir, if that is true, with all deference to the distinguished gentleman from New York [Mr. HUTCHINS] who has raised this point of order, "the boot is on the other leg." It is not my amendment that seeks to change existing law. My amendment simply seeks to carry out the law as it is. But if his point of order should be successful he would defeat the law as it is. Now, sir, I have offered this amendment in good faith, believing that it does not change existing law within the meaning of this rule. With all due deference, Mr. Chair-

man, there seems to be a hazy notion about the effect of this Rule XXI. It seems to be taken for granted that if an amendment makes any change of law whatever the rule becomes operative. Not so. The rule becomes operative only by reason of the fact that there is not merely a change of law, but that that change carries with it some appropriation which is not provided for by existing law, or carries with it some increase in expenditures. If these conditions do not concur the rule is not operative. Now, I humbly submit that, in this case, these conditions do not concur, for, while there will be an increase of expenditure there will be no change in existing law—this being an amendment offered in good faith for the purpose of carrying out the law as it is.

Mr. RANDALL. Mr. Chairman, I have grave doubts whether this proposition is germane to the bill, and certainly there is no law now existing in relation to the object sought to be reached, because if there were this amendment would not appear here. In addition to that, the amendment is retroactive in its character. It proposes to provide upon this bill a mode of adjusting claims against the Government under the eight-hour law. I clearly, in my own mind, adjudge this proposition to be subject to the point of order that it is new legislation, and that it does not propose to reduce any expenditure. The proposition in itself may be just and right, and, as a separate measure standing alone, I am free to say to the gentleman from Maryland [Mr. FINDLAY] that I would be in favor of making provision for adjusting these claims, but not here, and not in the manner proposed by his amendment to this bill.

Mr. FINDLAY. Mr. Chairman, that is always the way when anything is to be done to which gentlemen object—it is not to be done in this way or at this time, but in some other way and at some other time—

Mr. RANDALL. Well—

Mr. FINDLAY. And that other time is never; and the consequence is that it is never done. Now, what if this is retroactive? Is there anything in the rule against an amendment being retroactive?

Mr. RANDALL. The gentleman surely admits that the retroactive feature of the amendment must be in the nature of new legislation.

Mr. FINDLAY. But is there anything in the rule which provides that an amendment shall not be retroactive?

Mr. RANDALL. The rule says that no new legislation shall be permitted upon an appropriation bill unless it retrenches expenditures.

Mr. FINDLAY. The rule provides that any amendment is legitimate unless it changes existing law, and at the same time—

Mr. RANDALL. Read the rule.

Mr. FINDLAY. Oh, I have read the rule, and heard it discussed a thousand times.

Mr. RANDALL. You had better read it once more.

MESSAGE FROM THE SENATE.

The committee rose informally. A message from the Senate, by Mr. McCook, its Secretary, informed the House that the Senate had returned, in compliance with the request of the House, the bill (S. 229) to authorize the Secretary of the Treasury to erect a public building at the city of Key West, Fla.

The message further informed the House that the Senate had passed with amendments the bill (H. R. 8030) making appropriations for the Agricultural Department for the fiscal year ending June 30, 1886, and for other purposes.

NAVAL APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. FINDLAY. Mr. Chairman, there is a very narrow point involved here, a point that does not permit of any varied or extended discussion. I have already said, and can only repeat, that the vital, essential, fundamental question in this case is: Does this amendment change existing law? For if it does not, it is not within the operation of the rule. Now I say that this amendment does not change existing law, because we already have a law upon our statute-book which provides that eight hours shall constitute a day's work—a law which lay dormant from 1868 until it was revived for a short time by the act of 1872, but which is as much law as any other act upon the statute-book. The object of this amendment is simply to carry out that law and to carry it out now—to do what the gentleman from Pennsylvania [Mr. RANDALL] says ought to be done, but which he is not willing to have done at this time and in this place.

Mr. RANDALL. On this bill—

Mr. FINDLAY. At this time and on this bill, but on some other impossible bill.

Mr. RANDALL. No, sir.

Mr. FINDLAY. On some other occasion that will never arise, then according to the gentleman this ought to be done; and I suppose if possible it will be done.

Mr. RANDALL. Existing law can not be changed on an appropriation bill, unless the provision retrenches expenditures.

The CHAIRMAN. The Chair understands the gentleman from Maryland to hold that this does not change existing law.

Mr. RANDALL. I consider that it does.

Mr. FINDLAY. I would like to hear an argument on that—not a judgment.

Mr. RANDALL. If a provision of this kind was not necessary to make the law as the amendment proposes, it would not be offered.

Mr. FINDLAY. The argument seems to be that if this did not change existing law it would not be offered. Do we not constantly pass declaratory laws? In this amendment we propose simply to declare what the law is, and provide means of carrying it out. It is not a change of existing law.

Mr. RANDALL. The amendment, in my judgment, is not germane to this bill. If there be any appropriation bill to which it is germane, it is the deficiency bill.

Mr. FINDLAY. Oh, of course; it must be some other bill.

Mr. RANDALL. Now, I submit that this amendment proposes a change in the law as to the manner of adjusting these claims. Besides, I wish the Chair to make inquiry whether there is not already pending in this House in a separate bill a proposition of substantially the same nature as this amendment. If there is, I submit that as an additional point.

Mr. BLOUNT. Mr. Chairman, it seems to me quite important that we should not vary the practice of this House and the character of this bill by permitting this amendment to go upon it. This is the naval appropriation bill, providing for the pay of officers and men of the Navy, for the construction of ships, &c. I have never before known a proposition made to pay by a provision in the naval appropriation bill a debt of any kind. Such provisions have uniformly been confined to the sundry civil bill and the deficiency bill; and even with respect to those bills the provisions admitted have, I believe, related solely to the auditing of accounts. But this amendment, if anything, is a claim, and does not belong to any of these appropriation bills. The Committee on Appropriations would have no jurisdiction of it under the rules. It should properly have gone to the Committee on Claims. I trust we are not going to convert each of these appropriation bills into a vehicle for carrying through every possible claim that any gentleman may see fit to bring before the House.

Mr. FINDLAY. I would like to have read at the Clerk's desk a provision of the law of May 18, 1872.

The CHAIRMAN. The Chair was going to direct the attention of the gentleman from Maryland to the provision of that act, which the gentleman says is identical with this. Does not this amendment propose a change as to the method of adjusting these accounts? Does it not in that respect change what has been the law heretofore?

Mr. FINDLAY. It makes no change, Mr. Chairman, so far as concerns the mode of adjustment—

The CHAIRMAN. Then what is the necessity—the Chair is asking for information—what is the necessity for this legislation?

Mr. FINDLAY. I say that it makes no change so far as concerns the mode of adjustment provided in the act which I was about to ask the Clerk to read.

The CHAIRMAN. Does it make any change whatever in existing law?

Mr. FINDLAY. It simply makes provision—

Mr. BUDD. I would like to ask the gentleman—

Mr. FINDLAY. One at a time! I will first answer the question of the Chair.

The CHAIRMAN. Does the amendment in the view of the gentleman from Maryland change existing law in any particular?

Mr. FINDLAY. I do not see that it does—that is to say, it does not change existing law in the sense contemplated by the rule.

The CHAIRMAN. Does it in any sense?

Mr. FINDLAY. Yes, sir; because it makes a new provision—

Mr. RANDALL. That is it.

Mr. FINDLAY. But it does not change existing law.

Mr. REED, of Maine. It merely makes a new provision for payment.

Mr. FINDLAY. That is all.

Mr. REED, of Maine. I desire to suggest to the Chair that this amendment merely makes provision for payment; and that is what an appropriation bill is for. If there is existing law under which this amendment proposes to make appropriation the amendment would seem to be proper. A bill of this kind is the proper place to make an appropriation in accordance with existing law; and in making the appropriation it is competent for the House to accompany the appropriation with such limitations as it may choose to make.

The CHAIRMAN. And those additional conditions, to which the gentleman from Maine refers, would not, in the judgment of the gentleman, change to that extent the law as it now exists?

Mr. REED, of Maine. Not within the sense of the rule.

Mr. FINDLAY. Mr. Chairman, it seems to me we have lost sight of the main point in this case. We may admit that an amendment changes existing law, and still it is not amenable to the rule if it does nothing more.

Mr. RANDALL. It must retrench.

Mr. FINDLAY. An amendment is not amenable to the rule unless it does something more than change existing law. If it simply asks a change in the existing law and does not in any way increase expenditure, then it is not amenable to criticism. Now we have the eight-hour law, and those men who have worked one minute beyond eight

hours a day are entitled pro rata for that moment which they have worked. We are making provisions to give them that to which they are entitled under existing law.

It does not in point of fact change existing law; it is simply addition to the law as it now is for the purpose of carrying out that law.

Mr. BUDD. While there is a law known as the eight-hour law providing simply for eight hours of labor, is there any law providing for the payment of any labor in excess of eight hours?

Mr. FINDLAY. Beyond a doubt no. That question is answered easily. The law does not fix the price.

Mr. LONG. I understand the gentleman to say they are entitled now by law to this money.

Mr. FINDLAY. I think so.

Mr. LONG. Are they entitled to sue in the Court of Claims?

Mr. FINDLAY. No.

Mr. LONG. If they are entitled by existing law why can not they go to the Court of Claims?

Mr. FINDLAY. There was a suit brought in the Court of Claims by a man by the name of Martin.

Mr. LONG. Have they brought suit in the Court of Claims?

Mr. FINDLAY. No, sir. There was a suit, I will answer my friend from Massachusetts, brought by a man of the name of Martin. You will find it in 94 United States.

Mr. LONG. What was the result?

Mr. FINDLAY. The result was that the claimant in that case got, under the act of 1872, all the award to which he was entitled between the date of the passage of the act and the proclamation of the President. As to all after the proclamation of the President down to the date of his discharge he lost the action.

Mr. LONG. Then under existing law he is not entitled.

Mr. FINDLAY. He is entitled under existing law if you admit the existing law is that eight hours constitutes a day's work. I say there is an ample assumption there that he is entitled to be paid for every minute beyond eight hours.

Mr. HISCOCK. Mr. Chairman, this is not a new question, but we can say most emphatically in reference to it, there are millions in it. [Laughter.] The principle to be settled by this amendment was discussed in a bill pending here in the House at the last session. As I remember the statutes (and, Mr. Chairman, I hope you have them before you and will correct me if I misstate them) under the eight-hour law it is still competent for the Government to employ men at so much an hour or something of that kind. Special contracts can be made. Under contracts men have been employed and have been paid. My recollection is there has been a judgment of some court holding they had no claim against the Government.

Mr. HAMMOND. There was a decision by the Supreme Court.

Mr. TILLMAN. The Supreme Court of the United States has decided it twice.

Mr. HISCOCK. It has been decided twice by the Supreme Court of the United States. It has been decided there was no claim whatever.

Mr. FINDLAY. If my friend will permit I will tell him about that decision.

Mr. HISCOCK. Under these special contracts the Supreme Court decides no claim exists. Therefore you must have a law from the very foundation, recognizing a claim decided by the court to have no existence. And you have to go further than that even and provide for the adjustment and payment of the claims. It is therefore clearly new legislation.

I have made remarks on the floor perhaps of a partisan character, but, thank God, I have not the feeling against the Democratic party as to desire to see it commit itself to this legislation. I remember that my friend from South Carolina [Mr. TILLMAN] made a speech on this subject in which he presented the figures giving the amount involved, and I think it is somewhere between twenty-five and fifty millions of dollars. It includes men on the public works. To a certain extent it covers those engaged on river and harbor improvement. It is far-reaching in its influence and extent. It is no trifling question, and if it is the intention of Congress to pass a law giving the value of ten hours' labor for eight hours' work in cases where there have been special contracts made and the contracts have been discharged, it is due to the country, and I say it in the interest of economy, after the manner of gentlemen on the other side, that we should do it with our eyes open, so there may be no doubt what is intended.

Mr. BLAND. I desire to make this remark: I think the spirit of our rule, if it means anything, is that every committee appointed by the House shall have jurisdiction over certain subjects and that the subjects belonging to that committee shall be considered by it. The Appropriations Committee is not a committee on claims. It is simply a committee organized for the purpose of reporting appropriations here clearly and indisputably authorized by laws.

Now we have a proposition before us that belongs exclusively to the Committee on Claims, and is not germane to any appropriation bill, not more so than a thousand other claims pending here would be. If we are to refer every claim on all subjects, no matter how the claim may originate or what its purpose may be, to the Committee on Appropria-

tions, and thus hastily consider them, you can ascertain in what confusion the House would soon be placed. I say it is the duty of the Speaker of this House and the chairman of the Committee of the Whole to scrutinize these subjects and not permit to go on these appropriation bills one single item except such as are clearly authorized by law and within the rules of the House.

This is but a claim, and I have no doubt is pending before that committee now, and if they report in favor of the claim no doubt the amount will be appropriated and it will be paid; but do not undertake to ring it in here on an appropriation bill and take the committee by surprise in this manner.

The CHAIRMAN. The Chair thinks that this amendment is new legislation in the contemplation of clause 3 of Rule XXI, and being new legislation is not in order unless it retrenches expenditures. It is not claimed that its operation would be to retrench expenditures; and consequently the Chair sustains the point of order.

Mr. KEIFER. Mr. Chairman, the proposition contained in section 2 of this bill is one to provide a mode of constructing and to appropriate money to build a navy. I propose to speak to this question as briefly as possible. It is called a proposition to increase the Navy.

I believe the United States should have a navy. It is now practically, in the light of the improvements and advancement in the matter of constructing vessels of war and their armament and armor, without any. It is not a jest to say that with the splendid corps of highly educated and experienced naval officers the United States has, and the superabundance of deep water it owns, that it would have a great navy if we only had war ships for these officers to command upon this water.

I am going to speak to-day for a navy, and I shall therefore be obliged to oppose the plan contained in this bill for an increase of the Navy. The bill, or rather the proposition in the bill for an increase of the Navy, if it should become a law, and its provisions were fully executed, would not, as we shall see before I close, give us a vessel that we would dare to put in the water.

Mr. Chairman, the importance of this great subject to our Republic can not be magnified. The great statesman, Daniel Webster, speaking of the extent of the British Empire, said of its morning drum-beat, that it "follows the sun in its course, keeps pace with the hours, and circles the earth with one continuous strain of the martial airs of England." While this can not be said of the widespread extent of the United States, it may be said that our territory infolds a continent, and the length of our exposed coast-lines on our boundary is more than one and two-third times the distance around the world at the equator.

The total length of the Atlantic and Gulf coast line of the United States, including bays and harbors, but not the small indentations, is 13,000 statute miles. I speak of the coast line from near Saint Johns, New Brunswick, on the northeast around with the Atlantic coast and the Gulf of Mexico to Brownsville at the mouth of the Rio Grande. The Pacific coast line along the west of the States of California, Oregon, and Washington Territory, measured in the same way, is 3,750 statute miles; that of Alaska, without including the indentations, is nearly 21,000 statute miles. The shore lines of the archipelago of Alexandria from 54° 40' to the head of Chatham Straits alone includes 8,500 statute miles. The American coast line from Duluth to the mouth of the Saint Lawrence River, measured along the coast of Lakes Superior, Huron, Saint Clair, Erie, and Ontario, including one hundred and sixty-two miles of connecting rivers and straits, is 3,782 miles, and the Saint Lawrence River from Lake Ontario to its mouth, measured on the map of the United States, is seven hundred and thirty miles; a total coast line on the great lakes and rivers of the north of 4,512 statute miles.

The whole exterior United States coast line is thus found to be 42,362 miles in length, equal to about one and two-thirds times the circumference of the earth at the equator. And, Mr. Chairman, this does not compass the whole of the water defense required in time of war. Great interior rivers, bays, straits, and sounds, such as the Mississippi River, the Chesapeake, Delaware, and Mobile Bays, and the Straits of Juan de Fuca and Puget Sound—all these coast and interior lines to-day are defenseless in ships, in guns, and in forts; for whatever we have would not stand for an hour before the great war vessels of some of the third and fourth rate nations of the earth. We have no forts for coast defense, I may say, in which American soldiers would dare be taken. As has been said by some of the distinguished officers of our Army, they would prefer to take them outside of these old and now worthless and obsolete forts, and take them along the gravel and sand of the seashore at the water's edge, rather than risk the dangers that would be incurred by being within the so-called fortifications while under fire.

We are then, Mr. Chairman, in the situation of an overgrown, extremely tender child; whenever we are touched we are to be hurt, and without power of striking back. We need sea-going vessels, line-of-battle ships, cruisers to police the high seas, gunboats, torpedo-boats, &c., for coast defense. We should protect American shipping in foreign ports and on the high seas to secure that now much-needed extension of American commerce. We should, in order to preserve the dignity of our great, progressive nation, have ships that would be fit to be sent into foreign ports to command the respect that is due to our flag and to secure the protection that is due to the American citizen when he is in foreign lands or upon foreign seas.

The people who cry out against a navy now would be the first to cry out against the Government and the inefficiency of Congress if war were to come. I pray we shall have no more war; I have seen enough of it and my country has seen enough of it; but the way for this country to have a foreign maritime war is to keep on in her fatal course of remaining without the means of adequate defense and the power of aggressive resistance. "In peace prepare for war" is an ancient saying, and it is well enough. But our national policy should rather be to in peace so prepare that no nation or combination of nations or despotisms of the earth will ever dare declare war against us. We should keep pace with the spirit of the age and maintain the respect of the other nations of the world. Other nations are preparing and have prepared for conflicts upon the sea and to protect their coasts, their cities, and their people.

There has been much said in times gone by about our nation being extravagant in paying out money to build a navy. My curiosity was excited, and I looked to the amounts we have expended since the close of the war of the rebellion in constructing ships. And I have made a comparison with the expenditures by other nations that rank among the first of the world, and also by other nations that rank far below the United States. In looking at this I found some things worth referring to by way of comparison.

England, France, Germany, Sweden, Italy, Russia, all those countries, have been struggling to keep in the advance in the matter of the best and most improved vessels and armament that can be put afloat. They have since 1865 expended large sums of money. England in the matter of making appropriations for the maintenance of her navy alone, since the time named, has appropriated—I state it in round numbers—\$306,000,000. The United States in the same period has appropriated \$263,000,000 in round numbers. The expenditures for the construction of new vessels since 1865 up to the year 1884 in England were \$91,000,000; in France, \$121,000,000; in Russia, \$83,000,000; in Italy, \$38,000,000; in Sweden, \$15,000,000; in Germany, \$27,000,000. The United States has expended \$4,907,000 in the completion of perfected ships of war. In the same time Sweden, feeble in point of numbers and population, feeble in the matter of great material resources, could outnumber us almost ten times in that which goes to make efficiency in time of war.

I here give a table of comparative expenditures of certain nations, taken from Admiral Porter's report of November 12, 1884:

Tabulated form showing the expenditures of foreign nations for the maintenance of their navies during the last fifteen years, as well as the amounts expended for the construction of new ships since 1865; also a statement of the expenditures by the United States for the same purposes during the same periods of time.

Countries.	Approximate expenditures for maintenance of the navy, 1869-'84.	Expenditures for construction of new vessels, 1865-'84.
England.....	\$305,946,430 00	\$91,000,000
France.....	630,000,000 00	121,000,000
Russia.....	345,000,000 00	83,583,180
Italy.....	142,500,000 00	38,000,000
Sweden.....	15,000,000 00	14,804,689
Germany.....	144,000,000 00	26,978,731
United States.....	258,796,613 82	4,907,454

Chili, a small strip of country supposed to be poor in resources, on the west coast of South America, had a single ship afloat that could go from San Diego, the southwestern point of California, to Juan de Fuca Straits, on the north of Washington Territory, and take every fort and every ship and every town and city belonging to the United States along that coast, and we could not pretend that we would be able to resist the power of that single vessel of this fourth-rate power of South America. I allude to the ship *Esmeralda*, owned by Chili. And now we see this proposed bill looks to building a hull and putting it on the stocks at a period not less than two and a half years from this time—not even to putting it in the water.

Mr. Chairman, before I come to the provisions of the bill, I feel constrained to refer to a matter that has often been quoted in one way or another, and that is that in our last war we got along with such ships as we then had; that we blockaded a great coast line, and in that way succeeded in doing something with a navy.

But, Mr. Chairman, we blockaded a would-be confederacy that had not in the beginning a boat even, not to say anything of a ship of war. And yet the very existence of our Government was almost staked—for on that depended the recognition by foreign powers of the confederacy—when the *Monitor* and the *Merrimac* came in conflict in Hampton Roads. If it had turned out that the *Monitor* under the heroic Worden had been disabled and not the *Merrimac* of the confederacy, England and France and other nations of the world were ready to recognize the Southern Confederacy. Fortune and the blessing of God shone on us in that conflict and in others. There was not only the *Merrimac* as a rebel ram, but there was also the *Albatross*, that, after an unsuccessful attempt to get

to sea, went back and was chained up to the bank of the Roanoke River at Plymouth, and the whole of our Navy was breathless, believing danger impending to it and to the Government until that most gallant hero Lieut. William B. Cushing, in the dark hours of the night, with a torpedo-boat, stole in, put his torpedo under the rebel ram, and blew her up. We were in danger from that.

Mr. BOUTELLE. Will the gentleman permit me to interrupt him for one moment?

Mr. KEIFER. Certainly.

Mr. BOUTELLE. Simply in the interest of history and as a matter of historical justice, I desire to correct the suggestion made by the gentleman [Mr. KEIFER] that the Navy of the United States was in fear and trembling from the ram *Albatross* after she had been tied up to the wharf at Plymouth. On the contrary, that ironclad, formidable as she was, had been met in the open waters of Albemarle Sound by three of the wooden gunboats of the United States Navy of the same class referred to almost contemptuously yesterday by the distinguished gentleman from New York [Mr. Cox]—three wooden gunboats of the *Tallapoosa* class—and, in a fair fight upon open water, was defeated by those wooden gunboats, disabled and sent back to Plymouth in such a condition that she never attempted to escape until she was destroyed by Cushing.

Mr. KEIFER. Mr. Chairman, I have been willing to give way to the distinguished gentleman from Maine [Mr. BOUTELLE], who is naturally very jealous of the reputation of the Navy, and especially as to its exploits in the late war, but I can not give time to the repetition of history in the short period of sixty minutes allotted to me to-day. I have said that that vessel was defeated and taken back to Plymouth on the Roanoke River, where it was blown up after the most extraordinary preparations on the part of the United States, rather than risk its coming out to meet the three great powerful wooden ships that were waiting. The *Tennessee* was a rebel ram at Mobile, and it did not get to sea. The *Atlanta* was below Savannah and it did not get to sea. The *Nashville* was at Mobile and was driven up into the Alabama River at the time of the capture of Mobile. This ends the list of the rebel rams. Not one of them, I may say, ever got out to sea. If they ever had got out (and some of us know the anxiety the country felt at that time) it would have secured at least the recognition of the would-be Southern confederacy by foreign powers.

Now, Mr. Chairman, I come to the bill. I will not stop to read the provisions of the second section consecutively, but in general I may say that the bill undertakes to abolish the present Naval Department of the United States, and to substitute for it something that is a little her-maphroditical in character, made up in part of the Navy, but of civilians in larger part. The Secretary of the Navy is to preside over a board of seven, consisting of three persons to be selected by the President of the United States from the Navy and three others from civil life; and when I read this bill I feel that although I live in the central West, far away from any portion of our seacoast, I am at liberty to talk about naval affairs, because hereafter we are to have civilians to determine what sort of a navy we shall build. The proposition is not to consult the wisdom that has accumulated in the naval service—old admirals and commodores and captains and other distinguished naval officers—but to resort to other sources. The board is to be appointed by the President of the United States, and is to consist of six persons besides the Secretary of the Navy, who is to be its president.

By the terms of the bill this board "shall meet in Washington within thirty days subsequent to their appointment, and, after organization, prepare and cause to be printed and sent to all ex-Secretaries of the Navy, all officers and retired officers of the line and staff of the Navy; to prominent ship-builders, marine and naval architects, engineers, and others interested in such matters, a circular asking for such suggestions, advice, and information as they may see fit to offer." And this is to be furnished within such time as the board may fix. Now, I wish to observe that in the first incipient step toward getting a vessel—not a ship, because this bill does not provide for one completed at all—these civilians are not even asked to furnish advice as to what shall go into the vessel in the way of boilers or other machinery. Nothing in the way of equipment is to be furnished. Nothing is to be advised about in reference to armament, which is regarded in time of war as rather important for a war ship. If we are to have an armored vessel, nothing is to be advised about that will resist the shot of the swiftest projectiles now hurled by the improved heavy guns of the world. We are to have then only under this bill a vessel built without armor; for armor is not a part of the building of a ship in a naval point of view. Thus we are to have no advice furnished with reference to the machinery, the equipment, the armament, or the armor of a perfect vessel. What a vessel of war this would be! And when are we to get even that?

Now we come to another thing: After replies to these circulars are received, this civilian board—for I must so call it—is to determine, from such advice as may come to it, the general classes and character of the vessels to be constructed.

Right here let me observe, that if there should not be any responses from distinguished people familiar with ship-building; if the responses come from those most indifferently qualified, from those who maintain for instance that we should build a wooden navy, then it would come

to pass that we have only a plan here for building obsolete wooden ships. I am not going astray on this point; for, twenty-four hours only ago, I heard from the voice of the eloquent and distinguished gentleman from New York [Mr. DORSHEIMER] the prediction, if not the expression of a hope, that the time would come when we would wage our maritime wars in wooden vessels. Suppose that a distinguished man like the gentleman from New York should be called upon to send advice in reply to a circular, and should advise building a wooden ship!

Others say, speaking of a hundred years ago or three-quarters of a century ago, that naval warfare was then waged in wooden ships. The gentleman from New York further says that Nelson fought only with wooden ships. Ah, it is true that great naval hero at the siege of Calvi, in Corsica, in 1793, where he lost an eye, and at the battle of Trafalgar in 1805, where he lost his life and won a place in Westminster Abbey, fought in a wooden ship. But, Mr. Chairman, the time has gone by when vessels are to be lashed together, and men are to fight on shipboard with short hand implements of war. Marines no longer need guns in their hands. The improvements in explosives and projectiles, in cannon, in the means of projecting at high velocity heavy ball or shot have put an end to the possibility of naval warfare ever being carried on again as it was in the days of Lord Nelson. He never saw a ship that would have resisted the shot from a modern naval gun on board of one of the improved line-of-battle ships of to-day for twenty minutes at a league's distance. Such vessels as he fought in would now disgrace the age in which we live. Projectiles are now thrown with such force as to penetrate the most highly improved steel armor for resistance eighteen inches in thickness and through 2-foot iron or composite armor plate. Again, this civilian board is to act upon the advice it may get in the manner specified, not on what it might get if it were left to seek information in such methods as it might choose. And I may say here, in passing, that whatever is known in the way of improvements in the building of cruisers, gunboats, turret-vessels, rams; whatever belongs to the armored ship and the vessel that is to police the sea; whatever belongs to vessels that are needed in the defense of our harbors and our coasts; whatever is now known the world over in reference to these matters is now to be found on file in the Navy Department. And all that is known by the maritime powers of the earth about machinery, equipment, armament, and armor for all classes of the most highly improved ships of war is also known there and in other Departments of our Government.

When this board has read the answers to its circulars and decided upon a class, and accepted one of each of four classes and awarded a premium of \$10,000 for the best of each of four classes, and \$5,000 for the second best of each of four classes, then these vessels must be ordered to be built, although at that very hour it may be known that there are other better plans and classes of vessels which it would be wise to construct. The draughtsman of this section had a good gambling idea, if I may be allowed the expression, for he looked out for the second horse. It is proposed to give \$10,000 for the plan of the best vessel of each class that is accepted, and that we are required to build, and then \$5,000 for the next best plan of each which we reject, and never will build.

Allow me to say with much deference, but upon competent information, that a perfect plan and specifications, which would comprehend the structure of a good ship with armament and machinery and armor and everything requisite, could not be procured for \$10,000. But I think this board will receive some propositions. There are plenty of old plans of ships lying about the Navy Department; and I venture the suggestion that there are plenty of geniuses—we sometimes call them "cranks"—within the sound of my voice who have old plans which they have been carrying around under their arms for years, and they will now have an opportunity to file them. Somebody may bring here the plans and specifications of the Esmeralda, the great Chilean vessel. Somebody may obtain and file the plans and specifications of the great Italian ironclad *Le Panto*, now being built, the greatest vessel now constructing in respect to the depth of water it will draw, or the iron-clad *Riachuelo*, belonging to Brazil. You may get plenty of plans and specifications from the Clyde and file them; but when you have all these before your board you have nothing there but what is already in the Navy Department, with all the additional improvements that could be combined with the originals.

But, as I have already observed, we are to set aside the present naval advisory board and go on with a new one. What a great calamity it would be if after this civilian board has decided upon a plan and ordered a vessel built, or rather the hull built, without armament or machinery or armor, some Congress should criticize the board and set aside its work, and order something else! In that way we shall never get a ship.

There are three civilians, besides the Secretary of the Navy, on the proposed new board. We have now an advisory board. I believe there are two civilians required to be on it, and for many weeks and months there has been a vacancy in that advisory board because the Secretary of the Navy could not find a man qualified who would accept the place. Ah! gentlemen shake their heads. They can find plenty of men who will accept the place, but are they to be indifferent fellows like some of us? We have not been able to keep the present advisory board full, although the salary fixed by law is \$5,000 per year, because we could

not get men skilled and qualified for the place. The new board is to fix the designs and determine the relative merits, and so on, as I have already said. And they are to complete this herculean work and report to the President of the United States by the 1st day of December next.

Then it has another office to perform. That board is supplemented with responsibility by being directed to consider whether the five unfinished monitors now in process of construction or already partly constructed are suffering from their present incomplete condition, and whether they should be completed and armed. It is to review the work of the highly experienced officers of the present board. If this bill be passed we are to say to the country that we are going to wait for the report of a civilian board to find out whether these vessels are suffering from their present incomplete condition.

What if they are? Then I suppose we are to try to apply something to stop their suffering. But they may report they ought to be completed and armed. Then we have lost precious time. We are serving notice on the country that the vessels we have already put large sums of money in, and which are being built in accordance with the most improved plans and specifications in the world, some of them combining the best improvements, in point of construction, machinery, armament, armor, and equipment, of the best ships now in process of construction by England, by Germany, and by Italy—we are giving notice that what we have already done is to be stopped, and we are not to engage in the work of completing anything that can be put afloat. One of these monitors is partly completed in the navy-yard, as I understand it, on the Pacific coast, and there is nothing else there for the protection of that coast. We do not even order that completed.

Mr. ELLIS. Will my colleague allow me to interrupt him right here?

Mr. KEIFER. For a question, but I can not allow the gentleman to make a speech.

Mr. ELLIS. I wish you to call by name those ships whose types fill out the idea of an American navy.

Mr. KEIFER. Very well; the gentleman will have his way about the order of things. I can say, without being very familiar with this, that the *Chicago*, a ship of 4,500 tons displacement, is built in accordance with some of the best improved plans of a ship of that class in the world.

Mr. ELLIS. What is her speed?

Mr. KEIFER. Sixteen or more knots per hour.

Mr. ELLIS. How much armor?

Mr. KEIFER. I will give all the monitors, if the gentleman desires; but I prefer to go through in my own way.

Mr. ELLIS. You refer to American ships now being built?

Mr. KEIFER. Certainly. I have said they are built partly after the best and most improved plans, or class if you choose to use the word, of ships in the world. I do not believe the gentleman disputes that proposition.

Mr. ELLIS. I do not dispute it. The idea I wish to draw out is this: The gentleman thinks we may safely copy those in further increase of the Navy.

Mr. KEIFER. The gentleman undertakes to draw his own conclusion without being justified in it. I undertake to say if this country needs a navy we must finish something, and inasmuch as we have the best class of ships the world now knows anything about in process of construction, I would finish those before I would send circulars around the country hunting information on which to make a report at a distant day in reference to vessels which are to be built some years hence.

Mr. ELLIS. Then the gentleman regards those vessels now being constructed as the very best vessels in the world? That is what I wish to get at.

Mr. LONG. Has not an appropriation been made for the completion of these cruisers?

Mr. KEIFER. I have already answered that question by saying that these monitors, the bill itself provides in effect, are not to be finished.

Mr. LONG. Cruisers?

Mr. KEIFER. Some are being finished.

Mr. LONG. All of them.

Mr. RANDALL. The money is given for all.

Mr. THOMAS. Not by this bill.

Mr. RANDALL. No; not by this bill.

Mr. KEIFER. And there is no provision in any law or bill to complete any of the five monitors.

Mr. ELLIS. Provision is made, I understand, for finishing those vessels.

Mr. THOMAS. And armament, too.

Mr. KEIFER. Not the monitors; for by this very bill it is provided that the new board is to examine and report on the propriety of their completion.

The unfinished monitors are the *Monadnock*, at Mare Island, on the Pacific coast; the *Puritan*, at Chester, Pa.; the *Terror*, at Wilmington, Del.; the *Amphitrite*, at Philadelphia; and the *Miantonomoh*, at Brooklyn.

I was speaking, when I was interrupted by the gentleman from Louisiana, of the armored vessels unfinished, the monitors. We are

to look, according to the bill, to see whether they "are suffering" or not, in order to determine whether they shall be completed or not, and this board is to report on that subject by the 1st day of December, 1885.

Now, Mr. Chairman, there are many objections to the scheme in this bill. We are to set up a new naval establishment. We are to have a new class of clerks—of civilians—under the direction of this civilian board. They are to be paid by this bill in accordance with the allowance made to experts and clerks in the Navy Department. Another class of men entirely is to come in. We are to build up a new establishment, and at last we have come to the day when we would be startled and dazed even if we were not hourly looking for astounding things. We have come to the time which of all others would astonish us, and that is when the Democratic party presents to the Congress of the United States a proposition to appropriate an indefinite sum of money for the construction of a navy. I have witnessed my colleagues on the Committee on Appropriations on the floor of this House, and everywhere, cry out against an indefinite appropriation for a poor employé of the Government when the sum that was possible under the appropriation was less than \$100. But we have by this bill a different condition of affairs in this language:

The necessary money to pay the expenses of the board and its awards—

That is, \$60,000; we can determine on that—

and for the building of the vessels as herein provided for, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to be paid under the directions of the President of the United States, &c.

The President and Secretary of the Navy may expend \$5,000,000 on a vessel or \$10,000,000, just as they please. They may go to the uttermost limits; there is nothing to check them; they have the United States Treasury behind them. I am not here, Mr. Chairman, to congratulate Democracy upon taking this advance step in the matter of making unlimited and indefinite appropriations, for I do not believe in it. Some on that side of the House have contended for limited appropriations in the smallest affairs connected with the Government; and now when we are in the closing hours—ay! the closing hours of a Republican administration, and a Republican Executive is about to go out—Democracy sends forth its proclamation that hereafter we are to have unrestricted and indefinite appropriations from the public Treasury. Is that Democratic? Is that the way to launch an incoming administration?

But the President to come in is to have control of this after all. I ought to have said in its proper connection that if we have a favorable report by this board for four classes of vessels or ships to be made the President of the United States is yet to come in and become the law as to whether the vessels recommended to be built shall be built, or rather whether any vessel shall be built at all. He is to say whether anything is to be done or not. After the board has gone through with all of its travails and brought forth whatever it may of perfection or monstrosity the President is to look at it and say whether it shall be allowed to come to anything or not in the world. The whole thing is finally to be determined by him as to whether we are to have not a navy but a ship on the stocks. Nothing nearer a navy is proposed.

Now in order that this indefinite appropriation may be easily reached, it remains entirely within the power of the President, by the terms of this proposed bill, to direct a pay officer of the Navy Department to be detailed, and then he can say in a note to the Treasurer of the United States, "Hand over to my detailed officer \$10,000,000 or \$20,000,000 to be used by us." All of the ordinary forms of paying out money from the Treasury of the United States, with all of the checks and guards about it, are set aside by the provisions of this bill; and it simply says that the President of the United States shall detail some pay officer of the Navy who shall take whatever money is ordered to be taken out of the Treasury for the purposes herein provided. Is not that advancement? Is not that looking to the matter of getting the money out of the Treasury which my friend from Colorado [Mr. BELFORD] so greatly hopes may be accomplished by the incoming Democracy? Here is another method without check at all to reach the money in the Treasury. Mr. Chairman, it is without a parallel in legislation, and I may say that it is so unprecedented that it is suggestive of great danger to the Treasury of the United States.

Last of all in this remarkable section we find:

The provisions of this section shall take effect immediately after the passage of this act.

The Democracy is to come into power a few days or a few hours after this bill takes effect and then it shall become a law! The handling of the public money in this loose way is to begin promptly.

We have had advisory boards. By a law passed on the 5th of August, 1882, we had an advisory board. It was made up of the accomplished, trained, and educated officers of the Navy, with the exception, I believe, of two persons; but it was scientific in its character. That board has labored with all these questions. The Secretary of the Navy was directed by the same act to send out circulars for advice and upon the subject of new ships, &c., and he sent them out, I think, about the 5th of August, 1882; and also later supplemental circulars were sent out, asking for advice upon the matters to come before them. The Navy Department and the present highly accomplished Secretary of the Navy, who is astute, ready, and always alive to give prompt attention to what-

ever belongs to progress in the Navy and the Navy Department, has gathered up in this and other ways all the information that can be obtained upon this subject, and it is all in that Department now.

This advisory board is incomplete now simply because one civilian member resigned and another could not be obtained at \$5,000 a year to take his place, but it is one which possibly might be made complete. This advisory board is to be set aside for a new-fangled one. And those gentlemen, those three distinguished men, as we suppose they are to be learned in engineering, skilled in the science of maritime ship-building, are to be paid the enormous sum of \$10 a day and railroad fare; it is not proposed even I believe to pay for their dinners if they should happen to go to New York. They are to have \$10 a day for their summer's work and for their deliberations and their business. All the accumulations of science and of learning and of skill and of experience that these persons are to have are to be paid for at the rate of \$10 a day. Mr. Chairman, the draughtsman of the bill may have known well what he was about and may have proposed to pay them all they are to be worth. I do not know who they are to be, and therefore I may say that.

It is absurd, Mr. Chairman, and entirely unheard-of, to have a competition in furnishing detailed drawings and specifications for naval vessels. When the general features and essential requisites of a vessel are decided upon it is time enough to prepare detailed drawings and specifications, and skilled draughtsmen in the Navy Department can do this. We have all possible information to determine what kind of vessels should be built, as I have already stated, now in the Navy Department. What is wanted is a determination of the authority to decide in the competition in drawings, specifications, and models.

I have some queries to put that I hope the gentlemen who are responsible for this bill will answer. Are foreign designers to be allowed to compete for the awards? If any person brings exact copies of the plans of foreign or home vessels—for instance, those of the Italian *Le Panto* or the Brazilian *Riachuelo* as an ironclad, or the *Esmeralda* as a cruiser, built on the Clyde for Chili—is he to be allowed with those plans to enter into competition? Who is to be regarded as the proprietor of the plans and receive the prize?

Under this plan, Mr. Chairman, four vessels are to be built, but no limit is fixed as to the cost. A five-million-dollar ironclad may be ordered. All the requirements of existing legislation regulating alterations in plans and requiring the supervision of the board are omitted. If we should adopt some plan that was the best we had and yet not the best, and commence the building of a ship, the law would be such that unless it was changed we could not vary the construction of the vessel in any part, and we would have to complete the thing we started out with. In the two years or more which it would take to finish the vessel, even before we put machinery into her, we would find ourselves in a condition that we should have to build that which we did not want.

If this supposed perfect proposition were adopted, as I have said repeatedly, it would give us a vessel on the stocks without machinery in it, without equipment on it, and if it was an armored vessel, without armor, and if it was to carry guns, an essential for war-ships, we might assume without armament. So that at the end of the time and at the end of the discretion, notwithstanding the indefinite appropriation, we should have a structure upon the stocks somewhere in a navy-yard or somewhere else where it was built by contract that we would not dare to launch, that we could not put into the water because it would have no machinery to run it or manage it. Therefore the whole plan is utterly imperfect and should be rejected.

Mr. Chairman, when, on yesterday, the majority of this committee voted to leave an appropriation of \$400,000 in the first section of this bill to finish a ship now twenty years old, finish a ship that has only been partially built, and its timbers not even planked over, we had notice served upon us that the thing was to spend money not to make a navy; for, as I have shown, no part of a navy would be completed under this bill without further legislation. If we carried out all the provisions of this bill, if we finished the ship *New York*, now, as for twenty years, on the stocks in the Brooklyn navy-yard, we would have a vessel, if war should come, we should never dare to launch or take out of the harbor. You would hear the people of the city of New York cry aloud for appropriations to build stone-boats to take down to the Narrows and sink there, so as to prevent the *New York* from getting out where it could be captured, and to prevent vessels outside getting in where they could capture New York city and this old hulk of a ship, the *New York*; and that would be the only way to protect either. The *New York*, when completed, could not catch anything that was on the sea that was less powerful than itself. It could not run away from anything that belongs to marine naval warfare. Speed in a naval ship is as important as strength. But we are to spend \$400,000; and then there is no person who has temerity and courage enough to claim it would be worth anything or be needed for any possible purpose except, as stated on yesterday by the distinguished gentleman from New York [Mr. COX] and the other distinguished gentleman from Maine [Mr. DINGLEY], that we might possibly need it at some time or another to keep school in. That is all.

Now, there are many things that might be said and should be said in reference to this. Among the other queries I desire to put is this:

I would like to ask gentlemen to tell me what four classes of vessels are most needed. What four among the score or more of classes of ships that are now built for naval war purposes—what four are we to select? Are we to have cruisers, monitors, gunboats, or one or more of the dozen different kinds of turret vessels? I would like gentlemen to tell me whether there are to be different classes of cruisers and different classes of gunboats, or whether we are to have torpedo-boats. If I had time I would be able to show that a maritime power that boasts of its strength upon the sea, the power before which all the maritime nations of the world tremble, to wit, Great Britain, is armed strongest for defense through her torpedo-boats.

If we should ever be able to build and complete four good war ships under this bill when a law, which I deny, the country would have but little toward an adequate navy to protect its long coast lines or to maintain war on the high sea.

Besides the completion of the cruisers and monitors now in process of construction I would build and in all respects complete the new vessels of the several classes recommended by the present Secretary of the Navy, Mr. Chandler. With these our country would be so armed as probably to avert war, and if a maritime war came we would in some part be ready to maintain it with a power commensurate with our greatness.

[Here the hammer fell.]

Mr. McCOID. Mr. Chairman, I wish to occupy a moment.

The CHAIRMAN. Does the gentleman from New York [Mr. HUTCHINS] yield?

Mr. HUTCHINS. On which side does the gentleman desire to be heard?

Mr. McCOID. In opposition to the bill—just for a moment. I simply wish to send up and have read from the Clerk's desk a remonstrance relating to this subject.

The Clerk read as follows:

To the honorable Senate and House of Representatives in Congress assembled:

We respectfully protest against appropriations for the increase of the Navy, and the manufacturing of large guns and other munitions of war, as a means of preserving peace with other nations.

We earnestly pray your honorable body to spare no expense or effort that may be necessary in providing courts of arbitration and other humane and civilized methods of promoting and maintaining friendly relations with foreign countries; for which we will ever pray.

ELIAS JESSUP,
WILLIAM F. SMITH,
ISAAC T. GIBSON

On behalf of Iowa Yearly Meeting of Friends.

1st MONTH, 2, 1885.

Mr. HUTCHINS. Mr. Chairman, I now yield fifteen minutes of my time to Mr. LONG, of Massachusetts.

Mr. LONG. Mr. Chairman, I doubt if I shall want all the time allotted me, for I rise merely to declare myself with regard to this section of the bill. As I listened to the gentleman from Ohio [Mr. KEFER] and heard his fervid and eloquent statement of the need of a navy and the exposure of our coast, and then heard him argue so strenuously against the proposed and only means of providing for its needed defense, I was reminded of the old story told of a distinguished citizen of my native State, who said he was "in favor of the Maine law, but agin its execution." [Laughter and applause.] There was a great deal of force in many of the objections which the gentleman from Ohio urged against the measure, but they are objections to details in the bill, which are open to amendment. With reference to many of them I fully agree with him, but they can be corrected by the touch of a pen. But I do not agree with him in opposing the general legislation proposed.

The question before the country and the House is the fundamental one whether we shall have a navy at all sufficient for the necessities of the country. That, sir, is an elementary question. It is a question which answers itself. If one of the corner-stones of a man's house has begun to crumble, he does not deliberate; he acts, and makes the foundation secure. One of the corner-stones of our Republic has crumbled. The time has not yet come, sir, when physical power and prowess are not an element of national strength. No nation can steadily hold its own that does not carry with it not only the impression but the fact of its ability to assert and defend itself. It is to that impression and to that fact that little England owes her self-respect and the respect of the world. She may not be holding her own to-day, but she would be holding her own if she were fighting on the sea in defense of her own institutions and not in the invasion of others.

A national flag is a splendid thing, though it be but a broom, so long as it rocks at the masthead; but it is a very poor thing, no matter how gaudy its colors or fine its texture, when it trails in the slime. The very recognition of national power, the consciousness that a nation is able to defend itself and to strike back, is in itself, and without firing a gun, the best protection. It is the very protection and peace which the petition just read at the Clerk's desk, from the Society of Friends, aims to secure, protection at home and abroad—protection to the merchant who builds his warehouse on the seaboard, and to the interior farmer whose interests depend upon the maintenance of relations with the export markets of the coast.

All this is elementary. Yet what, in respect to our seacoast defenses, is the condition of our country which is to-day intrusted to our

hands? It is very well for the gentleman from New York [Mr. DORSEMER] in his eloquent address to say we have sufficient defense in the hearts of our people, our brave soldiers and sailors. They have brave hearts indeed. So there were never braver hearts than those of the three hundred Spartans who stood at the pass of Thermopylae and resisted the hosts of Xerxes. But the paltriest coward in the Persian ranks, standing a mile from their swords with a Hotchkiss rifle before him, would have laughed at them, and anon moved on in derision over their riddled bodies.

To-day on our ocean border our country is like an unarmed giant, mighty in resources but surrounded by an armed soldiery who hold him at the very point of their bayonets. Our harbors are defenseless; our seacoast is at the mercy of foreign ironclads; our ocean cities are a temptation to the exaction of a ransom of half their value; our Navy is an alphabet of floating wash-tubs. There is scarce a nation so poor as to do it reverence. We have but one ship, the Tennessee, which ranks as first rate; and even as to her the Secretary of the Navy says in his report that as soon as she shall be examined she will be condemned as not worth repairing.

On such wooden ships as we have there is not a single piece of ordnance of more value in modern warfare than a child's pop-gun. This picture has been drawn over and over again, till we are tired of its coloring. Our people ridicule their own navy, and even come to relish as a joke the running down of the Tallapoosa by a coal-barge. They laugh at our naval array as a sort of marine Falstaffian burlesque. And what have we done about it? I have sat here through one session and heard a wrangle between members on one side and the other as to which party is at fault, meantime nobody caring a row of pins about the quarrel and the people indifferent to it. Is it not time to get above this fish-woman's scolding?

The CHAIRMAN. If the gentleman from Massachusetts will suspend the Chair desires to call the attention of the Committee of the Whole to the fact that the House, under its standing order, this being Friday, is to take a recess at 5 o'clock to reassemble this evening at 7 o'clock, though ordinarily the hour of reassembling is 8.

Mr. THOMAS. I thought the hour for the recess had been extended till 6 o'clock.

A MEMBER. There was no extension.

Mr. THOMAS. There ought to be.

Mr. RANDALL. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. THOMPSON having taken the chair as Speaker *pro tempore*, Mr. WELBORN reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 8239) making appropriations for the naval service for the fiscal year ending June 30, 1886, and for other purposes, and had come to no resolution thereon.

Mr. RANDALL. I move that the House continue in session until 6 o'clock for debate in Committee of the Whole on the naval appropriation bill, and that then the recess be taken until this evening.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania asks that the recess be taken at 6 o'clock instead of 5. Is there objection?

Mr. PRICE. I object.

Mr. RANDALL. Then I move that we now take a recess.

The SPEAKER *pro tempore*. The hour of 5 o'clock having arrived, a recess is now declared until 7 o'clock this evening in accordance with previous order. The gentleman from New York, Mr. BAGLEY, will preside at the evening session.

EVENING SESSION.

The recess having expired, the House reassembled at 7 o'clock p. m., Mr. BAGLEY in the chair as Speaker *pro tempore*.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Clerk will read the order under which the House meets this evening.

The Clerk read as follows:

That until the further order of this House, on each Friday the House will take a recess at 5 o'clock until 8 p. m., at which evening sessions bills on the Private Calendar reported from the Committee on Pensions and the Committee on Invalid Pensions shall be considered.

February 13, 1885.—Amended so as to include bills for the removal of political disabilities reported by the Judiciary Committee and Senate bills on the Speaker's table for the removal of political disabilities.

February 20, 1885.—Amended by providing that to-night's session for pension business shall be from 7 till 9 o'clock.

THOMAS M. McCHESNEY.

Mr. MATSON, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 7863) granting a pension to Thomas M. McChesney; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

LEONORA A. BOYDEN.

Mr. STRUBLE (by Mr. WILSON, of Iowa) reported back favorably from the Committee on Pensions the bill (S. 1709) granting a pension to Leonora A. Boyden; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ANDREW FRANKLIN.

Mr. STRUBLE (by Mr. WILSON, of Iowa) also reported back favorably from the Committee on Pensions the bill (S. 2272) granting a pension to Andrew Franklin, alias Andrew McKee; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

Mr. MATSON. I move that the House now resolve itself into Committee of the Whole House on the Private Calendar to proceed with business under the order for Friday evening's session.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the Private Calendar, Mr. HATCH, of Missouri, in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House for the consideration of bills upon the Private Calendar, under the special order heretofore made, which has just been read.

Mr. MATSON. I ask unanimous consent that the order of business be so fixed that members may call up such bills as they may select, the Chair alternating in recognition from side to side in the House, and that the bills reported favorably from the two committees—the Committee on Pensions and Invalid Pensions—where favorable reports are made, shall be given preference and disposed of, and if afterward any time remains the adverse reports may be taken up.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection, and it was ordered accordingly.

WILLIAM LOCKHART.

Mr. HEWITT, of Alabama. Mr. Speaker, I call up the bill (S. 357) granting a pension to William Lockhart.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Lockhart, late a soldier in the Black Hawk war.

Mr. HEWITT, of Alabama. This man is 80 years old, and was wounded in the Black Hawk war. I think he ought to have a pension.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ALEXANDER WEIDE.

Mr. DAVIS, of Illinois. Mr. Chairman, I ask consideration of House bill 7495, granting a pension to Alexander Weide.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Alexander Weide, late captain of Company C, Third West Virginia Cavalry, subject to the provisions and limitations of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

NEWTON J. BURRIS.

Mr. MATSON. Mr. Chairman, I call up Senate bill 1655, found on page 52 of the Calendar, granting a pension to Newton J. Burris.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Newton J. Burris, late a private in Company I, Sixty-eighth Regiment Indiana Volunteer Infantry.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LEONORA A. BOYDEN.

Mr. WILSON. Mr. Chairman, I ask consent in behalf of the gentleman from Wisconsin, who presented this bill, to consider Senate bill 1709, granting a pension to Leonora A. Boyden.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Leonora A. Boyden, mother of Charles F. Putnam, late a master in the United States Navy, lost in the Arctic Ocean, and pay her a pension of \$30 per month from and after the passage of this act.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOSEPH SANSON.

Mr. HALSELL. Mr. Chairman, I ask to call up the bill (H. R. 7990) granting a pension to Joseph Sanson.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Joseph Sanson, late of Company F, Twenty-sixth Regiment Kentucky Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. F. M. NORTON.

Mr. CANNON. Mr. Chairman, I call up the bill (H. R. 8189) granting a pension to Mrs. F. M. Norton, and put it upon its passage.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. F. M. Norton, widow of James H. Norton, deceased, late a private in Company G, Eighty-sixth Regiment New York Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE A. WASHBURN.

Mr. EATON. I move to take up Senate bill 1803, granting an increase of pension to George A. Washburn, and put it upon its passage.

The bill was read. It is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of George A. Washburn, late major of the Sixteenth Regiment Connecticut Volunteers, and brevet brigadier-general, to \$45 per month.

Mr. HEWITT, of Alabama. It is proposed to increase the pension. I ask therefore that the report be read, so as to show the grounds on which the increase is recommended.

The Clerk proceeded to read the report.

Mr. HEWITT, of Alabama. I have been informed that this is a very meritorious case, and I shall not insist upon the further reading of the report, but ask that it be printed in the RECORD.

The report (by Mr. FYAN) is as follows:

As the Senate report covers the facts and evidence in the case, it is adopted by this committee:

[Senate Report 1183, Forty-eighth Congress, second session.]

The claimant, George A. Washburn, late major of the Sixteenth Connecticut Volunteers, was pensioned for gunshot wound of left thigh at \$12.50 per month from January 17, 1863, the date of discharge. This pension was increased to \$25 per month from October 7, 1869. No further claim appears to have been made before the Department.

The claimant now asks that this amount be increased, and presents the following affidavit, made by his attending physician:

"This is to certify that I have made examination of General G. A. Washburn, late major Sixteenth Connecticut Volunteers; that I am familiar with his condition and habits for the past year, and I am of opinion that he is totally incapacitated for all forms of manual labor. By reason of wounds received in battle his left leg is of little use, interfering with riding, getting in and out of a carriage, &c., necessitating the constant use of a stick. At frequent periods he can not for days together go out of doors. His rest at night is disturbed by great pain, which requires the attendance of another person to nurse him, and the use of large amounts of pain-quieting medicine. When absent from home he requires the attendance of another, and he is daily in requirement of health-supporting measures. My opinion is that were he to return to his home in the North the nature of his bronchitis and asthma are such that they would speedily prove fatal, at least exceeding dangerous to life. From the painful existence and permanency of his disorders of wound, lameness, asthma, bronchitis, and their complications, as well as his need of support, I would earnestly recommend the case of General Washburn to your consideration."

"C. S. MAY, M. D."

Senator Platt also indorses the statements made by Dr. May, and states that in his opinion the applicant is entitled to an increase of pension.

A. S. Warner, late surgeon Sixteenth Regiment of Connecticut Volunteers, certifies as follows:

"I have examined Col. George A. Washburn, formerly major of the Sixteenth Regiment Connecticut Volunteers, and I find he received a wound, the ball passing very near the junction of the ilium with the sacrum, passing through the pelvis, badly comminuting the ischium, a part of the ball (a triple one) passing through the scrotum and out, and a part was lodged in the left testis. I am of opinion the disability occasioned by the wound is permanent and total."

Unquestionably this soldier is equitably entitled to an increase of pension, but as the rate of \$50 is now the highest allowed for total disability, requiring constant attendance of another person, except in cases covered by the act of June 16, 1880, and inasmuch as this soldier does not require constant attendance, your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CHRISTIAN ARNDT.

Mr. STRAIT. I ask consent to call up the bill (H. R. 7992) for the relief of Christian Arndt and put it upon its passage.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Christian Arndt, late of Company H, Ninth Minnesota Infantry, on the pension-roll, subject to the rules and limitations of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM D. FARNSWORTH.

Mr. SHIVELY. Mr. Chairman, I ask consent to take up the bill (H. R. 8152) for the relief of William D. Farnsworth and put it upon its passage.

The bill is as follows:

Whereas on or about the 23d day of May, 1882, by an act of Congress entitled "An act for the relief of Almira Farnsworth," approved May 23, 1882, a pension was granted said Almira Farnsworth; and

Whereas said Almira Farnsworth died on the 6th day of June, 1882, without having received her pension certificates, and left a husband surviving her, one William D. Farnsworth, who is old and feeble, being eighty-three years of age; Therefore,

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of William D. Farnsworth on the pension-roll in lieu of Almira Farnsworth, said pension to date from the 23d day of May, 1882, but in all other respects subject to the provisions and limitations of the pension laws.

The committee recommend the adoption of the following amendments: Strike out all after the word "Farnsworth," in line 4, and insert "dependent

father of Edward Farnsworth, late of Company E, Twentieth Indiana Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws; " also strike out the preamble.

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM STANSBERRY.

Mr. PRICE. I call up for consideration the bill (H. R. 7993) for the relief of William Stansberry.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of William Stansberry, late of Company A, Third West Virginia Cavalry, on the pension-roll, subject to the rules and limitations of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ANNA GINN.

Mr. BAGLEY. I call up for consideration the bill (S. 2350) granting a pension to Anna Ginn.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Anna Ginn, widow of Benjamin Ginn, late a private in Company F, Fiftieth Regiment Enrolled Missouri Militia.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLES L. ALDEN.

Mr. WHITE, of Minnesota. I call up for consideration the bill (H. R. 6960) for the relief of Charles L. Alden.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to place the name of Charles L. Alden, of Company C, Second Minnesota Infantry, on the pension-roll at a rate commensurate with his present disabilities.

The Committee on Invalid Pensions reported the bill with the following amendment:

In lines 5 and 6, strike out the words "a rate commensurate with his present disabilities" and insert "the rate of \$30 per month."

Mr. HEWITT, of Alabama. I desire to ask the gentleman who calls up this bill what pension this soldier is entitled to under the general law. Thirty dollars is the highest pension known under the general law except in special cases.

Mr. STRAIT. The man is entirely blind now.

Mr. STOCKSLAGER. For the loss of both eyes he would be entitled to \$72.

Mr. STRAIT. The committee did not think he was entitled to \$72 and recommended a pension of \$30.

The amendment was adopted; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

EDGAR L. DUTTON.

Mr. HOLMAN. I call up the bill (S. 1790) granting a pension to Edgar L. Dutton.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions of the pension laws, the name of Edgar L. Dutton, late a private in Company K, Twenty-second Regiment Indiana Volunteers, at the rate of \$16 per month, in lieu of the \$30 per month heretofore allowed him, as specified in pension certificate 116435.

Mr. HEWITT, of Alabama. I should like to know why it is proposed to increase the rate of pension in this case from \$8 a month to \$16? There ought to be some reason assigned for it.

Mr. HOLMAN. I have sent for the report.

The CHAIRMAN. The report is on the desk. The Clerk will read it.

The report (by Mr. MATSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1790) granting an increase of pension to Edgar L. Dutton, having had the same under consideration, beg leave to report as follows:

A careful examination of this case enables us without hesitation to adopt the Senate report and ask for the passage of said bill. The said report is as follows: "That the Commissioner of Pensions, in his letter transmitting the papers in this case to the committee, makes the following remarks concerning it, namely:

"The soldier was pensioned March 1, 1872, for hernia of right side, at \$4 per month, from May 13, 1865, the date of his discharge; at \$8 per month from April 14, 1874. His claim for increase on account of heart disease is inadmissible, because there is no record or medical testimony showing existence of alleged disability in the service, nor medical or other satisfactory testimony showing existence at and since discharge."

"The claimant testified in his application for increase that he could not furnish the medical testimony required as to existence of the disability from heart disease while in the service, because it was contracted while absent from his regiment, and states in an explanatory affidavit filed with the Commissioner of Pensions that—

"The disease of the heart, upon which his claim for increase is based, was incurred in the service while a prisoner at Andersonville, Ga., and Florence, S. C., between July 19, 1864, when he was taken prisoner at Peach Tree Creek, in front of Atlanta, Ga., and the middle of December, 1864, when he, with about 10,000 other sick and wounded prisoners, was released on special parole, and never afterward returned to his regiment, and was discharged at Indianapolis, Ind., May 11, 1865."

"He further says that, even though he had been returned to his regiment, it

would still be impossible for him to furnish the testimony of the surgeon or assistant surgeon of his regiment as to his condition subsequent to his release on parole as a prisoner, for the reason that both of those officers are dead. But he furnishes evidence establishing beyond all reasonable doubt that at the time of his enlistment he was not only free from heart disease but was a sound and able-bodied man, and other testimony in the case supports the declaration of the soldier that his disease of the heart was contracted as he alleges it was, and that it has continued since the close of the war to the present time.

"He was examined by a board of examining surgeons in April, 1879, and again in September, 1880, and the reports in both instances rate him total for hernia and total for heart disease, and certify that: 'We find his disability, as described above, to be equal to and entitling him to \$16.'"

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. LUCRETIA G. RIPLEY.

Mr. WAIT. I call up the bill (H. R. 3556) granting a pension to Mrs. Lucretia G. Ripley.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lucretia G. Ripley, widow of Edward F. Ripley, deceased, who enlisted as a private in Company H, Eighteenth Regiment of Connecticut Volunteers, and was afterward detailed as night hospital steward at New Haven, Conn., and died on the 10th day of September, 1873, leaving surviving said widow, and issue under the age of 16 years, one child, to wit, Grace A., born January 18, 1875; and that the said Lucretia G. Ripley be paid during her widowhood the sum of \$8 per month, to commence on the 11th day of September, 1875.

The Committee on Invalid Pensions recommend the following amendment:

Strike out all after the words "Connecticut Volunteers," in line 8.

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

CLARINDA HUNT.

Mr. SEYMOUR. I call up the bill (S. 1804) granting a pension to Clarinda Hunt.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Clarinda Hunt, the foster-mother of Edwin W. Hunt, deceased, who enlisted in the United States Navy September 15, 1861, and was discharged September 1, 1865, for disability, from which he never recovered.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

PATRICK FURLONG.

Mr. BROWN, of Pennsylvania. I call up for consideration the bill (S. 2610) granting a pension to Patrick Furlong.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Patrick Furlong, late a private in Company G, Fourteenth Regiment Vermont Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

FERDINAND HUSCHER.

Mr. STOCKSLAGER. I call up the bill (H. R. 8048) to increase the pension of Ferdinand Huscher.

The CHAIRMAN. The Chair will state to the gentleman from Indiana that the copy of the bill sent to the Clerk's desk is not the regular Calendar bill.

Mr. STOCKSLAGER. I have sent to the document-room for it.

The CHAIRMAN. The bill will be reported, and the Chair will direct the attention of the chairman of the Committee on Invalid Pensions to the reading of the bill.

The bill was read, as follows:

Be it enacted, &c., That the pension of Ferdinand Huscher, late a hospital steward in the United States Army, be, and the same is hereby, increased to \$24 per month, in lieu of the pension now allowed him.

Mr. MATSON. The Committee on Invalid Pensions was discharged from the consideration of this bill, and it was referred to the Committee on Pensions.

Mr. STOCKSLAGER. That statement is correct, and the bill was reported to the House with a favorable recommendation by the Committee on Pensions on Wednesday.

The CHAIRMAN. Was there any amendment reported?

Mr. STOCKSLAGER. No amendment except to change the name from "Huscher" to "Herscher."

Mr. HEWITT, of Alabama. I reserve the right to oppose the bill until my friend from Indiana [Mr. STOCKSLAGER] shall give some explanation of it.

Mr. STOCKSLAGER. Mr. Chairman, I would much prefer to have the report here.

The CHAIRMAN. The Chair suggests that the gentleman [Mr. STOCKSLAGER] withdraw his bill for the present, and meanwhile he may be able to find the report.

Mr. STOCKSLAGER. The report, they say, has not been printed.

The CHAIRMAN. The bill will be passed for the present. The Chair recognizes the gentleman from Kansas [Mr. MORRILL].

CHANCEY G. DARRAH.

Mr. MORRILL. Mr. Chairman, I call up the bill (H. R. 8187) granting a pension to Chancey G. Darrah.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll, subject to the restrictions and limitations of the pension laws, the name of Chancey G. Darrah, late of Company E, Sixteenth Regiment New York Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

SYDNEY L. SKAGGS.

Mr. ROGERS, of Arkansas. Mr. Chairman, I desire to call up the bill (S. 1268) for the relief of Sidney L. Skaggs.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sidney L. Skaggs, late scout of the Second Arkansas Infantry.

The report (by Mr. HOLMES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1268) for the relief of Sydney L. Skaggs, having considered the same, report as follows: Claimant was a pilot, guide, and scout, serving as such with the Union Army in the State of Arkansas in 1864 and the early part of 1865. That while serving as such he was seriously wounded by the enemy.

Your committee agree with and adopt the report made to the Senate by Mr. JACKSON, of the Committee on Pensions, upon said bill, and incorporate it herewith as a part of their report, as follows:

"The Committee on Pensions, to whom was referred the bill (S. 1268) for the relief of Sydney L. Skaggs, having examined the same, make the following report:

"That said Skaggs, in 1864 and during the early part of 1865, acted as pilot and guide for the different Federal commanders at the post of Clarksville, Johnson County, Arkansas. That in January, 1865, while out with a scouting expedition, under the command of Lieutenant Pitts, of Company A, Second Arkansas Infantry, the party were attacked by rebels or bushwhackers, and during the fight said Skaggs was wounded in each shoulder. The wound in the right shoulder necessitated amputation of the right arm near the shoulder joint. This amputation was made by the regimental surgeon, and he was treated in the regular Army hospitals. He filed his application for pension, which was rejected by the Pension Office on the ground that he was not an enlisted man in the military service of the Government, and because the general law made no provision for volunteer scouts and pilots, although regularly employed. Skaggs was between 16 and 17 years of age while serving as scout and when wounded, as aforesaid, in an actual engagement with the enemy.

"Your committee have, in several instances, recommended relief in cases of this character, where the disability or injury was received by the scout in an actual engagement with the enemy. They think such cases constitute a proper exception and come within the spirit of the law. The committee accordingly report back the bill to the Senate with the recommendation that it be passed."

Your committee therefore report the bill back with the recommendation that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS M. MCCHESNEY.

Mr. KEAN. Mr. Chairman, I desire to call up a bill reported this evening (H. R. 7863), granting a pension to Thomas M. McChesney, with amendments.

The amendments were read, as follows:

The committee propose to strike out the preamble, and to make the bill read thus:

Be it enacted, &c., That Thomas M. McChesney, of the township of Cranberry, in the county of Middlesex, in the State of New Jersey, shall be placed upon the list of invalid pensioners, subject to the provisions and limitations of the pension laws, as though he had been regularly mustered into the service as an enlisted man in Company N, Ninth New Jersey Volunteers."

The amendments were agreed to.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

CORYDON MILLARD.

Mr. SUMNER, of Wisconsin. Mr. Chairman, I call up the bill (H. R. 6505) granting a pension to Corydon Millard.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Corydon Millard, formerly a chaplain in the United States heavy artillery, at the rate of \$20 per month, subject to the provisions and limitations of the pension laws.

The report (by Mr. SUMNER, of Wisconsin) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6505) granting a pension to Corydon Millard, having had the same under consideration, hereby submit the following report:

The claimant, Corydon Millard, enlisted and acted as chaplain of the Fourth United States Heavy Artillery Volunteers, from 1861 to 1866, when he was honorably discharged. He was in active service about four years.

He had a broken leg when he enlisted—that is, his leg had been broken—and he had so far recovered that he appeared to be entirely well, but his application for enlistment was held in abeyance on that account for about two weeks before he was accepted. At various times during his service he suffered from lameness and severe pains in the broken limb, resulting several times in running and great prostration, on account of long-continued and severe exertion and exposure. These conditions grew upon him until his disability was quite marked, and of an aggravated character at the time of his discharge. This disability has never left him, and he is now greatly if not totally disabled. He is 45 years of age, entirely without means of support, and unable to earn his living by manual labor.

The Pension Office can not grant him a pension, on account of his prior unsoundness, and therefore he asks relief by special act of Congress.

While his disability had its origin in the injury received before his enlistment, we are of the opinion that his four years of constant service, with the consequent exposure and hardships, must have added greatly to his disability.

Wherefore your committee recommend the passage of said bill, provided, however, that the same be amended by inserting therein the words "twenty dollars," after the word "of," in line 6 thereof.

Mr. HEWITT, of Alabama. Mr. Chairman, I would like to ask the gentleman in charge of this bill why this claimant could not obtain a pension under the general law? Why was it necessary to come here and ask a special bill?

Mr. SUMNER, of Wisconsin. The claimant enlisted in 1861 and served until 1866, over four years. While a boy one of his limbs was broken. He recovered entirely, apparently, from that injury, enlisted and was accepted by the Army surgeons, and served the period I have mentioned. But from the fact that he had received this injury before he enlisted the Pension Office can not grant him a pension; hence the necessity for this act.

Mr. HEWITT, of Alabama. It is put upon the ground that he was injured before he went into the service.

Mr. SUMNER, of Wisconsin. Yes; but he was accepted and served four years. The disability is unquestioned.

The amendments recommended by the committee were agreed to.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARIA SPELLEN.

Mr. SMITH, of Iowa. Mr. Chairman, I call up the bill (H. R. 7418) for the relief of Maria Spellen.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll the name of Maria Spellen, widow of Barnard Spellen, late a member of Company M, Ninth Regiment New York Cavalry Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE W. BEAN.

Mr. BAGLEY. Mr. Chairman, I call up the bill (H. R. 1710) granting a pension to George W. Bean.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George W. Bean, late a private in Capt. P. W. Conover's company of Utah militia.

The report (by Mr. STRUBLE) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1710) granting a pension to George W. Bean, beg leave to submit the following report:

The evidence in this case shows, to the entire satisfaction of the committee, that about July, 1849, one Capt. P. W. Conover organized in Utah Territory a militia company for the purpose of defending the people of that section of the country against attacks from Indians which were then threatened.

The company elected officers and was armed in part by order of Brigham Young, then assuming to be and to act as governor of said Territory, with an iron field-piece, six pound caliber. This company is shown to have co-operated with the United States troops then under command of Captain Stansbury, Topographical Engineers, United States Army, and Lieut. J. W. Gunnison, United States Army, and was part of the time at least under the command of one or both of said officers; that while said company was thus co-operating with said United States troops, and under the direction and command of its officers, a fight occurred with the Indians at or near Fort Provo, lasting about three days; that subsequent thereto there were several other fights with the Indians, in which said company participated, and lost two killed and several wounded.

That about August, 1849, said militia company built a bastion on an elevated place within Fort Provo, and mounted it with their six-pound gun. That about September 1, 1849, while said militia company was occupying said bastion at Fort Provo, the Indians opened fire upon some men in the settlement, and gave evidence of a purpose to attack the settlement and fort. This soldier, Bean, was detailed to assist in manning the cannon, and at the second discharge it exploded, wounding him dangerously in the arms and thigh and other places, making necessary the amputation of his left arm below the elbow, which amputation was performed by Surgeon Blake, United States Army, then with Captain Stansbury's command. These are facts substantiated by Captain Conover, Lieutenant Thomas, and several members of the company.

In December, 1852, Bean applied for a land-warrant, alleging his service as above narrated.

This claim was rejected May 14, 1854, "on the ground that the service of Captain Conover's company, in which claimant alleged he served, is not sufficient to entitle him to a bounty-land warrant under act of 1852, which requires thirty days' service, nor under act of 1855, because service was not rendered in a recognized war."

The examiner who passed upon the application found that Captain Conover's company, Utah militia, was in service from February 4 to February 19, 1850, but that no other rolls of said company for 1849 and later than February, 1850, are on file in the Second Auditor's Office, and the Auditor so reports.

In explanation of this it is quite clearly shown by an affidavit of Captain Conover and some of his company that a new muster-roll was made out during the first part of 1850 and sent to Washington, and that the names of those who had been either killed or wounded were left off this roll, and the places of those left off were filled by others who thereafter served with the company.

The Second Auditor, in replying to an inquiry from the Pension Office, under date of May 5, 1854, refers to the "pay-rolls" of Capt. Peter W. Conover's company, and gives the names of a number of the company, some or all of whom made affidavits in the case of the application for a bounty-land warrant.

Your committee find that while the original organization of the militia company may not have been fully authorized by law, yet that it was organized, did service in assisting in repelling Indian attacks, co-operated with United States troops, and part of the time, at least, under the control of United States officers, and that finally it was recognized by the national authorities, and payment for services made to the members appearing on the pay-roll; therefore your committee think Bean should be placed on the pension-rolls, subject to the provisions and limitations of the pension laws, and recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

DAVID T. HOOVER.

Mr. CULLEN. Mr. Chairman, I call up the bill (S. 2514) granting a pension to David T. Hoover.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of David T. Hoover, late a private in Company H, Fifty-sixth Pennsylvania Volunteer Infantry.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

EDWARD KRAEMER.

Mr. HITT. I call up the bill (H. R. 1873) for the relief of Edward Kraemer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Edward Kraemer, formerly a member of Company F, Twelfth Regiment, Illinois State Volunteers, to \$24 per month.

The report (by Mr. CULLEN) was as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1873) for the relief of Edward Kraemer, having had the same under consideration, would make the following report:

Edward Kraemer enlisted as a private in Company F, Twelfth Regiment Illinois Volunteers, August 3, 1861. On or about February 25, 1863, at Sister's Ferry, Ga., he was injured while detailed on fatigue duty by the falling of a tree, which broke his left arm, four of his ribs, and injured his head and left shoulder. He was unable to perform military duty afterward on account of said injuries, and was discharged from service June 30, 1865. He was pensioned at \$3 per month, and afterward reduced to the rating of \$4 per month. He filed requisite proof of soundness prior to enlistment and injury received in service, and records show his treatment in hospital during service. His application for increase was rejected December 24, 1879.

The affidavit of Dr. August Weirich shows that he treated him some time; that said Kraemer is a temperate man; that his right frontal bone was fractured and depressing on his brain, causing neuralgic pains constantly; that he is affected with paralysis of the arm; has several ribs fractured, and is subject to severe, incurable ophthalmia.

The affidavit of Dr. Edward D. Kiltos, late medical inspector of the United States Army, shows that he has been the family physician of said Kraemer since discharge, and he has now become partially insane; that his right side is paralyzed, and he is for the most part confined to his bed and is entirely disabled from work.

The affidavit of Dr. B. F. Fowler, late examining surgeon, shows total disability of said Kraemer.

Your committee have to report that, inasmuch as the law allows a pension of \$72 per month to a man totally disabled and confined to his bed, needing attention, this claimant should receive the amount asked for in the bill, which is only one-third of that sum. The affidavits of these physicians show that he is almost totally disabled and confined to his bed.

Your committee therefore recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

JOHN K. COOKE.

Mr. HEWITT, of Alabama. I call up the bill (H. R. 7231) to remove the disabilities of John K. Cooke.

The bill was read.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

FERDINAND HUSCHER.

Mr. STOCKSLAGER. I again call up the bill (H. R. 8048) to increase the pension of Ferdinand Huscher. The bill has already been read this evening.

The amendment reported by the Committee on Invalid Pensions, to strike out in the body of the bill and in the title the word "Huscher" and insert "Hercher," was read and agreed to.

Mr. HEWITT, of Alabama. I hope the gentleman from Indiana [Mr. STOCKSLAGER] will give some reason for the passage of this bill.

Mr. STOCKSLAGER. This man served sixteen years in the Army—three years during the war and almost continuously afterward in the regular Army. He is drawing a very small pension for a gunshot wound. During his service he contracted a disease of the liver from which he is now suffering. He is in a very dangerous condition. I know the man very well. I have seen him within the last ten days.

The CHAIRMAN. If there be no objection the bill will be laid aside to be reported to the House with a recommendation that it do pass.

There being no objection, it was ordered accordingly.

STEPHEN SAUER.

Mr. HOUK. I call up the bill (H. R. 7417) for the relief of Stephen Sauer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Stephen Sauer, father of George Sauer, deceased, who was formerly a private in the Fourth Battery Wisconsin State Volunteers.

The report (by Mr. HOLMES) was as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7417) for the relief of Stephen Sauer, having considered the same, report as follows:

Stephen Sauer, the applicant, asks a pension as the dependent father of George Sauer, who enlisted as a private in the Fourth Battery, Wisconsin Volunteers, on the 18th of September, 1861, and died in the service of typhoid fever, at Fortress Monroe, in September, 1864. At the time of his death the soldier had never been

married. There is no question that the soldier died in the service in the line of duty. He enlisted when about twenty years of age. The application of the father, Stephen Sauer, was rejected by the Pension Office on the ground that "at the time of the soldier's death the claimant was not dependent upon the son for support, as he had enough means for that purpose, and did support himself and family before and after the son enlisted." The mother of the deceased soldier, and wife of the applicant, died about a year after the soldier's birth. Claimant was married the second time.

The evidence in this case shows that the claimant is possessed of from \$25 to \$1,000 worth of property; that his income has not exceeded from \$75 to \$100 per year, and that for twenty-four years he has been suffering from disease of the heart, rendering him almost entirely incapacitated for the performance of manual labor. It is shown by the record also that the soldier remitted money to his father at different times as the result of his labor before enlistment, and as part of his pay while in the service, which is corroborated by the testimony of the farmer for whom the son worked and the agent of the express company who received it and delivered it to the father. It now appears that the second wife of the claimant is obliged to do washing to assist in supporting the family, as well as other manual labor. At the time the evidence was taken he had one sick daughter at home.

In the opinion of your committee the case presented by the claimant is one that should be favorably considered. The evidence is somewhat conflicting as regards his age, making it anywhere from 70 to 80 years. The necessities that compel his wife to do washing and support him in addition to her self appeal to your committee strongly as one presenting strong equities, and after giving the son to the service of his country, and who served about three years and died in the service, thus depriving him of the staff of his old age, your committee think that the Government should do no less than to provide a partial support for the father in his declining years. Your committee recommend that the bill be amended by inserting in the sixth line thereof, after the words "Stephen Sauer," the word "dependent." With this amendment, and upon the grounds herein stated, your committee report the bill back to the House favorably, with the recommendation that it do pass.

The amendment reported by the Committee on Invalid Pensions, to insert before the word "father," in line 6, the word "dependent," was read and agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

THEODORE LEVERON.

Mr. WINANS, of Michigan. I call up the bill (H. R. 301) granting a pension to Theodore Leveron.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Theodore Leveron, late a private in Company M, Third Regiment Kentucky Cavalry Volunteers.

The report (by Mr. MATSON) was as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 301) granting a pension to Theodore Leveron, respectfully report:

That Theodore Leveron enlisted in the military service of the United States as a private in Company M, Third Regiment Kentucky Volunteer Cavalry, October 11, 1861, and was honorably discharged August 3, 1865.

May 2, 1874, he filed a declaration for pension, alleging gunshot wound of left arm, received at Hopkinsville, Ky., July 30, 1863—was also thrown from his horse at Cadiz, Ky., in the fall of 1863, causing injuries of the head—which was rejected, February 27, 1883, as to gunshot wound, on the ground that soldier was not in line of duty at the time of receiving said injury, and no pensionable disability from injury to head since discharge.

It appears from the evidence in the case that the soldier had an altercation with a citizen at a place of amusement in Hopkinsville, Ky., on or about the 20th day of June, 1863. The next day after this, as soldier was passing the place of business of the citizen, Savage by name, he came out and caught the soldier by the collar, and shot him with a pistol which he held in his right hand. At the time of the shooting soldier was detailed as messenger at the military telegraph office, and was on his way to his breakfast at the time he was assaulted and shot. The citizen was arrested by the military authorities, but whether he was placed on trial for the offense is not disclosed by the evidence.

Capt. Albert Slov, of Vincennes, Ind., testifies (November 9, 1882) that he was captain of claimant's company in the service, and corroborates the statements of claimant from facts gathered at the time of the shooting, and to seeing the wound after its infliction.

John P. Kullehn, of Wheatland, Knox County, Indiana, testifies (November 9, 1882) to the fact that he was a member of claimant's company and regiment, and to the shooting of the soldier by Savage at the time and in manner above detailed; did not see the shooting, but heard of it immediately after its occurrence.

C. P. Hollingsworth, of Bruceville, Knox County, Indiana, testifies (November 9, 1882) that he was the first lieutenant of claimant's company, and to the fact of the wounding of the soldier by Savage at Hopkinsville, as indicated by other witnesses; that the shooting was without provocation on the part of claimant; that he believes that said shot was given solely because Leveron was a Federal soldier.

Claimant was on detached duty at the time he was shot, and under regular orders.

We think the evidence in the case justifies the conclusion that the soldier was shot by the citizen, Savage, while in the line of duty, and that the controversy was not provoked or encouraged by the soldier, and that the injury to the claimant is clearly due to his military service, and that he should receive a pension, and therefore recommend the passage of the accompanying bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

LIEUT. NATHANIEL JOHNSON COFFIN.

Mr. HAYNES. I call up the bill (H. R. 4393) for the relief of Lieut. Nathaniel Johnson Coffin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be paid, out of any money in the United States Treasury not otherwise appropriated, arrears of pension to Nathaniel Johnson Coffin, late first lieutenant of Company K, Thirteenth New Hampshire Volunteer Infantry in the late war of the rebellion, in accordance with section 670, pension laws, and that this act shall be construed as extending to the time of his discharge at Fort Adams, Rhode Island, as a sergeant of Company H, Ninth United States Infantry, in the war with Mexico, on the 22d day of August, 1848.

The report is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4399) for the relief of Lieut. Nathaniel Johnson Coffin, submit the following report: Lieutenant Coffin is a hero of two wars, and his physical and mental condition entitles him to the kind consideration of his country. May 4, 1847, he enlisted for service in the Mexican war. He served as a private until the war ended, and received a medal for gallant conduct at the storming of Chapultepec. An honorable discharge was given him August 2, 1848. Lieutenant Coffin again enlisted, September 27, 1862, as a private in Company K (Capt. M. T. Betton), Thirtieth Regiment New Hampshire Volunteers, to serve in the late rebellion. He was promoted to be first lieutenant of said Company K early in 1863. Afterward, in May, 1863, while stationed with his company on the banks of the Nansemond River, in Virginia, to check the enemy's advance on Norfolk, he received a wound on the skull, which probably caused a pressure of bone on the brain.

This wound, it is claimed, induced severe and continued pains in the head, mental confusion, and a partial loss of memory for several years. At any rate, in consequence thereof, Lieutenant Coffin resigned his command and was honorably discharged June 9, 1865, at Fortress Monroe.

There is in evidence an affidavit of Captain Belton, commanding Company K, Thirtieth New Hampshire Volunteer Infantry, who states that Lieutenant Coffin was of sound body and mind at the time he was mustered into service; that—

"When he was discharged he was subject to insanity, and other ways sick in quarters, from injuries received while in the performance of his duties on picket on Nansemond River, in Virginia, in May, 1863, when Norfolk was threatened by the enemy; that said N. J. Coffin, then promoted to first lieutenant under my command, was seriously wounded on the head at the above-mentioned time while in the performance of his duty in actual service."

Benjamin F. Winn swears that he—
"Was a subordinate officer under Lieut. Nathaniel J. Coffin while picketing on the Nansemond River, in Virginia, and herein state that said lieutenant was wounded on the head in an engagement on the picket line in the month of May, A. D. 1863."

The Senate Committee on Pensions, during the first session of the Forty-seventh Congress, made an extended report on this worthy case, the voluminous facts thereof being well condensed. The Senate report concludes as follows:

The fact seems to be that claimant is demented to an extent of incapacity; that there appears to be reliable evidence of his being sound mentally and physically at the time he was mustered into service, and became demented while in such service from his wounds in the head or otherwise. The medical evidence regarding his wounds is to the effect that he bears scars on the spot of the alleged wound, but the physicians are unable to say how such scars were received, whether from a wound in battle or not; that a portion of the bone seems to press on the brain, and that the claimant is very sensitive to any pressure upon this spot. There is an uncertainty existing as to how he received his wounds, as the claimant himself can only say that he was wounded in some way while on the above-stated picket duty, and became insensible at that time; can give no particulars in the premises as to how the wound was received, but alleges having been wounded at the time and place designated.

There is a mass of affidavits and other facts which leave no doubt of the justice of Lieutenant Coffin's claims. He lost his health in the service, and now in his old age is entirely unable to earn a living. The committee therefore recommend the passage of the bill, with an amendment increasing his pension to \$20 a month.

The substitute reported by the Committee on Invalid Pensions was read and agreed to, as follows:

That the pension now granted to Nathaniel Johnson Coffin, late first lieutenant of Company K, Thirtieth New Hampshire Volunteer Infantry, in the late war of the rebellion, be, and the same is hereby, increased to \$20 per month.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JAMES BEDELL, SR.

Mr. ROSECRANS. I call up the bill (H. R. 2327) for the relief of James Bedell, sr.

The bill was read, as follows:

Be it enacted, &c., That the claim of James Bedell, sr., for a pension on account of the death of Samuel Umstead, a soldier of Company G, Sixty-seventh Regiment Indiana Infantry Volunteers, shall be heard and determined by the Commissioner of Pensions in all respects as if the said Samuel Umstead had been the son of said James Bedell, sr., as for the purposes of said pension application he shall be taken to be.

The report (by Mr. MATSON) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill S. 2327, having had the same under consideration, beg leave to report as follows:

The effect of the Senate bill as passed is to give to the claimant arrears of pension. He has never had any title to a pension. This committee and the House have refused to give arrears by special act in all cases except where it has been shown that by some fault or negligence of an officer of the Government the right to arrears has been taken away from the claimant. We believe James Bedell, sr., should be pensioned as the dependent father of Samuel Umstead, as he was; to use the language of the Senate report, to all intents and purposes his father; but to avoid giving arrears in a case where we think it would not be proper to give arrears, we report back the said Senate bill and ask the adoption of the accompanying amendment in the nature of a substitute.

Mr. MATSON. There is an amendment to that bill in the form of a substitute.

The CHAIRMAN. It is not in the possession of the Clerk. The bill will for the present be passed over informally, to be taken up again when the substitute has been found.

ISABELLA TURNER.

Mr. BINGHAM. I call up the bill (S. 2009) granting a pension to Isabella Turner.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Isabella Turner, widow of Oscar D. Turner, late a sergeant of Company I, Twenty-third Regiment of Maine Volunteers, on the pension-roll, and to pay her a pension from the death of her husband, March 14, 1862, subject to the general pension laws should she again marry, and as to the rate of pension.

The report (by Mr. RAY, of New Hampshire) is as follows:

The Committee on Invalid Pensions, to whom was referred Senate bill 2009, granting a pension to Isabella Turner, widow of Oscar D. Turner, late sergeant

Company I, Twenty-third Regiment Maine Volunteers, have examined the same, and report favorably, recommending the passage of the same, with an amendment by striking out the words "and to pay her a pension from the death of her husband, March 14, 1862."

The evidence shows that the soldier contracted chronic diarrhea and other disability in the service, in line of duty, which ruined his constitution, and that ever afterward he was greatly enfeebled and disabled from manual labor; that his power to resist disease was diminished thereby, so that he yielded to a slight attack of cold, which resulted in pneumonia, of which he died March, 1862.

The widow is left without means of support, and the evidence satisfies your committee that the real cause of his death was contracted in the service. It is a just case for relief.

The amendment reported by the Committee on Invalid Pensions to strike out the words "and to pay her a pension from the death of her husband, March 14, 1862," was read and agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARGARET B. HARWOOD.

Mr. BREWER, of New York. I call up the bill (H. R. 7513) granting a pension to Margaret B. Harwood.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret B. Harwood, widow of Rear-Admiral Andrew A. Harwood, late of the United States Navy, and pay her a pension of \$50 a month from and after the passage of this act.

The report (by Mr. ROBINSON, of New York) is as follows:

The Committee on Pensions, to whom was referred bill H. R. 7513, after duly considering it, reported it back, recommending its passage on the following statement of facts:

Rear-Admiral Andrew A. Harwood entered the Navy January 1, 1818, and died August 28, 1884, having been over sixty-six years in the service, during which period the Department states that "his personal and official records are unblemished."

The Navy Register shows that he was on active duty, either afloat or on shore, forty-one years.

Early in his career he attracted the attention and secured the esteem of two of the most distinguished and gallant officers in our naval history.

As a midshipman, under the command of the celebrated Commodore David Porter, he assisted in the capture of a piratical schooner and her barge in the West Indies. The present head of the Navy, Admiral Porter, then a boy of ten, was with his father at the time, and authorizes the statement that his favorable knowledge of Admiral Harwood began at that time, and continued through the whole course of a service always useful and efficient, and in many respects highly creditable and valuable in its character.

The details of that service are given in the subjoined papers, which include the memorial of his widow asking for a pension, marked A, supported by statements from the Navy Department, B and C; from Commodore Luce, D; Admiral Porter, part of D; Medical Director Lansdale, E; and Lieutenant Kimball, F.

From these papers it appears that Admiral Harwood was a lineal descendant of Benjamin Franklin. That, inheriting from his ancestor industrious habits and a thirst for knowledge he devoted himself at an early period in his professional life to the ordnance branch of the service with so much zeal and efficiency that he was sent to Europe in 1844 as a member of commission to visit the foundries and dock-yards of England and France; was afterward member of a board to prepare ordnance instructions for the Navy, and to make the necessary investigations and experiments. With occasional intermissions he continued on ordnance duty, having charge of the Bureau of Ordnance and Hydrography during the first years of the war, until assigned to a more active sphere in command of the Washington navy-yard, and of the Potomac flotilla, which held the long line of the Potomac against the confederate forces.

Of the value of his ordnance services the naval officers whose testimony is subjoined speak in strong terms. "There is no doubt," says Commodore Luce, "that the high character of the ordnance of the United States Navy and of the gunnery of that day (1858-'61) was due in a very great degree to the labors of the board of which he was an active member." Many details showing the nature and value of his ordnance services appear in the statement of Lieutenant Kimball.

Subsequently, while employed on light-house duty, and after he had been placed on the retired-list, he devoted his leisure hours to the preparation of his book on "Naval Courts-Martial," which, in the language of Commodore Luce, "at once took a high position as a standard authority." It "is followed in all military trials in the Navy," says Lieutenant Kimball, who regards it as the beginning of a new era in such trials.

The thorough knowledge of military courts indicated in his book led to his assignment, at the suggestion of Admiral Porter, to do duty as Judge-Advocate-General of the Navy, the last active employment in which he was engaged.

The report from your committee of March 1, 1884 (H. R. 608, first session Forty-eighth Congress), contains a list of cases in which pensions have been granted to widows of naval officers. To that list may be added the widows of Rear-Admirals McDougal, Beaumont, Middleton, Stirling, and Sands, and of Commodore Watson, to each of whom a pension of \$50 a month was given by acts passed during the first session of the present Congress.

Satisfied that Mrs. Harwood is in needy circumstances, and that her case is quite as strong as any of those above referred to, your committee recommend the passage of the bill.

To the Senate and House of Representatives of the United States:

The memorial of the undersigned, Margaret B. Harwood, respectfully sheweth—

That she is the widow of the late Rear-Admiral Andrew A. Harwood, of the United States Navy.

That the said Harwood was born on the 8th October, 1802; entered the Navy as midshipman on the 1st of January, 1818, and died on the 28th August, 1884.

That during his unbroken connection of sixty-six years with the service his official and personal records were, in the language of the official order announcing his death, "unblemished."

That the Navy Register shows that he was employed in active service more than forty-one years.

That the several papers herewith submitted show:

1. That while a midshipman he was on duty, first, in suppressing the slave trade on the coast of Africa, and afterward, under the late Commodore David Porter, in cruising against pirates in the West Indies, having assisted in the capture of a piratical schooner and her barge.

2. That early in his professional career he devoted himself to the study of ordnance, beginning when that branch of the naval service was in its infancy, and adhering to it and becoming identified with it to such an extent that when

the late war commenced the Ordnance Bureau of the Navy was committed to his charge.

While on ordnance duty, in 1844, he was member of commission to visit the dock-yards and foundries of England and France, and to report on improvements in naval gunnery. As a consequence of the report of this commission, he was appointed member of a board to prepare the ordnance instructions of the Navy, and to make the necessary investigations and experiments.

He was subsequently member of a board to revise ordnance instructions. Referring to this latter duty, an officer well qualified to judge says: "There is no doubt that the high character of the ordnance of the United States Navy and the excellence of the gunnery practice of that day was due in a very great measure to the labors of the board of which he was an active member." (See outline, subjoined, No. 3.)

During the first year of the war he was Chief of the Bureau of Ordnance, from which he was transferred to the then important command of the Washington navy-yard, and of the Potomac flotilla, holding in the latter capacity the long line of the Potomac against the confederate forces.

He was subsequently assigned to duty on the Light-House Board, on which he continued nearly five years.

From the Light-House Board he was taken to perform the duties of Judge-Advocate General of the Navy, a position he held until 1st October, 1871.

While on light-house duty, after he had been placed on the retired-list, he devoted his leisure hours to the preparation of his work on naval courts-martial, which is referred to in the accompanying documents (Nos. 3 and 5) as a "work which at once took a high position as a standard authority," "followed in all military trials in the Navy."

Your memorialist respectfully calls attention to the fact that her late husband, though frugal, self-sacrificing, and economical in his habits, left very little property, not enough for the maintenance of his widow, his unmarried daughter, and several grandchildren who are in a dependent condition.

Your memorialist therefore prays that a pension of \$30 a month be granted her, being the same amount allowed the widows of other officers whose rank was the same as that of her late husband.

In support of the various averments and allegations herein above set forth, your memorialist begs leave to refer to the following papers herewith submitted:

1. General order of the Navy Department announcing the death of Admiral Harwood.

2. Transcript from records of Navy Department, indicating services of Admiral Harwood.

3. Outline of Admiral Harwood's official career, prepared by Commodore S. B. Luce, and indorsed by Admiral Porter.

4. Statement of Medical Director Philip Lansdale, U. S. N.

5. Statement of Lieut. W. W. Kimball, U. S. N.

And your memorialist will ever pray, &c.

MARGARET B. HARWOOD.

II.

GENERAL ORDER.

NAVY DEPARTMENT, Washington, September 3, 1884.

The Department announces with regret to the Navy and Marine Corps the death, on the 28th ultimo, at Marion, Mass., of Rear-Admiral Andrew A. Harwood, United States Navy, in the eighty-second year of his age.

Rear-Admiral Harwood was born October 9, 1802; appointed a midshipman from the State of Pennsylvania January 1, 1818; commissioned a lieutenant March 3, 1827; a commander, October 2, 1848; a captain, September 14, 1855; a commodore, July 16, 1862; and a rear-admiral, on the retired-list, February 16, 1869.

He was appointed Chief of the Bureau of Ordnance and Hydrography August 6, 1861, and served as such until July 22, 1862, when ordered to command the Washington navy-yard. While holding the latter position he also commanded, until December 18, 1863, the Potomac flotilla. In these, as in other positions to which he was assigned, on account of his special fitness, he served with credit and efficiency. His official and personal records are unblemished.

As a mark of respect to his memory it is hereby ordered that, on the day after the receipt hereof, the flags of the navy-yards and vessels in commission be displayed at half-mast from sunrise to sunset, and thirteen minute-guns fired at noon from the navy-yards and flag-ships on stations.

EARL ENGLISH,
Acting Secretary of Navy.

C.

Abstract of Admiral Harwood's record, taken from Navy Department records.

Andrew A. Harwood was appointed a midshipman in the Navy January 1, 1818.

April 20, 1818, was ordered to the Saranac.

February 28, 1822, was ordered to duty in Philadelphia.

December 30, 1822, was detached and ordered to Norfolk, Va.

September 10, 1823, was ordered to Philadelphia.

March 15, 1824, granted six months' leave of absence.

July 26, 1824, ordered to the Constitution.

October 23, 1827, detached and ordered to examination preliminary to promotion.

December 12, 1827, granted leave of absence.

February 21, 1828, was commissioned as a lieutenant from March 3, 1827.

October 27, 1828, ordered to the receiving-ship at Philadelphia; March 18, 1830, he was detached and granted six months' leave.

August 23, 1831, ordered to the navy-yard, New York; May 30, 1832, he was detached and ordered to the United States; August 27, 1833, he was detached and granted leave of absence.

June 10, 1834, ordered to the Erie; June 19, 1834, the previous order was revoked, and granted furlough for one year.

July 31, 1835, was ordered to the Constitution for duty on board the Shark; January 25, 1836, was detached and granted leave of absence.

April 3, 1840, ordered to special duty under Capt. M. C. Perry.

May 3, 1843, ordered to duty in the Bureau of Ordnance and Hydrography; October 7, 1848, was commissioned as commander from October 2, 1848.

October 18, 1852, detached from ordnance duty and ordered to the Mediterranean squadron; July 2, 1855, detached from command of the Cumberland and granted leave of absence.

October 8, 1855, was commissioned as a captain from September 14, 1855.

September 10, 1858, ordered as inspector of ordnance at navy-yard, Washington.

April 24, 1861, detached and ordered as temporary chief of Bureau of Ordnance.

August 19, 1861, was appointed chief of the Bureau of Ordnance; July 22, 1862, detached and ordered to command the navy-yard, Washington, D. C.

August 4, 1862, promoted to commodore on the active-list from July 16, 1862.

December 7, 1863, detached from command of the navy-yard, Washington, 31st instant.

December 18, 1863, detached from command of the Potomac flotilla.

July 6, 1864, ordered as secretary of the Light-House Board.

October 9, 1864, was placed on the retired-list.

February 20, 1869, commissioned as rear-admiral on the retired-list.

March 29, 1869, detached from the Light-House Board and placed on waiting orders; March 30, 1869, ordered as member of a court at Washington, D. C.; Sep-

tember 20, 1869, detached and ordered to special duty at the Department; September 29, 1870, detached.

October 11, 1870, appointed Judge-Advocate of the Navy.

October 1, 1871, detached and placed on waiting orders.

He died at Marion, Mass., on the 28th of August, 1884.

D.

Outline of Admiral Harwood's official career, by Commodore S. B. Luce.

Harwood, Rear-Admiral Andrew Allen, United States Navy. Son of John Edmund Harwood and Elizabeth Franklin Bache, granddaughter of Dr. Benjamin Franklin. Born in 1802, in Bucks County, Pennsylvania.

Appointed midshipman in the United States Navy in 1818, his first vessel being the gunboat Saranac.

His next service was on board the sloop of war Hornet, from 1819 to 1821, engaged in cruising in the West Indies, for the suppression of piracy and the slave trade.

In 1823 he was on board the Sea Gull, serving with the barges belonging to the expedition of Commodore David Porter against the pirates. On July 3 of that year assisted in the capture of the piratical schooner Catalina, of three guns, and her barge, by the barges of the Gallinipper and Mosquito.

In 1844 he was on ordnance duty, during which time he was appointed member of a commission to visit the dock-yards and foundries of England and France, and to report on improvements in ordnance and naval gunnery. As a consequence of the report of the commission he was appointed member of a board to prepare the ordnance instructions for the United States Navy and to make the necessary investigations and experiments. Subsequently, 1858-'61, he was again on ordnance duty and member of a board to revise ordnance instructions and to prepare a new edition, with a view to bringing the work up to the times. There is no doubt that the high character of the ordnance of the United States Navy and the excellence of the gunnery practice of that day was due in a very great measure to the labors of the board of which he was an active member.

August 6, 1861, he became chief of the Bureau of Ordnance and Hydrography; 1862, in command of Washington navy-yard and Potomac flotilla.

Again, he was secretary of the Light-House Board, member of examining board, and for a time occupied an office analogous to that of Judge-Advocate-General. It was while on light-house service that he produced his work on Naval Courts-Martial, in which he presented, in a "collective and concise form, the leading principles of military jurisprudence, together with the distinguishing laws and regulations which govern the practice of United States naval courts-martial." This work, which at once took a high place as a standard authority, is noted for its scholarly style and thoroughness of construction. It may not be out of place to remark, however, that owing to the very limited demand for works of that character it was not a financial success.

For the generation to which he belonged Rear-Admiral Harwood was an officer of unusual attainments, and exhibited in an eminent degree the character of a Christian gentleman in all the varied relations of life.

S. B. LUCE, United States Navy.

I cheerfully subscribe to the above, and am of the opinion that no officer's widow is better entitled to a pension than Mrs. Harwood.

DAVID D. PORTER, Admiral.

E.

WASHINGTON, D. C., December 1, 1884.

I was intimately acquainted with the late Admiral A. A. Harwood for about forty years. He was a thorough gentleman in every sense of the word, a consistent Christian, a most loyal citizen, and, as an officer of the Navy, one who set a worthy example in his strict attention to duty as a subordinate, and an intelligent and temperate exercise of his authority as a commanding officer.

Admiral Harwood inherited from his grandfather, Benjamin Franklin, a love of study and an aptitude for scientific knowledge which made his services of peculiar value to the Navy. After having attained, by voluntary training, an education much beyond that of the naval officers of his generation, he made a special study of ordnance, and was one of the earliest and most efficient of the officers who aided in the development of that most important branch of scientific warfare. His distinguished services in that direction caused him to be selected as Chief of the Ordnance Bureau.

In his work on courts-martial, now a standard authority, he has left a monument which will be a worthy memento of his intelligence and industry.

During the late civil war Admiral Harwood held a most important position—that of commandant of the Potomac flotilla, holding the long line of the Potomac against the confederate forces.

Having thus served his country most actively and efficiently, both in peace and in war, during a long life, he has died, leaving his family very insufficiently provided for.

P. LANSDALE.

Medical Director, U. S. N.

F.

Letter from Lieut. W. W. Kimball.

U. S. S. TENNESSEE, New York, December 15, 1884.

MY DEAR MR. LUCE: To me it is apparent that even such a brief and imperfect summary of his record as I can give from references at hand will show that the Government of the United States is deeply indebted to the late Rear-Admiral A. A. Harwood for his continuous, brilliantly able, and entirely unselfish efforts in behalf of his country during the fifty-four years he served her on duty in the Navy.

Entering upon his naval career as a midshipman January 1, 1818, he was at once ordered to arduous and dangerous duty in cruising on the coast of Africa, where, escaping the worst effects of the deadly climate, he served three years, and was then selected as one of the officers of Porter's expedition against the West India pirates, an expedition that in suppressing the horrors of piracy on and near our own coast was of almost inestimable value to the commerce of the United States and of the world.

It was during the two years of this service that Midshipman Harwood distinguished himself in the action at Signage Bay, which resulted in the capture of the piratical schooner Catalina and her barge by the barges Gallinipper and Mosquito.

For the succeeding ten years he was doing routine duty afloat and ashore, but doing it in such a way that he was marked among his associates for his extraordinary abilities and unswerving devotion to duty, and was in 1833 distinguished by his flag officer by being detailed as special messenger to take to the United States from Naples the ratified treaty with that power.

A few years later he began the work of improving the material and reorganizing the service of the ordnance of the Navy, a work which he followed unflinchingly for twenty years, and which resulted in the greatest benefit to the country.

"That the Secretary of the Interior be, and he is hereby, authorized and di-

rected to place on the pension-roll the name of James Bedell, sr., as dependent father of Samuel Umstead, subject to the provisions and limitations of the pension laws.

The amendment was adopted; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

VIRGINIUS FREEMAN.

Mr. LIBBEY. I ask to take up the bill (H. R. 8032) to relieve the political disabilities of Virginus Freeman, of Virginia.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring thereto), That all political disabilities imposed by the fourteenth amendment to the Constitution of the United States be, and the same are hereby, removed from Virginus Freeman, of Virginia.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

COL. SAMUEL M. THOMPSON.

Mr. STEVENS. I call up for consideration the bill (S. 2570) granting an increase of pension to Col. Samuel M. Thompson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Samuel M. Thompson, a private in the Mexican war under Col. E. D. Baker, and colonel of the Fourth Illinois Regiment of Volunteers in the Black Hawk war, and pay him a pension of \$25 per month, in lieu of that which he now receives.

The report (by Mr. HEWITT, of Alabama) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 2570) granting an increase of pension to Col. Samuel M. Thompson, adopt the report of the Senate committee, and recommend favorable consideration of the same, as follows:

"The papers on file in the Pension Office show that Samuel M. Thompson enlisted in Company D, Fourth Regiment Illinois Volunteers, at Springfield, Ill., on June 9, 1846, for service during the Mexican war, and was with his regiment until left at Matamoras on account of sickness, December 14, 1846. The records include a certificate of disability given by Surgeon William M. P. Quinn, United States Army, dated at 'Camp near Matamoras, December 11, 1846,' and recommending the soldier's discharge on account of 'debility from chronic rheumatism, jaundice, &c.' It is shown that the soldier was a sound, healthy man at enlistment, and that he has been disabled ever since his service in the Mexican war, having been unable to do any work much of the time, and having been pronounced incurable in 1857, about twenty-eight years ago. For the period of thirty-eight years the soldier has been lame, and not able to rest on the side of his lame hip. At no time since his discharge has he been able to do more work than half the labor of a man in ordinary health. As a result of his disability his heart has become affected.

"For years past the soldier has been dependent on his step-children for support. He did not understand his rights under the pension laws, and did not apply for a pension until 1879. His claim was allowed the following year, and he has drawn a pension at the rate of \$12 per month since October 4, 1880. He is now nearly 84 years old, and his days are numbered. In view of his long-standing and increasing disability, clearly resulting from his military service, of his dependent condition, and of his advanced age, the committee are disposed to regard favorably his application for an increase of pension, with a view to providing him with the ordinary comforts of life during his last days, and recommend the passage of the bill with an amendment striking out the word 'fifty,' in the ninth line, and inserting the words 'twenty-five.'

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JONATHAN C. HARRISON.

Mr. JOSEPH D. TAYLOR. I ask to take up for consideration a bill (H. R. 5998) granting an increase of pension to Jonathan C. Harrison.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, at the rate of \$30 per month, the name of Jonathan C. Harrison, late a private in Company B, Fifty-second Ohio Volunteers.

Mr. WARNER, of Ohio. This is a bill fixing the rate of pension. I thought the rate of pension was always to be fixed in the Pension Office, unless there was something in the case beside disability. I think the report had better be read to show what it is.

The report (by Mr. LE FEVRE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5998) granting an increase of pension to Jonathan C. Harrison, having considered the same, report as follows:

Jonathan C. Harrison, while serving as private of Company B, Fifty-second Regiment Ohio Volunteer Infantry, had his arm amputated below but within one and a quarter inches of the elbow, for which wound he draws \$24 per month pension. Had the amputation been made at or above the elbow the pension would have been \$30 per month. There appears no issue between the claimant and the Commissioner of Pensions as to the uselessness of the stump, and as to the fact that an elbow amputation would not in any wise have been of greater injury to him for all practical and personal purposes than at the point amputated. But the Commissioner rules that he can not grant an increase because estopped by the words of the present law, which requires absolute incapacity for manual labor as a precedent to increase from \$24 to \$30 per month, a requirement not demanded in any case from those suffering from amputations at or above the elbow.

In view of the facts, your committee are of the opinion that claimant Harrison should be put on the same footing with this class of wounded soldiers, and should not be held to the rule of incapacity for manual labor no more than they, and are therefore of the opinion that he is clearly entitled to the desired increase of \$6 per month, and recommend that the bill pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

J. J. B. WALBACH.

Mr. HEWITT, of Alabama. I ask to take up for consideration the bill (H. R. 7229) to relieve the disability of J. J. B. Walbach.

The bill was read, as follows:

Be it enacted, &c., That the disabilities imposed upon and incurred by J. J. B. Walbach, of Baltimore, in the State of Maryland, by virtue of the provisions of the fourteenth amendment of the Constitution of the United States, shall be, and are hereby, removed.

The report (by Mr. TUCKER) was read, as follows:

The Committee on the Judiciary, to whom has been referred House bill No. 6124, beg leave to report as follows:

The petition of the citizen J. J. B. Walbach, of Baltimore, Md., is hereto annexed, and the committee see no reason that it should not be granted, and therefore report the accompanying bill as a substitute for the bill referred, and recommend that the said substitute do pass.

All of which is respectfully submitted.

To the Senate and House of Representatives in Congress assembled:

I hereby pray that my civil and political disabilities may be removed. And in duty, &c.,

J. J. B. WALBACH.

BALTIMORE, June 1, 1894.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES DYE.

Mr. PERKINS. I ask consent to call up the bill (H. R. 8229) to grant a pension to James Dye.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James Dye, late an assistant surgeon in the service of the United States, of the Twenty-first Regiment of Missouri Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS FERGUSON.

Mr. ENGLISH. I call up the bill (H. R. 7303) to restore the name of Thomas Ferguson to the pension-roll.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas Ferguson, late a member of Company B, Ninety-first Regiment Indiana Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM H. H. GILLEY.

Mr. DAVIS, of Illinois. Mr. Chairman, I call up Senate bill No. 2587, granting a pension to William H. H. Gilley.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William H. H. Gilley, late a private in Company G, Forty-second Regiment Indiana Infantry Volunteers, said pension to commence from the date of the passage of this act.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HUGH O'NEIL.

Mr. STOCKSLAGER. I call up the bill (S. 1183) granting a pension to Hugh O'Neil.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, said Hugh O'Neil being the dependent father of John O'Neil, late a private in Company I, Mounted Riflemen of the Indian wars.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM PAUGH.

Mr. BAGLEY. I desire to call up House bill 5581, granting a pension to William Paugh.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the conditions and limitations of the pension laws, the name of William Paugh, late a private in Company A, Sixty-ninth Regiment Pennsylvania Volunteers, at the rate of \$6 per month.

The committee recommend the adoption of the following amendment: Strike out in line 7 all after the word "volunteers."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARY A. GRENNON.

Mr. PARKER. I offer a bill and report for present consideration, which I send to the desk and ask to have read.

The CHAIRMAN. The bill will be read.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mary A. Grennon, widow of William H. Grennon, late of Company M, Fourteenth New York

Heavy Artillery, at the rate of \$16 per month, from and after the passage of this act, subject to all other provisions and limitations of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

A. W. STARK.

Mr. HEWITT, of Alabama. I ask consideration of the bill (H. R. 8186) to remove the political disabilities of A. W. Stark, of Virginia. The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That all political disabilities imposed by the fourteenth amendment to the Constitution of the United States be, and the same are hereby, removed from A. W. Stark, of Virginia.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. MATSON. I desire to inquire whether there are any more favorable reports that have not been acted upon by the committee?

Mr. MORRILL. I would like to make a report if the committee will rise, and we can then go right back into committee again.

Mr. PRICE. I have a bill that I will send up which is favorably reported.

The CHAIRMAN. The gentleman will send it to the desk.

ANDREW FRANKLIN, ALIAS ANDREW M'KEE.

Mr. PRICE. I ask consideration of the bill (S. 2272) granting a pension to Andrew Franklin, alias Andrew McKee.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Andrew Franklin, alias Andrew McKee, late a private in Capt. M. Armstrong's company of Ohio militia, from August 22, 1812, to March 7, 1813, and from July 23, 1813, to August 18, 1813, in the war of 1812, to take effect from the time of filing his application for a pension.

The committee recommend the adoption of the following amendments:

In line 7 strike out "March 7" and insert "February 22."

In lines 11 and 12 strike out "time of filing his application for a pension" and insert "passage of this act."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. RAY, of New Hampshire. I have an adverse report—that is, I should say rather that the committee are divided thereon, which I desire to call up for consideration from the table. My friend from Kansas stated that he desired to have the committee rise for the purpose of making a favorable report in a case. I therefore yield to him for that motion.

Mr. MORRILL. I move that the committee do now rise.

Mr. WARNER, of Ohio. I hope that will not be done.

Mr. MORRILL. My idea is that we will go back immediately into committee after making the report.

The motion was agreed to.

The committee accordingly rose; and Mr. BAGLEY having taken the Chair as Speaker *pro tempore*, Mr. HATCH, of Missouri, reported that the Committee of the Whole House having had under consideration the Private Calendar had instructed him to report various bills with sundry recommendations.

CATHARINE HELTON.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 8069) granting a pension to Catharine Helton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. MORRILL. I move that the House resolve itself into Committee of the Whole House on the Private Calendar for the purpose of considering bills under the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. HATCH, of Missouri, in the chair.

CATHARINE HELTON.

Mr. MORRILL. I now call up the bill just reported from the Committee on Invalid Pensions, being the bill (H. R. 8069) granting a pension to Catharine Helton.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Catharine Helton, mother of Calvin Helton, as shown by claim numbered 25035, on file in the Pension Office.

The committee recommend the following amendments:

In the sixth line, after "Helton," insert "dependent;" so it will read "dependent mother," &c. Strike out of the bill all after the word "Helton" where it occurs the second time, in line 6, and insert "late of Company I, Twenty-fourth Regiment Volunteers."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. WARNER, of Ohio. In the absence of the gentleman who reported it, I call up the bill (H. R. 8244) granting a pension to John A. Landon.

The bill was read.

Mr. HEWITT, of Alabama. This is a bill reported by the Select Committee on the Payment of Pensions, Bounty, and Back Pay. I submit it does not come within the order for the business of this evening, which is set apart for the consideration of reports from the Committees on Pensions and Invalid Pensions and bills removing political disabilities.

The CHAIRMAN. The point of order is well taken.

Mr. WARNER, of Ohio. It is unfortunate for the man for whose benefit this bill has been reported.

Mr. HEWITT, of Alabama. I will not insist on the objection.

Mr. WARNER, of Ohio. Would it be in order to ask unanimous consent for the consideration of this bill?

The CHAIRMAN. The Chair thinks not. It is the duty of the Chair to observe the terms of the order under which the House meets. The gentleman from Arkansas [Mr. ROGERS] is recognized.

Mr. ROGERS, of Arkansas. The bill which I desire to call up is also reported from the Committee on the Payment of Pensions, Bounty, and Back Pay, and therefore does not come within the order.

NANCY B. LEACH.

Mr. RAY, of New Hampshire. I call up the bill (S. 2204) granting arrears of pension to Nancy B. Leach.

The bill, which was reported with an adverse recommendation by the Committee on Invalid Pensions, was read, as follows:

Whereas Nancy B. Leach, mother of Bradford Leach, late of Company I, Twelfth New Hampshire Volunteers, was placed on the pension-roll on the 25th day of June, 1881, and from which date payment of said pension was made: Therefore,

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay, or cause to be paid, to the said Nancy B. Leach a pension at the rate prescribed by law from the date of the death of the said Bradford Leach: Provided, That all sums previously paid on account of pension to the said Nancy B. Leach be deducted.

Mr. MORRILL. I call for the reading of the report.

The CHAIRMAN. The Chair will state that as the hour is so near at hand when the committee must rise pursuant to the order of the House, there is not time for the reading of the report.

Mr. MORRILL. Then I ask that the report be printed in the RECORD, and that the gentleman from New Hampshire [Mr. RAY] be permitted to make a statement and that I be permitted to reply.

The CHAIRMAN. The Chair calls the attention of the chairman of the Committee on Invalid Pensions to this bill.

Mr. RAY, of New Hampshire. If there be no objection let the reports of the majority and minority of the committee be printed in the RECORD, and the gentleman from Kansas [Mr. MORRILL] and myself can each make a statement.

There was no objection.

Mr. MATSON. I shall have to object to the passage of that bill.

The CHAIRMAN. The Chair has suggested that there was not time to read the report.

Mr. MATSON. Then let the committee rise.

Mr. RAY, of New Hampshire. I hope the gentleman [Mr. MATSON] will give me an opportunity to state briefly the facts in this case, so that it may be considered by the committee to-night. It is not necessary that these lengthy reports should be read. They can be printed in the RECORD.

The report of the Committee on Invalid Pensions (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2204) granting arrears of pension to Nancy B. Leach, submit the following report:

We find that claimant is receiving a pension at the rate of \$8 per month, as dependent mother of Bradford Leach, a deceased soldier of the war of the rebellion, said pension commencing June, 1881. This bill provides for the payment of a pension at the same rate from the death of her son up to June, 1881, or the time from which the original pension was granted. The act of March 3, 1879, provides:

"All pensions which have been, or which may hereafter be, granted in consequence of death occurring from any cause which originated in the service since March 4, 1861, or in consequence of wounds or injuries received or disease contracted since that date, shall commence from the death or discharge of the person on whose account the claim has been or is hereafter granted, if the disability occurred prior to discharge, and if such disability occurred after the discharge, then from the date of actual disability or from the termination of the right of party having prior title to such pension, provided the application for such pension has been, or is hereafter, filed with the Commissioner of Pensions prior to the 1st day of July, 1880, otherwise the pension shall commence from the date of filing the application."

The application for pension in this case was received at the Pension Office in Washington, June 23, 1881, nearly a year after the expiration of the time fixed by law under which arrears of pensions could be allowed.

It is claimed that the application was actually made and executed in proper form February 11, 1879, or more than sixteen months prior to the expiration of the limitation; that this application was executed at the office of David H. Hill, in Sandwich, Carroll County, New Hampshire, and by claimant left with said Hill, who was her duly authorized attorney, to be placed in the United States mail; that through his neglect and gross carelessness it was mixed up with other papers in his office where it lay for twenty-eight months; that it was then acci-

dentally discovered and placed in the mail. Your committee are of the opinion that claimant should be held responsible for the neglect of her attorney. The simple fact that she executed the papers, and never filed them, does not entitle her to any more consideration than is extended to hundreds of others who, from ignorance of the law or from unforeseen casualties, failed to make their applications within the required time.

The rule of the committee has been to afford no relief by special act unless it could be clearly shown to be the fault of the Government that the papers were not filed in time. Where it has been proven that the papers were actually received before the expiration of the limitation at the Department and afterward lost relief has been granted, and in the Agnel case Congress went still further, and said where the Commissioner of Pensions had, prior to the expiration of the limitation, erroneously instructed a claimant that her case was not a pensionable one under the existing law, it was proper to afford relief by special act. But Congress has uniformly refused such relief in cases where it was shown that claimants had forwarded their applications to their attorneys in Washington in time to reach that city before the expiration of the limitation, and such attorneys had failed to receive them, or receiving them had neglected to file. To allow the relief asked for in this case would open the doors for thousands of similar cases arising under almost all conceivable circumstances.

After the expiration of the limitation in the arrears of pensions act, and before this claimant's application was ever received or filed in the Pension Office, more than 30,000 other claimants, with cases doubtless as meritorious, had filed their claims. Shall all these cases be passed by and their rights disregarded to give relief in this particular case?

The views of this committee upon the question of arrears of pensions have been so clearly stated that they can not be misunderstood. In the report made May, 1884, upon bill H. R. 491, to repeal the limitation in the arrears of pensions act, your committee emphatically declared:

"The limitation referred to is a practical and unjust discrimination in favor of a portion of our maimed and disabled soldiers and their dependent relatives and against another portion equally meritorious and equally deserving. Your committee believe that such discrimination is utterly unjustifiable, and that such limitation should be at once abrogated and removed as repugnant to a sound policy of equity and justice."

Your committee are not opposed to allowing the pension to the disabled soldier or dependent relative, to commence from date of disability or dependence, but they insist that while the law stands as it is that no discriminations shall be made, but that all shall be treated alike. Since the 1st day of July, 1880, more than 110,000 applications have been filed. In none of these cases will applicants be entitled to receive arrears, no matter how severe the disability or meritorious and deserving the applicant may be.

Your committee believe that the passage of this bill would be an unjust discrimination against the thousands who are not allowed arrears, and would be a very dangerous precedent to establish. They therefore report adversely, and ask that the bill lie on the table.

The views of the minority (submitted by Mr. RAY, of New Hampshire) are as follows:

The minority of the Committee on Invalid Pensions, to whom was referred the bill (S. 2204) granting arrears of pension to Nancy B. Leach, have considered the same, and respectfully report:

The following facts are established beyond controversy:

1. That Mrs. Leach was lawfully entitled to a pension, as the dependent mother of a deceased soldier, from the time of his death.
2. That she employed a competent and reliable attorney, Judge David H. Hill, of Carroll County, New Hampshire, to make, and with his assistance she duly made and executed, as early as February 11, 1879, a proper application for her pension.
3. Judge Hill put the application in an envelope properly stamped, sealed, and directed, and supposed this letter, with other letters, was taken by a law student in his office to the post-office and duly mailed.
4. Afterward, and before July 1, 1880, the date when arrears of pension were cut off by act of Congress unless the application had previously been filed in the Pension Office, Judge Hill repeatedly and in good faith informed Mrs. Leach and her friends that her claim for pension had been filed, and it appears that she relied on this information.
5. The mistake was not discovered until June, 1881, when Mr. Fosker, the law student, found the envelope containing Mrs. Leach's application in a package of papers which had been put away in Judge Hill's office as being no longer of any use. Judge Hill's attention was immediately called to the document, and he at once forwarded it to his friend, Mr. George N. French, of the Treasury Department, requesting him to file the application forthwith at the Pension Office.
6. From the records of the Pension Office it appears this original application was actually filed June 25, 1881, upon which Mrs. Leach has been allowed a pension from that date only.

It appears to us to be a case of accident, mistake, or misfortune, rather than of negligence on the part of the attorney. Clearly no actual negligence or want of care can be charged against Mrs. Leach. If it is urged that by the strict rules of law her attorney might be held liable in an action for negligent conduct in regard to the non-delivery of the letter containing the application at the post-office, we answer that such remedy is impracticable and uncertain, for an attorney is bound to the exercise of ordinary care only in such a case. A suit at law against the attorney, even if he is responsible, would probably fail, because a lack of ordinary care is not clearly established in the present case. Besides, Mrs. Leach does not possess the means to fight a lawsuit against the attorney, and this great Government ought not to require it of a good soldier's mother, even if the attorney were liable and had the means to pay.

It is urged that to allow the relief asked for here "would open the doors for thousands of similar cases, arising under almost all conceivable circumstances," and yet the committee are all of the opinion that the act of March 3, 1879, limiting arrears of pension to cases filed prior to July 1, 1880, discriminates unjustly, and ought to be repealed. The passage of this act, where a poor old lady is shown to have been without actual fault, and where it is absolutely beyond question her papers were fully prepared and completed long before the limitation act took effect, and her pension was granted upon the identical application lost or mislaid, as aforesaid, certainly can have no unfavorable influence against a repeal of the law referred to.

The minority of your committee contend that this case should be considered and decided upon its own intrinsic merits, and we are heartily in favor of adding cases like that of Mrs. Leach to the exceptions already established against this unjust discrimination.

Again, the experience of Congress and of the Pension Office since July 1, 1880, shows that very few cases just like the present one exist, and for which this act, if passed, would afford a precedent, while the waiver of the strict statutory provisions, cutting off arrears, has been exercised by Congress in numerous instances where the equities in favor of the claimant have been no stronger than this claim presents. We think the bill ought to pass.

This bill is fully sustained by a number of recent precedents, among which are the following:

Special acts granting arrears.

An act for the relief of Benjamin P. Dobson, corporal in Company I, Nine-

teenth Indiana Volunteers, approved April 25, 1882, first session Forty-seventh Congress (chapter 104, page 658, volume 22, U. S. Stat. at Large).

An act for the relief of Jacob Humble, private in Company F, Sixth Indiana Cavalry, approved July 24, 1882, first session Forty-seventh Congress (chapter 347, page 722, volume 22, U. S. Stat. at Large).

An act for the relief of James F. Cullen, sergeant in Company A, Fifth Kentucky Volunteers, approved August 8, 1882, first session Forty-seventh Congress (chapter 483, page 739, volume 22, U. S. Stat. at Large).

An act for the relief of William M. Meredith, captain in Seventieth Indiana Volunteers, approved March 2, 1883, second session Forty-seventh Congress (chapter 75, page 798, volume 22, United States Statutes at Large).

An act granting an increase of pension to N. J. Ingersoll, private in Company F, Forty-eighth Illinois Volunteers, approved July 7, 1884, first session Forty-eighth Congress (chapter 348, page 83, United States Statutes).

An act for the relief of the widow of Edward M. Wilkens, private in Company G, First Rhode Island Militia, approved July 7, 1884, first session Forty-eighth Congress (chapter 360, page 86, United States Statutes).

An act granting arrears of pension to Emily Agnel, approved February, 1885, second session Forty-eighth Congress.

Restoration to pension-roll, granting arrears from time of suspension by special act.

An act granting a pension to Angus McAuley, soldier in Creek Indian war, approved June 19, 1882, first session Forty-seventh Congress (chapter 232, page 710, volume 22, U. S. Stat. at Large).

An act to restore to the pension-roll the name of Frederick A. Garlick, sergeant in Company K, Seventy-sixth New York Volunteers, approved June 27, 1882, first session Forty-seventh Congress (chapter 250, page 712, volume 22, U. S. Stat. at Large).

An act granting a pension to Erastus Crippen, fourth sergeant in Company G, One hundred and forty-ninth Pennsylvania Volunteers, approved August 5, 1882, first session Forty-seventh Congress (chapter 404, page 728, volume 22, U. S. Stat. at Large).

An act granting a pension to Sarah C. Hall, widow of Capt. John Hall, of the Fourth New York Cavalry, approved July 7, 1884, first session Forty-eighth Congress (chapter 336, page 85, U. S. Stat.).

APPENDIX.

SENATE REPORT.

Mr. BLAIR, from the Committee on Pensions, submitted the following report:

The Committee on Pensions, to whom was referred the bill (S. 2204) granting arrears of pension to Nancy B. Leach, mother of Bradford Leach, have examined the same and report recommending the passage of the same.

The committee desire to submit the exact point involved in this case. The original application was duly made and executed February 11, 1879. It was actually filed June 25, 1881, and the proof sustaining the claim. It was allowed, and certificate No. 203323 issued to the dependent mother, carrying pension at the rate of \$5 per month. The claimant supposed that her application was on file until long after the 1st day of July, 1880, the period of limitation under the arrears-of-pension act. The claimant has no practical remedy unless relieved by special act.

Mr. Hill, the attorney employed, is a reputable citizen, who has held responsible positions of public trust, and an honest attorney at law in good standing in the profession.

The affidavits of Hon. James E. French and of Hon. David H. Hill are herewith submitted, which establish all the remaining facts necessary to be stated.

I, James E. French, of Moultonborough, in the county of Carroll, State of New Hampshire, make oath and say, am well acquainted with Nancy B. Leach, holder of pension certificate No. 203323. I well remember the time she made her application for a pension, because it was at my suggestion that she applied to Hon. David H. Hill, of Sandwich, to assist her, and it was in the winter of 1879; said Hill afterward informed me that said claim was filed, and said claimant was so informed several times prior to July 1, 1880.

I have no interest in said claim for a pension.

JAMES E. FRENCH.

Sworn to and subscribed before me this 9th day of December, A. D. 1884, and I hereby certify that I have no interest in the prosecution of this claim.

(SEAL.)

W. A. HEARD,
Clerk of Supreme Court.

I, David H. Hill, of Sandwich, in the county of Carroll, and State of New Hampshire, depose and say that I acted as attorney for Nancy B. Leach in matter of pension for her as dependent mother. The declaration was drawn by me and taken to William A. Heard, clerk of supreme court, to be executed, as I now remember it.

I think we returned to my office, and I put the declaration in an envelope and put stamp on for postage. It was understood that it was to go by that mail.

I supposed for a long time that it went that day, and so informed Mrs. Leach. The papers were thus completed, and sealed and stamped at the time of their date. I had no doubt of it until a student in my office called my attention to an envelope thus sealed and stamped, which he said he had found among other papers which he thought he had packed away as papers no longer useful, and asked me if there was not something that had been overlooked. I at once sent them to George N. French, a clerk in Treasury Department, to file at the Pension Office. Within ten days he wrote to me that they were filed and that they were sent to said French just a few days before I was informed that they were filed. I can not say positive how they were first overlooked, but believe that my student, A. B. Fosker, of said Sandwich, took some letters to the mail for me, and Mrs. Leach and myself both supposed he had taken the Leach papers with them, and continued so to think until they were discovered by said Fosker, as above described.

My post-office address is Sandwich Center, Carroll County, and State of New Hampshire, and I have no present interest in the pension claim of Mrs. Leach.

DAVID H. HILL.

Sworn to and subscribed before me this 9th day of December, A. D. 1884, and I hereby certify that I have no interest in the prosecution of this claim.

(SEAL.)

W. A. HEARD,
Clerk of Supreme Court.

Mr. RAY, of New Hampshire. Mr. Chairman, this bill has passed the Senate. It gives arrears to an old lady whose son became disabled in the Army and died in February, 1879. She executed her papers in proper form before the judge of probate in Carroll County, New Hampshire, and left them with him to be mailed to the Pension Office in Washington. The judge put them in a letter, properly directed and sealed, and gave it to a student in his office to carry to the post-office. In some way, which does not very clearly appear, the letter got mislaid among a file of papers, and was laid away in a pigeon-hole in the probate office, and was not discovered till after the 1st of July, 1880, when

the right to arrears was cut off by act of Congress. Indeed, the papers were not found until some time in June, 1881, nearly a year afterward.

In the mean time Judge Hill in good faith, supposing the fact to be so, had informed the old lady and her friends that the application had gone to the Pension Office and was there on file awaiting consideration in its order. In looking over some of the papers in the probate office for another purpose, this letter, sealed and directed, was found, but too late to enable Mrs. Leach to get arrears. The identical document, which had thus been seasonably prepared and executed, was sent to the Pension Office and the applicant obtained a pension upon it.

Now, the only question is whether Mrs. Leach shall have arrears. The majority of the committee have reported adversely on the ground that the temporary loss of her papers was due to the carelessness or negligence of her attorney, and that her remedy ought to be against her lawyer instead of seeking relief by a special act of Congress. The minority of the committee, composed of the gentleman from Ohio [Mr. LEFEVRE] and myself, are of opinion that inasmuch as her application was made in season, and as no actual fault is attributed to her, it is unjust to refuse to grant her these arrears. And in order to show that our Committee on Invalid Pensions and Congress would be taking no new departure in passing this bill, I desire to call the attention of the committee to several recent precedents which I think fully cover the principle involved.

I call attention to the case of Benjamin F. Dobson, of the Nineteenth Regiment of Indiana Volunteers, reported by my friend from Indiana [Mr. MATSON] from the Committee on Invalid Pensions in the Forty-seventh Congress—a case in which Congress by special act granted arrears of pensions (22 United States Statutes at Large, chapter 104, page 658).

Mr. DAVIS, of Illinois. When did that pass?

Mr. RAY, of New Hampshire. That act passed in the first session of the Forty-seventh Congress, and was approved April 25, 1882. The facts in Dobson's case were that he sent to his member of Congress, December 6, 1879, his application for a pension by mail, requesting that it be filed in the Pension Office, and the Representative acknowledged its receipt, stating that he would cause it to be done. By some blunder or neglect on the part of the Congressman, the application, as well as evidence in support thereof, received afterward from Dobson, were filed with the Committee on Invalid Pensions.

From December 6, 1879, until April 11, 1881, Dobson supposed his claim was pending in the Pension Office, instead of in Congress. He then applied for, and obtained, a pension without arrears through the regular channels. This was a plain case of "inadvertence," as the report by my distinguished friend, the chairman of our committee [Mr. MATSON], called it, on the part of a Congressman, while in the case now before the House substantially the same thing, according to the majority report, has grown into "neglect and gross carelessness" on the part of a reputable attorney.

Another case where Congress has granted arrears of pension by special act, approved March 2, 1883, is that of William M. Meredith, of Company E, Seventieth Indiana Volunteers (22 United States Statutes at Large, chapter 75, page 798).

Thereport, also made by our respected chairman [Mr. MATSON], shows that Captain Meredith executed his application for a pension on or about June 24, 1879, and gave it to his attorney, one House, of Indianapolis, to be mailed to the Commissioner of Pensions. House afterward made an affidavit that he mailed it the next day after receiving it. The papers, however, never reached the Pension Office, and their loss it is said was not discovered by the claimant until after July 1, 1880, too late to obtain arrears at the Pension Office. It is not altogether improbable that Captain Meredith's papers by some accident or mistake, like those of Mrs. Leach, got into a pigeon-hole in a lawyer's office instead of being mailed. Judge Hill and his law student would have testified in good faith that Mrs. Leach's application was mailed, until convinced of their error by subsequently finding the papers mislaid in his office.

Again, there is the case of Jacob Humble, of Company F, Sixth Indiana Cavalry, where, by special act approved July 24, 1882 (22 United States Statutes at Large, chapter 347, page 722), arrears were allowed. The chairman of our committee [Mr. MATSON] also reported this case favorably in the Forty-seventh Congress. The facts are, briefly, that Humble, about August 1, 1879, made his application for a pension and sent it by a neighbor to be delivered to his attorney at Spencer, Ind. The neighbor and the attorney, by affidavit before the Committee on Invalid Pensions, testified that the application was inclosed in an envelope, properly directed and sealed, and the attorney stated that he put the letter into the post-office. It was never heard from afterward. Humble did not know that his application had been lost until some time in 1881—about two years after his papers were executed.

The suggestion is made in the last two cases that the papers were lost in the mails, and therefore that the fault, if any, is chargeable against the Government alone, not against the claimant. It seems to me a sufficient answer to this is that the Government in no case undertakes to warrant or insure the safe carriage and delivery of mail matter at the place of its destination. Nor does the Government hold itself out as responsible for the carelessness or negligence of its employes in the

mail service. A Government officer in the mail service is liable to the injured party for loss arising from his own neglect or carelessness in the performance of his duty, the same as other people. In principle these cases can not be distinguished from the one now under consideration and are precedents for the passage of this bill.

Another precedent in favor of the bill is the act for the relief of the widow of Edward M. Wilkens, passed July 7, 1884 (United States Statutes, chapter 348, page 83), reported from our committee by the gentleman from Massachusetts [Mr. LOVERING], by which Mrs. Wilkens obtained arrears denied her under the general pension laws. Her husband during his last illness executed his original application for a pension a few days before his death, which occurred March 27, 1879, but it was not sent to the Pension Office on account of his illness until some time after his death, Mrs. Wilkens not being aware that it was necessary to have her husband's application filed in the Pension Office during his lifetime in order to obtain arrears. This Congress, in her case, granted the arrears without opposition.

Then again only the other night we granted arrears to Mrs. Emily Agnel, the widow of a professor at West Point, notwithstanding the fact that it was conceded she made no application for a pension whatever until long after July 1, 1880. She was advised, it is true, by her member of Congress that it was of no use for her to apply to the Pension Office because in his opinion she was not pensionable under existing laws. Afterward, and since July 1, 1880, an opinion was obtained from the Attorney-General that she was entitled to a pension, and the pension was granted, and this House the other night passed a bill giving her arrears.

Mr. HEWITT, of Alabama. If the gentleman will allow me, I want to remind him of the facts in that case. While I think that bill ought not to have passed at all, yet he will remember that the passage of it was urged upon the ground that the Commissioner of Pensions, when the application was presented—

Mr. RAY, of New Hampshire. It never was presented until after the act of Congress cutting off arrears took effect, namely, July 1, 1880.

Mr. HEWITT, of Alabama. That bill was urged upon the ground that when the application was presented the Commissioner of Pensions informed her agent, or her member of Congress, that there was no law authorizing a pension in her case.

Mr. RAY, of New Hampshire. If my friend [Mr. HEWITT, of Alabama] will take the trouble to read the report he will find that was not the fact. There was nobody connected with the Pension Office that said anything about it until after July 1, 1880.

Mr. HEWITT, of Alabama. The gentleman is wrong about that.

Mr. STOCKSLAGER. There was a letter of the Commissioner of Pensions received after the report was made, which was submitted to the House.

Mr. RAY, of New Hampshire. Yes; the letter was dated March 26, 1884, nearly four years after the time for obtaining arrears had expired. The report made by the gentleman himself [Mr. STOCKSLAGER] from the Committee on Pensions in Mrs. Agnel's claim, beginning near the bottom of the first page, expressly states—

That it was after the last day of June, 1880, when, under the advice of friends and an attorney, she resolved to apply to the Pension Office with the sole idea of getting the case before the Attorney-General for an opinion, and that it was, as she anticipated, rejected by the Commissioner, but a favorable opinion finally rendered by the Attorney-General.

Mrs. Agnel never consulted the Commissioner of Pensions nor filed her claim in the Pension Office till December 16, 1880, several months too late for arrears. Her pension, at the rate of \$30 per month, from the time of filing the application was finally allowed June 12, 1882, after a favorable opinion was obtained from the Attorney-General.

Mr. Chairman, I have found eleven cases where Congress has recently allowed arrears of pension by special acts and have appended them to the minority report.

The only point here is—and as our time is limited I will come to it directly—the only point is, whether or not this old lady, lawfully entitled to a pension, having made out the necessary papers, and having left them with her attorney, to be sent to the Pension Office, and the attorney, in good faith, supposing his clerk had delivered them at the post-office with other mail matter, but subsequently finding them mislaid among probate papers in a pigeon-hole in his office—whether or not she, being without any actual fault, shall be allowed her arrears. I do not believe that a dozen cases like this can be found in the country. The principal objection made by the majority of the committee is that it will be establishing an unsafe precedent. I can not regard it in that light. The precedents abundantly justify us in passing this bill. If there is any other case like it, I am willing to vote in its favor.

Now, Mr. Chairman, in conclusion, it seems to me to be unjust to require Mrs. Leach to look to her attorney for the recovery of arrears equitably belonging to her, on the assumption of negligence on his part—which is by no means clearly proved.

Mr. MATSON. The gentleman from New Hampshire [Mr. RAY] has very fairly presented this case, and I have only a word to say in reply. The clear distinction between the cases he cites as having passed this House and the one he asks the House now to pass is that in the present case it is not alleged that any official of the Government was in

any way to blame, but the whole blame rests upon the woman's attorney. Now, if Congress or the Government undertakes to relieve persons against the wrongs practiced upon them by their attorneys, it undertakes a very large contract. It is popularly supposed that the Government already has on hand a pretty good contract in paying the pensions that it ought to pay; but to pay arrears to parties who have failed to receive their pensions through the neglect or wrong of attorneys is, I think, more than any fair-minded man would say the Government ought to undertake. But, sir, I apprehend we have not time to do justice to this old woman, even from the standpoint of the gentleman from New Hampshire, and at the same time to do justice to these other claimants, whose cases have been favorably passed upon by this Committee of the Whole. Our session of this evening must close in a very few minutes, as under the order of the House it can not be extended beyond 9 o'clock. I move, therefore, that the committee now rise.

Mr. PARKER. Before the question is taken upon the motion of the gentleman from Indiana, I wish to say that in the case of Mary A. Grennon, which I presented and which was passed without especial notice, there was an adverse report. I infer from remarks which have been made that it was understood nothing would be presented except favorable reports. I would not wish the Committee of the Whole to fall into any error as to the state of the case from the lack of any explanation on my part. I shall therefore, if there be any objection to that case, ask to withdraw it when it comes before the House.

Mr. BAGLEY. That is the case of a soldier who is supposed to have been killed by the enemy while going to a spring. Although there was an adverse report, I think the case a good one. I hope that when we take up the case in the House it may be favorably considered.

Mr. MATSON. We have not time now to talk about mistakes. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BAGLEY having taken the chair as Speaker *pro tempore*, Mr. HATCH, of Missouri, reported that the Committee of the Whole House on the Private Calendar had, according to order, had under consideration sundry bills on the Private Calendar reported by the Committee on Pensions and the Committee on Invalid Pensions, and also bills for the removal of political disabilities, and had directed him to report the same back to the House with various recommendations.

BILLS PASSED.

Bills of the following titles were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed (two-thirds voting in favor thereof):

A bill (H. R. 7231) to remove the disabilities of John K. Cooke, of Virginia;

A bill (H. R. 8032) to remove the political disabilities of Virginius Freeman, of Virginia; and

A bill (H. R. 7229) to remove the disabilities of J. J. B. Walbach, of Baltimore, Md.

On motion of Mr. HEWITT, of Alabama, by unanimous consent the bill (H. R. 8186) to remove the political disabilities of A. W. Stark, of Virginia, was laid on the table; and the bill (S. 2623) to remove the political disabilities of Alexander W. Stark was taken from the Speaker's table, read three times, and passed.

Bills of the following titles were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 7485) granting a pension to Alexander Weide;

A bill (H. R. 7990) granting a pension to Joseph Sansom;

A bill (H. R. 8189) granting a pension to Mrs. F. M. Norton;

A bill (H. R. 7992) for the relief of Christian Arndt;

A bill (H. R. 7993) for the relief of William Stansberry;

A bill (H. R. 8187) granting a pension to Chancey G. Darrah;

A bill (H. R. 7418) for the relief of Maria Spellin;

A bill (H. R. 1710) granting a pension to George W. Bean;

A bill (H. R. 1773) for the relief of Edward Kraemer;

A bill (H. R. 301) granting a pension to Theodore Leveron;

A bill (H. R. 5998) granting an increase of pension to Jonathan C. Harrison;

A bill (H. R. 8229) to grant a pension to James Dye; and

A bill (H. R. 7303) to restore the name of Thomas Ferguson to the pension-roll.

MARY A. GRENNON.

The next bill reported from the Committee of the Whole House on the Private Calendar with a favorable recommendation was the bill (H. R. 3735) granting a pension to Mary A. Grennon.

The SPEAKER *pro tempore*. This is the case on which there was an adverse report by the Committee on Invalid Pensions.

Mr. PARKER. This bill proposes to place on the pension-roll the widow of a private. During the war, while on the picket line, he started for a spring. A shot was heard. He did not return, and has never been heard of since. It was the belief of his comrades, from the circumstances connected with the case, that he was killed by the enemy. I ask that the bill be passed; but if any member objects I will not press the request.

The question being taken, the bill was ordered to be engrossed for a

third reading; and being engrossed, it was accordingly read the third time, and passed.

BILLS PASSED.

Amendments to bills of the following titles were severally agreed to, and the bills as amended were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 8152) for the relief of William D. Farnsworth;

A bill (H. R. 6960) for the relief of Charles L. Alden;

A bill (H. R. 3556) granting a pension to Mrs. Lucretia G. Ripley;

A bill (H. R. 7863) granting a pension to Thomas M. McChesney;

A bill (H. R. 4393) for the relief of Lieut. Nathaniel Johnson Codia;

A bill (H. R. 7417) for the relief of Stephen Sauer;

A bill (H. R. 6505) granting a pension to Corydon Millard;

A bill (H. R. 7513) granting a pension to Margaret B. Harwood;

A bill (H. R. 5581) granting a pension to William Paugh;

A bill (H. R. 8069) granting a pension to Catharine Helton;

A bill (H. R. 8048) to increase the pension of Frederick Huscher; title amended by striking out "Huscher" and inserting "Hercher;" and

A bill (H. R. 7248) to increase the pension of Jane Brent; title amended by inserting "D." after "Jane."

Senate bills of the following titles were severally ordered to a third reading, were accordingly read the third time, and passed:

A bill (S. 357) granting a pension to William Lockhart;

A bill (S. 1655) granting a pension to Newton J. Burris;

A bill (S. 1709) granting a pension to Leonora A. Boyden;

A bill (S. 1803) granting an increase of pension to George A. Washburn;

A bill (S. 2350) granting a pension to Anna Ginn;

A bill (S. 1790) granting an increase of pension to Edgar L. Dutton;

A bill (S. 1804) granting a pension to Clarinda Hunt;

A bill (S. 2610) granting a pension to Patrick Furlong;

A bill (S. 1268) for the relief of Sydney L. Skaggs;

A bill (S. 2514) granting a pension to David T. Hoover;

A bill (S. 526) granting a pension of \$50 per month, to be paid out of the naval pension fund, to Julia T. Scott, widow of Gustavus H. Scott, late a rear-admiral in the United States Navy, and for forty-six years in active service;

A bill (S. 2570) granting an increase of pension to Samuel M. Thompson;

A bill (S. 2587) granting a pension to William H. H. Gilley; and

A bill (S. 1183) granting a pension to Hugh O'Neil.

Amendments to the following Senate bills were severally agreed to, and the bills as amended were ordered to be read a third time; and they were accordingly read the third time, and passed:

A bill (S. 2009) granting a pension to Isabella Turner;

A bill (S. 2327) for the relief of James Bedell, sr.; and

A bill (S. 2272) granting a pension to Andrew Franklin, alias Andrew McKee.

JAMES D. JOHNSTON.

Mr. HEWITT, of Alabama. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. 1915) to remove the disabilities of James D. Johnston, of Georgia, incurred under the fourteenth amendment of the Constitution.

There being no objection, the bill was taken from the Speaker's table, read three times, and passed.

Mr. MATSON. I move to reconsider the votes by which these various bills have just been passed; and I also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MATSON. Mr. Speaker, I believe that completes the business of the evening, and in the moment or two left I beg leave to say that the Committee on Invalid Pensions during this Congress, after careful consideration, have reported on twelve hundred and twenty-three cases, and that six hundred and sixty-eight bills, favorably reported, have been passed by the House. Indeed, I might add without egotism, so far as we are informed every bill reported favorably by that committee has been passed by the House, and, as this is our last appearance before the House, we return thanks for the courteous treatment extended to us.

I now give way to the gentleman from Alabama [Mr. HEWITT], the chairman of the Committee on Pensions, who no doubt also desires to return his thanks to the House.

Mr. HEWITT, of Alabama. Mr. Speaker, I believe all the bills reported favorably from the Committee on Pensions have been passed, and I will add, in my opinion several of them favorably reported ought not to have passed. That committee also is under many obligations for the courtesy it has received.

Mr. DAVIS, of Illinois. If it is in order, while there is such good feeling, I will suggest that gentlemen call up the Mexican pension bill.

Mr. WHITE, of Kentucky. I would like to have the gentleman from Alabama [Mr. HEWITT] indicate to the House and the country when he thinks his committee will be able to bring in the next pension bill for the soldiers of the Mexican war.

Mr. HEWITT, of Alabama. The Committee on Pensions have always been anxious to pass a proper Mexican pension bill.

Mr. WHITE, of Kentucky. Oh, yes; provided it has Black Hawk Indians in it; but we want it with Union soldiers in it.
Mr. HEWITT, of Alabama. But we do not want to pension Black Hawk Indians.

Mr. WHITE, of Kentucky. But the gentleman wants to pension all who served during the time of any Indian disturbance.
Mr. HEWITT, of Alabama. The gentleman is mistaken now, as he often is in the House.

Mr. WHITE, of Kentucky. I will take the bill including the Union soldiers, and without those who served during Indian disturbances.
The SPEAKER *pro tempore*. It is now 9 o'clock, and, in compliance with previous order, the House stands adjourned until to-morrow, when it will be called to order by the Speaker on the return of the procession from the Washington Monument.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAGLEY: Resolution of the Legislature of the State of New York, recommending that General U. S. Grant be placed upon the retired-list—to the Committee on Military Affairs.

By Mr. BRAINERD: Petition of Western Pennsylvania Improvement Company, for the improvement of the Allegheny River—to the Committee on Rivers and Harbors.

By Mr. BRENTS: Remonstrance of citizens of Pacific County, Washington Territory, against any legislation for the purpose of prohibiting trap-fishing in the Columbia River—to the Committee on Commerce.

Also, remonstrance of members of the board of pilot commissioners for the Columbia River, Washington Territory, against any legislation for the purpose of prohibiting trap-fishing in the Columbia River—to the same committee.

By Mr. CASSIDY: Petition of G. C. White, postmaster at Carson City, Nev., praying passage of a law making the Government pay rent of third-class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. DINGLEY: Petition of citizens of Greenwood, Me., for an increase of widows' pensions—to the Committee on Pensions.

By Mr. FIEDLER: Concurrent resolution of the Legislature of New Jersey, opposing construction of railroad bridges across Staten Island Sound—to the Committee on Commerce.

By Mr. GEORGE: Petition of citizens of Oregon asking for further appropriation for improving Coquille River—to the Committee on Rivers and Harbors.

By Mr. D. B. HENDERSON: Petition of C. C. Warden and 323 others, citizens of Ottumwa, Iowa, urging Congress to place U. S. Grant on the retired-list of the Army, with the rank and pay of general, because of his distinguished services—to the Committee on Military Affairs.

By Mr. MCCORMICK: Petition of 28 citizens of Adams County, Ohio, against Mormonism—to the Committee on the Judiciary.

By Mr. MORSE: Petition of Alex. McKenzie and others, of Cambridge, Mass., relative to the Mormon question—to the same committee.

By Mr. J. J. O'NEILL: Petition of Addie M. Ramsey, George W. Lubke, W. P. Mullen, D. H. Evans, and others, of Saint Louis, Mo., for the suppression of Mormonism—to the same committee.

By Mr. STEELE: Petition of citizens of Marion, Grant County, Indiana, asking that every honorably discharged soldier and sailor of the late war be granted a land-warrant of one hundred and sixty acres of land, without condition of settlement—to the Committee on the Public Lands.

By Mr. A. J. WARNER: Petition of J. W. Andrews, Luther Edgerton, and 15 others, citizens of Marietta, Ohio, for legislation on the Mormon question—to the Committee on the Judiciary.

By Mr. WILKINS: Petition of Rev. T. S. Huggart and 100 others, citizens of Ostrander, Ohio, praying for the suppression of polygamy—to the same committee.

By Mr. J. S. WISE: Petition of Virginia school superintendents, for the passage of the Blair bill—to the Committee on Education.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. R. T. DAVIS: Of citizens of New Bedford, and of Sandwich, Mass.

By Mr. MCCOY: Of citizens of West Chester, of Mt. Sterling, of Keokuk, of Mediapolis, of Washington, of Birmingham, and of New London, Iowa.

By Mr. A. J. WARNER: Of J. F. Hopkins and others, of Vincent; of Philip Mattern and others, citizens of Lowell; of D. H. Merrill and others, of Barlow, Washington County; of Samuel Barnhill and others, citizens of Shade, Athens County; of Thomas E. Ham and others, citizens of Malta, Morgan County; of B. F. Fellows and others, citizens of Long Bottom, Meigs County; of Thomas Smith and others, citizens of

Cutler, Washington County; and of Joseph Mays and others, citizens of Grand View, Washington County, Ohio.

By Mr. WEAVER: Of E. L. Hall and 26 others, citizens of Goodland, Ind.

SENATE.

SATURDAY, February 21, 1885.

The Senate met at 1 o'clock p. m.

Prayer by Rev. JAHU DE WITT MILLER, of the city of Philadelphia.
The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a deficiency estimate received from the Commissioner of Fish and Fisheries; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a deficiency estimate of \$5,000 in the appropriation for defense of the United States in the Court of Claims for the current fiscal year, submitted by the Attorney-General; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting an estimate of appropriation received from the Secretary of the Interior to pay Miss Emma Dowell \$29.35 for services rendered in July, 1882; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting an estimate received from the Secretary of the Interior to pay George T. Newman for beef delivered at the Blackfeet agency; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a communication from the Secretary of the Interior, transmitting, in answer to a resolution of the 5th instant, a report of the Commissioner of the General Land Office and sundry papers on the subject of the Moquelemos grant in the State of California, the surveys thereof, and the status of the settlers thereon. If there be no objection, the letter of the Secretary, together with the letter of the Commissioner of the General Land Office, will be printed, and, with the accompanying papers, which are very voluminous, referred to the Committee on Printing.

CUSTOM-HOUSE LOT IN PROVIDENCE.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 194) to authorize the Secretary of the Treasury to convey land in Providence, R. I., for highway purposes.

The amendment was, in line 4, to strike out "southwest" and insert "northwesterly."

The PRESIDENT *pro tempore*. The Chair was informed yesterday by the Senator from Rhode Island [Mr. ALDRICH] that he desired the Senate to concur in this amendment, there having been a clerical error in the Senate bill. If there be no other suggestion, the Chair will put the question on concurring in the House amendment.

The amendment was concurred in.

HOUSE BILLS REFERRED.

The following bills received from the House of Representatives yesterday were severally read twice by their titles, and referred to the Committee on Public Buildings and Grounds:

A bill (H. R. 1618) to provide for the construction of a court-house and post-office at Clarksburg, W. Va.;

A bill (H. R. 1321) for the erection of a public building at Reading, Pa.; and

A bill (H. R. 4067) to change the limit of appropriations for the public building at Louisville, Ky.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a communication from the Secretary of War, transmitting sundry petitions received from infantry officers of the Army, praying for the passage of the bill (S. 2442) to increase the efficiency of the infantry branch of the Army; which was ordered to be printed, and, with the accompanying petitions, referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. DOLPH, from the Committee on Claims, to whom was referred the bill (S. 2087) for the relief of Henry Frank, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

MARIA G. UNDERWOOD.

The PRESIDING OFFICER (Mr. ALLISON in the chair). "Concurrent resolutions" being in order, the Chair lays before the Senate a

resolution submitted yesterday by the Senator from New York [Mr. LAPHAM], which will be read.

The resolution was read, as follows:

Resolved, That there be paid out of the contingent fund of the Senate, to Alice E. Underwood, executrix of the last will and testament of Maria G. Underwood, administratrix of John C. Underwood, deceased, the sum of \$5,000, in full compensation for the time and expenses of the said John C. Underwood, in prosecuting his claim to a seat in the Senate as a Senator from the State of Virginia.

Mr. LAPHAM. I move that the resolution be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDING OFFICER. Is there objection to the reference of the resolution?

Mr. INGALLS. I object.

The PRESIDING OFFICER. The question then is on agreeing to the motion of the Senator from New York to refer the resolution to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. LAPHAM. The President of the Senate has decided that under the rule such a resolution must be referred to that committee. I do not remember the number of the rule.

Mr. MILLER, of New York. Then it does not need any motion to refer it.

The PRESIDING OFFICER. The Chair holds that under the rule the resolution must go to that committee, and it will be so referred.

POST-OFFICE APPROPRIATION BILL.

Mr. PLUMB. Regular order.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the Calendar under the eighth rule, beginning with Order of Business 396, Senate bill 1886.

Mr. PLUMB. I move that the Senate proceed to the consideration of the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes.

Mr. ALLISON. I ask the Senator from Kansas to request unanimous consent to proceed with the appropriation bill. I suppose that will be granted. What will be the effect of the motion of the Senator from Kansas to lay aside the pending order? Will it come up regularly on Monday, or will it require a motion?

The PRESIDENT *pro tempore*. Order of Business 396 will come up to-morrow morning.

Mr. ALLISON. Or this morning, if the appropriation bill is disposed of during the morning hour?

The PRESIDENT *pro tempore*. If disposed of before whatever time under the new adjournment it would be in order.

Mr. WILSON. I ask the Senator from Kansas to withdraw his motion that I may ask the unanimous consent of the Senate to take up for present consideration a bill that will take no time.

Mr. PLUMB. I insist on my motion that the appropriation bill shall be taken up. If the Senate is then minded to indulge the Senator from Iowa a moment or two in regard to his bill, I do not know that I shall object; but I can not consent to postpone the motion I have made, as I wish to bring the appropriation bill before the Senate.

Mr. WILSON. Very well.

The PRESIDENT *pro tempore*. Debate is not in order. The question is on agreeing to the motion of the Senator from Kansas that the Senate now proceed to the consideration of the Post-Office appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes.

The PRESIDENT *pro tempore*. The pending question is on striking out, as recommended by the Committee on Appropriations, all after the word "thereof," in line 117, to the end of line 151.

Mr. MILLER, of New York. No; the understanding yesterday was that we were to vote on these propositions separately, and we voted upon the first down to the word "thereof," in line 117. The next division would properly be to the end of line 128, perhaps.

The PRESIDENT *pro tempore*. The Chair stands corrected. The Senator from New York is right. The words proposed by the committee to be stricken out down to the end of line 128, will be read.

The SECRETARY. After the word "thereof," in line 117, it is proposed to strike out the following:

And drop-letters shall be mailed at the rate of 2 cents per ounce or fraction thereof, including delivery at letter-carrier offices, and 1 cent for each ounce or fraction thereof where free delivery by carrier is not established. That all publications of the second class, except as provided in section 25 of said act, when sent by the publisher thereof, and from the office of publication, to bona fide subscribers, or when sent from a news agency to actual subscribers thereto, or to other news agents, shall, on and after July 1, 1883, be entitled to transmission through the mails at 1 cent a pound or a fraction thereof, such postage to be prepaid as now provided by law.

Mr. WILSON. I now ask unanimous consent that the appropriation bill may be informally laid aside, and that the Senate proceed to the consideration of House bill 483. It will not create any discussion. If it should, of course I shall withdraw the request. It is a bill which has passed the House and has been reported by unanimous consent from the Committee on Public Buildings and Grounds of the Senate. I should like very much to have it passed this morning.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent that the pending bill be informally laid aside and that the Senate proceed to consider the bill (H. R. 483) for the erection of a public building at Keokuk, Iowa. Is there objection to the request of the Senator from Iowa?

Mr. MAXEY. I think, as we are in the midst of the consideration of the Post-Office appropriation bill, which is certainly a matter of national importance and ought to be disposed of, we should finish that bill before taking up anything else.

The PRESIDENT *pro tempore*. Objection is made.

Mr. WILSON. I hope the Senator from Texas will withdraw the objection.

Mr. HARRIS. If the Senator from Texas will allow me, I will state that the very question now pending on the Post-Office appropriation bill will lead to a division of the Senate, and if the Senator from Texas will look over the Chamber he will find quite a sufficient reason, I think, to withhold his objection.

Mr. WILSON. I hope the Senator will withhold the objection.

Mr. MAXEY. I am not in the custom of making objections about anything; I only stated a practical proposition of common sense; but as that seems to be met by the Senator from Tennessee, I withdraw the objection.

PUBLIC BUILDING AT KEOKUK.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Iowa that the pending order be informally laid aside and that the Senate now consider the bill the title of which has been read?

Mr. BAYARD. That retains, I understand, the present order in its position of precedence.

The PRESIDENT *pro tempore*. Subject to call. Is there objection to the request of the Senator from Iowa? The Chair hears none.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 483) for the erection of a public building at Keokuk, Iowa.

Mr. HOAR. I wish the Secretary to read again the sentence beginning "provided."

The Secretary read as follows:

Provided, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys.

Mr. HOAR. It provides that "the site shall leave the building unexposed;" but it is a House bill, and I do not care to interfere.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. MARTIN.

Mr. JACKSON. I ask that the Post-Office appropriation bill may be informally laid aside, and that unanimous consent may be given to take up the bill (H. R. 5452) for the relief of John W. Martin.

The PRESIDENT *pro tempore*. Is there objection?

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. Objection is made.

POST-OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes.

The PRESIDENT *pro tempore*. The pending question is on the amendment of the Committee on Appropriations proposing to strike out the clause after the word "thereof," in line 117 to line 128, inclusive.

Mr. PLUMB. I thought the division would be on that part between the word "thereof," in line 117, and the word "established," in line 121. That clause is not connected in any way with the sentence which follows, but is designed to simply accommodate the question of postage on drop letters to the rule established in the preceding sentence for letters transmitted.

The PRESIDENT *pro tempore*. The Chair thinks that the matter is capable of a division in that way, and if the Senator asks it, the question will be first taken on that part.

Mr. PLUMB. I ask for a division.

The PRESIDENT *pro tempore*. The question then is on agreeing to the recommendation of the Committee on Appropriations to strike out after the word "thereof," in line 117, to and including the word "established," in line 121, being the following words:

And drop-letters shall be mailed at the rate of 2 cents per ounce or fraction thereof, including delivery at letter-carrier offices, and 1 cent for each ounce or fraction thereof where free delivery by carrier is not established.

The amendment was rejected.

The PRESIDENT *pro tempore*. The next clause recommended to be stricken out by the Committee on Appropriations will be read.

The SECRETARY. In line 121, after the word "established," the committee report to strike out the words:

That all publications of the second-class, except as provided in section 25 of said act, when sent by the publisher thereof, and from the office of publication, to bona fide subscribers, or when sent from a news agency to actual subscribers thereto, or to other agents, shall, on and after July 1, 1883, be entitled to trans-

mission through the mails at 1 cent per pound or a fraction thereof, such postage to be prepaid, as now provided by law.

Mr. MILLER, of New York. I rise to a parliamentary question rather than to discuss this provision, because I discussed it yesterday, and I thought the Senate had finished the discussion of it. Judging from the action on the part of the Senate yesterday, beginning with line 129 to the end of line 138, I believe that the Senate will agree that the amendment of the committee shall be agreed to, and that that language shall be left out of the bill. If that is done, as I have no doubt it will be done by the Senate, and we shall now by a vote disagree with the amendment of the committee striking out from line 121 to line 128, it will be necessary then to make a slight amendment in that portion of the bill. As I understand, we can only do that by unanimous consent.

Mr. HOAR (to Mr. MILLER, of New York). Make your meaning more clear.

Mr. MILLER, of New York. I will put it in this shape then: Will it be in order to ask unanimous consent to make any change in the lines which we are now about to vote upon? That, I suppose, will be in order.

The PRESIDENT *pro tempore*. The Chair thinks it is in order to ask unanimous consent to change the bill in almost any way.

Mr. MILLER, of New York. Then I will ask unanimous consent, in line 123, to strike out the word "and," or that it be eliminated in some way so that when we come to vote it will not be in, and then, at the end of that line and the beginning of line 124, to take out the words "to bona fide subscribers," and in place of the words "to bona fide subscribers" to insert "including sample copies."

The PRESIDENT *pro tempore*. The Senator from New York will suspend. The Chair will receive the committee of the House of Representatives.

WASHINGTON MONUMENT CEREMONIES.

Representatives DORSHEIMER, TUCKER, and CANNON appeared at the bar of the Senate.

Mr. DORSHEIMER. Mr. President—

The PRESIDENT *pro tempore*. Gentlemen of the committee.

Mr. DORSHEIMER. We are directed to inform the Senate that the House of Representatives is now in session and awaits the coming of the Senate in order to proceed with the ceremonies which are appointed to be held in the Hall of the House.

The PRESIDENT *pro tempore*. The Chair will state to Senators that the Chair is informed that the President of the United States is still reviewing the procession at the east front of the Capitol. The order of exercises adopted by the Senate provides that the President and his Cabinet, the judges of the Supreme Court, &c., the diplomatic corps, and the Senate, shall go together, in that order, to the Hall of the House; and it will be, perhaps, ten or fifteen minutes before it will be convenient for the House of Representatives, according to this joint order, to receive the Senate. If there be no objection, therefore, the business of the Senate will proceed.

POST-OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes.

Mr. MILLER, of New York. I renew my request to change lines 123 and 124 by unanimous consent as I have indicated.

Mr. HOAR. Why not, instead of that, strike out from the word "act" down to the word "agents," inclusive? If you are going to have second-class matter go at that rate, let everything go in.

Mr. MILLER, of New York. In answer to the suggestion of the Senator from Massachusetts, I desire to say that the changes which I have indicated will make the law, if it should become a law, precisely the same as the present law and in the same language with the exception that the rate of postage will be reduced one-half. The present law reads:

Publications of the second class except as provided in section 25, when sent by the publisher thereof, and from the office of publication, including sample copies, or when sent from a news agency to actual subscribers thereto, or to other news agents, shall be entitled to transmission through the mails at 2 cents a pound or fraction thereof, such postage to be prepaid, as now provided by law.

Mr. HOAR. Why not have the same rate on transient papers sent from one office to another?

Mr. MILLER, of New York. There is but one rate upon second-class matter now. If the language as proposed here should be concurred in, it would make two rates of postage upon second-class matter.

Mr. HARRIS. If the Senator from New York will allow me, I desire to ask him if his motion to amend line 123 is not premature.

Mr. MILLER, of New York. It is premature.

Mr. HARRIS. As I understand it, upon the demand of the Senator from Kansas the pending question is to strike out after the word "thereof," in line 117, to and including the word "established," in line 121.

Mr. PLUMB. Let me say to the Senator from Tennessee that he is mistaken about that. Those words have been retained by the vote of the Senate. The question now is on the amendment of the committee

recommending to strike out from the word "established," in line 121 to and including line 128.

Mr. HARRIS. Then I withdraw my inquiry. The Senator from New York is quite right, if that question has been decided.

The PRESIDING OFFICER (Mr. INGALLS in the chair). The Chair will state that the request of the Senator from New York is for unanimous consent to make certain changes. He does not move to amend, as the Chair understands.

Mr. MILLER, of New York. I understand that it can only be done by unanimous consent, and it is absolutely necessary that it shall be done unless we now propose to make a reform backward in our post-office matters and have two rates of postage upon second-class matter. Originally there were two rates upon second-class matter, and that led to a great deal of complaint by publishers throughout the country. Some years ago the law was changed, and all second-class matter now goes at one rate; that is, a rate of 2 cents a pound. Now it is proposed to change that rate to 1 cent a pound, but the language here employed divides second-class matter into two distinct classes, you may say, and makes two distinct rates—one reducing the postage to 1 cent a pound, and raising the rate upon the other portion of second-class matter to 4 cents a pound, doubling its present rate.

Mr. DAWES. May I inquire of the Senator from New York what is the force of the words he proposes to leave in—"except as provided in section 25 of said act?"

Mr. MILLER, of New York. That is a section which permits county newspapers to be circulated free in the county where published, and some few other little things connected therewith.

Mr. DAWES. So that leaving those words and striking out the rest of the clause will make a uniform rate for all second-class matter?

Mr. MILLER, of New York. For all second-class matter. The present law is that all second-class matter goes at 2 cents a pound. If the amendment I have suggested be adopted all second-class mail matter will be carried through the mails at 1 cent a pound. If it is not adopted second-class matter will go through the mail, a portion of it at 1 cent a pound and the rest at 4 cents a pound, doubling the present rate, which I imagine we do not want to do.

Mr. DAWES. What part will go at 4 cents a pound?

Mr. MILLER, of New York. I will explain. All sample copies which are sent out by publishers of newspapers, particularly weekly newspapers, religious papers, and all the large weeklies, especially at the end of the year, by hundreds of thousands of copies, and all sample copies sent out separately by individuals, except where bona fide subscribers, if we leave this as it stands in the bill, will be compelled to pay not 2 cents a pound, but 4 cents a pound. The entire publishing interests of this country, so far as I have been able to hear from them, and I have heard from hundreds, desire that whatever the rate shall be upon second-class matter it shall be uniform, that there shall be only one rate, and we propose to make it 1 cent a pound.

If these suggestions of mine are adopted, the law will be left precisely as it is to-day except that the rate will be reduced from 2 cents to 1 cent a pound. Of course it depends also upon the Senate agreeing with the amendment of the committee, commencing with line 129 down to line 138, inclusive, which I will speak to when we come to it.

The PRESIDING OFFICER. Is there objection to the suggestion made by the Senator from New York?

Mr. ALLISON. Let it be read from the desk, that we may hear what it is.

The PRESIDING OFFICER. It will be read.

The SECRETARY. In line 123, after the word "thereof," it is proposed to strike out "and;" in the same line, after the word "publication," to strike out "to bona fide subscribers" and insert "including sample copies;" so that the clause will read:

That all publications of the second class, except as provided in section 25 of said act, when sent by the publisher thereof, from the office of publication, including sample copies, or when sent from a news agency to actual subscribers thereto, or to other news agents, shall, on and after July 1, 1885, be entitled to transmission through the mails at 1 cent a pound or a fraction thereof, such postage to be prepaid as now provided by law.

The PRESIDING OFFICER. Is there objection to the proposed modification?

Mr. PLUMB. I object to the amendment in that shape. If the Senator will confine his amendment to striking out the words "to bona fide subscribers" and inserting "including sample copies," I shall not object; but if he does not do that he will introduce an element of discord and possible loss to the revenues of the Post-Office Department which I do not think he contemplates, and certainly I will not consent to if I can avoid it.

Mr. MILLER, of New York. I think the Senator is mistaken in his objection to striking out the word "and," because I have made my suggestion to correspond precisely with the present law. I will read it again:

Publications of the second class, except as provided in section 25, when sent by the publisher thereof, and from the office of publication, including sample copies, or when sent from a news agency to actual subscribers thereto, or to other news agents, shall be entitled to transmission through the mails at 2 cents a pound or fraction thereof, such postage to be prepaid as now provided by law.

I see that I was mistaken; the word "and" is there. I had marked that out yesterday. That word should remain in. Then the only

change is, at the end of line 123, and the beginning of line 124, to strike out the words "*bona fide* subscribers" and insert the words "including sample copies;" that makes it correspond exactly to the present law.

The PRESIDING OFFICER. The Secretary will again report the modification as now suggested by the Senator from New York. The Secretary did not understand the suggestion of the Senator from New York.

Mr. MILLER, of New York. It is to leave in the word "and;" not strike that out.

The SECRETARY. In line 123, after the word "publication," it is proposed to strike out "to *bona fide* subscribers" and insert the words "including sample copies."

The PRESIDING OFFICER. Is there objection to the suggestion made by the Senator from New York as to the modification of the amendment? The Chair hears none, and it is agreed to.

Mr. MILLER, of New York. Now the question is on agreeing or disagreeing to those lines.

The PRESIDING OFFICER. The question now recurs on striking out, as recommended by the Committee on Appropriations, the portion that has been read, beginning with the word "that," in line 121, down to and including the word "law," in line 128.

Mr. SAULSBURY. Before the amendment is adopted I wish to know what the effect will be as to sending through the mail papers for advertising purposes alone. The Department ought not to be burdened with that class of advertising papers. There is a grocer's paper; I remember that there has been some discussion as to whether it should go through the mails.

Mr. MILLER, of New York. Allow me to suggest to the Senator that his question does not properly come up now. It will come up when we consider the striking out or retaining lines 129 to 138. That point comes in there. When we reach it I think I shall be able to answer his question to his entire satisfaction; but this language that we are now acting upon is the present law absolutely word for word without any change whatever except that we reduce the rate of postage on second-class matter from 2 cents to 1 cent a pound. The question as to what kind of matter shall go comes up under those other lines, but I can discuss it now if that is deemed desirable.

Mr. ALLISON. I suggest to the Senator from New York that he has already inserted here "sample copies," which includes the idea that I think the Senator from Delaware is trying to arrive at.

Mr. SAULSBURY. I have some doubt about the propriety of this reduction of the revenues of the Post-Office Department to the extent we are going. That Department, while it may not be self-sustaining, ought not to be very expensive to the Government. We are reducing its revenue, and now it is proposed that we shall reduce the revenue derived from sample copies. I doubt very much whether we ought to do that. When papers are sent to *bona fide* subscribers, that is one thing; but where a publisher sends out broadcast through the country copies for the purpose of soliciting subscribers to his paper, to make it a profitable business to himself, he ought to be willing to pay something to the Department for the privilege he enjoys. I doubt very much whether we ought to reduce the postage on sample copies.

Mr. MILLER, of New York. Certainly, the sending out of sample copies by all regular and legitimate publishing houses who are publishing regular papers weekly, semi-weekly, or monthly, or magazines, tends to increase the revenue of the Post-Office Department. There ought certainly to be no objection on the part of the Government to doing that kind of business. All the great religious weeklies, all the semi-weeklies, and all the monthly publications, and even the weekly editions of all our leading daily papers throughout the length and breadth of this country, which circulate millions upon millions of copies, are accustomed at the end or near the end of the year to send out large numbers of sample copies of their papers to the names of people that may be given to them in various towns scattered throughout the land. The result is that those sample copies bring back to the publishers a large number of permanent subscribers to increase their circulation, and of course increase the revenues of the Post-Office Department. It is believed and held that if this law is enacted the increased circulation of newspapers, magazines, and periodicals of various kinds will be so great that the Department will lose little, if any, revenue by it. That is the judgment of the Post-Office Department itself.

It is the law to-day, and has been for years, that all regular publications can send out sample copies at the regular legal rate of 2 cents a pound. Now we propose to reduce the rate on second-class matter from 2 cents to 1 cent a pound. Certainly we ought not to go backward and change the classification and make a greater division than there is at the present time and more confusion. Certainly it is not for the best interests of the Department to do it, for instead of increasing the revenues it will largely reduce them unless we give them this privilege, and this leaves the law precisely where it is to-day, and I have read it repeatedly.

The question which the Senator from Delaware and the Senator from Iowa raise as to the class of publications which shall be considered second-class has nothing whatever to do with the question before the Senate at the present moment. That will come up when we consider the

amendment from line 129 to line 133, and then I will read the present law, which explains and defines what is second-class matter and what matter can go through the mails at second-class rates. If there is any abuse such as the Senator from Delaware speaks of, the abuse comes from a failure to enforce the present statute in the Post-Office Department, and not from the law itself.

I do not care to go further into that discussion, because it seems to me unnecessary until that portion of the amendment is acted upon, but if any further explanation is desired, I am ready to make it.

Mr. SAULSBURY. I desire to say that so far as the revenue from publications, papers, and periodicals is concerned, I think it is about as expensive to the Government as all the profit it gets from it. We are paying the railroad companies by weight. This bill contains an appropriation of over \$14,000,000 to pay railroad companies for the transportation of the mail. Much of the weight is caused by periodicals and newspapers. The letter postage has long since paid its way, but the second-class matter does not pay very liberally, and I do not know that the increase of the number of periodicals and newspapers carried through the mails will tend to increase revenue when you take into consideration the additional expense which will be thrust on the Department for transportation.

We are appropriating in this bill \$14,500,000 to railroads for the transportation of the mails, made up largely of papers and periodicals and that class of matter. In addition to that, we are paying over a million dollars for postal cars, so that it is becoming a very expensive business to transport these papers and periodicals throughout the country. While there may be some additional number of subscribers, perhaps large additional numbers of subscribers obtained by sending out these sample copies through the country, I do not know that that will add anything to the revenues of the Postal Department. If these men want to do business, if they want to circulate their papers and invite subscriptions for their papers, they ought to be willing to contribute to the revenue of the Department through which they propose to send out sample copies.

Mr. MAXEY. The only legitimate ground for the adoption of the proposition as it came from the House is that the general spread of intelligence through newspapers would justify a reduction of postage on second-class matter from 2 cents to 1 cent a pound. It is a perfectly well-known fact that for years past the postage on newspapers has been far less than the expense of carrying them. On postal cards and letters we receive millions more than the cost of transmission. Newspapers and third-class mail matter absorb the surplus, because they do not pay their way. No question has been presented to the Post-Office Committee which has caused more trouble than the determination of what is a sample copy. Beginning with the chairmanship of a very distinguished gentleman from Maine [Mr. Hamlin], who was chairman of the Post-Office Committee when I entered the Senate ten years ago and who is now in the Chamber, up to the present time we have had sample copy after sample copy of what purported to be newspapers laid before us, and it would take an expert to settle whether they were advertisements or newspapers, they having the form of newspapers.

Mr. SHERMAN. If the Senator will yield I will submit a motion that the Senate proceed, in pursuance of its previous order, to the House of Representatives.

Mr. PLUMB. Before that is done—

Mr. MAXEY. I will yield the floor; but when the question comes up again I will resume.

The PRESIDING OFFICER. The Chair would suggest to the Senator from Ohio that the President *pro tempore* of the Senate is at the present time in the President's room, and the Chair will ask that the motion be withheld for a few moments.

Mr. SHERMAN. Very well; I will do so.

Mr. MAXEY. I will complete what I was saying.

The striking out of the expression "*bona fide* subscribers," as it came in the bill from the House, I think was bad policy. I think it ought not to be stricken out, because if that expression "*bona fide* subscribers" is there, then at 1 cent a pound actual *bona fide* newspapers would be carried, the object we have in view being the spread of intelligence by means of *bona fide* newspapers. Strike out that expression, and as certainly as we pass this clause thousands and hundreds of thousands of advertisements will come in the shape of newspapers, in the form of newspapers, and be scattered over the country, spreading no intelligence, but simply advertising different kinds of wares. That will be the effect of it.

That is all I wish to say about it. I think the view of the Senator from New York is entirely wrong upon that, and that the bill as it came from the House is right.

The PRESIDENT *pro tempore*. The question is on agreeing to the recommendation of the Committee on Appropriations to strike out the words which have been read from line 121 to line 128 inclusive as amended.

The amendment was rejected.

The PRESIDENT *pro tempore*. The next question is on the amendment of the Committee on Appropriations to strike out from line 129 to line 133 inclusive. The words proposed to be stricken out will be read.

The Secretary read as follows:

Provided, however, That publishers of second-class publications may mail sample copies of such publications at the rate of 1 cent for each four ounces or fractional part thereof, to be prepaid by ordinary stamps affixed thereto; and all acts, so far as they fix a different rate of postage than herein provided upon such first and second class matter, are to that extent hereby repealed on and after July 1, 1885. And any article or item in any newspaper or other publication may be marked for observation, except by written or printed words, without increase of postage.

Mr. HARRISON. I desire to ask the Senator from New York, who seems to have given special attention to this matter, whether the last sentence, which gives liberty to mark an article in a newspaper, is the existing law.

Mr. MILLER, of New York. The existing custom is that an article may be marked.

Mr. HARRISON. If it is not the existing law, I suggest that the question be divided by putting the vote on striking out that part, closing with the word "five," in line 136. The other is a distinct proposition.

Mr. MAXEY. Will the Senator yield to me?

Mr. HARRISON. Yes, sir.

Mr. MAXEY. My recollection is—I will not speak of it with certainty—that we had the very point which he has stated before the Committee on Post-Offices and Post Roads; and I think that a year or two ago the committee reported favorably a proposition to authorize the marking of an article, without putting in any words, in print or writing. I am under the impression that that became a law.

Mr. HARRISON. It is certainly a very innocent and a very useful practice, as all of us who have had newspapers sent to us for the purpose of calling our attention to a particular article have discovered. It is quite convenient to have some mark which will call attention at once to the purpose of sending the paper, rather than to have to look the whole paper through. I ask that the question be divided as I have indicated.

Mr. MILLER, of New York. I see no objection to dividing it, and I see no objection to leaving the lines from 136 to 138 in the bill, although in the regulations of the Post-Office Department that thing is now permitted to be done and is done constantly without any question on the part of the Post-Office Department, and if it is deemed desirable to put in permission I see no objection.

Mr. DAWES. The purpose of that provision is to enable those who desire to send a marked copy to leave their order at the printing office, and the mark is put on when the paper is printed in such a manner as to call attention to it, and it relieves any one who desires to have a marked copy sent out from the labor of doing it himself and paying the postage on it. It is in the same interest as all this legislation.

Mr. MILLER, of New York. I will ask then, in connection with the Senator from Indiana, that the question be taken on striking out from line 129 to the word "five," in line 136.

The PRESIDENT *pro tempore*. The Senator from Indiana demands a division of the question so as to exclude from the present action of the Senate all after the word "five," in line 136, to and including the word "postage," in line 138. The Chair thinks that division may properly be made. The question is on agreeing to the recommendation of the Committee on Appropriations to strike out, beginning with line 129, to and including the word "five," in line 136.

Mr. MITCHELL. I desire to ask what is the question before the Senate? I have been detained from the session this morning.

The PRESIDENT *pro tempore*. The Chair has just stated it. It is on striking out, on pages 6 and 7 of the bill, from line 129 to line 136, including the word "five."

Mr. MITCHELL. I desire to say in reference to that that I am in favor of striking out that portion of the clause inserted by the House, but I understand that a division of the question has been called for.

The PRESIDENT *pro tempore*. The question has been divided so that the present question is on striking out, beginning with line 129, to and including the word "five," in line 136.

Mr. WILLIAMS. I understand that the committee have proposed to strike out the whole. Now, is the question on supporting the committee?

The PRESIDENT *pro tempore*. The question is on agreeing to the recommendation of the committee to strike out the words which have been stated.

Mr. WILLIAMS. Oh, yes; I see.

Mr. MITCHELL. I am in favor of striking out those words. I am opposed to legislation on appropriation bills, and as this proposed action accords with the rules of the Senate, I shall vote to strike out the clause.

The PRESIDENT *pro tempore*. The question is on the amendment of the committee to strike out these words.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The next question is on striking out after the word "five," in line 136, to and including the word "postage," in line 138. The words proposed to be stricken out will be read.

The Chief Clerk read as follows:

And any article or item in any newspaper or other publication may be marked for observation, except by written or printed words, without increase of postage.

Mr. PLUMB. The Senate has proceeded apparently upon the theory

that it was willing to reduce postage upon second-class matter and to do that without changing in any sense existing law, except in that particular. Section 22 of the law of 1879, chapter 180, provides:

That mailable matter of the second class shall contain no writing, print, mark, or sign, thereon or therein in addition to the original print, except as herein provided, to wit, the name and address of the person to whom the matter shall be sent, and index figures of subscription book, either written or printed, the printed title of the publication, the printed name and address of the publisher or sender of the same, and written or printed words or figures or both, indicating the date on which the subscription to such matter will end.

If the clause which is found between lines 136 and 138 is retained, we shall have entered upon a new change in the postal laws beyond that contemplated and effected by what has been left in the bill by the action of the Senate; and it seems to me, without something to show precisely what the effect of it is to be, we ought not to enter upon this, but ought to concur with the report of the committee in striking out the provision.

Mr. HARRISON. Will the Senator from Kansas allow me to ask him again, does this in any way affect the postal revenue? Is there any way by which it could have any effect to reduce the postal revenue to allow a blue or red pencil mark to be put above an article?

Mr. PLUMB. I think it would, because matter of that kind now pays an increased postage. I do not know that I am able to state fully the scope of it; but there are large numbers of papers in this country whose chief pabulum grows out of the printing of special editions containing advertisements of insurance companies, banks, and so on, the value of which is largely enhanced by being able to mark them and send them without increased postage, not to subscribers, but to persons whose attention it is desirable to invite to these advertisements. It seems to me that observing the line heretofore drawn between advertising publications and *bona fide* newspapers as such, we ought not to insert that paragraph.

If we intend to obliterate it all and say simply that if a man prints a thing which he calls a newspaper, and as an inducement to get advertisements says "I will print large editions in addition to that," or "I will draw a red or blue or black line, or put some other distinctive mark on the paper, so that if you send it to a man it will obviate the necessity of your paying circular postage on matter which amounts to the same thing"—if we are going to do that, we ought at least to have the recommendation of the Department and the action of the proper committee. It is entirely different from the proposition the Senate has heretofore voted upon, simply to reduce postage, leaving the general law precisely as it is now. I am in favor, so far as we properly can, of discriminating in favor of legitimate newspapers, newspapers that have legitimate subscription lists, and newspapers whose revenue is not derived chiefly from expedients of that kind.

Mr. MILLER, of New York. I am not convinced from the statement made by the Senator from Kansas that we ought to agree with the committee to strike out these words. I do not think we have sufficient information to warrant us in leaving them in the bill. Certainly we make a great departure from what I am seeking to do. What I think the people desire is simply that there should be a reduction of 50 per cent. in the rate of postage on second-class matter. That the Senate have now entirely agreed to; and without more information I shall concur with the committee in this particular amendment.

Mr. BECK. The Senator from New York will allow me to say that after the amendment already made in lines 123 and 124, I do not see why we ought not to strike out all after the word "provided," in line 129, down to the word "thereto," in line 132.

Mr. MILLER, of New York. We have already agreed to strike that out. We agreed with the committee and have stricken out from line 129 to line 132.

Mr. BECK. Why should we strike out—

And all acts so far as they fix a different rate of postage than herein provided upon such first and second class matter are to that extent hereby repealed on and after July 1, 1885?

That seemed to be a part of the motion.

Mr. MILLER, of New York. That was done at the suggestion of the Senator having this bill in charge.

Mr. BECK. I am not quite sure that I desire to do that. Will the Senator from Kansas be kind enough to explain it?

Mr. HOAR. I rise to a privileged question. I desire to inquire of the Chair what is the condition of the formation of the procession to proceed to the House. We received a message from a committee of the House of Representatives some thirty minutes since, I think, that they were ready to receive the Senate; and it seems to me we are in danger of being guilty of a discourtesy to that body.

The PRESIDENT *pro tempore*. The Chair will state that the order of the Senate adopting the procedure as agreed upon by the commission is, that "the House being in session and notification to that effect having been given to the Senate, the Senate in a body, preceded by the President, ex-Presidents, the Cabinet, the President-elect, the Vice-President-elect, the judiciary, and diplomatic corps will proceed to the House of Representatives."

The Chair has delayed asking the Senate to proceed to the Hall of the House because he was informed that the President of the United States was reviewing the procession, which is part of the programme;

but the Chair is now informed that within two or three minutes the President of the United States will be ready to proceed to the House of Representatives.

Mr. MILLER, of New York. In answer to the Senator from Kentucky I will say that this clause was allowed to go out without any particular consideration, because it was believed that if this became a law of course it would succeed all other postal laws affecting this matter, and it was not necessary. I see no harm in leaving it in, and I am not sure when I come to read it through to line 135 but that perhaps it ought to have been left; otherwise this change of rate will take place as soon as the bill passes instead of the 1st of July.

Mr. BECK. It would not hurt to keep it in.

Mr. MILLER, of New York. It would not hurt.

Mr. BECK. I would rather leave it in to be sure about it.

WASHINGTON MONUMENT CEREMONIES.

The PRESIDENT *pro tempore*. The Senate will now proceed to the Hall of the House of Representatives.

The Senate thereupon (at 2 o'clock and 18 minutes p. m.) proceeded to the Hall of the House of Representatives, preceded by the President of the United States, the Cabinet, the judiciary, and the diplomatic corps.

The Senate returned to its Chamber at 5 o'clock and 5 minutes.

The PRESIDENT *pro tempore*. The Senate resumes its sitting. The pending question is on agreeing to the recommendation of the Committee on Appropriations to strike out, on page 7 of the Post-Office appropriation bill, after the word "five," in line 136, all down to the word "postage," inclusive, in line 138.

Mr. MILLER, of New York. I move that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 7 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, February 21, 1885.

The House was called to order at seventeen minutes past 1 o'clock p. m. by the Speaker.

Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

DEDICATION OF THE WASHINGTON MONUMENT.

Mr. DORSHEIMER. I offer the resolution which I send to the desk. The Clerk read as follows:

Resolved, That a committee of three be appointed by the Chair to inform the Senate the House is now ready to receive the Senate and proceed with the ceremonies which are appointed to take place in the Hall of the House.

The resolution was adopted.

The Speaker appointed as such committee Mr. DORSHEIMER, Mr. TUCKER, and Mr. CANNON.

At 2 o'clock and 27 minutes p. m. the members of the Senate, following their President *pro tempore* and their Secretary, and preceded by their Sergeant-at-Arms, entered the Hall of the House of Representatives and occupied the seats reserved for them on the right and left of the main aisle.

The President *pro tempore* occupied the Speaker's chair, the Speaker of the House sitting at his left.

The Chaplain of the House, Rev. JOHN S. LINDSAY, D. D., and Rev. S. A. WALLIS, of Pohick church, near Mount Vernon, Va., sat at the Clerk's desk.

The President of the United States, with the members of his Cabinet, the Justices of the Supreme Court of the United States, the Admiral of the Navy, the Lieutenant-General of the Army, the diplomatic corps, and all others present were seated in accordance with the order of arrangements of the Congressional Commission heretofore published.

The PRESIDENT OF THE SENATE. Gentlemen of the Senate and House of Representatives, you are assembled, pursuant to the concurrent order of the two Houses, to celebrate the completion of the monument to the memory of the first President of the United States. It is not only a memorial but an inspiration that shall live through all the generations of our posterity, as we may hope, which we this day inaugurate and celebrate by the ceremonies that have been ordered by the two Houses.

Mr. DORSHEIMER. Mr. President, it appears that there are some unoccupied seats upon the floor of the House. I therefore ask, by unanimous consent, that the ladies members of the families of Senators and Representatives be admitted to occupy those seats during these proceedings.

The PRESIDENT OF THE SENATE. Without objection that order will be made.

There was no objection, and it was ordered accordingly.

Rev. S. A. WALLIS, of Pohick church, near Mount Vernon, Va., then offered the following prayer:

Almighty and everlasting God, Lord of heaven and earth, who alone rulest over the nations of the world and disposest of them according

to Thy good pleasure, we praise Thy holy name for the benefits we commemorate this day.

Wonderful things didst Thou for us in the days of our fathers, in the times of old. For they gat not the land in possession by their sword, neither did their own arm save them, but Thy right hand and the light of Thy countenance, because Thou hadst a favor unto them. Especially do we render Thee our hearty thanks for Thy servant George Washington, whom Thou gavest to be a commander and a governor unto this people, and didst by him accomplish for it a great and mighty deliverance. And as we are now gathered before Thee in these Halls, we bless Thee for the government and civil order Thou didst establish through him. Grant that it may be upheld by that righteousness which exalteth a nation, and that this place may evermore be the habitation of judgment and justice. Let Thy blessing rest upon our Chief Magistrate and his successors in all generations. Grant each in his time those heavenly graces that are requisite for so high a trust; that the laws may be impartially administered to the punishment of wickedness and vice, and to the maintenance of Thy true religion and virtue. We also humbly beseech Thee for our Senate and Representatives in Congress assembled that Thou wouldst be pleased to direct all their consultations to the advancement of Thy glory, the good of Thy Church, the safety, honor, and welfare of Thy people, that all things may be so ordered and settled by their endeavors upon the best and surest foundations, that peace and happiness, truth and justice, religion and piety may be established among us for all generations. We pray Thee for our judges and officers that they may judge the people with just judgment, be no respecters of persons, and hear both the small and the great in his cause. O Lord God of Hosts, be pleased to save and defend our Army and Navy, that each may be a safeguard to these United States, both by land and sea, until Thou dost fulfill Thy word, that nation shall not lift up sword against nation, neither shall they learn war any more. Be with those who have been appointed to speak unto us this day as they recount the deeds of old time, Thy marvelous works, and the judgments of Thy mouth. Give them grace to utter such words as may stir us up to emulate the virtues of our forefathers, so that we may transmit the Republic to our posterity high in praise and in name and in honor.

Let Thy richest blessings rest upon our country at large; may we lend a true obedience to the laws cheerfully and willingly for conscience' sake. Let no causeless divisions weaken us as a nation, but grant that we may be knit together more and more in the bonds of peace and unity. Preserve us from the dangers now threatening society, and enable each of us, high and low, rich and poor, to do his duty in that state of life unto which Thou hast called him. So that they are Thy people and sheep of Thy pasture shall give Thee thanks forever, and will always be showing forth Thy praise from generation to generation. These and all other benefits of Thy good providence we humbly beg in the name and through the mediation of Jesus Christ our most blessed Lord and Saviour. Amen.

After the prayer the Marine Band, stationed in the vestibule, played appropriate national airs.

The PRESIDENT OF THE SENATE. Gentlemen of the Senate and House of Representatives, the first proceeding in order is the oration by Hon. Robert C. Winthrop, of Massachusetts. The Chair is sorry to announce that Mr. Winthrop, from indisposition, is unable to attend. According to the arrangements of the committee the oration will be now read by Hon. JOHN D. LONG, a member of the House of Representatives from the State of Massachusetts. [Applause.]

The oration by Mr. Winthrop was read, as follows, by Mr. LONG:

PRESIDENT ARTHUR, SENATORS AND REPRESENTATIVES OF THE UNITED STATES: By a joint resolution of Congress, you have called upon me to address you in this Hall to-day on the completion of yonder colossal monument to the Father of his Country. Nothing less imperative than your call could have brought me before you for such an effort. Nearly seven and thirty years have passed away since it was my privilege to perform a similar service at the laying of the corner-stone of that monument. In the prime of manhood, and in the pride of official station, it was not difficult for me to speak to assembled thousands in the open air, without notes, under the scorching rays of a midsummer sun. But what was easy for me then is impossible for me now. I am here to-day, as I need not tell you, in far other condition for the service you have assigned me—changed, changed in almost everything except an inextinguishable love for my country and its Union and an undying reverence for the memory of Washington. On these alone I rest for inspiration, assured that, with your indulgence, and the blessing of God, which I devoutly invoke, they will be sufficient to sustain me in serving as a medium for keeping up the continuity between the hearts and hands which laid the foundation of this gigantic structure and those younger hearts and hands which have at last brought forth the capstone with shoutings. It is for this you have summoned me. It is for this alone I have obeyed your call.

Meantime I can not wholly forget that the venerable ex-President John Quincy Adams—at whose death-bed, in my official chamber beneath this roof, I was a privileged watcher thirty-seven years ago this very day—had been originally designated to pronounce the corner-stone oration, as one who had received his first commission, in the long and brilliant career at home and abroad which awaited him, from the hands

of Washington himself. In that enviable distinction I certainly have no share; but I may be pardoned for remembering that, in calling upon me to supply the place of Mr. Adams, it was borne in mind that I had but lately taken the oath as Speaker at his hands and from his lips, and that thus, as was suggested at the time, the electric chain, though lengthened by a single link, was still unbroken. Let me hope that the magnetism of that chain may not even yet be entirely exhausted, and that I may still catch something of its vivifying and quickening power, while I attempt to bring to the memory of Washington the remnants of a voice which is failing and of a vigor which I am conscious is ebbing away.

It is now, Mr. President, Senators, and Representatives, more than half a century since a volunteer association of patriotic citizens initiated the project of erecting a national monument to Washington in the city which bears his name. More than a whole century ago, indeed—in that great year of our Lord which witnessed the treaty of peace and Independence, 1783—Congress had ordered an equestrian statue of him to be executed, "to testify the love, admiration, and gratitude of his countrymen;" and again, immediately after his death, in 1799, Congress had solemnly voted a marble monument to him at the capital, "so designed as to commemorate the great events of his military and political life." But our beloved country, while yet in its infancy, and I may add in its indigency, with no experience in matters of art, and heavily weighed down by the great debt of the Revolutionary war, knew better how to vote monuments than how to build them, or, still more, how to pay for them. Yorktown monuments and Washington monuments, and the statues of I know not how many heroes of our struggle for Independence, made a fine show on paper in our early records, and were creditable to those who ordered them; but their practical execution seems to have been indefinitely postponed.

The Washington Monument Association, instituted in 1833, resolved that no such postponement should longer be endured, and proceeded to organize themselves for the work, which has at length been completed. They had for their first president the great Chief-Justice, John Marshall, the personal friend and chosen biographer of Washington, whose impressive image you have so recently and so worthily unveiled on yonder western terrace. They had for their second president the not less illustrious James Madison, the father of the Constitution of which Marshall was the interpreter, and whose statue might well have no inferior place on the same terrace. Among the other officers and managers of that association I can not forget the names of William W. Seaton, whose memory is deservedly cherished by all who knew him; of that grand old soldier and patriot Winfield Scott; of Generals Archibald Henderson and Nathan Towson; of Walter Jones, and Peter Force, and Philip R. Fendall, together with that of its indefatigable general agent, honest old Eliza Whittlesey. To that association our earliest and most grateful acknowledgments are due on this occasion. But of those whom I have named, and of many others whom I might name, so long among the honored and familiar figures of this metropolis, not one is left to be the subject of our congratulations. We all rejoice, however, to welcome the presence of one of their contemporaries and friends, whose munificent endowments for art, education, religion, and charity entitle him to so enviable a place on the roll of American philanthropists, the venerable William W. Corcoran, now, and for many years past, our senior vice-president.

Nearly fifteen years elapsed before the plans or the funds of this association were in a state of sufficient forwardness to warrant them even in fixing a day for laying the first foundation-stone of the contemplated structure. That day arrived at last—the 4th of July, 1848. And a great day it was in this capital of the nation. There had been no day like it here before, and there have been but few, if any, days like it here since. If any one desires a description of it, he will find a most exact and vivid one in the columns of the old National Intelligencer—doubtless from the pen of that prince of editors, the accomplished Joseph Gales. I recall among the varied features of the long procession Freemasons of every order, with their richest regalia, including the precious gavel and apron of Washington himself; firemen, with their old-fashioned engines; Odd-Fellows from a thousand lodges; temperance societies and other associations innumerable; the children of the schools, long ago grown to mature manhood; the military escort of regulars, marines, and volunteer militia from all parts of the country, commanded by Generals Quitman and Cadwalader and Colonel May, then crowned with laurels won in Mexico, which long ago were laid upon their graves. I recall, too, the masses of the people, of all classes, and sexes, and ages, and colors, gazing from the windows, or thronging the sidewalks, or grouped in countless thousands upon the Monument grounds. But I look around in vain for any of the principal witnesses of that imposing ceremonial; the venerable widows of Alexander Hamilton and James Madison; President Polk and his Cabinet, as then constituted—Buchanan, Marcy, John Y. Mason, Walker, Cave Johnson, and Clifford; Vice-President Dallas; George Washington Parke Custis, the adopted son of the great chief; not forgetting Abraham Lincoln and Andrew Johnson, both then members of the House of Representatives, and for whom the liveliest imagination could hardly have pictured what the future had in store for them. Of that whole Congress there are now but a

handful of survivors, and probably not more than two or three of them present here to-day—not one in either branch of Congress, nor one, as I believe, in any department of the national service.

To those of us who took part in the laying of that first stone, or who witnessed the ceremonies of the august occasion, and who have followed the slow ascent of the stupendous pile, sometimes with hope and sometimes with despair, its successful completion is, I need not say, an unspeakable relief, as well as a heartfelt delight and joy. I hazard little in saying that there are some here to-day, unwearied workers in the cause, like my friends Horatio King and Dr. Toner—to name no others—to whose parting hour a special pang would have been added had they died without the sight which now greets their longing eyes on yonder plain.

I dare not venture on any detailed description of the long intervening agony between the laying of the first stone and the lifting of the last. It would fill a volume, and will be sure hereafter to furnish material for an elaborate monograph, whose author will literally find "sermons in stones"—for almost every stone has its story if not its sermon. Every year of the first decade certainly had its eventful and noteworthy experiences. The early enthusiasm which elicited contributions to the amount of more than a quarter of a million of dollars from men, women, and children in all parts of the land, and which carried up the shaft more than a hundred and fifty feet almost at a bound; the presentation and formal reception of massive blocks of marble, granite, porphyry, or freestone from every State in the Union and from so many foreign nations, beginning, according to the catalogue, with a stone from Bunker Hill and ending with one from the Emperor of Brazil; the annual assemblies at its base on each succeeding Fourth of July, with speeches by distinguished visitors; the sudden illness and sad death of that sterling patriot President Zachary Taylor, after an exposure to the mid-day heat at the gathering in 1850, when the well-remembered Senator Foote, of Mississippi, had indulged in too exuberant an address—these were among its beginnings; the end was still a whole generation distant.

Later on came the long, long disheartening pause, when—partly owing to the financial embarrassments of the times, partly owing to the political contentions and convulsions of the country, and partly owing to unhappy dissensions in the association itself—any further contributions failed to be forthcoming, all interest in the monument seemed to flag and die away, and all work on it was suspended and practically abandoned. A deplorable civil war soon followed, and all efforts to renew popular interest in its completion were palsied.

How shall I depict the sorry spectacle which those first one hundred and fifty-six feet, in their seemingly hopeless, helpless condition, with that dismal derrick still standing as in mockery upon their summit, presented to the eye of every comer to the capital for nearly a quarter of a century! No wonder the unsightly pile became the subject of pity or derision. No wonder there were periodical panics about the security of its foundation, and a chronic condemnation of the original design. No wonder that suggestions for tearing it all down began to be entertained in many minds, and were advocated by many pens and tongues. That truncated shaft, with its untidy surroundings, looked only like an insult to the memory of Washington. It symbolized nothing but an ungrateful country, not destined—as, God be thanked, it still was—to growth and grandeur and imperishable glory, but doomed to premature decay, to discord, strife, and ultimate disunion. Its very presence was calculated to discourage many hearts from other things, as well as from itself. It was an "abomination of desolation standing where it ought not." All that followed of confusion and contention in our country's history seemed foreshadowed and prefigured in that humiliating spectacle, and one could almost read on its sides in letters of blood, "Divided! Weighed in the balance! Found wanting!"

And well might that crude and undigested mass have stood so forever, or until the hand of man or the operation of the elements should have crushed and crumbled it into dust, if our Union had then perished. An unfinished, fragmentary, crumbling monument to Washington would have been a fit emblem of a divided and ruined country. Washington himself would not have had it finished. He would have desired no tribute, however imposing, from either half of a disunited republic. He would have turned with abhorrence from being thought the father of anything less than one country, with one constitution and one destiny.

And how cheering and how inspiring the reflection, how grand and glorious the fact, that no sooner were our unhappy contentions at an end, no sooner were Union and Liberty, one and inseparable, once more and, as we trust and believe forever, reasserted and reassured, than this monument to Washington gave signs of fresh life, began to attract new interest and new effort, and soon was seen rising again slowly but steadily toward the skies—stone after stone, course upon course, piled up in peace, with foundations extended to the full demand of the enormous weight to be placed upon them, until we can now hail it as complete! Henceforth and forever it shall be lovingly associated, not only with the memory of him in whose honor it has been erected, but with an era of assured peace, unity, and concord, which would have been dearer to his heart than the costliest personal memorial which the toil and treasure of his countrymen could have constructed. The Union is itself the all-sufficient and the only sufficient monument to

Washington. The Union was nearest and dearest to his great heart. "The Union in any event," were the most emphatic words of his immortal Farewell Address. Nothing less than the Union would ever have been accepted or recognized by him as a monument commensurate with his services and his fame. Nothing less ought ever to be accepted or recognized as such by us, or by those who shall rise up, generation after generation, to do homage to his memory!

For the grand consummation which we celebrate to-day we are indebted primarily to the National Government, under the successive Presidents of the past nine years, with the concurrent action of the two branches of Congress, prompted by committees so often under the lead of the veteran Senator MORRILL, of Vermont. The wise decision and emphatic resolution of Congress on the 2d of August, 1876, inspired by the Centennial Celebration of American Independence, and adopted, as it auspiciously happened, on the hundredth anniversary of the formal signing of the great Declaration, that the monument should no longer be left unfinished, with the appointment of a joint commission to direct and supervise its completion, settled the whole matter. To that joint commission, consisting of the President of the United States for the time being, the senior vice-president of the Monument Association, the Chief of Engineers of the United States Army, with the Architects of the Capitol and the Treasury, the congratulations and thanks of us all may well be tendered. But I think they will all cordially agree with me that the main credit and honor of what has been accomplished belongs peculiarly and pre-eminently to the distinguished officer of engineers who has been their devoted and untiring agent from the outset. The marvelous work of extending and strengthening the foundations of a structure already weighing, as it did, not less than thirty-two thousand tons—64,000,000 pounds—an operation which has won the admiration of engineers all over the world, and which will always associate this monument with a signal triumph of scientific skill, was executed upon his responsibility and under his personal supervision. His, too, have been the ingenious and effective arrangements by which the enormous shaft has been carried up, course after course, until it has reached its destined height of five hundred and fifty-five feet, as we see it at this hour. To Col. Thomas Lincoln Casey, whose name is associated in three generations with valued military service to his country, the successful completion of the monument is due. But he would not have us forget his accomplished assistant, Capt. George W. Davis, and neither of them would have us fail to remember Superintendent McLaughlin and the hard-handed and honest-hearted mechanics who have labored so long under their direction.

Finis coronat opus. The completion crowns the work. To-day that work speaks for itself, and needs no other orator. Mute and lifeless as it seems, it has a living and audible voice for all who behold it, and no one can misinterpret its language. Nor will any one, I think, longer cavil about its design. That design, let me add, originally prepared by the Washington architect, Robert Mills of South Carolina, and adopted long before I had any relations to this association, was commended to public favor by such illustrious names as Andrew Jackson, John Quincy Adams, Albert Gallatin, Henry Clay, and Daniel Webster. A colonnade encircling its base, and intended as a sort of pantheon, was soon discarded from the plan. Its main feature, from the first, was an obelisk, after the example of that which had then been recently agreed upon for Bunker Hill. And so it stands to-day, a simple sublime obelisk of pure white marble, its proportions, in spite of its immense height, conforming exactly to those of the most celebrated obelisks of antiquity, as my accomplished and lamented friend, our late minister to Italy, so happily pointed out to us. It is not, indeed, as were those ancient obelisks, a monolith, a single stone cut whole from the quarry; that would have been obviously impossible for anything so colossal; nor could we have been expected to attempt the impossible in deference to Egyptian methods of construction. We might almost as well be called on to adopt as the emblems of American progress the bronze crabs which were found at the base of Cleopatra's Needle! America is certainly at liberty to present new models in art as well as in government, or to improve upon old ones; and, as I ventured to suggest some years ago, our monument to Washington will be all the more significant and symbolic in embodying, as it does, the idea of our cherished national motto, *E pluribus unum*. That compact, consolidated structure, with its countless blocks, inside and outside, held firmly in position by their own weight and pressure, will ever be an instructive type of the national strength and grandeur which can only be secured by the union of "many into one."

Had the fine arts indeed made such advances in our country forty years ago as we are now proud to recognize, it is not improbable that a different design might have been adopted; but I am by no means sure it would have been a more effective and appropriate one. There will always be ample opportunity for the display of decorative art in our land. The streets and squares of this city and of all our great cities are wide open for the statues and architectural memorials of our distinguished statesmen and soldiers, and such monuments are everywhere welcomed and honored. But is not—I ask in all sincerity—is not the acknowledged pre-eminence of the Father of his Country, first without a second, more fitly and adequately represented by that soaring shaft, rising high above trees and spires and domes and all the smoke and stir

of earth—as he ever rose above sectional prejudices and party politics and personal interests—overtopping and dominating all its surroundings, gleaming and glistening out at every vista as far as human sight can reach, arresting and riveting the eye at every turn, while it shoots triumphantly to the skies? Does not—does not, I repeat, that colossal unit remind all who gaze at it, more forcibly than any arch or statue could do, that there is one name in American history above all other names, one character more exalted than all other characters, one example to be studied and revered beyond all other examples, one bright particular star in the clear upper sky of our firmament, whose guiding light and peerless luster are for all men and for all ages, never to be lost sight of, never to be unheeded? Of that name, of that character, of that example, of that glorious guiding light, our obelisk, standing on the very spot selected by Washington himself for a monument to the American Revolution, and on the site which marks our national meridian, will be a unique memorial and symbol forever.

For oh, my friends, let us not longer forget, or even seem to forget, that we are here to commemorate not the monument but the man. That stupendous pile has not been reared for any vain purpose of challenging admiration for itself. It is not, I need not say it is not, as a specimen of advanced art, for it makes no pretension to that; it is not as a signal illustration of engineering skill and science, though that may confidently be claimed for it; it is not, certainly it is not, as the tallest existing structure in the world, for we do not measure the greatness of men by the height of their monuments, and we know that this distinction may be done away with here or elsewhere in future years; but it is as a memorial of the pre-eminent figure in modern or in ancient history the world over—of the man who has left the loftiest example of public and private virtues, and whose exalted character challenges the admiration and homage of mankind. It is this example and this character—it is the man, and not the monument, that we are here to commemorate!

Assembled in these legislative halls of the nation, as near to the anniversary of his birth as a due respect for the day of our Lord will allow, to signalize the long-delayed accomplishment of so vast a work, it is upon him in whose honor it has been upreared, and upon the incomparable and inestimable services he has rendered to his country and to the world, that our thoughts should be concentrated at this hour. Yet what can I say, what can any man say, of Washington, which has not already been rendered as familiar as household words, not merely to those who hear me, but to all readers of history and all lovers of liberty throughout the world? How could I hope to glean anything from a field long ago so carefully and lovingly reaped by such men as John Marshall and Jared Sparks, by Guizot and Edward Everett and Washington Irving, as well as by our eminent living historian, the venerable George Bancroft, happily here with us to-day?

Others, many others, whom I dare not attempt to name or number, have vied with each other in describing a career of whose minutest details no American is ever weary, and whose variety and interest can never be exhausted. Every stage and step of that career, every scene of that great and glorious life, from the hour of his birth, one hundred and fifty-three years ago—"about 10 in the morning of the 11th day of February, 1731-2," as recorded in his mother's Bible—in that primitive Virginia farm-house in the county of Westmoreland, of which the remains of the "great brick chimney of the kitchen" have been identified only within a few years past—every scene, I say, of that grand and glorious life, from that ever-memorable hour of his nativity, has been traced and illustrated by the most accomplished and brilliant pens and tongues of our land.

His childhood, under the loving charge of that venerated mother, who delighted to say that "George had always been a good son," who happily lived not only to see him safely restored to her after the exposures and perils of the Revolutionary struggle, but to see him, in her eighty-second year, unanimously elected to be the President in Peace of the country of which he had been the Saviour in War; his primary education in that "old-field school-house," with Hobby, the sexton of the parish, for his first master; his early and romantic adventures as a land-surveyor; his narrow escape from being a midshipman in the British navy at 14 years of age, for which a warrant had been obtained and his luggage actually put on board a man-of-war anchored in the river just below Mount Vernon; his still narrower and hairbreadth escapes from Indian arrows and from French bullets, and his survival—the only mounted officer not killed—at the defeat of Braddock, of whom he was an aid-de-camp; together with that most remarkable prediction of the Virginia pastor, Samuel Davies, afterward president of Princeton College, pointing him out—in a sermon, in 1755, on his return, at the age of 23, from the disastrous field of the Monongahela—as "that heroic youth Colonel Washington, whom I can not but hope Providence has preserved in so signal a manner for some important service to his country"—who has forgotten, who can ever forget these most impressive incidents of that opening career by which he was indeed so providentially preserved, prepared, and trained up for the eventful and illustrious future which awaited him?

Still less can any American forget his taking his seat, soon afterward, in the Virginia House of Burgesses—with the striking tribute to his modesty which he won from the Speaker—and his subsequent elec-

tion to the Continental Congress at Philadelphia, where, on the 15th of June, 1775, at the suggestion of John Adams and on the motion of Thomas Johnson, afterward governor of Maryland, he was unanimously appointed "General and Commander-in-Chief of such forces as are, or shall be, raised for the maintenance and preservation of American liberty." Nor can any of us require to be reminded of the heroic fortitude, the unswerving constancy, and the unsparing self-devotion with which he conducted through seven or eight years that protracted contest, with all its toils and trials, its vexations and vicissitudes, from the successful siege of Boston, his first great triumph, followed by those masterly movements on the Delaware, which no less celebrated a soldier than Frederick the Great declared "the most brilliant achievements of any recorded in the annals of military action," and so along, through all the successes and reverses and sufferings and trials of Monmouth and Brandywine and Germantown and Valley Forge, to the siege of Yorktown, in 1781, where, with the aid of our generous and gallant allies, under the lead of Rochambeau and De Grasse and La Fayette, he won at last that crowning victory on the soil of his beloved Virginia.

Nor need I recall to you the still nobler triumphs witnessed during all this period—triumphs in which no one but he had any share—triumphs over himself: not merely in his magnanimous appreciation of the exploits of his subordinates, even when unjustly and maliciously contrasted with disappointments and alleged inaction of his own, but in repelling the machinations of discontented and mutinous officers at Newburg, in spurning overtures to invest him with dictatorial and even kingly power, and in finally surrendering his sword and commission so simply, so sublimely, to the Congress from which he had received them.

Or, turning sharply from this summary and familiar sketch of his military career, of which, take it for all in all, its long duration, its slender means, its vast theater, its glorious aims and ends and results, there is no parallel in history—turning sharply from all this, need I recall him, in this presence, presiding with paramount influence and authority over the convention which framed the Constitution of the United States, and then, with such consummate discretion, dignity, and wisdom, over the original administration of that Constitution, when the principles and precedents of our great Federal system of government were molded, formed, and established?

It was well said by John Milton, in one of his powerful defenses of the people of England, "War has made many great whom peace makes small." But of Washington we may say, as Milton said of Cromwell, that, while war made him great, peace made him greater; or rather that both war and peace alike gave opportunity for the display of those incomparable innate qualities which no mere circumstances could create or destroy.

But his sword was not yet quite ready to rest quietly in its scabbard. Need I recall him once more, after his retirement from a second term of the Chief Magistracy, accepting a subordinate position, under his successor in the Presidency, as Lieutenant-General of the American armies in view of an impending foreign war, which, thank God, was so happily averted?

Nor can any one who hears me require to be reminded of that last scene of all, when, in his eight-and-sixtieth year, having been overtaken by a fatal shower of sleet and snow in the midst of those agricultural pursuits in which he so much delighted at Mount Vernon, he laid himself calmly down to die—"not afraid to go," as he whispered to his physician—and left his whole country in tears such as had never flowed before. "Mark the perfect man and behold the upright, for the end of that man is peace!"

Eighty-five years ago to-morrow—his sixty-eighth birthday—was solemnly assigned by Congress for a general manifestation of that overwhelming national sorrow, and for the commemoration, by eulogies, addresses, sermons, and religious rites, of the great life which had thus been closed. But long before that anniversary arrived, and one day only after the tidings had reached the seat of Government in Philadelphia, President John Adams, in reply to a message of the House of Representatives, had anticipated all panegyrics by a declaration, as true to-day as it was then, that he was "the most illustrious and beloved personage which this country ever produced," while Henry Lee, of Virginia, through the lips of John Marshall, had summed up and condensed all that was felt, and all that could be or ever can be said, in those imperishable words, which will go ringing down the centuries, in every clime, in every tongue, till time shall be no more, "First in war, first in peace, and first in the hearts of his countrymen!"

But there are other imperishable words which will resound through the ages, words of his own not less memorable than his acts, some of them in private letters, some of them in official correspondence, some of them in inaugural addresses, and some of them, I need not say, in that immortal Farewell Address which an eminent English historian has pronounced "unequaled by any composition of uninspired wisdom," and which ought to be learned by heart by the children of our schools, like the laws of the Twelve Tables in the schools of ancient Rome, and never forgotten when those children grow up to the privileges and responsibilities of manhood.

It was a custom of the ancient Egyptians, from whom the idea of our monument has been borrowed—I should rather say, evolved—to cover their obelisks with hieroglyphical inscriptions, some of which

have to this day perplexed and baffled all efforts to decipher them. Neither Champollion, nor the later Lepsius, nor any of the most skillful Egyptologists, have succeeded in giving an altogether satisfactory reading of the legends on Pompey's Pillar and Cleopatra's Needle. And those inscriptions, at their best, engraved, as they were, on the granite or porphyry, with the letters enameled with gold, and boasted of as illuminating the world with their rays, tell us little except the dates and doings of some despotic Pharaoh, whom we would willingly have seen drowned in the ocean of oblivion, as one of them so deservedly was in the depths of the Red Sea. One row of the inscriptions on Cleopatra's Needle, as it so strangely greets us in the fashionable promenade of our commercial capital, informs us, in magniloquent terms, of Thothmes III, who lived in the age in which Moses was born, the age which saw the Exodus of the Israelites. He is set down as a "Child of the Sun, endowed with power, life, and stability." Other inscriptions style him, or some other Pharaoh to whom they relate, the "Chastiser of Foreign Nations," "The Conqueror," "The Strong Bull."

Our Washington Needle, while it has all of the severe simplicity, and far more than all of the massive grandeur, which were the characteristics of Egyptian architecture, bears no inscriptions whatever, and none are likely ever to be carved on it. Around its base bas-reliefs in bronze may possibly one day be placed, illustrative of some of the great events of Washington's life; while on the terrace beneath may, perhaps, be arranged emblematic figures of Justice and Patriotism, of Peace, Liberty, and Union. All this, however, may well be left for future years, or even for future generations. Each succeeding generation, indeed, will take its own pride in doing whatever may be wisely done in adorning the surroundings of this majestic pile, and in thus testifying its own homage to the memory of the Father of his Country. Yet to the mind's eye of an American patriot those marble faces will never seem vacant—never seem void or voiceless. No mystic figures or hieroglyphical signs will, indeed, be described on them. No such vainglorious words as "Conqueror," or "Chastiser of Foreign Nations," nor any

haughty assumption or heathen ascription as "Child of the Sun" will be deciphered on them. But ever and anon, as he gazes, there will come flashing forth in letters of living light some of the great words, and grand precepts, and noble lessons of principle and duty which are the matchless bequest of Washington to his country and to mankind.

Can we not all read there already, as if graven by some invisible finger, or inscribed with some sympathetic ink, which it requires no learning of scholars, no lore of Egypt, nothing but love of our own land, to draw out and make legible, those masterly words of his letter to the governors of the States in 1783:

There are four things which, I humbly conceive, are essential to the well-being—I may even venture to say, to the existence—of the United States as an independent power: First, an indissoluble Union of the States under one Federal head; second, a sacred regard to public justice; third, the adoption of a proper peace establishment; and, fourth, the prevalence of that pacific and friendly disposition among the people of the United States which will induce them to forget their local prejudices and policies, to make those mutual concessions which are requisite to the general prosperity, and, in some instances, to sacrifice their individual advantages to the interest of the community. These are the pillars on which the glorious fabric of our independency and national character must be supported.

Can we not read, again, on another of those seemingly vacant sides, that familiar passage in his Farewell Address—a jewel of thought and phraseology, often imitated, but never matched—"The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations?" and, not far below it, his memorable warning against party spirit—"A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest, instead of warming, it should consume?"

Still again, terser legends from the same prolific source salute our eager gaze: "Cherish public credit;" "Observe good faith and justice towards all nations; cultivate peace and harmony with all;" "Promote, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened."

And, above all—a thousand-fold more precious than all the rest—there will come streaming down from time to time, to many an eager and longing eye, from the very point where its tiny aluminium apex reaches nearest to the skies—and shining forth with a radiance which no vision of Constantine, no labarum for his legions, could ever have eclipsed—some of those solemnly reiterated declarations and counsels, which might almost be called the confession and creed of Washington, and which can never be forgotten by any Christian patriot—

When I contemplate the interposition of Providence, as it was visibly manifest in guiding us through the Revolution, in preparing us for the reception of the General Government, and in conciliating the good-will of the people of America toward one another after its adoption, I feel myself oppressed and almost overwhelmed with a sense of Divine munificence. I feel that nothing is due to my personal agency in all those wonderful and complicated events, except what can be attributed to an honest zeal for the good of my country. * * * No people can be bound to acknowledge and adore an Invisible Hand which conducts the affairs of men, more than the people of the United States. Every step by which they have advanced to the character of an independent nation seems to have been distinguished by some token of Providential agency. * * * Of all the dispositions and habits which lead to political prosperity, religion and morality

are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and of citizens.

And thus on all those seemingly blank and empty sides will be seen, from time to time, in his own unequalled language, the grand precepts and principles of peace, justice, education, morality, and religion, which he strove to inculcate, while encircling and illuminating them all, and enveloping the whole monument, from corner-stone to capstone, will be read with rapture by every patriotic eye, and be echoed by every patriotic heart, "The Union, the Union in any event!"

But what are all the noble words which Washington wrote or uttered, what are all the incidents of his birth and death, what are all the details of his marvelous career from its commencement to its close, in comparison with his own exalted character as a man! Rarely was Webster more impressive than when, on the completion of the monument at Bunker Hill, in describing what our country had accomplished for the welfare of mankind, he gave utterance, with his characteristic terseness, and in his inimitable tones, to the simple assertion, "America has furnished to the world the character of Washington!" And well did he add that, "if our American institutions had done nothing else, that alone would have entitled them to the respect of mankind."

The character of Washington! Who can delineate it worthily? Who can describe that priceless gift of America to the world in terms which may do it any sort of justice, or afford any degree of satisfaction to his hearers or to himself?

Modest, disinterested, generous, just—of clean hands and a pure heart—self-denying and self-sacrificing, seeking nothing for himself, declining all remuneration beyond the reimbursement of his outlays, scrupulous to a farthing in keeping his accounts, of spotless integrity, scornful gifts, charitable to the needy, forgiving injuries and injustices, brave, fearless, heroic, with a prudence ever governing his impulses and a wisdom ever guiding his valor—true to his friends, true to his whole country, true to himself—fearing God, believing in Christ, no stranger to private devotion or public worship, or to the holiest offices of the Church to which he belonged, but ever gratefully recognizing a Divine aid and direction in all that he attempted and in all that he accomplished—what epithet, what attribute, could be added to that consummate character to commend it as an example above all other characters in merely human history!

From first to last he never solicited or sought an office, military or civil. Every office stood candidate for him, and was ennobled by his acceptance of it. Honors clustered around him as if by the force of "first intention." Responsibilities heaped themselves on his shoulders as if by the law of gravitation. They could rest safely nowhere else, and they found him ever ready to bear them all, ever equal to discharge them all. To what is called personal magnetism he could have had little pretension. A vein of dignified reserve, which Houdon and Stuart have rightly made his peculiar characteristic in marble and on canvas, repressed all familiarities with him. His magnetism was that of merit—superior, surpassing merit—the merit of spotless integrity, of recognized ability, and of unwearied willingness to spend and be spent in the service of his country. That was sufficient to attract irresistibly to his support not only the great mass of the people, but the wisest and best of his contemporaries in all quarters of the Union, and from them he selected, with signal discrimination, such advisers and counselors, in war and in peace, as have never surrounded any other American leader. No jealousy of their abilities and accomplishments ever ruffled his breast, and with them he achieved our Independence, organized our Constitutional Government, and stamped his name indelibly on the age in which he lived as the Age of Washington!

Well did Chief-Justice Marshall, in that admirable preface to the biography of his revered and illustrious friend, sum up with judicial precision the services he was about to describe in detail. Well and truly did he say:

As if the chosen instrument of Heaven, selected for the purpose of effecting the great designs of Providence respecting this our Western Hemisphere, it was the peculiar lot of this distinguished man, at every epoch when the destinies of his country seemed dependent on the measures adopted, to be called by the united voice of his fellow-citizens to those high stations on which the success of those measures principally depended.

I do not forget that there have been other men, in other days, in other lands, and in our own land, who have been called to command larger armies, to preside over more distracted councils, to administer more extended governments, and to grapple with as complicated and critical affairs. Gratitude and honor wait ever on their persons and their names! But we do not estimate Miltiades at Marathon, or Pausanias at Plataea, or Themistocles at Salamis, or Epaminondas at Mantinea or Leuctra, or Leonidas at Thermopylae, by the number of the forces which they led on land or on sea. Nor do we gauge the glory of Columbus by the size of the little fleet with which he ventured so heroically upon the perils of a mighty unknown deep. There are some circumstances which can not occur twice; some occasions of which there can be no repetition; some names which will always assert their individual pre-eminence, and will admit of no rivalry or comparison. The glory of Columbus can never be eclipsed, never approached, till our New World shall require a fresh discovery; and the glory of Washington will remain unique and peerless until American Independence shall require to be again achieved, or the foundations of constitutional liberty to be laid anew.

Think not that I am claiming an immaculate perfection for any mortal man. One Being only has ever walked this earth of ours without sin. Washington had his infirmities and his passions like the rest of us; he would have been more or less than human had he never been overcome by them. There were young officers around him, in camp and elsewhere, not unlikely to have thrown temptations in his path, whether he ever yielded to them or not. There were treacherous men, too, whose words in council, or conduct in battle, or secret plottings behind his back, aroused his righteous indignation, and gave occasion for memorable bursts of anger. Now and then there was a disaster, like that of St. Clair's expedition against the Indians in 1791, the first tidings of which stirred the very depths of his soul, and betrayed him into a momentary outbreak of mingled grief and rage, which proved how violent were the emotions he was so generally able to control.

He made no boast of virtue or of valor, and no amount of flattery ever led him to be otherwise than distrustful of his own ability and merits. As early as 1757, when only 25 years of age, he wrote to Governor Dinwiddie:

That I have foibles, and perhaps many of them, I shall not deny; I should esteem myself, as the world also would, vain and empty were I to arrogate perfection.

On accepting the command of the Army of the Revolution, in 1775, he said to Congress:

I beg it may be remembered, by every gentleman in the room that I this day declare, with the utmost sincerity, I do not think myself equal to the command I am honored with.

And, in 1777, when informed that anonymous accusations against him had been sent to Laurens, then President of Congress, he wrote privately to beg that the paper might be at once submitted to the body to which it was addressed, adding these frank and noble words:

Why should I be exempt from censure, the unfailing lot of an elevated station? Merit and talents which I can not pretend to rival have ever been subject to it. My heart tells me it has been my unremitted aim to do the best which circumstances would permit; yet I may have been very often mistaken in my judgment of the means, and may, in many instances, deserve the imputation of error.

And when at last he was contemplating a final retirement from the Presidency, and in one of the draughts of his Farewell Address had written that he withdrew "with a pure heart and undefiled hands," or words to that effect, he suppressed the passage and all other similar expressions, lest, as he suggested, he should seem to claim for himself a measure of perfection which all the world now unites in according to. For I hazard little in asserting that all the world does now accord to Washington a tribute, which has the indorsement of the *Encyclopædia Britannica*, that, "of all men that have ever lived, he was the greatest of good men, and the best of great men." Or, let me borrow the same idea from a great English poet, who gave his young life and brilliant genius to the cause of liberty in modern Greece. "Where," wrote Byron—

Where may the wearied eye repose
When gazing on the great,
Where neither guilty glory glows,
Nor despicable state!
Yes, one—the first, the last, the best,
The Cincinnatus of the West,
Whom envy dared not hate—
Requented the name of Washington,
To make men blush there was but one!

To what other name have such tributes ever been paid by great and good men abroad as well as at home? You have not forgotten the language of Lord Erskine in his inscription of one of his productions to Washington himself:

You are the only being for whom I have an awful reverence.

You have not forgotten the language of Charles James Fox, in the House of Commons:

Illustrious man, before whom all borrowed greatness sinks into insignificance.

You have not forgotten the language of Lord Brougham, twice uttered, at long intervals, and with a purpose, as Brougham himself once told me, to impress and enforce those emphatic words as his fixed and final judgment:

Until time shall be no more will a test of the progress which our race has made in wisdom and virtue be derived from the veneration paid to the immortal name of Washington!

Nor can I fail to welcome the crowning tribute, perhaps from our motherland, reaching me, as it has, at the last moment of revising what I had prepared for this occasion, in a published letter from Gladstone, her great prime minister, who, after saying in casual conversation that Washington was "the purest figure in history," writes deliberately, "that if, among all the pedestals supplied by history for public characters of extraordinary nobility and purity, I saw one higher than all the rest, and if I were required at a moment's notice to name the fittest occupant for it, I think my choice, at any time during the last forty-five years, would have lighted, and it would now light, upon Washington!"

But if any one would get a full impression of the affection and veneration in which Washington was held by his contemporaries, let him turn, almost at random, to the letters which were addressed to him, or which were written about him, by the eminent men, military or civil, American or European, who were privileged to correspond with him, or who ever so casually found occasion to allude to his career and char-

acter. And let him by no means forget, as he reads them, that those letters were written a hundred years ago, when language was more measured, if not more sincere, than now, and before the indiscriminate use of the superlative, and the exaggerations and adulations of flatterers and parasites, sending great and small alike down to posterity as patterns of every virtue under heaven, had tended to render such tributes as suspicious as they often are worthless.

What, for instance, said plain-speaking old Benjamin Franklin?

My fine crab-tree walking-stick, with a gold head curiously wrought in the form of the cap of Liberty—

These are the words of his will, in 1789—

I give to my friend and the friend of mankind George Washington. If it were a scepter, he has merited it, and would become it.

Happy, happy America—

Wrote Gouverneur Morris from Paris, in 1793, when the French revolution was making such terrific progress—

Happy, happy America, governed by reason, by law, by the man whom she loves, whom she almost adores. It is the pride of my life to consider that man as my friend, and I hope long to be honored with that title.

I have always admired—

Wrote to him Count Herzburg, from Berlin, where he had presided for thirty years over the Ministry of Foreign Affairs, under Frederick the Great—

I have always admired your great virtues and qualities, your disinterested patriotism, your unshaken courage and simplicity of manners—qualifications by which you surpass men even the most celebrated of antiquity.

I am sorry—

Wrote Patrick Henry, then Governor of Virginia, in allusion to the accusations of one of the notorious faction of 1777—

I am sorry there should be one man who counts himself my friend who is not yours.

Thomas Jefferson, who, we all know, sometimes differed from him, took pains, at a later period of his life, to say of him in a record for posterity:

His integrity was most pure; his justice the most inflexible I have ever known; no motives of interest or consanguinity, of friendship or hatred, being able to bias his decision. He was, indeed, in every sense of the word, a wise, a good, and a great man.

If I could now present myself—

Wrote Edmund Randolph, who had made injurious imputations on Washington before and after his dismissal from the Cabinet in 1795—

If I could now present myself before your venerated uncle—

He wrote most touchingly to Judge Bushrod Washington in 1810—

It would be my pride to confess my contrition that I suffered my irritation, let the cause be what it might, to use some of those expressions respecting him, which, at this moment of indifference to the world, I wish to recall, as being inconsistent with my subsequent conviction. My life will, I hope, be sufficiently extended for the recording of my sincere opinion of his virtues and merit in a style which is not the result of a mind merely debilitated by misfortune, but of that Christian philosophy on which alone I depend for inward tranquillity.

And far more touching and more telling still is the fact that even Thomas Conway, the leader of that despicable cabal at Valley Forge, but who lived to redeem his name in other lands, if not in our own, when believing himself to be mortally wounded in a duel, in 1778, and "just able," as he said, "to hold the pen for a few minutes," employed those few minutes in writing to Washington to express his "sincere grief for having done, written, or said anything disagreeable" to him, adding these memorable words:

You are, in my eyes, the great and good man. May you long enjoy the love, veneration, and esteem of these States, whose liberties you have asserted by your virtues!

From his illustrious friend Alexander Hamilton I need not cite a word. His whole life bore testimony, more impressive than words, to an admiration and affection for his great chief, which could not be exceeded, and which no momentary misunderstandings could shake.

But listen once more, and only once more, to La Fayette, writing to Washington from Cadiz in 1783, when the glad tidings of the treaty of peace had just reached him:

Were you but such a man as Julius Caesar, or the King of Prussia, I should almost be sorry for you at the end of the great tragedy where you are acting such a part. But, with my dear general, I rejoice at the blessings of a peace in which our noble ends have been secured. * * * As for you, who truly can say you have done all this, what must your virtuous and good heart feel in the happy moment when the Revolution you have made is now firmly established!

Rightly and truly did La Fayette say that his beloved general was of another spirit and of a different mold from Caesar and Frederick. Washington had little, or nothing, in common with the great military heroes of his own or any other age—conquering for the sake of conquest—"wading through slaughter to a throne"—and overrunning the world at a countless cost of blood and treasure to gratify their own ambition, or to realize some mad dream of universal empire. No ancient Plutarch has furnished any just parallel for him in this respect. No modern Plutarch will find one. In all history, ancient and modern alike, he stands, in this respect, as individual and unique as yonder majestic needle.

In his eulogy on Washington before the Legislature of Massachusetts the eloquent Fisher Ames, my earliest predecessor in Congress from the Boston district, said, eighty-five years ago, that in contemplating his career and character, "Mankind perceived some change in

their ideas of greatness. * * * The splendor of power, and even the name of conqueror, had grown dim in their eyes. * * * They knew and felt that the world's wealth, and its empire too, would be a bribe far beneath his acceptance." Yes, they all saw that he bore ever in his mind and in his heart, as he said in Philadelphia on his way to Cambridge, in 1775, that "as the sword was the last resort for the preservation of our liberties, so it ought to be the first thing laid aside when those liberties were firmly established." And they saw him lay down his sword at the earliest moment, and retire to the pursuits of peace, only returning again to public service at the unanimous call of his country, to preside for a limited period over a free constitutional republic, and then eagerly resuming the rank of an American citizen. That was the example which changed the ideas of mankind as to what constitutes real greatness. And that example was exhibited for all nations and for all ages, never to be forgotten or overlooked, by him who was born one hundred and fifty-three years ago to-morrow in that primitive little Virginia farm-house.

I am myself a New Englander by birth, a son of Massachusetts, bound by the strongest ties of affection and of blood to honor and venerate the earlier and the later worthies of the old Puritan Commonwealth, jealous of their fair fame, and ever ready to assert and vindicate their just renown. But I turn reverently to the Old Dominion to-day, and salute her as the mother of the pre-eminent and incomparable American, the Father of his Country, and the foremost figure in all merely human history. In the words of our own poet, Lowell:

Virginia gave us this imperial man,
Cast in the massive mold
Of those high-statured ages old
Which into grander forms our mortal metal ran;
She gave us this unblemished gentleman:
What shall we give her back but love and praise?

Virginia has had other noble sons, whom I will not name, but whom I do not forget. When I remember how many they are, and how great they have been, and how much our country has owed them, I may well exclaim, "*Felix prole virum.*" But, as I think of her Washington—of our Washington let me rather say—I am almost ready to add, "*Læta Deum partu!*"

A celebrated philosopher of antiquity, who was nearly contemporary with Christ, but who could have known nothing of what was going on in Judea, and who alas! did not always "reck his own rede"—wrote thus to a younger friend, as a precept for a worthy life:

Some good man must be singled out and kept ever before our eyes, that we may live as if he were looking on, and do everything as if he could see it.

Let me borrow the spirit, if not the exact letter, of that precept, and address it to the young men of my country: "Keep ever in your mind and before your mind's eye the loftiest standard of character. You have it, I need not say, supremely and unapproachably, in Him who spake as never man spake and lived as never man lived, and who died for the sins of the world. That character stands apart and alone. But of merely mortal men the monument we have dedicated to-day points out the one for all Americans to study, to imitate, and, as far as may be, to emulate. Keep his example and his character ever before your eyes and in your hearts. Live and act as if he were seeing and judging your personal conduct and your public career. Strive to approximate that lofty standard, and measure your integrity and your patriotism by your nearness to it or your departure from it. The prime meridian of universal longitude, on sea or land, may be at Greenwich, or at Paris, or where you will. But the prime meridian of pure, disinterested, patriotic, exalted human character will be marked forever by yonder Washington obelisk!"

Yes, to the young men of America, under God, it remains, as they rise up from generation to generation, to shape the destinies of their country's future; and woe unto them if, regardless of the great example which is set before them, they prove unfaithful to the tremendous responsibilities which rest upon them!

Yet, let me not seem even for a moment to throw off upon the children the rightful share of those responsibilities which belongs to their fathers. Upon us, upon us it devolves to provide that the advancing generations shall be able to comprehend and equal to meet the demands which are thus before them. It is ours, it is yours especially, Senators and Representatives, to supply them with the means of that universal education which is the crying want of our land, and without which any intelligent and successful free government is impossible.

We are just entering on a new olympiad of our national history—the twenty-fifth olympiad since Washington first entered on the administration of our Constitutional Government. The will of the people has already designated under whom the first century of that Government is to be closed, and the best hopes and wishes of every patriot will be with him in the great responsibilities on which he is about to enter. No distinction of party or of section prevents our all feeling alike that our country, by whomsoever governed, is still and always our country; to be cherished in all our hearts, to be upheld and defended by all our hands!

Most happy would it be if the 30th of April, on which the first inauguration of Washington took place in 1789, could henceforth be the date of all future inaugurations (as it might be by a slight amendment to the Constitution), giving, as it would, a much-needed extension to

the short sessions of Congress, and letting the second century of our constitutional history begin where the first century began.

But let the date be what it may, the inspiration of the centennial anniversary of that first great inauguration must not be lost upon us. Would that any words of mine could help us all, old and young, to resolve that the principles and character and example of Washington, as he came forward to take the oaths of office on that day, shall once more be recognized and revered as the model for all who succeed him, and that his disinterested purity and patriotism shall be the supreme test and standard of American statesmanship! That standard can never be taken away from us. The most elaborate and durable monuments may perish. But neither the forces of nature, nor any fiendish crime of man, can ever mar or mutilate a great example of public or private virtue.

Our matchless obelisk stands proudly before us to-day, and we hail it with the exultations of a united and glorious nation. It may or may not be proof against the cavils of critics, but nothing of human construction is proof against the casualties of time. The storms of winter must blow and beat upon it. The action of the elements must soil and discolor it. The lightnings of heaven may scar and blacken it. An earthquake may shake its foundations. Some mighty tornado, or resistless cyclone, may rend its massive blocks asunder and hurl huge fragments to the ground. But the character which it commemorates and illustrates is secure. It will remain unchanged and unchangeable in all its consummate purity and splendor, and will more and more command the homage of succeeding ages in all regions of the earth.

God be praised, that character is ours forever!

The reading of the above was frequently interrupted by general applause.

Then followed music by the Marine Band.

The PRESIDENT OF THE SENATE. Gentlemen, an oration will now be delivered by Hon. John W. Daniel, of Virginia. [Applause.]

ORATION.

Mr. JOHN W. DANIEL. Mr. President of the United States, Senators, Representatives, Judges, Mr. Chairman, and my Countrymen, alone in its grandeur stands forth the character of Washington in history; alone like some peak that has no fellow in the mountain range of greatness.

"Washington," says Guizot: "Washington did the two greatest things which in politics it is permitted to man to attempt. He maintained by peace the independence of his country, which he had conquered by war. He founded a free government in the name of the principles of order and by re-establishing their sway." Washington did indeed do these things. But he did more. Out of disconnected fragments he molded a whole and made it a country. He achieved his country's independence by the sword. He maintained that independence by peace as by war. He finally established both his country and its freedom in an enduring frame of constitutional government, fashioned to make liberty and union one and inseparable. These four things together constitute the unexampled achievement of Washington.

The world has ratified the profound remark of Fisher Ames, that "he changed mankind's ideas of political greatness." It has approved the opinion of Edward Everett, that he was "the greatest of good men, and the best of great men." It has felt for him, with Erskine, "an awful reverence." It has attested the declaration of Brougham that "he was the greatest man of his own or of any age." It is matter of fact to-day as when General Hamilton, announcing his death to the Army, said:

The voice of praise would in vain endeavor to exalt a name unrivaled in the lists of true glory.

America still proclaims him, as did Col. Henry Lee in the House of Representatives:

The man first in war, first in peace, and first in the hearts of his countrymen.

And from beyond the sea the voice of Alfieri, breathing the soul of all lands and all peoples, still pronounces the blessing:

Happy are you who have for the sublime and permanent basis of your glory the love of country demonstrated by deeds.

Tell me, ye who have unrolled the scrolls that bear the records of the rise and fall of nations; ye before whose eyes has moved the panorama of man's struggles, achievements, and progression, find you anywhere the story of one whose life work is more than a fragment of that which in his life is set before you?

Conquerors who have stretched your scepters over boundless territories; founders of empires who have held your dominions in the reign of law; reformers who have cried aloud in the wilderness of oppression; teachers who have striven to cast down false doctrine, heresy, and schism; statesmen whose brains have throbbed with mighty plans for the amelioration of human society; scar-crowned vikings of the sea, illustrious heroes of the land, who have borne the standards of siege and battle, come forth in bright array from your glorious fanes, and would ye be measured by the measure of his stature? Behold you not in him a more illustrious and more venerable presence? Statesman, soldier, patriot, sage, reformer of creeds, teacher of truth and justice, achiever and preserver of liberty, the first of men, founder and saviour of his

country, father of his people—this is he, solitary and unapproachable in his grandeur!

Oh, felicitous Providence that gave to America our Washington!

THE MONUMENT.

High soars into the sky to-day, higher than the pyramid or the dome of St. Paul's or St. Peter's—the loftiest and most imposing structure that man has ever reared—high soars into the sky to where

Earth highest yearns to meet a star.

the monument which "We the people of the United States" have uplifted to his memory. It is a fitting monument, more fitting than any statue. For his image could only display him in some one phase of his varied character. So art has fitly typified his exalted life in your plain lofty shaft. Such is his greatness, that only by a symbol could it be represented. As Justice must be blind in order to be whole in contemplation, so History must be silent that by this mighty sign she may disclose the amplitude of her story.

MASSACHUSETTS AND HER ORATOR.

It was fitting that the eminent citizen who thirty-seven years ago spoke at the laying of the corner-stone should be the orator at the consummation of the work which he inaugurated. It was Massachusetts that struck the first blow for Independence; it was her voice that made the stones of Boston to "rise in mutiny;" it was her blessed blood that sealed the covenant of our salvation. The firmament of our national life she has thickly sown with deeds of glory.

JOHN ADAMS.

John Adams of Massachusetts was among the first to urge the name of Washington to the Continental Congress when it commissioned him as Commander-in-Chief of the American forces; it was upon her soil that he drew the sword which was sheathed at Yorktown, and first gave to the battle-breeze the thirteen stripes that now float in new galaxies of stars.

And meet it was that here in the Capitol of the Republic, at the distance of more than a century from its birth, the eloquent son of that illustrious State should span the chasm with his bridge of gold, and emblazon the final arch of commemoration.

And I fancy, too, that in a land where the factious tongues of the elder nations are being hushed at last, and all rival strains commingled in the blood of brotherhood, the accomplished mission of America finds fitting illustration in the Sage descended from the Pilgrims crowning the Hero sprung from the Cavaliers.

VIRGINIA.

It has seemed fitting to you, Mr. Chairman and gentlemen of the commission, that a citizen of the State which was the birthplace and the home of Washington; whose House of Burgesses, of which he was a member, made the first burst of opposition against the stamp act, although less pecuniarily interested therein than their New England brethren, and was the first representative body to recommend a general congress of the Colonies; of the State whose Mason drew that Bill of Rights which has been called the Magna Charta of America; whose Jefferson wrote, whose Richard Henry Lee moved, the Declaration that those Colonies be "free and independent States;" whose Henry condensed the Revolution into the electric sentence, "Liberty or death;" of the State which cemented union with the vast territorial dowry out of which five States have been carved, having now here some ninety Representatives; of that State whose Madison was named "the Father of the Constitution," and whose Marshall became its most eminent expounder; of the State which holds within its bosom the sacred ashes of Washington, and cherishes not less the principles which once kindled them with fires of Heaven descended—it has seemed fitting to you, gentlemen, that a citizen of that State should also be invited to deliver an address on this occasion.

Would with all my heart that a worthier one had been your choice. Too highly do I esteem the position in which you place me to feel aught but solemn distrustfulness and apprehension. And who indeed might not shrink from such a theater when a Winthrop's eloquence still thrilled all hearts, with Washington the theme?

Yet, in Virginia's name I thank you for the honor done her. She deserved it. Times there are when even hardihood is virtue; and to such virtue alone do I lay claim in venturing to abide your choice to be her spokesman.

None more than her could I offend did I take opportunity to give her undue exaltation. Her foremost son does not belong to her alone, nor does she so claim him. His part and her part in the Revolution would have been as naught but for what was done so gloriously by his brothers in council and in arms and by her sister Colonies, who kept the mutual pledge of "life, fortune, and sacred honor."

GREETINGS TO SISTER STATES.

New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, North Carolina, South Carolina, Georgia—your comrade of the days that tried men's souls salutes you in honor and affection! No laurel could be plucked too bright for Virginia's hand to lay upon your brows!

And ye, our younger companions, who have sprung forth from the wilderness, the prairie, and the mountain, and now extend your em-

pire to the far slopes where your teeming cities light their lamps by the setting sun, what grander tribute to the past, what happier assurance of the present, what more auspicious omens of the future could Heaven vouchsafe us than those which live and move and have their being in your presence? What heart could contemplate the scene and not leap into the exclamation, "I, too, am an American citizen!"

WASHINGTON A VIRGINIAN BEFORE AN AMERICAN.

But may I not remind you that Washington was a Virginian before he became an American, to tell his countrymen that "the name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations?" And may I not seek the fountains from which sprung a character so instinct with love of country?

THE PURITANS AND THE CAVALIERS.

The Puritans of England, who from the landing at Plymouth in 1620 to the uprising against Charles I in 1640, "turned to the New World," in the language of Canning, "to redress the balance of the Old," were quickly followed to America by a new stream of immigration that has left as marked an impress upon our civilization between the South Atlantic and the Mississippi as the sons of the Pilgrims have made between the North Atlantic and the Lakes.

When Charles I was beheaded in 1649, and when his son, the second Charles, was beaten at Worcester in 1651, multitudes of the King's men turned their faces also to the new land of hope, the very events which checked the emigration of the Puritans to New England giving impulse to the tide which moved the Cavaliers to the Old Dominion.

Intense loyalists were these new Virginians, who "would defend the crown if it hung upon a bush;" and when indeed its substance vanished with the royal head that wore it, these "faithful subjects of King and Church" held allegiance to its phantom and to the exiled claimant. But they were not inattentive to their liberties. And if Virginia was the last of all the countries belonging to England to submit to Cromwell, yet she was also "the first state in the world composed of separate boroughs, diffused over an extensive surface, where representation was organized on the principle of universal suffrage."

As in New England the Pilgrim Colony grew apace, so in Virginia prospered that of the Cavaliers. With the love of landed estates which is an instinct of their race, they planted their homes in the fertile lowlands, building great houses on broad acres, surrounded by ornamental grounds and gardens.

The family became a government within itself—the mistress a rural queen, the master a local potentate, with his graziers, seedsmen, gardeners, brewers, butchers, and cooks around him. Many of the heads of families were traveled and accomplished men. The parishes were ministered to by the learned clergy of the Established Church. In the old college of William and Mary ere long were found the resources of classic education, and in the old capital town of Williamsburg the winter season shone resplendent with the entertainments of a refined society.

Born almost to the saddle and to the use of fire-arms, they were keen hunters, and when the chase was over they sat by groaning boards and drank confusion to the Frenchman and Spaniard abroad and to Roundhead and Prelate at home. When the lurking and predatory Indian became the object of pursuit, no speed of his could elude their fiery and gallantly mounted cavalry.

VIRGINIA AND VIRGINIANS OF OLDER TIME.

This was the Virginia, these the Virginians, of the olden time. If even in retrospect their somewhat aristocratic manners touch the sensitive nerve of a democratic people, it may at least be said of them that nothing like despotism, nihilism, communism, or dynamite was ever found amongst them; that they cherished above all things honor and courage, the virtues preservative of all other virtues; that their homes became the nurseries of men, and leaders of men, who could cope with great forces, resolve great problems, and assert great principles. And it is at least true that their habits of thought and living never proved more dangerous to "life, liberty, and the pursuit of happiness" than those of others who in later days corrupt the suffrage in the rank growth of cities; build palaces and pile up millions amid crowded paupers; monopolize telegraphic and railway lines by corporate machinery; spurn all relations to politics, save to debauch its agencies for personal gain; and know no Goddess of Liberty and no Eagle of Country save in the images which satire itself has stamped on the Almighty Dollar.

LINEAGE OF WASHINGTON.

In 1657, while yet "a Cromwell filled the Stuart's throne," there came to Virginia with a party of Carlisle who had rebelled against him John Washington, of Yorkshire, England, who became a magistrate and member of the House of Burgesses, and who distinguished himself in Indian warfare as the first Colonel Washington on this side of the water. He was the nephew of that Sir Henry Washington who had led the forlorn hope of Prince Rupert at Bristol in 1643, and who, with a starving and mutinous garrison, had defended Worcester in 1649, answering all calls for surrender that he "awaited His Majesty's commands."

And his progenitors had for centuries, running back to the Norman Conquest, been men of mark and fair renown.

Just pride and modesty of individuality alike forbid the seeking from any source of a borrowed luster, and the Washingtons were never studious or pretentious of ancestral dignities. But "we are quotations

from our ancestors," says the Philosopher of Concord—and who will say that in the loyalty to conscience and to principle, and to the right of self-determination of what is principle, which the Washingtons have ever shown whether as loyalist or rebel, was not the germ of that deathless devotion to liberty and country which soon discarded all ancient forms in the mighty stroke for Independence?

ANGLO-SAXON TRAITS.

Two traits of the Anglo-Saxon have ever been equally conspicuous: respect for authority, resistance to its abuse.

A very Tempe had Virginia been, sheltering the loyal Cavaliers in their reverence for authority. The higher trait of the Anglo-Saxon was about to receive more memorable illustration, and she uprose, Olympian-like, in her resistance to its abuse.

And the instrument of Providence to lead her people and their brethren, had he lived in the days when mythic lore invested human heroes with a godlike grace, would have been shrouded in the glory of Olympian Jove.

MOUNT VERNON.

One hundred and fifty-three years ago, on the banks of the Potomac, in the county of Westmoreland, on a spot marked now only by a memorial stone, of the blood of the people whom I have faintly described, the fourth in descent from the Col. John Washington whom I have named, there was born a son to Augustine and Mary Washington. And not many miles above his birthplace is the dwelling where he lived and now lies buried.

Borne upon the bosom of that river which here mirrors Capitol, dome, and monumental shaft in its seaward flow, the river itself seems to reverse its current and bear us silently into the past. Scarce has the vista of the city faded from our gaze when we behold on the woodland height that swells above the waters—amidst walks and groves and gardens—the white porch of that old colonial plantation home which has become the shrine of many a pilgrimage.

Contrasting it as there it stands to-day with the marble halls that we have left behind us, we realize the truth of Emerson: "The atmosphere of moral sentiment is a region of grandeur which reduces all material magnificence to toys, yet opens to every wretch that has reason the doors of the universe."

The quaint old wooden mansion, with the stately but simple old-fashioned mahogany furniture, real and ungarnished; the swords and relics of campaigns and scenes familiar to every school-boy now; the key of the Bastille hanging in the hall incased in glass, calling to mind Tom Paine's happy expression, "That the principle of the American Revolution opened the Bastille is not to be doubted, therefore the key comes to the right place;" the black velvet coat worn when the farewell address to the Army was made; the rooms all in nicety of preparation as if expectant of the coming host—we move among these memorials of days and men long vanished, we stand under the great trees and watch the solemn river, we gaze upon the simple tomb whose silence is unbroken save by the murmur of the waters or the wild bird's note, and we are enveloped in an atmosphere of moral grandeur which no pageantry of moving men nor splendid pile can generate. By the tumulus of Marathon the Greeks have the tradition that in the gloom of night may yet be heard the neighing of horses and the clash of arms. In the spell that broods o'er the sacred graves of Vernon, patriotism, honor, courage, justice, virtue, truth seem bodied forth—the only imperishable realities of man's being.

YOUTH OF WASHINGTON.

There emerges from the shades the figure of a youth over whose cradle had hovered no star of destiny, nor dangled a royal crown—an ingenuous youth, and one who in his early days gave auguries of great powers; the boy whose strong arm could fling a stone across the Rappahannock; whose strong will could tame the most fiery horse; whose just spirit made him the umpire of his fellows; whose obedient heart bowed to a mother's yearning for her son and laid down the midshipman's warrant in the British navy which answered his first ambition's dream; the student transcribing mathematical problems, accounts, and business forms, or listening to soldiers and seamen of vessels in the river as they tell of "hair-breadth 'scapes by flood and field;" the early moralist in his thirteenth year compiling matured "Rules for behavior and conversation;" the surveyor of sixteen, exploring the wilderness for Lord Fairfax; the incipient soldier studying tactics under Adjutant Muse, and taking lessons in broadsword fence from the soldier of fortune, old Jacob Van Braam; the major and adjutant-general of Virginia frontier forces at nineteen—we seem to see him yet as there he stood, a model of manly beauty in his youthful prime, a man in all that makes a man ere manhood's years have been fulfilled standing on the threshold of a grand career, "hearing his days before him and the trumpet of his life."

THE SEVEN YEARS' WAR.

The scene changes. Out into the world of stern adventures he passes, taking as naturally to the field and the frontier as the eagle to the air. At the age of twenty-one he is riding from Williamsburg to the French post at Venango, in Western Pennsylvania, on a mission for Governor Dinwiddie which requires "courage to cope with savages and sagacity to negotiate with white men"—in that mission which Edward Everett

recognizes as "the first movement of a military nature which resulted in the establishment of American Independence." At twenty-two he has "fleshed his maiden sword," has heard the bullets whistle, and found "something charming in the sound;" and soon he is colonel of the Virginia regiment in the unfortunate affair at Fort Mifflin, and is compelled to capitulate and retreat, losing a sixth of his command. He quits the service on a point of military etiquette and honor, but at twenty-three he reappears as volunteer aid by the side of Braddock in the ill-starred expedition against Fort Duquesne, and is the only mounted officer unscathed in the disaster, escaping with four bullet-holes through his garments, and after having two horses shot under him. The prophetic eye of Samuel Davies has now pointed him out as "that heroic youth, Colonel Washington, whom I can but believe Providence has hitherto preserved in so signal a manner for some important service to his country." Soon the prophecy is fulfilled. The same year he is in command of the Virginia frontier forces. Arduous conflicts of various fortunes are ere long ended, and on the 25th of November, 1759, he marches into the reduced fortress of Fort Duquesne—where Pittsburgh now stands, and her Titans of industry wage the eternal war of toil—marches in with the advanced guard of his troops, and plants the British flag over its smoking ruins.

That self-same year, Wolfe, another young and brilliant soldier of Britain, the Wolsely of his time, has scaled and triumphed on the Heights of Abraham—his flame of valor quenched as it lit the blaze of victory. Canada surrenders. The Seven Years' War is done. The French power in America is broken. The vast region west of the Alleghanies, from the Lakes to the Ohio, embracing its valley and tributary streams, is under the scepter of King George. America has been made whole to the English-speaking race, to become in time the Greater Britain.

RETIREMENT.

Thus, building wiser than he knew, Washington had taken no small part in cherishing the seed of a nascent nation. Mount Vernon welcomes back the soldier of twenty-seven, who has become a name. Domestic felicity spreads its charms around him with the "agreeable partner" whom he has taken to his bosom, and he dreams of "more happiness than he has experienced in the wide and bustling world." Already, ere his sword had found its scabbard, the people of Frederick County had made him their member of the House of Burgesses. And the quiet years roll by as the planter, merchant, and representative superintends his farm, ships his crops, posts his books, keeps his diary, matures schemes of internal improvement, leaps on his horse and chases the fox for amusement, or rides over to Annapolis and leads the dance at the Maryland capital—alternating between these private pursuits and serving his people as member of the Legislature and justice of the county court.

REVOLUTION.

But ere long this happy life is broken. The air is electrical with the currents of revolution. England has launched forth on the fatal policy of taxing her colonies without their consent. The spirit of liberty and resistance is aroused. He is loth to part with the motherland which he still calls "Home." But she is deaf to reason. The first Colonial Congress is called. He is a Delegate, and rides to Philadelphia with Henry and Pendleton. The blow at Lexington is struck. The sons of the Cavaliers spring to the side of the sons of the Pilgrims.

He becomes Commander-in-Chief of the American forces. After another Seven Years' War he is the deliverer of his country. The old Confederation passes away. The Constitution is established. He is twice chosen President of the United States and renounces further service. Once again Mount Vernon's grateful shades receive him, and there the world-crowned hero now becomes again the simple citizen, wishing his fellow-men "to see the whole world in peace and its inhabitants one band of brothers, striving who could contribute most to the happiness of mankind," without a wish for himself, but "to live and die an honest man on his farm." A speck of war spots the sky. John Adams calls him forth as Lieutenant-General and Commander-in-Chief to lead America once more. But the cloud vanishes.

PEACE—DEATH.

Peace reigns. The lark sings at heaven's gate in the fair morn of the new nation. Serene, contented, yet in the strength of manhood, though on the verge of three-score years and ten, he looks forth—the quiet farmer from his pleasant fields, the loving patriarch from the bowers of home—looks forth and sees the work of his hands established in a free and happy people. Suddenly comes the mortal stroke with severe cold. The agony is soon over. He feels his own dying pulse—the hand relaxes—he murmurs, "It is well;" and Washington is no more. While yet Time had crumbled never a stone, nor dimmed the lustrous surface, prone to earth the mighty column fell!

Washington, the Friend of Liberty, is no more!

The solemn cry filled the universe. Amidst the tears of his people, the bowed heads of kings, and the lamentations of the nations, they laid him there to rest upon the banks of the river whose murmurs were his boyhood's music—that river which, rising in mountain fastnesses among the grandest works of nature, and reflecting in its course the proudest works of man, is but a symbol of his history—which in its ceaseless and ever-widening flow is but a symbol of his eternal fame.

CHARACTER OF WASHINGTON.

No sum could now be made of Washington's character that did not exhaust language of its tributes and repeat virtue by all her names. No sum could be made of his achievements that did not unfold the history of his country and its institutions—the history of his age and its progress—the history of man and his destiny to be free. But, whether character or achievement be regarded, the riches before us only expose the poverty of praise. So clear was he in his great office that no ideal of the leader or ruler can be formed that does not shrink by the side of the reality. And so has he impressed himself upon the minds of men, that no man can justly aspire to be the chief of a great free people who does not adopt his principles and emulate his example. We look with amazement on such eccentric characters as Alexander, Caesar, Cromwell, Frederick, and Napoleon, but when Washington's face rises before us, instinctively mankind exclaims, "This is the man for nations to trust and reverence and for rulers to follow."

Drawing his sword from patriotic impulse, without ambition and without malice, he wielded it without vindictiveness and sheathed it without reproach. All that humanity could conceive he did to suppress the cruelties of war and soothe its sorrows. He never struck a coward's blow. To him age, infancy, and helplessness were ever sacred. He tolerated no extremity unless to curb the excesses of his enemy, and he never poisoned the sting of defeat by the exultation of the conqueror.

Peace he welcomed as a Heaven-sent herald of friendship; and no country has given him greater honor than that which he defeated; for England has been glad to claim him as the scion of her blood, and proud, like our sister American States, to divide with Virginia the honor of producing him.

Fascinated by the perfection of the man, we are loth to break the mirror of admiration into the fragments of analysis. But, lo! as we attempt it every fragment becomes the miniature of such sublimity and beauty that the destructive hand can only multiply the forms of immortality.

Grand and manifold as were its phases, there is yet no difficulty in understanding the character of Washington. He was no Veiled Prophet. He never acted a part. Simple, natural, and unaffected, his life lies before us—a fair and open manuscript. He disdained the arts which wrap power in mystery in order to magnify it. He practiced the profound diplomacy of truthful speech—the consummate tact of direct attention. Looking ever to the All-Wise Disposer of events, he relied on that Providence which helps men by giving them high hearts and hopes to help themselves with the means which their Creator has put at their service. There was no infirmity in his conduct over which Charity must fling its veil; no taint of selfishness from which Purity averts her gaze; no dark recess of intrigue that must be lit up with colored panegyric; no subterranean passage to be trod in trembling lest there be stirred the ghost of a buried crime.

A true son of nature was George Washington—of nature in her brightest intelligence and noblest mold; and whatever difficulty, if such there be in comprehending him, is only that of reviewing from a single standpoint the vast procession of those civil and military achievements which filled nearly half a century of his life, and in realizing the magnitude of those qualities which were requisite to their performance—the difficulty of fashioning in our minds a pedestal broad enough to bear the towering figure, whose greatness is diminished by nothing but the perfection of its proportions. If his exterior—in calm, grave, and resolute repose—ever impressed the casual observer as austere and cold, it was only because he did not reflect that no great heart like his could have lived unbroken unless bound by iron nerves in an iron frame. The Commander of Armies, the Chief of a People, the Hope of Nations could not wear his heart upon his sleeve; and yet his sternest will could not conceal its high and warm pulsations. Under the enemy's guns at Boston he did not forget to instruct his agent to administer generously of charity to his needy neighbors at home. The sufferings of women and children, thrown adrift by war, and of his bleeding comrades, pierced his soul. And the moist eye and trembling voice with which he bade farewell to his veterans bespoke the underlying tenderness of his nature, even as the storm-wind makes music in its under-tones.

Disinterested patriot, he would receive no pay for his military services. Refusing gifts, he was glad to guide the benefaction of a grateful State to educate the children of his fallen braves in the institution at Lexington which yet bears his name. Without any of the blemishes that mark the tyrant, he appealed so loftily to the virtuous elements in man, that he almost created the qualities of which his country needed the exercise; and yet he was so magnanimous and forbearing to the weaknesses of others, that he often obliterated the vices of which he feared the consequence. But his virtue was more than this. It was of that daring, intrepid kind that, seizing principle with a giant's grasp, assumes responsibility at any hazard, suffers sacrifice without pretense of martyrdom, bears calumny without reply, imposes superior will and understanding on all around it, capitulates to no unworthy triumph, but must carry all things at the point of clear and blameless conscience. Scorning all manner of meanness and cowardice, his bursts of wrath at their exhibition heighten our admiration for the noble passions which were kindled by the aspirations and exigencies of virtue. Invested with the powers of a Dictator, the country bestowing them

felt no distrust of his integrity; he, receiving them, gave assurance that, as the sword was the last resort of Liberty, so it should be the first thing laid aside when Liberty was won. And keeping the faith in all things, he left mankind bewildered with the splendid problem whether to admire him most for what he was or what he would not be. Over and above all his virtues was the matchless manhood of personal honor, to which Confidence gave in safety the key of every treasure—on which Temptation dared not smile, on which Suspicion never cast a frown. And why prolong the catalogue? "If you are presented with medals of Caesar, of Trajan, or Alexander, on examining their features you are still led to ask, what was their stature and the forms of their persons; but if you discover in a heap of ruin the head or the limb of an antique Apollo, be not curious about the other parts, but rest assured that they were all conformable to those of a god."

THE GENERAL.

As a general, great; as a commander, it may not be said of him as of Marlborough, that "he never formed the plan of a campaign that he did not execute; never besieged a city that he did not take; never fought a battle that he did not gain." But it can be said of him that, at the head of raw volunteers, hungry to the edge of famine, ragged almost to nakedness, whose muniments of war were a burlesque of its necessities, he defeated the trained bands and veteran generals of Europe; and that, when he had already earned the name of the American Fabius, destined to save a nation by delay, he suddenly displayed the daring of a Marcellus. It can be said that he was tried in a crucible to which Marlborough was never subjected—adversity, defeat, depression of fortune bordering on despair. The first battle of his youth ended in capitulation. The first general engagement of the Revolution at Long Island opened a succession of disasters and retreats. But with the heroic energy that remolds broken opportunities into greater ones, with "the firmness of mind that can not be unlocked by trifles but which when unlocked displays a cabinet of fortitude," he wrenched victory from stubborn fortune, compelling the reluctant oracle to exclaim as to Alexander, "My son, thou art invincible." So did he weave the net of war by land and sea, that at the very moment when an elated adversary was about to strike the final blow for his country's fall, he surrounded him by swift and far-reaching combinations, and twined the Lilies of France with the Stars and Stripes of America over the ramparts of Yorktown. And if success be made the test of merit, let it be remembered that he conducted the greatest military and civil enterprises of his age, and left no room for fancy to divine greater perfection of accomplishment.

WASHINGTON IN ACTION.

Great in action as by the council board, the finest horseman and knightliest figure of his time, he seemed designed by nature to lead in those bold strokes which needs must come when the battle lies with a single man—those critical moments of the campaign or the strife when, if the mind hesitates or a nerve flinches, all is lost. We can never forget the passage of the Delaware that black December night, amidst shrieking winds and great upheaving blocks of ice which would have petrified a leader of less hardy mold, and then the fell swoop at Trenton. We behold him as when at Monmouth he turns back the retreating lines, and galloping his white charger along the ranks until he falls, he leaps on his Arabian bay, and shouts to his men: "Stand fast, my boys, the Southern troops are coming to support you!" And we hear La Fayette exclaim, "Never did I behold so superb a man." We see him again at Princeton dashing through a storm of shot to rally the wavering troops; he reins his horse between the contending lines, and cries: "Will you leave your general to the foe?" then bolts into the thickest fray. Colonel Fitzgerald, his aid, drops his reins and pulls his hat down over his eyes that he may not see his chieftain fall, when, through the smoke he reappears waving his hat, cheering on his men, and shouting: "Away, dear colonel, and bring up the troops; the day is ours." "Cœur de Lion" might have doffed his plume to such a chief—for a great knight was he, who met his foes full tilt in the shock of battle and hurled them down with an arm whose sword flamed with righteous indignation.

WASHINGTON AS A STATESMAN.

As children pore over the pictures in their books ere they can read the words annexed to them so we linger with tingling blood by such inspiring scenes, while little do we reck of those dark hours when the aching head pondered the problems of a country's fate. And yet there is a greater theater in which Washington appears, although not so often has its curtain been uplifted.

It was as a statesman that Washington was greatest. Not in the sense that Hamilton and Jefferson, Adams and Madison, were statesmen; but in a larger sense. Men may marshal armies who can not drill divisions. Men may marshal nations in storm and travail who have not the accomplishments of their cabinet ministers. Not so versed as they was he in the details of political science.

His pen did not possess the facile play and classic grace of their pens, but his vigorous eloquence had the clear ring of our mother tongue. "I will not say that he was so astute, so quick, so inventive as the one or another of them—that his mind was characterized by the vivacity of wit, the rich colorings of fancy, or daring flights of imagination. But with him thought and action like well-trained coursers kept abreast in

the chariot race, guided by an eye that never quailed, reined by a hand that never trembled. He had a more infallible discrimination of circumstances and men than any of his contemporaries. He weighed facts in a juster scale, with largerequity, and firm equanimity. He best applied to them the lessons of experience. With greater ascendancy of character he held men to their appointed tasks; with more inspiring virtue he commanded more implicit confidence. He bore a truer divining-rod, and through a wilderness of contention he alone was the unerring pathfinder of the people.

GENIUS.

There can, indeed, be no right conception of Washington that does not accord him a great and extraordinary genius. I will not say he could have produced a play of Shakespeare or a poem of Milton, handled with Kant the tangled skin of metaphysics, probed the secrecies of mind and matter with Bacon, constructed a railroad or an engine like Stephenson, wooed the electric spark from heaven to earth with Franklin, or walked with Newton the pathways of the spheres. But if his genius were of a different order, it was of as rare and high an order. It dealt with man in the concrete—with his vast concerns of business stretching over a continent and projected into the ages; with his seething passions; with his marvelous exertions of mind, body, and spirit to be free. He knew the materials he dealt with by intuitive perception of the heart of man; by experience and observation of his aspirations and his powers; by reflection upon his complex relations, rights, and duties as a social being. He knew just where between men and states to erect the monumental mark to divide just reverence for authority from just resistance to its abuse. A poet of social facts, he interpreted by his deeds the harmonies of justice.

Practical yet exalted, not stumbling in the pit as he gazed upon the stars, he would "put no man in any office of consequence whose political tenets were opposed to the measures which the General Government was pursuing." Yet he himself, by the kingliness of his nature, could act independently of party, retain the confidence and affections, use the brains and have thrust upon him the unanimous suffrage of all parties—walking the dizzy heights of power in the perfect balance of every faculty, and surviving in that rarefied atmosphere which lesser frames could only breathe to perish.

Brilliant I will not call him, if the brightness of the rippling river exceed the solemn glory of old Ocean. Brilliant I will not call him, if darkness must be visible in order to display the light; for he had none of that rocket-like brilliancy which flames in instant corruscation across the black brow of night and then is not. But if a steady unflickering flame, slow rising to its lofty sphere, high hung in the heavens of contemplation, dispensing far and wide its rays, revealing all things on which it shines in due proportions and large relations, making right, duty, and destiny so plain that in the vision we are scarce conscious of the light—if this be brilliancy, then the genius of Washington was as full-orbed and luminous as the god of day in his zenith.

THE WORK OF WASHINGTON.

The work of Washington filled the rounded measure of his splendid faculties. Grandly did he illustrate the Anglo-Saxon trait of just resistance to the abuse of power, standing in front of his soldier-husbandmen on the fields of Boston, and telling the general of earth's greatest empire, who stigmatized them as "rebels" and threatened them "with the punishment of the cord," that "he could conceive of no rank more honorable than that which flows from the uncorrupted choice of a brave and free people, the original and purest fountain of all power," and that, "far from making it a plea for cruelty, a mind of true magnanimity and enlarged ideas would comprehend and respect it." Victoriously did he vindicate the principle of the Declaration of Independence, that to secure the inalienable rights of man "governments are instituted amongst men, deriving their just powers from the consent of the governed, and that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it." By these signs he conquered. And had his career ended here none other would have surpassed, whose could have equaled, it?

TRANSIT TO CIVIL LIFE.

But where the fame of so many successful warriors has found conclusion, or gone beyond only to be tarnished, his took new flight upward.

If I might venture to discriminate, I would say that it was in the conflicts of opinion that succeeded the Revolution that the greatness of Washington most displayed itself; for it was then that peril thickened in most subtle forms; that rival passions burned in intestine flames; that crises came demanding wider-reaching and more constructive faculties than may be exhibited in war, and higher heroism than may be avouched at the cannon's mouth.

And it was then that the soldier uplifted the visor of his helmet and disclosed the countenance of the sage. Passing from the fields of martial fame to the heights of civil achievement still more resplendent, he became the world-wide statesman; like Venus in her transit, sunk the light of his past exploits only in the sun of a new-found glory.

POINTS OUT DEFECTS OF CONFEDERATION.

First to perceive and swift to point out the defects in the Articles of Confederation, they became manifest to all long before victory crowned

the warfare conducted under them. Charged by them with the public defense, Congress could not put a soldier in the field; and charged with defraying expenses, it could not levy a dollar of imposts or taxes. It could indeed borrow money with the assent of nine States of the thirteen, but what mockery of finance was that when the borrower could not command any resource of payment!

The States had indeed put but a scepter of straw in the legislative hand of the Confederation. What wonder that it soon wore a crown of thorns! The paper currency ere long dissolved to nothingness; for four days the Army was without bread, and whole regiments drifted from the ranks of our hard-pressed defenders. "I see," said Washington, "one head gradually changing into thirteen; I see one army gradually branching into thirteen, which, instead of looking up to Congress as the supreme controlling power, are considering themselves as dependent upon their respective States." While yet his sword could not slumber, his busy pen was warning the statesmen of the country that unless Congress were invested with adequate powers or should assume them as matter of right, we should become but thirteen States pursuing local interests until annihilated in a general crash; the cause would be lost and the fable of the bundle of sticks applied to us.

In rapid succession his notes of alarm and invocations for aid to union followed each other to the leading men of the States North and South. Turning to his own State, and appealing to George Mason, "Where," he exclaimed, "where are our men of abilities? Why do they not come forth and save the country?" He compared the affairs of this great continent to the mechanism of a clock, of which each State was putting its own small part in order, but neglecting the great wheel or spring which was to put the whole in motion. He summoned Jefferson, Wythe, and Pendleton to his assistance, telling them that the present temper of the States was friendly to lasting union, that the moment should be improved and might never return, and that "after gloriously and successfully contending against the usurpation of Britain we may fall a prey to our own folly and disputes."

How keen the prophet's ken, that through the smoke of war discerned the coming evil; how diligent the patriot's hand, that amidst awful responsibilities reached future-ward to avert it!

By almost a miracle the weak Confederation, a "barrel without a hoop," was held together perforce of outside pressure; and soon America was free!

FOLLIES AND DISSENSIONS.

But not yet had beaten Britain concluded peace, not yet had dried the blood of Victory's field ere "follies and disputes" confounded all things with their Babel tongues and intoxicated Liberty gave loose to license. An unpaid army with unsheathed swords clamored around a poverty-stricken and helpless Congress. And grown at last impatient even with their chief, officers high in rank plotted insurrection and circulated an anonymous address, urging it "to appeal from the justice to the fears of government, and suspect the man who would advise to longer forbearance." Anarchy was about to wreck the Arch of Triumph; poor, exhausted, bleeding, weeping America lay in agony upon her bed of laurels.

Not a moment did Washington hesitate. He convened his officers, and going before them he read them an address, which, for home-thrust argument, magnanimous temper, and the eloquence of persuasion which leaves nothing to be added, is not exceeded by the grandest utterance of Greek or Roman. A nobler than Coriolanus was before them, who needed no mother's or wife's reproachful tears to turn the threatening steel from the gates of Rome. Pausing as he read his speech he put on his spectacles and said: "I have grown gray in your service and now find myself growing blind."

This unaffected touch of nature completed the master's spell. The late fomenters of insurrection gathered to their chief with words of veneration; the storm went by; and, says Curtis in his History of the Constitution, "Had the Commander-in-Chief been other than Washington, the land would have been deluged with the blood of civil war."

PEACE AND APPEALS FOR UNION.

But not yet was Washington's work accomplished. Peace dawned upon the weary land, and parting with his soldiers he pleaded with them for union. "Happy, thrice happy, shall they be pronounced," he said, "who have contributed anything in erecting this stupendous fabric of freedom and empire; who have assisted in protecting the rights of human nature, and establishing an asylum for the poor and oppressed of all nations and religions." But still the foundations of the stupendous fabric trembled, and no cement held its stones together. It was then that with thickening peril Washington rose to his highest stature. Without civil station to call forth his utterance, impelled by the interpid impulse of a soul that could not see the hope of a nation perish without leaping into the stream to save it, he addressed the whole people of America in a circular to the Governors of the States: "Convinced of the importance of the crisis, silence in me," he said, "would be a crime. I will therefore speak the language of freedom and sincerity." He set forth the need of union in a strain that touched the quick of sensibility, he held up the citizens of America as sole lords of a vast tract of continent, he portrayed the fair opportunity for political happiness with which Heaven had crowned them; he pointed out the blessings that would attend their collective wisdom; that in their fate

was involved that of unborn millions; that mutual concessions and sacrifices must be made, and that supreme power must be lodged somewhere to regulate and govern the general concerns of the Confederate Republic, without which the Union would not be of long duration, and he urged that happiness would be ours if we seized the occasion and made it our own.

In this, one of the very greatest acts of Washington, was revealed the heart of the man, the spirit of the hero, the wisdom of the sage, I might almost say the sacred inspiration of the prophet.

But still the wing of the Eagle drooped; the gathering storms baffled his sunward flight. Even with Washington in the van the column wavered and halted—States straggling to the rear that had hitherto been foremost for permanent union, under an efficacious constitution. And while three years rolled by amidst the jargon of sectional and local contentions, "the half-starved Government," as Washington depicted it, "limped along on crutches, tottering at every step." And while monarchical Europe with saturnine face declared that the American hope of union was the wild and visionary notion of romance, and predicted that we would be to the end of time a disunited people, suspicious and distrustful of each other, divided and subdivided into petty commonwealths and principalities, lo! the very earth yawned under the feet of America, and in that very region whence had come forth a glorious band of orators, statesmen, and soldiers to plead the cause and fight the battles of Independence—lo! the volcanic fires of rebellion burst forth upon the heads of the faithful, and the militia were leveling the guns of the Revolution against the breasts of their brethren. "What, gracious God! is man?" Washington exclaimed:

It was but the other day that we were shedding our blood to obtain the constitutions under which we live, and now we are unsheathing our swords to overturn them.

But see! there is a ray of hope. Maryland and Virginia had already entered into a commercial treaty for regulating the navigation of the rivers and great bay in which they had common interests, and Washington had been one of the commissioners in its negotiation. And now, at the suggestion of Maryland, Virginia had called on all the States to meet in convention at Annapolis to adopt commercial regulations for the whole country. Could this foundation be laid, the eyes of the nation-builders foresaw that the permanent structure would ere long rise upon it. But when the day of meeting came no State north of New York or south of Virginia was represented, and in their helplessness those assembled could only recommend a constitutional convention, to meet in Philadelphia in May, 1787, to provide for the exigencies of the situation.

THE DARK HOUR AND THE DAWN.

And still thick clouds and darkness rested on the land, and there lowered upon its hopes a night as black as that upon the freezing Delaware; but through its gloom the dauntless leader was still marching on to the consummation of his colossal work, with a hope that never died, with a courage that never faltered, with a wisdom that never yielded that "all is vanity."

It was not permitted the Roman to despair of the Republic, nor did he our Chieftain. "It will all come right at last," he said. It did. And now let the historian, Bancroft, speak:

From this state of despair the country was lifted by Madison and Virginia.

Again he says:

We come now to a week more glorious for Virginia beyond any in her annals or in the history of any republic that had ever before existed.

It was that week in which Madison, giving effect to his own long-cherished wishes and the still earlier wishes of Washington, addressing it were the whole country and marshaling all the States, warned them "that the crisis had arrived at which the people of America are to decide the solemn question whether they would reap the fruits of Independence and of Union, or would renounce the blessings prepared for them by the Revolution," and conjuring them "to concur in such further concessions and provisions as may be necessary to secure the objects for which that Government was instituted, and make the United States as happy in peace as they had been glorious in war."

THE UNION AND THE CONSTITUTION.

In such manner, my countrymen, Virginia, adopting the words of Madison and moved by the constant spirit of Washington, joined in convoking that Constitutional Convention, in which he headed her delegation and over which he presided, and whose deliberations resulted in the formation and adoption of that instrument which the Premier of Great Britain pronounces "the most wonderful work ever struck off at a given time by the brain and purpose of man."

In such manner the State which gave birth to the Father of his Country, following his guiding genius to the Union, as it had followed his sword through the battles of Independence, placed herself at the head of the wavering column.

In such manner America heard and harkened to the voice of her Chief; and now closing ranks, and moving with reanimated step, the thirteen Commonwealths wheeled and faced to the future on the line of the Union under the sacred ensign of the Constitution.

THE REPUBLIC.

Thus at last was the crowning work of Washington accomplished.

Out of the tempests of war and the tumults of civil commotion the ages bore their fruit, the long yearning of humanity was answered. "Rome to America" is the eloquent inscription on one stone of your colossal shaft—taken from the ancient Temple of Peace that once stood hard by the Palace of the Cæsars. Uprisen from the sea of Revolution, fabricated from the ruins of battered Bastilles, and dismantled palaces of unrighteous, unhallowed power, stood forth now the Republic of republics, the Nation of nations, the Constitution of constitutions, to which all lands and times and tongues had contributed of their wisdom, and the priestess of Liberty was in her holy temple.

THE FIRST CITIZEN IN THE GREAT REPUBLIC OF HUMANITY.

When Marathon had been fought and Greece kept free each of the victorious generals voted himself to be first in honor, but all agreed that that Miltiades was second. When the most memorable struggle for the rights of human nature of which time holds record was thus happily concluded in the muniment of their preservation, whoever else was second unanimous acclaim declared that Washington was first. Nor in that struggle alone does he stand foremost. In the name of the people of the United States, their President, their Senators and their Representatives, and their Judges do crown to-day with the grandest crown that veneration has ever lifted to the brow of glory him whom Virginia gave to America, whom America has given to the world and to the ages, and whom mankind with universal suffrage has proclaimed the foremost of the founders of empire in the first degree of greatness; whom Liberty herself has anointed as the first citizen in the great Republic of Humanity.

LONG LIVE OUR COUNTRY.

Encompassed by the inviolate seas stands to-day the American Republic which he founded—a freer, Greater Britain—uplifted above the powers and principalities of the earth, even as his monument is uplifted over roof and dome and spire of the multitudinous city.

Long live the Republic of Washington! Respected by mankind, beloved of all its sons, long may it be the asylum of the poor and oppressed of all lands and religions—long may it be the citadel of that liberty which writes beneath the eagle's folded wings, "We will sell to no man; we will deny to no man right and justice."

Long live the United States of America! Filled with the free magnanimous spirit, crowned by the wisdom, blessed by the moderation, hovered over by the guardian angel of Washington's example, may they be ever worthy in all things to be defended by the blood of the brave who know the rights of man and shrink not from their assertion; may they be each a column, and all together, under the Constitution, a perpetual Temple of Peace, unshadowed by a Cæsar's palace, at whose altar may freely commune all who seek the union of liberty and brotherhood.

Long live our country! Oh, long through the undying ages may it stand, far removed in fact as in space from the Old World's feuds and follies, alone in its grandeur and its glory, itself the immortal monument of him whom Providence commissioned to teach man the power of truth and to prove to the nations that their redeemer liveth.

The delivery of the above was repeatedly interrupted with loud applause.

THE PRESIDENT OF THE SENATE. In accordance with the programme, benediction will now be pronounced by Rev. Dr. LINDSAY, Chaplain of the House of Representatives.

The Chaplain of the House then pronounced the benediction, as follows:

The blessing of God Almighty, the Father, the Son, and the Holy Ghost, be among you and remain with you always. Amen.

At 5 o'clock p. m. the President of the United States, the Supreme Court, the Senate, and the invited guests retired from the Hall.

ORDER OF BUSINESS.

The SPEAKER (at 5 o'clock and 5 minutes p. m.) called the House to order.

Mr. DORSHEIMER. I move that the House do now adjourn.

Mr. WILLIS. I hope the gentleman will withdraw that motion. I desire to move that the House take a recess till Monday morning at 10 o'clock. [Cries of "Regular order!"]

The SPEAKER. Is the motion to adjourn withdrawn?

Mr. DORSHEIMER. No, sir. I prefer the House should adjourn.

Mr. WILLIS. If that motion is voted down I will move a recess.

The question being taken on the motion to adjourn, the Speaker stated that the "ayes" seemed to have it.

Mr. WILLIS. I call for a division. I am satisfied my motion was misunderstood. It is to take a recess until Monday at 10 o'clock. [Cries of "Regular order!"]

The House divided; and there were—ayes 87, noes 61.

Mr. WILLIS. I call for tellers.

Tellers were ordered, 39 members voting therefor—more than one-fifth of a quorum.

Mr. WHITE, of Kentucky. I move that the House do now adjourn.

The SPEAKER. That is the question pending. The Chair appoints as tellers the gentleman from Kentucky, Mr. WILLIS, and the gentleman from New York, Mr. DORSHEIMER.

The House again divided; and the tellers reported—ayes 76, noes 88.

Mr. WHITE, of Kentucky. I call for the yeas and nays.

The yeas and nays were not ordered, only 11 members voting therefor.

So the House refused to adjourn.

Mr. WHITE, of Kentucky. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. WHITE, of Kentucky. I see on the programme under which we have been acting, adopted by the Congressional Commission, the last item is "music;" and it is added, "during which the assemblage shall disperse."

The SPEAKER. That is not a question of order. The gentleman from Kentucky [Mr. WILLIS] moves that the House do now take a recess until 10 o'clock on Monday morning.

Mr. BROWN, of Pennsylvania. With the understanding that we will adjourn before 11.

Mr. HEPBURN. I move to amend the motion for a recess, so that it shall be taken until 7 o'clock this evening.

Mr. WELLER. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WELLER. If there is a recess until 10 o'clock on Monday morning, I ask the gentleman from Kentucky at what time there will be an adjournment on Monday?

The SPEAKER. That is not a parliamentary inquiry.

Mr. WILLIS. I beg to state that at two minutes before 11 I will make a motion to adjourn.

The SPEAKER. The question is on the amendment offered by the gentleman from Iowa [Mr. HEPBURN].

The question being taken, there were—ayes 11, noes 96.

Mr. HEPBURN. No quorum.

Mr. POST, of Pennsylvania. I move that the House do now adjourn.

The question being taken on the motion to adjourn, there were—ayes 67, noes 65.

Mr. BUDD and Mr. WILLIS called for tellers.

Tellers were ordered, 37 members voting therefor—more than one-fifth of a quorum.

The SPEAKER. The Chair appoints as tellers the gentleman from Kentucky, Mr. WILLIS, and the gentleman from Pennsylvania, Mr. POST.

The House again divided; and the tellers reported—ayes 55, noes 70. So the House refused to adjourn.

Mr. WILLIS. I now renew my motion.

The SPEAKER. The motion of the gentleman is pending.

Mr. ANDERSON. I move that the House take a recess until 8 o'clock this evening.

The SPEAKER. The pending question was on the amendment proposed by the gentleman from Iowa [Mr. HEPBURN] that the House should take a recess until 7 o'clock this evening. The gentleman from Kansas [Mr. ANDERSON] moves to amend that amendment so as to make the recess be till 8 o'clock this evening.

The question being taken, the Speaker stated that the "noes" seemed to have it.

Mr. ANDERSON. I call for a division.

The House divided; and there were—ayes 5, noes 73.

Mr. ANDERSON. No quorum.

The SPEAKER. A quorum not having voted the Chair will order tellers, and appoints the gentleman from Kansas, Mr. ANDERSON, and the gentleman from Kentucky, Mr. WILLIS.

Mr. WHITE, of Kentucky. I move that the House do now adjourn.

The question being taken on the motion to adjourn, there were—ayes 50, noes 55.

Mr. WHITE, of Kentucky. I call for tellers.

Tellers were not ordered, only 1 member voting therefor.

So the House refused to adjourn.

Mr. WHITE, of Kentucky. I move a call of the House.

The motion was not agreed to.

Mr. DUNHAM. I move that the House do now adjourn.

The question being taken, there were—ayes 53, noes 55.

So the House refused to adjourn.

The SPEAKER. The question is on the amendment of the gentleman from Kansas [Mr. ANDERSON] that the House take a recess until 8 o'clock this evening. The gentleman from Kentucky, Mr. WILLIS, and the gentleman from Kansas, Mr. ANDERSON, will take their places as tellers.

The House again divided; and the tellers reported—ayes 6, noes 34. So (further count not being called for) the amendment was not agreed to.

Mr. HEPBURN. I move that the House do now adjourn.

The question being taken on the motion to adjourn, there were—ayes 62, noes 57.

Mr. WILLIS. I call for tellers.

Tellers were ordered, 42 members voting therefor.

The SPEAKER. The Chair appoints as tellers the gentleman from Kentucky, Mr. WILLIS, and the gentleman from Iowa, Mr. HEPBURN.

Mr. WILLIS. If I may be allowed to make one statement—

[Cries of "Regular order!"]

The House again divided; and the tellers reported—ayes 43, noes 51.

So the House refused to adjourn.

The SPEAKER. The question now recurs on the amendment proposed by the gentleman from Iowa [Mr. HEPBURN] to the motion made by the gentleman from Kentucky [Mr. WILLIS], the amendment being that the House take a recess until 7 o'clock this evening.

Mr. ANDERSON. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. ANDERSON. I offered an amendment that the House should take a recess until 8 o'clock.

The SPEAKER. But that amendment was defeated.

Mr. ANDERSON. A quorum did not vote.

The SPEAKER. The Chair did not hear the point as to a quorum insisted on upon that amendment. That point was made on the amendment of the gentleman from Iowa.

Mr. DUNHAM. I move that when the House adjourns to-day it be to meet on Tuesday next.

Mr. WHITE, of Kentucky. I move to amend that motion. I move that when we meet on Tuesday it be exclusively to consider the Mexican pension bill. [Laughter.]

The SPEAKER. That motion is not in order.

The question was taken on the motion of Mr. DUNHAM, and it was not agreed to.

Mr. WILLIS. Mr. Speaker, recognizing the condition of affairs, not desiring to keep gentlemen here, and with the view of continuing Monday, I now move that the House adjourn.

The motion was agreed to; and accordingly (at 5.35 p. m.) the House adjourned.

SENATE.

MONDAY, February 23, 1885.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of the proceedings of Saturday last was read and approved.

CREDENTIALS.

The PRESIDENT *pro tempore* presented the credentials of JAMES K. JONES, chosen by the Legislature of Arkansas a Senator from that State for the term beginning March 4, 1885; which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. McMILLAN. I present a petition of ship-owners of Boston, Mass., praying for an amendment of the bill (H. R. 5692) to adopt the revised international regulations for preventing collisions at sea, now pending in the Senate. The bill has been reported from the Committee on Commerce, and I move that the petition lie on the table.

The motion was agreed to.

Mr. McMILLAN. I also present a petition of marine insurance companies of Boston, Mass., to the same effect, which I move lie on the table.

The motion was agreed to.

Mr. WILLIAMS presented a petition of the Tobacco Board of Trade of Hopkinsville, Ky., praying that the report of Col. J. B. Killebrew on tobacco be published in full in the census reports; which was referred to the Committee on Printing.

Mr. SHERMAN. I present the petition of a number of citizens of Deerfield, Ohio, praying for such legislation as will prohibit the manufacture and sale of counterfeit dairy products, if such can be made constitutional; if not, for a high license on the manufacturer and seller, and a high tax on each pound manufactured and sold, with severe penalties, including imprisonment, for any violation of the law. I move that the petition be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. MILLER, of California. A dispatch has been sent to me by the Grand Army of the Republic of California, in the nature of a petition to Congress, which I ask may be read.

There being no objection, the petition was read, and ordered to lie on the table, as follows:

SAN FRANCISCO, CAL., February 20, 1885.

Senator JOHN F. MILLER,
Washington, D. C.:

In obedience to instructions, I telegraph resolutions this day unanimously and enthusiastically adopted by annual encampment of Grand Army of the Republic, Department of California, now in session.

JAS. A. WAYMER.

Resolved, That it is highest duty free people to honor and support those who have imperiled their lives in struggle for national perpetuity; that it is imperative duty people United States provide for comfort and welfare our great soldiers, successful generals in their declining years, and that wish General Grant to be placed on retired list United States Army should be gratified without delay as small return for and as evidence our appreciation those illustrious services performed by him for our country that have made this and all succeeding generations his debtors.

Resolved, That these resolutions be telegraphed to General JOHN F. MILLER, with request that he furnish each Senator and Congressman with copy forthwith.

REPORTS OF COMMITTEES.

Mr. PLUMB, from the Committee on Public Lands, to whom was

referred the bill (H. R. 577) to donate a cemetery site on the public lands to the city of Kirwin, in the State of Kansas, reported it without amendment.

Mr. INGALLS, from the Committee on Indian Affairs, to whom was referred Senate Executive Document No. 14, on the 19th of December, 1883, on the subject of the "Old Settler" on Western Cherokee Indians and their claims against the Government, submitted a report thereon accompanied by a bill.

The bill (S. 2656) to refer the claims of the Eastern and Western bands of Cherokee Indians to the Court of Claims was read twice by its title.

Mr. PIKE, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 3235) relating to acknowledgments of conveyances of land in the District of Columbia, reported it without amendment, and submitted a report thereon.

Mr. PIKE. I move that the bill (S. 1104) relating to acknowledgments of conveyances of land in the District of Columbia, now on the Calendar, heretofore reported from the Committee on the District of Columbia, be postponed indefinitely.

The motion was agreed to.

JOHN G. ROBINSON.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. 864) for the relief of William G. Ford, administrator of John G. Robinson, deceased, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 864) for the relief of William G. Ford, administrator of John G. Robinson, deceased, be referred (in accordance with the provisions of article 1 of section 1099 of the Revised Statutes of the United States) to the Court of Claims of the United States, together with the vouchers, papers, proofs, and documents appertaining thereto.

ALLEGED POTOMAC LAND PATENT.

Mr. INGALLS. The Committee on the Judiciary, to which was referred a resolution offered by the Senator from Rhode Island [Mr. ALDRICH] concerning what is known as the Kidwell claim upon the Potomac Flats, instruct me to make a report in writing thereon, accompanied by certain exhibits, together with the draught of a bill; which I ask may be twice read and placed upon the Calendar. I give notice that to-morrow morning, at the close of the morning business, I shall ask for the consideration of the bill.

The bill (S. 2655) to provide for protecting the interests of the United States in the Potomac River Flats in the District of Columbia, was read twice by its title.

The PRESIDENT *pro tempore*. If there be no objection the committee will be discharged from the further consideration of the resolution and papers.

Mr. INGALLS. I ask that the printing of the report, together with the exhibits, may be completed by to-morrow morning.

The PRESIDENT *pro tempore*. The report and the accompanying papers will be printed.

INVESTIGATION OF INDIAN AFFAIRS.

Mr. DAWES. I am instructed by the Committee on Indian Affairs to report a resolution, and I ask that it may be considered at the present time.

The resolution was read, as follows:

Resolved, That the Committee on Indian Affairs be authorized to continue during the recess the investigations authorized by the resolutions of the Senate of June 11 and of December 3, 1884, in the manner and to the extent and with the same authority contained in said resolutions, and with the further authority to inquire what changes, if any, are necessary and proper in the boundary lines of any of the reservations therein described; and that they report the result of such examinations to the next regular session of Congress.

By unanimous consent, the Senate proceeded to consider the resolution.

Mr. COCKRELL. I should like to ask the Senator from Massachusetts whether this includes the lease question?

Mr. DAWES. It does. I will say that the matter of investigation of leases has been continued by the committee during almost the entire session, but at great expense by bringing witnesses from a great distance and under very great limitations. It is impossible to thoroughly investigate the matter unless we go upon the ground.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 357) granting a pension to William Lockhart;

A bill (S. 526) granting a pension of \$50 per month, to be paid out of the naval pension fund, to Julia T. Scott, widow of Gustavus H. Scott, late a rear-admiral in the United States Navy, and for forty-six years in active service;

A bill (S. 1117) for the erection of a public building at Macon, Ga.;

A bill (S. 1183) granting a pension to Hugh O'Neil;

A bill (S. 1268) for the relief of Sydney L. Skaggs;

A bill (S. 1473) to enlarge the United States custom-house at Richmond, Va.;

A bill (S. 1655) granting a pension to Newton J. Burris;
 A bill (S. 1709) granting a pension to Leonora A. Boyden;
 A bill (S. 1790) granting an increase of pension to Edgar L. Dutton;
 A bill (S. 1803) granting an increase of pension to George A. Wash-

burn;
 A bill (S. 1804) granting a pension to Clarinda Hunt;
 A bill (S. 1915) to remove the political disabilities of James D. Johnston, of Georgia, incurred under the fourteenth amendment of the Constitution;

A bill (S. 2272) granting a pension to Andrew Franklin, alias Andrew McKee;

A bill (S. 2250) granting a pension to Anna Ginn;
 A bill (S. 2514) granting a pension to David T. Hoover;
 A bill (S. 2570) granting an increase of pension to Samuel M. Thompson;

A bill (S. 2587) granting a pension to William H. H. Gilley;
 A bill (S. 2610) granting a pension to Patrick Furlong; and
 A bill (S. 3023) to remove the political disabilities of Alexander W. Stark.

The message also announced that the House had passed the following bills with amendments; in which it requested the concurrence of the Senate:

A bill (S. 2009) granting a pension to Isabella Turner; and
 A bill (S. 2327) for the relief of James Bedell, sr.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 301) granting a pension to Theodore Leveron;
 A bill (H. R. 1710) granting a pension to George W. Bean;

A bill (H. R. 1873) for the relief of Edward Kraemer;
 A bill (H. R. 3556) granting a pension to Mrs. Lucretia G. Ripley;

A bill (H. R. 3735) granting a pension to Mary A. Grennon;
 A bill (H. R. 4393) for the relief of Lieut. Nathaniel Johnson Coffin;

A bill (H. R. 5581) granting a pension to William Paugh;
 A bill (H. R. 5998) granting an increase of pension to Jonathan C. Harrison;

A bill (H. R. 6505) granting a pension to Corydon Millard;
 A bill (H. R. 6960) for the relief of Charles L. Alden;

A bill (H. R. 7229) to remove the disabilities of J. J. B. Walbach, of Baltimore, Md.;

A bill (H. R. 7231) to remove the disabilities of John K. Cooke, of Virginia;

A bill (H. R. 7248) to increase the pension of Jane D. Brent;
 A bill (H. R. 7303) to restore the name of Thomas Ferguson to the pension-roll;

A bill (H. R. 7417) for the relief of Stephen Sauer;
 A bill (H. R. 7418) for the relief of Maria Spellen;

A bill (H. R. 7485) granting a pension to Alexander Weide;
 A bill (H. R. 7513) granting a pension to Margaret B. Harwood;

A bill (H. R. 7863) granting a pension to Thomas M. McChesney;
 A bill (H. R. 7990) granting a pension to Joseph Sansom;

A bill (H. R. 7992) for the relief of Christian Arndt;
 A bill (H. R. 7993) for the relief of William Stansberry;

A bill (H. R. 8032) to remove the political disabilities of Virginus Freeman, of Virginia;

A bill (H. R. 8048) to increase the pension of Ferdinand Hercher;
 A bill (H. R. 8069) granting a pension to Catharine Helton;

A bill (H. R. 8152) for the relief of William D. Farnsworth;
 A bill (H. R. 8187) granting a pension to Chancey G. Darrah;

A bill (H. R. 8189) granting a pension to Mrs. F. M. Norton; and
 A bill (H. R. 8229) to grant a pension to James Dye.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, reported two amendments intended to be proposed to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. VOORHEES submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PIKE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PACIFIC RAILROADS.

Mr. SHERMAN submitted an amendment intended to be proposed by him to the bill (H. R. 6771) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act; which was ordered to lie on the table and be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. BAYARD, it was

Ordered, That the attorney for the estate of Daniel Carroll of Duddington have leave to withdraw papers in the case of Maria C. Fitzhugh and Ann C. Carroll.

roll, executrixes of the said Daniel Carroll of Duddington, from the files of the Senate.

ASTRONOMICAL AND METEOROLOGICAL OBSERVATIONS.

Mr. MANDERSON submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That the annual volumes of Astronomical and Meteorological Observations of the Naval Observatory for the years 1881 and 1882 be printed, and that 2,000 additional copies of each volume be printed, of which 400 copies shall be for the use of the Senate, 800 copies for the use of the House, and 800 copies for the use of the Navy Department, or for sale at the cost of paper and printing, in accordance with section 432 of the Revised Statutes of the United States.

INDIAN EDUCATION.

Mr. DAWES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be directed to furnish to the Senate the information in possession of the Commissioner of Education showing the progress of Indian education and civilization.

DES MOINES RIVER LANDS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the Calendar under Rule VIII, the first bill in order being Senate bill 1886. The title of the bill will be read.

The CHIEF CLERK. "A bill (S. 1886) to quiet title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes."

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole. The pending question is on the amendment proposed by the Senator from New York [Mr. LAPHAM] to add to section 2 what will be read.

The CHIEF CLERK. It is proposed to add to section 2 the following:

The provisions of this act shall not apply to such of the lands referred to in the joint resolution of March 2, 1861, as the Supreme Court of the United States has decided validated the titles of *bona fide* purchasers from the State of Iowa or its grantees prior to the passage of said joint resolution.

Mr. LAPHAM. I desire to modify that amendment, putting it in a little different form, which I now send to the desk.

The PRESIDENT *pro tempore*. The Senator from New York modifies his amendment. The proposed modification will be read.

The CHIEF CLERK. It is proposed to add as an additional section:
 Sec. —. The provisions of this act shall not apply to those lands covered by the joint resolution of March 2, 1861, which the Supreme Court has decided by that resolution rendered valid the title to *bona fide* purchasers from the State of Iowa or its grantees prior to the adoption of said joint resolution.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment as modified.

Mr. DAWES. I ask the Senator from New York to yield to me a moment that I may ask unanimous consent to consider a House bill that it will be necessary to send back to the other branch if it passes here at all. It will not take any debate.

Mr. McMILLAN. What is the bill?

Mr. INGALLS. Regular order.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent for what?

Mr. DAWES. To consider Order of Business 1271.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the pending order be informally laid aside and that the Senate now consider Order of Business 1271. The title of the bill will be read.

The CHIEF CLERK. "A bill (H. R. 6658) to provide for the sale of the Sac and Fox Indian reservation, in the States of Nebraska and Kansas, and for other purposes."

The PRESIDENT *pro tempore*. Is there objection?

Mr. ALLISON. I object.

The PRESIDENT *pro tempore*. Objection is made. The Senator from New York [Mr. LAPHAM] is entitled to the floor.

Mr. LAPHAM. Mr. President, the object of this amendment in the form in which I have now presented it is to prevent this legislation from having the effect, provided it shall become a law and be carried into operation, of interfering with the solemn judgments of the Supreme Court which have already been pronounced.

It would hardly seem necessary for me to stand here in the advocacy of a proposition so self-evident as the one I have advanced in support of this amendment. In the interesting proceedings which took place in the Hall of the House of Representatives on Saturday last my attention was attracted especially, in view of this very bill, to the extract embodied by Mr. Winthrop in his eloquent oration from the letter of General Washington to the governors of the States in the year 1783:

There are four things—

Said Washington—

which, I humbly conceive, are essential to the well-being—I may even venture to say, to the existence—of the United States, as an independent power: First, an indissoluble Union of the States under one Federal head; second, a sacred regard to public justice.

I need read no further. I am addressing these considerations to the most august legislative tribunal in the world. We should tread carefully when we are asked to legislate in a manner which will in any way trench upon or interfere with the adjudications of our highest judicial tribunal. No motive of policy or expediency or favoritism should re-

ceive any consideration at our hands in determining a question of this grave character. We ought to look solely, impartially, and exclusively to the effect of our legislation, uninfluenced by any considerations other than the certain and inevitable effect of our enactments.

Sir, if the repeal of the joint resolution of March 2, 1861, as is conceded on all hands, as was stated in the letter of Senator Wright from which I have read and in the letter of Mr. Carpenter from which I have read, would not affect in any way the rights of those who purchased from the grantees of the State of Iowa the lands in question, can we by indirection, as this bill proposes, not only disregard the force of that enactment but practically reverse the decisions already made by the Supreme Court as to its effect? Unless we can do that this amendment ought to be enacted upon the bill. I indulge the hope that Senators will pause and reflect before they decide to pass the bill without exempting from its operation the class of cases upon which the Supreme Court has pronounced its solemn judgments.

The sole purpose of this amendment, and the only purpose which induced me to offer it, is to preserve in full force the judicial determinations already made, and to subject all prosecutions under the bill to that wholesome and necessary restriction.

In considering a question of this magnitude the Senate should not act hastily or inconsiderately, but with great deliberation and care. If it be the office of this bill to thus interfere with adjudications, then it ought not to receive our sanction. If it be not in the power of the Senate to interfere with the adjudications, then above all other considerations it ought not to receive our sanction. For us to undertake to burden the public Treasury and to charge the officials of the Government with the exercise of a power which must in the end prove abortive is a proposition, it seems to me, too plain to need any discussion when I say that we ought to reject any effort of that kind.

I have, therefore, in the modified form of the amendment drawn it expressly so that in the event of the passage of the bill litigations which are to take place in pursuance of it, if any, shall be in subordination to the legitimate effect of the joint resolution of March 2, 1861, and the decisions of the Supreme Court.

Mr. President, I can not dwell longer upon this subject. I am addressing those to whom I am sure considerations of the nature I have now suggested will have their due weight in the votes which they are to cast. I trust the amendment which I have now offered will receive the sanction of the Senate.

The PRESIDING OFFICER (Mr. HARRISON in the chair). The question is upon the amendment proposed by the Senator from New York.

Mr. BROWN. Let it be read.

The PRESIDING OFFICER. The amendment will be again read by the Secretary.

The SECRETARY. It is proposed to add as an additional section:

SEC. —. The provisions of this act shall not apply to those lands covered by the joint resolution of March 2, 1861, which the Supreme Court has decided by that resolution rendered valid the title to bona fide purchasers from the State of Iowa or its grantees prior to the adoption of said joint resolution.

Mr. LAPHAM. I ask for the yeas and nays upon the amendment.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. VANCE (when Mr. RANSOM's name was called). My colleague [Mr. RANSOM] is paired with the Senator from Illinois [Mr. LOGAN]. The roll-call was concluded.

Mr. VEST. I am requested by the Senator from Louisiana [Mr. JONAS] to state that he is detained from the Senate by sickness. I have not paired him on this amendment, for I do not know how he would vote on it.

The result was announced—yeas 14, nays 38; as follows:

YEAS—14.			
Bayard,	Gariand,	McMillan,	Pendleton,
Blair,	Groome,	McPherson,	Pike.
Brown,	Harris,	Miller of N. Y.,	
Chace,	Lapham,	Morgan,	
NAYS—38.			
Allison,	Frye,	Jackson,	Saulsbury,
Beck,	George,	Jones of Nevada,	Sawyer,
Butler,	Gibson,	Manderson,	Sewell,
Camden,	Gorman,	Maxey,	Slater,
Cameron of Wis.,	Hale,	Mitchell,	Vance,
Cockrell,	Hampton,	Morrill,	Vest,
Coke,	Harrison,	Palmer,	Voorhees,
Conger,	Hawley,	Platt,	Wilson.
Cullom,	Hill,	Plumb,	
Dawes,	Ingalls,	Pugh,	
NOT VOTING—24.			
Aldrich,	Edmunds,	Kenna,	Riddleberger,
Bowen,	Fair,	Lamar,	Sherman,
Call,	Farley,	Logan,	Sabin,
Cameron of Pa.,	Hoar,	Mahone,	Van Wyck,
Colquitt,	Jonas,	Miller of Cal.,	Walker,
Dolph,	Jones of Florida,	Ransom,	Williams.

So the amendment was rejected.

The bill was reported to the Senate.

The PRESIDING OFFICER. There was one amendment made

in Committee of the Whole. The question is on concurring in that amendment.

The amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. This bill having been read three times, the question is, Shall it pass?

Mr. LAPHAM. On that question I ask for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. WALKER. I am paired with the Senator from Virginia [Mr. RIDDLEBERGER], or I should vote "nay."

The result was announced—yeas 32, nays 24; as follows:

YEAS—32.			
Allison,	Conger,	Ingalls,	Saulsbury,
Beck,	Cullom,	Kenna,	Sawyer,
Bowen,	Dawes,	Manderson,	Sewell,
Butler,	Frye,	Maxey,	Slater,
Call,	George,	Mitchell,	Vance,
Cameron of Wis.,	Hale,	Platt,	Vest,
Chace,	Harrison,	Plumb,	Voorhees,
Coke,	Hill,	Pugh,	Wilson.
NAYS—24.			
Bayard,	Fair,	Hawley,	Miller of N. Y.,
Blair,	Garland,	Jackson,	Morgan,
Brown,	Gibson,	Lapham,	Morrill,
Camden,	Gorman,	McMillan,	Pendleton,
Dolph,	Groome,	McPherson,	Pike,
Edmunds,	Harris,	Mahone,	Sabin.
NOT VOTING—20.			
Aldrich,	Hampton,	Lamar,	Riddleberger,
Cameron of Pa.,	Hoar,	Logan,	Sherman,
Cockrell,	Jonas,	Miller of Cal.,	Van Wyck,
Colquitt,	Jones of Florida,	Palmer,	Walker,
Farley,	Jones of Nevada,	Ransom,	Williams.

So the bill was passed.

The PRESIDENT *pro tempore*. The Chair lays before the Senate under the special order passed on the 14th of February Order of Business 542, the title of which will be read.

The CHIEF CLERK. "A joint resolution (H. Res. 170) in relation to the claim made by Dr. John B. Read against the United States for the alleged use of projectiles claimed as the invention of said Read, and by him alleged to have been used pursuant to a contract or arrangement made between him and the War Department, and for which no compensation has been made."

Mr. PLUMB. I move to proceed to the consideration of the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes.

Mr. CONGER. In regard to the bill the title of which was announced, I wish to enter an objection to its consideration.

Mr. ALLISON. What became of the preamble to the Des Moines bill; has that been agreed to? I think that had better be agreed to or struck out.

The PRESIDENT *pro tempore*. The Chair was not advised that there was a preamble to the bill just passed. The preamble will be read.

The Chief Clerk read the preamble to Senate bill 1886.

The PRESIDENT *pro tempore*. The question is on agreeing to the preamble.

The preamble was rejected.

Mr. HOAR. I should like to have the bill examined to see whether there is anything in the bill referring to the preamble.

The PRESIDENT *pro tempore*. The Secretary will examine the bill, and the Chair will again call the attention of the Senate to the bill if it is found to contain a reference to the preamble.

Mr. ALLISON. I will look at it.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

- A bill (H. R. 301) granting a pension to Theodore Leveron;
- A bill (H. R. 1710) granting a pension to George W. Bean;
- A bill (H. R. 1873) for the relief of Edward Kraemer;
- A bill (H. R. 3735) granting a pension to Mary A. Grennon;
- A bill (H. R. 3556) granting a pension to Mrs. Lucretia G. Ripley;
- A bill (H. R. 4393) for the relief of Lieut. Nathaniel Johnson Coffin;
- A bill (H. R. 5581) granting a pension to William Paugh;
- A bill (H. R. 5998) granting an increase of pension to Jonathan C. Harrison;
- A bill (H. R. 6505) granting a pension to Corydon Millard;
- A bill (H. R. 6960) for the relief of Charles L. Alden;
- A bill (H. R. 7248) to increase the pension of Jane D. Brent;
- A bill (H. R. 7303) to restore the name of Thomas Ferguson to the pension-roll;
- A bill (H. R. 7417) for the relief of Spencer Sauer;
- A bill (H. R. 7418) for the relief of Maria Spellen;
- A bill (H. R. 7485) granting a pension to Alexander Weide;
- A bill (H. R. 7513) granting a pension to Margaret B. Harwood;
- A bill (H. R. 7863) granting a pension to Thomas M. McChesney;

A bill (H. R. 7990) granting a pension to Joseph Sansom;
 A bill (H. R. 7992) for the relief of Christian Arndt;
 A bill (H. R. 7993) for the relief of William Stansberry;
 A bill (H. R. 8048) to increase the pension of Ferdinand Hercher;
 A bill (H. R. 8069) granting a pension to Catharine Helton;
 A bill (H. R. 8152) for the relief of William D. Farnsworth;
 A bill (H. R. 8187) granting a pension to Chancey G. Darrah;
 A bill (H. R. 8189) granting a pension to Mrs. F. M. Norton; and
 A bill (H. R. 8229) to grant a pension to James Dye.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 7229) to remove the political disabilities of J. J. B. Walbach, of Baltimore, Md.;
 A bill (H. R. 7231) to remove the political disabilities of John D. Cooke, of Virginia; and
 A bill (H. R. 8032) to remove the political disabilities of Virginus Freeman, of Virginia.

JAMES BEDELL, SR.

The PRESIDING OFFICER (Mr. HARRIS in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 2327) for the relief of James Bedell, sr., which was to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll the name of James Bedell, sr., as dependent father of Samuel Umstead, subject to the provisions and limitations of the pension laws.

The amendment was referred to the Committee on Pensions.

ISABELLA TURNER.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2009) granting a pension to Isabella Turner; which was to strike out all after the word "pension-roll," in line 6, down to and including the words "eighteen hundred and eighty-two," in line 8 of the bill.

The amendment was referred to the Committee on Pensions.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia; and

A bill (H. R. 3933) to declare a forfeiture of lands granted to the Texas Pacific Railroad Company, and for other purposes.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the Senate proceed to the consideration of the Post-Office appropriation bill. The question is on agreeing to that motion.

Mr. CONGER. Properly in the order of business a bill was laid before the Senate and that was the time for objection to its consideration under the eighth rule. I rose to make objection to that, because I may not be in my seat when it shall be called up again.

The PRESIDENT *pro tempore*. The Senator from Kansas [Mr. PLUMB] had risen previously, however, and had been recognized to make a motion that was in order; therefore the Chair recognized his motion as being the one to be put. If the Senator from Kansas will withdraw his motion—

Mr. PLUMB. I have no objection to withdrawing the motion for a moment.

The PRESIDENT *pro tempore*. The Senator from Kansas withdraws his motion, and the Senator from Michigan objects to the consideration of Order of Business 542, being House joint resolution 170.

Mr. MORGAN. I move that the Senate proceed to the consideration of that joint resolution, notwithstanding the objection.

The PRESIDENT *pro tempore*. The Senator from Alabama moves that the Senate proceed to the consideration of this joint resolution notwithstanding the objection.

Mr. INGALLS. What is the title of it?

The PRESIDENT *pro tempore*. The title has been read. It will be again reported.

The CHIEF CLERK. A joint resolution (H. Res. 170) in relation to the claim made by Dr. John B. Read against the United States for the alleged use of projectiles claimed as the invention of said Read, and by him alleged to have been used pursuant to a contract or arrangement made between him and the War Department, and for which no compensation has been made.

Mr. PLUMB. Will it be in order for me, pending that motion, to move to proceed to the consideration of House bill 8138?

The PRESIDENT *pro tempore*. The Chair thinks it will.

Mr. PLUMB. I move, then, that the Senate proceed to the consideration of House bill 8138.

POST-OFFICE APPROPRIATION BILL.

The PRESIDENT *pro tempore*. Pending the motion of the Senator from Alabama, the Senator from Kansas moves that the Senate proceed to the consideration of the Post-Office appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the

Whole, resumed the consideration of the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes, the pending question being on the amendment proposed by the Committee on Appropriations to strike out all after the word "five," in line 136, to and including the word "postage," in line 138, as follows:

And any article or item in any newspaper or other publication may be marked for observation, except by written or printed words, without increase of postage.

Mr. MAXEY. I stated on Saturday that my recollection was that the Post-Office Committee had recommended, and the Senate had concurred in, an amendment to the law authorizing the marking of an article in a paper sent by one individual to another.

Mr. PLUMB. I should be glad to have order in the Chamber; I can not hear a word the Senator says.

The PRESIDENT *pro tempore*. Senators will please cease conversation.

Mr. MAXEY. I was just saying that I had on Saturday, when this same question was up, not having the book then before me, given my recollection of the passage of such an act as is contained here. I find by reference to the laws this:

And the sender of any article of the third class of mail-matter may write his or her name or address therein, or on the outside thereof, with the word "from" above or preceding the same, or may write briefly or print on any package the number and names of the articles inclosed.

That embraces every character of mail matter of the third class sent by one person to another. It did not extend to newspapers forwarded from the office of publication, but then we gave them this right in the next following clause:

Publishers of newspapers and periodicals may print on the wrappers of newspapers or magazines sent from the office of publication to regular subscribers the time to which subscription therefor has been paid.

That was as far as we thought it necessary or proper to go; and I think the law now goes just as far as it ought to go. There is no reason for giving to an office of publication the right to mark articles. There is a reason where an article is sent from one person to another to give the right to mark it, because the only object of sending the paper is on account of the particular article. Hence I see no reason for the clause now moved to be stricken out.

The PRESIDENT *pro tempore*. The question is on agreeing to the recommendation of the Committee on Appropriations to strike out the words which have been read.

The amendment was agreed to.

Mr. MAXEY. I call the attention of the Senator in charge of the bill, before we leave the part we are now at, to lines 106 to 117. I wish to avoid what is evidently a confusion.

Mr. PLUMB. I will say to the Senator from Texas that the proper way I think would be to go through with the committee's amendments, and then we can return to this, and in the mean time I will have an opportunity to examine what is there.

Mr. MAXEY. Very well; I only want to have the confusion removed.

Mr. FRYE. I desire to inquire whether or not the order made or the understanding is that the committee amendments shall first be acted on.

The PRESIDENT *pro tempore*. That is the understanding. The reading will proceed.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, in section 1, to strike out the following clause, from line 139 to line 151, inclusive:

That at the future lettings of contracts for the manufacture of postage-stamps, stamped envelopes, postal cards, and other postal securities, the Secretary of the Treasury be, and he is hereby, required to submit bids for the manufacture of said stamps, stamped envelopes, postal cards, and other postal securities by the Bureau of Engraving and Printing of the Treasury Department, which bids shall be considered in competition with bids from private parties: *But provided*, That the Postmaster-General may reject any and all the bids of private parties, and award the contracts, or any of them, upon the bid of the Secretary of the Treasury, if, in his judgment, it shall be for the best interests of the Government to do so.

Mr. GORMAN. Mr. President, I trust this provision will not be stricken out. It simply provides that the Secretary of the Treasury may put in propositions from the Bureau of Engraving and Printing for the printing of postage-stamps, stamped envelopes, &c. The reason for it is manifest. The cost of printing stamps and stamped envelopes is estimated at \$1,300,000. The history of the Department work has shown that without a provision of this sort there is a combination made by engravers throughout the country which largely enhances the cost of this work. The Government has an immense establishment here with a corps of efficient employes able to do this work, and if they are permitted to put in a bid it will prevent combination and save hundreds of thousands of dollars.

A similar provision was made in an appropriation bill one year ago in regard to blanks for the Post-Office Department, by which the Government Printing Office was enabled to put in a bid, and the result was a very large saving to the Government.

From my examination of this matter I believe that two or three hundred thousand dollars will be saved to the Government if you permit your own engraving department, which is already organized with skilled

mechanics, now half the time without employment, to compete with private parties for this work. That is all there is in the provision, and I trust it will be retained in the bill.

Mr. PLUMB. The committee recommended the striking out of this provision for two reasons: In the first place because it is legislation, and in the next place because, as they believe, it is bad legislation. I hope every Senator will take the bill and read this provision now in order to understand fully its scope. I will read it:

That at the future lettings of contracts for the manufacture of postage-stamps, stamped envelopes, postal cards, and other postal securities.

I hope the Senate will note the full scope of the provision. It not only refers to the manufacture of postal stamps, but of stamped envelopes, postal cards, and other postal securities:

The Secretary of the Treasury be, and he is hereby, required to submit bids for the manufacture of said stamps, stamped envelopes, postal cards, and other postal securities by the Bureau of Engraving and Printing of the Treasury Department, which bids shall be considered in competition with bids from private parties: *But provided*, That the Postmaster-General may reject any and all the bids of private parties, and award the contracts, or any of them, upon the bid of the Secretary of the Treasury, if, in his judgment, it shall be for the best interests of the Government to do so.

It will be observed that that is a very peculiar provision. In the first place it would commit the Government, if a contract was awarded for the manufacture of envelopes, not to the mere printing of a stamp upon them but to the manufacture of the envelopes and the manufacture of postal cards and of every other form of postal security, as well as postage-stamps. In addition to that it requires that the Secretary of the Treasury shall make a bid not stating the cost to the Government of doing this work, but he shall make such bid as he sees fit, and after he has made the bid the Postmaster-General, without considering the question of the relative cost to the Government under the bid of the Secretary of the Treasury and under bids of private parties, may, if in his judgment he thinks it best, without reference to the question of cost at all, or considering that also if he pleases, give the bid to the Secretary of the Treasury instead of to private parties. In other words, the Postmaster-General is to pass upon the general question of public policy as to whether he thinks it is a good idea for the Government to erect paper-mills and enter on the manufacture of envelopes. There is not to be found so wide a discretion in the statute-book conferred on any executive officer.

But, Mr. President, it is obnoxious even if it were guarded on that point. In the first place there is practically no way of telling exactly what the cost of any article is that is manufactured at the Bureau of Engraving and Printing. We can tell the gross cost of all the work done there, but no estimate can properly be made by the head of that bureau or by anybody else which will state to a fraction the cost of doing any part of that work, because all the elements can not be separated. The elements of cost on account of the use of capital, the wear and tear of machinery engaged in the manufacture of a particular thing covering a brief period of time can not be told; and even if it could be told there is no guarantee that it will be told in a bid of this kind. The Secretary of the Treasury might inadvertently or designedly bid one-half the price that private parties would bid for this work, and the Government would not be the gainer thereby, because that one-half the cost would have to be made up by appropriations which would nominally go into the expense of printing other securities of the Government that that bureau is engaged in printing now.

Mr. President, I think I speak for the entire committee when I say that not a single member of it believed, in the absence of any allegation that we were paying too much for the postal securities we are getting now, in the absence of any allegation that we are paying too much for stamped envelopes which are being furnished the Government now, it was wise for the Government to enter upon this experiment under any circumstances whatever. I believe I may go further and say that committee is unanimously of the opinion that the Government ought not to undertake the manufacture of this or any other thing where private capital and private skill are willing and able to do a good job at a fair price. I do not see any reason why the Government should manufacture paper in competition with private capital carrying on that same business, and neither did any other member of the committee; and so, for all these reasons, any one of which is conclusive to my mind, the committee reported in favor of striking out the provision.

Mr. GORMAN. Mr. President, I have but a word to say in answer to the Senator from Kansas. As to the policy of this Government engaging in this work of engraving and printing, I suggest that it is too late a day to raise that question. The fact is the Government has found it necessary on the score of economy to establish an immense printing-office, in which all the printing for the Government Departments is now being done. It permitted that office, by the action of this body and with the consent of the Senator from Kansas and the unanimous report of the Committee on Appropriations one year ago, to enter into competition with all the private establishments in this country to do the printing for the Post-Office Department. The result of that legislation on an appropriation bill one year ago has decreased the cost of printing of the ordinary blanks used by the Post-Office Department.

You have in addition to that established a Printing and Engraving

Bureau for the purpose of printing notes and bonds and all the various stamps used by the Internal Revenue Bureau. It is here, with a well organized corps of thorough and efficient men, with an expensive building, and with machinery already paid for by the Government. There is not sufficient work now to keep those employés constantly engaged or the machinery constantly in motion. The proposition as it comes from the House is to enable the Bureau of Engraving and Printing to compete for postage-stamps and stamped envelopes precisely as you permit the Government Printing Office to compete for blanks used in the Post-Office Department.

The suggestion of the Senator from Kansas that the Secretary of the Treasury would put in a bid much below the cost I think is without force. The fact is that every bid that has ever been made by any printing department of the Government has been based on the exact cost, and they would not attempt to put in a bid for less. If this provision is adopted, judging by the experience in the Printing Department, it will prevent a combination of engravers and printers to add largely to the price paid by the Government. The effect of this provision is that it operates as a check, and prevents the combination of a few engravers of this country to rob the Government, to use a strong expression, as has been done before.

It is not a new question. When you printed the immense quantity of greenbacks that were issued by the Treasury Department and the national-bank notes and revenue stamps the same condition of affairs existed, and it was of such an extraordinary character that Congress determined to construct a building for engraving and printing Government securities and to establish this corps. The only question now is whether you shall use that organization already provided for by law to prevent extortion on the Government.

Mr. HAWLEY. I hope the Senate will give some attention to this provision, because I regard it as one of considerable importance. I am heartily in favor of striking it out. In the first place, upon the ground of general policy it is not well for the Federal Government to enlarge its already vast number of employés—of workmen alone, I mean. The necessary enlargement due to the growth of the country is quite sufficient. The proposition is here to let the Government be a bidder against private manufacturers in a matter which private manufacturers understand perfectly well and in which there is no difficulty whatever.

The Senator from Maryland referred to the fact that we have established a Bureau of Printing and Engraving where we print bank notes and bonds. Other considerations come in there. It is not a mere question of economy there; it is one of safety to the securities of the Government. But the envelope is not a complicated affair; neither is the engraving upon it. That is a contemptible trifle of the cost, just preparing the die for the little stamp on the corner of the envelope. The main business is a simple one, the manufacturing, of course expensive when you reflect on the hundreds of millions of envelopes that are made. The Government can not be a fair competitor in private business in the first place. The Government may just as well say now first as last we will take this whole business of manufacturing envelopes, a very simple business, into the Government office, as to pretend to bid against private manufacturers.

The Government officers in making this bid will take no account of rent, and yet there will be really a charge against this work of rent, or should be. They will find it necessary to enlarge their public buildings in order to do it. The officers of the Treasury in making a bid will take no account of insurance. The Government is its own insurer. It will take no account of taxes; it will take no account of the depreciation of machinery, which is 10 per cent. a year upon a very costly set of machinery. It will take no account of the percentage of the compensation of supervising officers that ought to be charged to the envelope agency. The Government can not be held to any particular sum if it bids to do the work at a certain rate, because it must go on and finish the work whether it costs twice that or not. There is nobody to sue upon a bond, nobody to keep within certain fixed limits. The result of this thing will be to destroy very largely the business of making envelopes in the country. The chief thing will be the envelope and not the little security stamped on one corner of it.

There are many large manufacturing establishments in the country that make envelopes. The result of the Government printing the stamped envelope will be that the stamped envelope will be put on the market for a less price than any private person can make an envelope, because the Government will not take into account the proper elements of cost; therefore all Government envelopes, unless they be the fanciful, the elegant ones that are intended for purely social purposes, will be made at the Government works. It will absorb those establishments that now require many thousands of workmen in various large manufacturing establishments. The demand in one year for stamped envelopes would be such that there would be no envelopes going into the mail practically except those made at the Government works and a few invitations to parties and announcements of funerals and various things that people would want to send in an envelope of a peculiar pattern. What would be the result? Several hundred thousand dollars' worth of machinery would be useless, and an honest private business, in which there is no necessity in the world for you competing, would be destroyed.

I know something of these establishments. I know one that does some Government work. I know of several of them; one that has \$130,000 worth of envelope machinery. That would not be one-half what the Government would require if it went into the business. They charge 10 per cent. a year for depreciation and repairs of that machinery. Then they have the salaries of their officers to pay, and they expect to make a dividend. The Government would not expect to make any dividend. There is 5 or 6 or 7 per cent. of the capital involved, in favor of the Government. There is no necessity for this in the world. You might just as well go to work and make all the paper you want, instead of opening bids as you do every year for the Government Printing Office; you might as well set up the whole range of manufacturing industry in this city of Washington to the destruction of many private concerns in order to carry on business under the Government. The result is that the Government does not make as cheaply, and as a rule it can not make as cheaply as a private establishment. It works only eight hours a day in the first place. I find no fault with that, but private establishments that give heavy bonds to do work do work more hours than that and get the work done.

Everybody knows that as to certain branches of Government work it is necessary that the Government do them anyhow whether they cost the same or not, for security and for convenience. For the security of the bonds and the notes of the Government, the valuable moneyed securities, it is right that it should do its own engraving. So, too, we must have a Government Printing Office rather than sublet the work to forty establishments, because it is a very large work and you could hardly get private capital to put in so heavy a plant as is required. It is the largest printing office in the world, and we must have something at our command from which we can order a job to be finished over night. No private establishment, unless you gave it three or four or five million dollars capital, would undertake to do the work that the Government Printing Office does, in my opinion. I do not know the exact worth of the plant; but it has done what has never been done by any establishment in the world anywhere else, and I do not think it could be done by any two establishments in the world put together. It took this great volume, the Revised Statutes, printed and bound and laid it on the table of the Speaker in twenty-four hours. It is necessary to the carrying on of this great Government that it should own some such things; but the making of an envelope, a simple matter of folding with the insignificant work of stamping the money value on one corner, is a purely mechanical operation. It requires costly machinery. I think it is a great mistake for the Government to go into this line of business.

Mr. MORGAN. I hold to the doctrine that where the Government is the only customer of certain descriptions of work the Government ought always to have some arrangement by which it can come into competition for that work; and that is the doctrine which pervades almost all the statutes where public work is done under act of Congress. For instance, in the river and harbor bill we provide always, or at least we always should provide, that the Government may let out contracts to bidders, or in the event that bidders can not be found at a suitable rate that the Government should be enabled to do the work. I can recall instances in my own State where 50 per cent. of the money was saved upon contracts where lettings were made on the work in the bay of Mobile.

It is true throughout the country. If we should take the whole river and harbor improvement bill and let it out alone to private contract, without reserving to the Government a right to interpose and have the work done on its own account, we should not get perhaps more than 50 or, at most, 75 per cent. of the same amount of work done for the same money. So in making ships and in making guns the Government desires to have its work, for which it is the only customer, done for a reasonable sum of money. It should keep down combinations among manufacturers. It has to resort to this system of allowing itself or its own institutions to bid for these contracts.

The words of this bill that are proposed to be stricken out by the committee are:

That at the future lettings of contracts for the manufacture of postage-stamps, stamped envelopes, postal cards, and other postal securities, the Secretary of the Treasury be, and he is hereby, required to submit bids for the manufacture of said stamps, stamped envelopes, postal cards, and other postal securities by the Bureau of Engraving and Printing of the Treasury Department, which bids shall be considered in competition with bids from private parties.

Every one of these designated stamps, stamped envelopes, postal cards, and postal securities stand in the place of money. They are a description of currency by which postage is paid on the letters and other mail matter that traverses the country. It seems to me that the Government of the United States being the only party that can possibly have any demand for this description of money or this description of stamps, it ought to have the privilege of putting in a bid through its own organized department in order to create the spirit of competition that is necessary to have the Government treated fairly. Nobody desires anything more than that; nobody wishes to cut down the prices below a fair and legitimate standard, but still we ought not to put the Government in the power of combinations among those who happen to have the money or the machinery that may be necessary for the manufacture of these articles. We have our establishments here; they have been organized at great expense; we have the machinery; we

have every facility for manufacturing these articles, so far as I am informed. I do not understand that we should have to enlarge our establishments in order to make this bid.

Mr. HAWLEY. Will the Senator allow me?

Mr. MORGAN. Certainly.

Mr. HAWLEY. It would take a very large sum of money to buy all the envelope-folding machines needed. They would take a large space. It would be necessary to have buildings and a heavy investment for machinery, and a very large roll of employes to make the hundreds or thousands of millions of envelopes that would be required.

Mr. MORGAN. Then they can not bid because we have not any appropriation for it. Nothing in this bill would authorize any expenditure of that kind, and of course the Government would only bid for those things it was competent to do. I grant you that the Government has not any establishment here for the manufacture of envelopes, but that is not what is meant by this clause as I understand: it is putting the impress, the *imprimatur* of the Government upon an envelope.

Mr. HAWLEY. Oh, no; the manufacturing of the envelopes, the folding of them.

Mr. MORGAN. It reads:

That at the future lettings of contracts for the manufacture of postage-stamps, stamped envelopes, &c.

Not envelopes without stamps, not envelopes to be sold in the general market of the country.

Mr. HAWLEY. I dislike very much to interrupt the Senator; but it would be supremely ridiculous to fold the envelope by private contract and bring it here and have a little insignificant stamp put upon it. It had better all be done at one establishment. There can be no doubt the contemplation of this provision is to have the envelope made here.

Mr. MORGAN. I suppose we are not fully equipped to manufacture these envelopes. I suppose it would require an additional expenditure. Then, of course, the Secretary of the Treasury would not put in a bid for that part of the work; he would separate it and put in a bid for the parts he is able to do with the machinery we have already on hand. But, as I remarked before, there is no appropriation here for the increase of the establishment in any way; none is required by this bill, and none will be brought up, I dare say, on the sundry civil or any other bill.

The whole question resolves itself, in my judgment, into this proposition: Shall the Government, being the only consumer, the only party that can have a demand for this work, be permitted through its established agencies and institutions to compete for the work?

Mr. DAWES. Mr. President, a stamped envelope is made precisely as any other envelope is, by a single motion of a machine. The paper comes from blank paper in the ordinary sheet into a stamped envelope by one single, solitary motion of a machine, and when the Government proposes to make a stamped envelope it must have all the machinery that is required to make envelopes without stamps with the only difference of attaching to that machinery a die. When the Government makes that kind of envelope without putting into the cost of the envelope the expenses of the plant necessary or the interest upon the plant, or the insurance upon the plant, or the rent of the plant or any other incidental expense, being nearly 40 per cent. of the whole expense, no private establishment can compete with it. When the Government makes an envelope without taking these items into account, the Government must make all the envelopes, for nobody else can make envelopes in competition with the Government when the Government furnishes a stamped envelope at less than half the difference between the stamp and the envelope that would be necessary, if you bought an unstamped envelope. So then it involves necessarily the extinguishment of the private manufacture of envelopes of any kind, unless it may be possibly those alluded to by the Senator from Connecticut. Therefore the Government must understand that if it undertakes to manufacture all the stamped envelopes it must manufacture all the envelopes that go into commerce and that at this moment there are more than 5,000 men at that work, and it is importing into the city of Washington and around the Bureau of Engraving and Printing that number of additional employes.

I have always understood it to be considered a matter of regret that we were under the necessity of maintaining such a vast establishment as the Printing Office; but the considerations that enter into the maintenance of that are such that it can not be obviated, and it is a necessity to carry on that vast establishment because of the nature of the work. But none of those considerations enter into this matter. The stamped envelopes, the postal cards, and the stamps themselves that are made separately can be, so far as convenience or necessity or use is concerned, made at one place as well as another. It is only a question of cost. Now, the Government does not save at all, because it does not charge to the cost of the manufacture of an envelope the cost of the plant, or the interest on the plant, or the insurance, or anything like that. It does not save that because it pays it in another way; it all comes out of the Treasury, although it is not charged off against the cost of each envelope. So while the Government by thus disregarding what must in the end come out of the Treasury as an element of cost can put upon the market envelopes so much cheaper than the private person can that they at once must take the whole business and must, as I have said,

gather all this plant. There are to-day hundreds of these plants fully employed to supply the demand of the country.

The Senator from Alabama says that as to that of which the Government is the sole consumer the Government should be a bidder or should be able to manufacture. The Government is the sole consumer of the materials out of which the uniforms of the Army are made, the uniforms of the cadets at West Point and at Annapolis. The Government is the sole consumer of very many things that it has no idea of manufacturing; as establishing a woolen-mill to manufacture the cloth, or a tailor's shop to make up the clothes, or a button factory to manufacture the buttons. As to that which from the nature of the thing itself it is wisest and safest that the Government alone should manufacture, like its bond paper and like its postal securities (and it may possibly be like the engraving of the separate postage-stamps), the Senator from Alabama is correct, but as to that which can just as well be made in the country at large by private enterprise, it is assuming on the part of the Government a paternal character and a universality of business that is quite out of the question; and in the end, after having broken down all private enterprise in this kind of business, it would result disastrously. But this the Senator had not alluded to, nor did the Senator from Maryland.

Mr. MORGAN. I wish to inquire of the Senator from Massachusetts for what purposes the Bureau of Engraving and Printing was established? What do we expect to do with it if it is not to be used for business like this?

Mr. DAWES. It was not established to see how large we could make it. It was not established to see how many homes could be made in it. It was established to perform that kind of work which in its nature ought to be performed by the Government under safeguards and exclusiveness, in the making of which there was no propriety in letting all the world participate, because all the world would be likely to throw upon the markets the products of such industry. That I always considered was the reason why we created it. First it originated with the greenback. It is perfectly apparent that the Government could not let out to all the world the engraving pertaining to the greenback. From the greenback it became enlarged into other matters, the engraving of the stamps of the Government and things of that kind. It does not do private work. It does not do any kind of engraving unless it may be the hands of Senators at some time, except that which the Government itself uses and ought to have entirely within its control, so that it may have in itself all safeguards and prevent all liability of counterfeiting.

But I wish to know what the last clause in the paragraph means if it does not mean that you offer to the public an invitation to bid for the doing of this work, and you invite them to put themselves down to the lowest possible point and to accommodate their machinery, their capital, and their investment to it, and when it is done we will do as we have a mind to; we will crush you out entirely and go into the manufacture of private productions along with you.

The Senator from Alabama is mistaken when he says the Government is the sole consumer of stamped envelopes. The people are the consumers of stamped envelopes. The stamp is all that the Government furnishes. The stamped envelope, like every other envelope, is for the use of the people, and the people are to pay the cost of it, and it is wise and proper that no more than the cost and a decent profit upon that cost should be attached to the envelope. It should be brought as low as it possibly can be and continued. It seems to me that when you embark in the manufacture of all these postal cards and envelopes and work of that kind you might just as well set up a woolen-mill, a hatter's shop, a shoemaker's shop, and turn the city of Washington into a grand center of manufacturing of which the Government will furnish the capital and the Government will furnish the employes.

Mr. PLUMB. It ought to be understood that if we commence this thing we shall never quit it. The Government has never entered upon a domain or manufacture or a creation of anything that it has ever ceased it. If this year the Treasury Department should bid to do this work at half the cost and supply itself with the plant and go on to do it, next year it will do the work if it costs twice or even three times as much as private enterprise would do it for. We would simply be entering upon a new scope and system and plan of operations in regard to carrying on this business.

It is not cognate to that of the public printing generally, because there after great experience Congress determined that it would be practicable to always have on hand the facilities to do the work and not to submit to the general scuffle of bidding; but in this case there has been no complaint anywhere either of the quality of the work or the price at which it was done. Private parties have not only been ready and willing to do this work, as they have been to carry the mails and do other things, at a reasonable price, but there have been built up great establishments which the Government now would practically break up if it were to enter upon the matter in this way. I do not mean to say that necessarily it would result in that being done by the Government, but by the dangerous power vested in the Secretary of the Treasury and the Postmaster-General by this section, it does not limit them to accepting the lowest bid or the best bid, but simply says to the Postmaster-General, "If you think on the whole, without reference to what private parties may have bid, that the Government ought to enter upon

this manufacture as a public policy, then you can give the bid to the Secretary of the Treasury and reject those of all the private parties."

Mr. GORMAN. I can not allow the vote to be taken without saying a word further in reply to the Senators from Kansas and Connecticut. It seems to me that it is too late to raise the question as to the propriety of the Government entering upon this work.

The history of this bureau, as I have once before stated, is perfectly well known. When we began printing the greenbacks and the stamps used in the Internal Revenue Bureau, it was found that a combination of engravers in the country, comparatively a few establishments, it is true, had been made, and they so extorted upon the Government that it was found absolutely necessary to establish a Bureau of Engraving and Printing for the purpose of preventing the Government from being robbed. The work of that department heretofore has been confined to the manufacture of greenbacks and national-bank notes and the stamps used in the Internal Revenue Bureau. One year ago, when the law was changed affecting the Post-Office Department so as to require an entirely different stamp, it is perfectly well known that a combination was made, and extraordinary prices have been paid by the Government for the stamps and stamped envelopes that are now used.

It is a mistaken idea to suppose that the Government will of necessity, if this provision is retained, be compelled to bid for all this work. I grant that it has not facilities to-day to make the stamped envelopes entirely, but it has the facilities for making the stamps, which is more than half of the amount that is covered by this item, or, in other words, about \$750,000.

The effect of the provision, if it is passed, will be to prevent the combination of outside parties, and, in the judgment of many who have examined the question, it will save the Government a large amount of money without increasing the cost of our plant or without increasing the expenditures of the department a dollar; but on the other hand would save several hundred thousand dollars.

Mr. HAWLEY. Mr. President, just a word. The Senator says extraordinary prices are being paid for stamped envelopes. I traverse that. It is wholly a mistake. It is a kind of business that can not be got into the hands of monopolists, because it is a simple thing to buy the folding-machine and set up the envelope manufactory. It is not as it was in the case of engravers. The engravers of fine bond plate or fine plates for bank notes are few in number. Very few men can do that, and it is easy for them to combine. The other is a simple branch of manufacture.

As my friend from Massachusetts says, you might just as well set up a tailor-shop as to go into the envelope manufacture. I make the prophecy that if you enter upon this branch of business you will have a great building within three years and many hundreds, perhaps a thousand or more, employes, and in three years from that time you will be paying more money for your stamped envelopes and postal cards than you pay now.

Mr. BECK. Mr. President, I did not examine this question with very great care because it impressed me in committee, as I believe it did the whole committee, that the work was being done pretty cheaply now. We heard of no combinations. It seems there was fair competition and very open competition in regard to all these matters, and it was thought we should not undertake it, especially under the latter clause of the paragraph, which provides "that the Postmaster-General may reject any and all the bids of private parties, and award the contracts, or any of them, upon the bid of the Secretary of the Treasury, if, in his judgment, it shall be for the best interests of the Government to do so." That would be giving a power to the Secretary of the Treasury and to the Postmaster-General to increase the employes of this Government almost *ad infinitum*.

I am one of those who believe that the Government ought to employ its own agencies, where frauds might be committed upon it and where embarrassments might follow in the carrying on of the Government unless it had those agencies, such as the Printing Office, where the Record is to be printed every morning and where our public documents have to be printed, so that combinations can not be made against it by printing unions and other things. We have got to keep all those things under our control; but wherever the people can do anything, such as the making of the envelopes that the people buy to use on their letters, and postal cards, or anything else of that kind, we are no more under the necessity of going into that business than, as the Senator from Massachusetts very well said, there is for the Government to make the cloth that is worn in the uniforms of the Army or Navy or the flags that float from the masts of our ships.

My experience has been that nothing is ever as cheaply done when it is administrative as when it is done by competition as a commercial transaction. The Government never does carry on anything as cheaply as private people can do it.

The committee were advised further, and I believe it will turn out to be so, that before a plant sufficient can be put down to start this business, a building twice as large as that of the Bureau of Engraving and Printing will have to be built, and five or six hundred, perhaps a thousand, employes will have to come in. I, for one, believe that no greater calamity can happen to poor people than to tempt them to come here to work for the Government under influences that may change

every two or three years, and to be dependent on patronage and upon the power of political men or political parties. Whenever work can be done otherwise, I want to see it done.

Mr. GORMAN. Will the Senator permit me to ask him a question?

Mr. BECK. Certainly.

Mr. GORMAN. The Senator from Kentucky has had large experience here, and I ask him if in the establishment of the Bureau of Engraving and Printing, with the employes paid fair prices and working eight hours a day, it is not a fact that the Government has saved thousands of dollars in the manufacture of greenbacks and bank notes and stamps used in the Internal Revenue Bureau over the prices formerly paid to contractors?

Mr. BECK. I am not prepared to answer that; but I do not believe it will be found to be the case if the Government is charged for the buildings it has erected, for the plant, and for everything else. No part of that ever enters into the calculation of a comparison between what is paid out under one system and under the other. I have no idea whatever that we have done the work anything like as cheaply. To illustrate: The Patent Office claimed that it was laying up immense sums in addition to all its expenses. An investigation showed that last year one hundred and seventy or one hundred and seventy-five thousand dollars for printing and other things were never charged to that bureau at all. While perhaps it pays its own expenses, all the surplus that is claimed was paid out by us in other forms that we knew nothing about. So it is in a variety of other things.

You must recollect that in any private establishment making stamps the cost of the building is a very great item and the cost of the machinery is a great item. All these things enter into the calculation in that case; but when you merely compare the pay of the employes and give the building for nothing, give the machinery for nothing, the fuel and all the other things, with no rent charged, perhaps the comparison may be in favor of the Government. I am not sure in regard to that. However, I know the fact, and we all know it, that we ought not, unless we are compelled by self-protection, to drive out the competition of our citizens by having Government employes here to convert such business into administration. There is enough of administration, there is enough of embarrassment, and there are enough people drawn here who according to my experience become more and more dependent, less and less self-reliant, less and less useful citizens the longer they stay here, dependent as many of them are upon the changes of the wheel of fortune in politics. We ought not to encourage any great increase of those classes of people if we can help it; and we can keep a very large number away by allowing this competition to go on in the manufacture of envelopes, which has been done satisfactorily before and I think it will be done satisfactorily again.

The last clause of the paragraph I say alarmed me more than any other provision in it. I do not want the Postmaster-General, or the Secretary of the Treasury, I do not care whether he is a Democrat or a Republican, to have the right to disregard bids and say what shall be abolished. At any rate I was in favor of striking it out after all the information we had, so that we may hear from the House as to why it was put in, and that our conferees may hear in regard to it; whereas if we agree to retain the clause now we shall hear nothing and it will have passed out of our hands altogether.

Mr. MORGAN. I should dislike very much to see the last clause of the paragraph stricken out in regard to any contract that the Government makes:

That the Postmaster-General may reject any and all the bids of private parties, and award the contracts, or any of them, upon the bid of the Secretary of the Treasury, if, in his judgment, it shall be for the best interests of the Government to do so.

I understand that the right to reject bids is always reserved to the Department in every contract, and unless that right is reserved of course the Government is only to be victimized by whoever chooses to combine against it. I should not like to see that stricken out of any measure in regard to the making of contracts for any manufactures connected with the Government.

I presume from the tenor of the debate here this morning that the Bureau of Engraving and Printing is doomed. What are we to do with it? We have got it here established at very large cost. It may have been a very imprudent and unwise arrangement when we established it, but there it is. We seem to have no use for it. We are not printing any bonds; perhaps we are renewing a few. We are printing a few greenbacks and a few national-bank notes to renew those which are going out of circulation. The business of the bureau has fallen away until there must be a large amount of idle capital and idle plant there that is doing no good at all. If Senators want it abolished, I shall vote to abolish it, but while it is there and while it must be maintained at a heavy annual expense, I should like to see that bureau brought in as a competitor for public work in order that we may insure the getting of work done at moderate or fair prices for which we are compelled to make contracts.

The Senator from Kansas said that this would be the breaking down of some great establishment or great establishments. That may be so.

I do not know where those establishments are or how great they are. What I do know, however, is that the business of manufacturing postal stamps, postal cards, postal envelopes, postal money, is not a business that can be distributed about over the country into various hands. It requires a large establishment to carry it on. It requires a large plant, large capital to carry it on. The consequence is that there are very few bidders. I suppose that any Senator here acquainted with the business could understand perfectly well from this moment forward if this measure is passed into whose hands the work would fall. I suppose there is no doubt about that. The competition, if we will have competition, is really between one or two large establishments in the United States and the Government office. Now, shall we dispense with that competition? Shall we allow those great establishments to take this work at their own prices? That is the question. If we treat the matter precisely as it exists under the state of facts as they exist, that is the question.

If it was a business that could be distributed about into various hands, if we could put up real commercial competition about it, I should not care, because then I should know that the Government would be safe or at least largely so; but inasmuch as this work will be done by one or two great establishments, and only by those establishments, it seems to me to be our duty as far as we can go in the matter to have this competition through the agency of the Government Bureau of Engraving and Printing.

The Senator from Kentucky [Mr. BECK] assumes that it is necessary to employ three or four hundred additional persons for the purpose of carrying this provision into effect. That can not be done unless Congress authorizes it. The effect of the provision is to bring the Government into competition for this work only so far as it is prepared to do it, and that the Secretary of the Treasury will perfectly well know when he comes to have the bidding submitted to the country by publication. That is the whole effect of it. It will not increase necessarily the expenditures of the Government one dollar except to get the material that is necessary to be manufactured into the stamped envelopes, stamps, and postal currency. That is all of it.

Now, I insist again that it is the duty of Congress to put it in the power of the Government of the United States to have its work done at fair prices, and that is a duty which we can not accomplish under existing circumstances, it seems to me, unless we avail ourselves of the Bureau of Engraving and Printing as a competitor for these contracts.

Mr. PLUMB. It ought to be stated here as a fact, as it is, that this work has been done for the Government at a lower price every year, showing that competition has its full effect in this as it has in ordinary branches of business. If the statement with which the Senator from Alabama concluded his speech is to apply, then the Government ought to have horses and wagons so that in cases where it should be necessary to enlarge the star-route service it may supply from headquarters at Washington or elsewhere the mail service with the necessary machinery to carry it on. If we can not rely upon private competition, let us carry it out to the logical conclusion; let the Government have all these things on hand and a plant ready to carry on the manufacture not only in regard to mail matter, but, as the Senator from Kentucky says, the clothing for the Army, and things of that sort, if private parties do not meet its expectations.

Mr. McPHERSON. Mr. President—

Mr. BECK. If the Senator from New Jersey will allow me, I was about to say to the Senator from Alabama [Mr. MORGAN] while he was speaking—I did not like to interrupt him—that on one branch of his argument there need be no apprehension in regard to the use of buildings because of the diminishing service, because the building used by the Bureau of Engraving and Printing is one of our own, and in addition to all the public buildings we have in Washington now we are paying rents to private owners which last year amounted to \$186,000, so that if that building is not sufficiently employed hereafter because of the diminution of bonds and other things, we can diminish the enormous rents that we are now paying for the leased buildings by occupying part of that building for something else.

Mr. McPHERSON. I have listened to some of the most extraordinary arguments touching this question that it has ever been my privilege to listen to in the Senate upon any question. The Senator from Kansas [Mr. PLUMB] seems to go upon the idea that if we can consistently and properly employ the Government forces and the Government property for the manufacture of stamps and things of that kind and character used by the Post-Office and other Departments of the Government, we can with the same propriety institute some new proceeding as to the conveyance of mails, &c.

It seems to me that if there is one thing that the Government of the United States ought to take upon itself to do, it is to print all the stamps that the Government uses in every Department, in the Post-Office Department as well as in the Internal Revenue Department. In order that we might be able to print the bank notes and other evidences of debt of the United States, the Government proceeded to put up an expensive building, to put in expensive machinery, and, as I understand, at great saving to the Government in point of expense. The necessity does not exist longer for this vast creation of machinery and for the

large building constructed by the Government, for that purpose, and it can just as well as not proceed to make the post-office stamps, the internal-revenue stamps, and every stamp issued by the Government.

No particle of paper upon which the bonds, the bank notes, or any issues of the Government are made, should ever be allowed to leave the custody of the Government officers until it is prepared and printed. No post-office stamp should ever be permitted to be printed in any other place except at a Government office and under the supervision and control of Government officers.

With the vast expenditure of money by the Government for a plant, for machinery to-day lying out of use, it is now proposed to continue the contract system, under which the postage-stamps have been heretofore printed at a great profit—I know whereof I speak; I say at a great profit—to the contractors who have had the contracts heretofore.

It is time that some reforms were made in the Government, particularly with regard to its stamps. How do we know whether they are all returned to the Government or not? When you have made a contract to print a certain quantity, and a very large quantity, of postage-stamps in some establishment in the city of New York, how can the Government know except under the supervision of a Government officer whether they have ever been returned to the Government or not?

Mr. PLUMB. If the Senator will observe this bill he will find that at every place where these envelopes and stamps are manufactured the Government has its agents and assistants who are there for the purpose of inspecting the manufacture and indicating whatever is necessary for the safety of the product.

Mr. McPHERSON. Then the Government makes a contract with some party to make the stamps, and employs a horde of Government officers to go there and watch the Government contractors. It is just as easy to have that work done here in Washington under the supervision of officers already in the employment of the Government without any extraordinary cost. The Government of the United States, in its own establishment, under the control and direction of its own officers, by its own machinery, and under its own supervision, should make every stamp issued by the Government for any and every purpose. That is one of the things that can not reasonably or properly be trusted to any establishment outside of Government control absolutely.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on agreeing to the amendment recommended by the Committee on Appropriations.

Mr. GORMAN. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 32, nays 20; as follows:

YEAS—32.			
Aldrich,	Dawes,	Ingalls,	Morrill,
Allison,	Dolph,	Jones of Nevada,	Palmer,
Beck,	Edmunds,	Lapham,	Platt,
Blair,	Frye,	Malone,	Plumb,
Cameron of Wis.,	Harris,	Manderson,	Sabin,
Chace,	Harrison,	Miller of Cal.,	Sawyer,
Conger,	Hawley,	Miller of N. Y.,	Sewell,
Cullom,	Hoar,	Mitchell,	Wilson.
NAYS—20.			
Bayard,	Coke,	Hampton,	Pugh,
Brown,	Garland,	Jackson,	Sherman,
Butler,	George,	McPherson,	Vance,
Call,	Gibson,	Maxey,	Voorhees,
Camden,	Gorman,	Morgan,	Williams.
ABSENT—24.			
Bowen,	Groome,	Lamar,	Riddleberger,
Cameron of Pa.,	Hale,	Logan,	Saulsbury,
Cockrell,	Hill,	McMillan,	Slater,
Colquitt,	Jonas,	Pendleton,	Van Wyck,
Fair,	Jones of Florida,	Pike,	Vest,
Farley,	Kenna,	Ransom,	Walker.

So the amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 172, to insert the subheading:

Office of Superintendent of Foreign Mails.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to strike out section 3, in the following words:

SEC. 3. That a special stamp of the face valuation of 10 cents may be provided and issued, whenever deemed advisable or expedient, in such form and bearing such device as may meet the approval of the Postmaster-General, which, when attached to a letter, in addition to the lawful postage thereon, the delivery of which is to be at a free-delivery office, or at any city, town, or village containing a population of 4,000 or over, according to the last Federal census, shall be regarded as entitling such letter to immediate delivery within the carrier limit of any free-delivery office which may be designated by the Postmaster-General as a special-delivery office, or within one mile of the post-office at any other office coming within the provisions of this section which may in like manner be designated as a special-delivery office.

Mr. MORGAN. I desire to ask the Senator in charge of the bill whether the committee had any objection to this provision upon its merits, or whether the committee reported to strike it out merely because it was new legislation?

Mr. PLUMB. It was stricken out chiefly because it was general legislation and because the committee had not time to investigate the

matter and determine whether it was wise legislation. There are some things about it which are attractive on the face, but there were some suggestions also that it might not work very well, and it was thought best not to try an experiment of this kind on an appropriation bill, but that it should go to the appropriate committee and receive consideration first from that committee, and then come to the Senate and be discussed in all its bearings, as it was manifest it could not be on this bill, because, in the first place, there is no time, and, in the next place, because it not being relevant to this bill those who would be chiefly interested in it and in the subject-matter might not be present to discuss it.

Mr. MORGAN. Of course if the committee did not have time to consider it, that is a good objection to the section. Being a new system with which they were not satisfied, which is not under consideration or has not been passed in review before the Senate, that fact ought to be a good objection to it; but I hope when it comes back from the conference committee, if it ever should come, that it will not then be adopted, for we shall have certainly no time to discuss it when it comes back from the committee of conference. I understand that we can not amend it under our rules; that all we can do is to strike it out or let it stay in. I shall not object to it if it is going out, but I wanted to understand the manner in which it was to be stricken out.

Mr. SHERMAN. The remark made by the Senator from Alabama induces me to say at this point that if this provision is to be entertained in the committee of conference, it ought to be debated here. I am decidedly opposed to it. I think it would make "confusion worse confounded." The introduction of a 10-cent postage-stamp for special delivery would create all the embarrassments of the transportation or express companies. I think therefore the Senate ought to vote understanding that it is to vote against the proposition on its merits. I have looked at it sufficiently to believe that it would create very serious embarrassment. I do not know anybody who is in favor of it in the Senate.

Mr. PLUMB. Speaking for myself, I will say that I quite agree with the Senator from Ohio, but it is not within the purview of my authority, present or prospective, to speak of what may happen as the result of a conference. Conferences are supposed to be free conferences, and consequently those who enter them enter them free from instructions, and they are supposed to be also free from any predisposition to agree or disagree to a particular thing. All I can say is that if this conference is constituted in such a way as that I should happen to be a member of it, as it may be, it will not make any report to the Senate the full scope and purpose of which the Senate will not be advised of. To the extent to which the conference may insist on this or other amendments, I can not say anything about, but certainly I was not convinced that this was a proper provision to put on the bill and I can see a great many things in it as a reason why it would be in itself in practice cumbersome and lead to a great deal of confusion in the administration of the Post-Office system. We have now a very fair system, and if it is to be extended at all it ought to be extended only upon the very fullest consideration, and certainly not in any way by a provision upon an appropriation bill.

I will take this occasion to move, in line 155, to strike out the word "nine" and insert "five;" so as to make the clause read: "For manufacture of stamped envelopes and newspaper-wrappers and letter-sheets, \$745,000," instead of \$749,000. I move that amendment on the suggestion of the Postmaster-General. An amendment which will probably be put on the executive, legislative, and judicial appropriation bill will relieve the necessity of that branch of expenditure to that amount.

The PRESIDING OFFICER. The amendment suggested by the Senator from Kansas will be received if there be no objection. The question is on that amendment.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Committee on Appropriations to strike out section 3, for this reason: An examination of the section will show that there is a very great probability of a considerable additional expenditure to be incurred if it is adopted. It has never been placed before the Post-Office Committee of the Senate. There has never been any information given to that committee on that question, nor has that committee ever reported any information in regard to it to the Senate. It may be a very good thing; but I do not know that there is any emergency which requires its immediate passage. I think, therefore, the Committee on Appropriations is entirely right in striking out this section and leaving it for future examination. If it is a good thing it can be referred to the Post-Office Committee and be there investigated, and by their report the Senate can be guided in acting upon it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Appropriations to strike out section 3.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to strike out section 4, as follows:

SEC. 4. That such specially stamped letters shall be delivered from 7 o'clock a. m. up to 12 o'clock midnight at offices designated by the Postmaster-General under section 3 of this act.

Mr. MAXEY. That goes out necessarily, as section 3 went out.

Mr. SHERMAN. And the following sections.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to strike out section 5, as follows:

SEC. 5. That to provide for the immediate delivery of letters bearing the special stamp, the postmaster at any office which may come within the provisions of this act may, with the approval of the Postmaster-General, employ such person or persons as may actually be required for such service, who, upon the delivery of such letter, will procure a receipt from the party addressed, or some one authorized to receive it, in a book to be furnished for the purpose, which shall, when not in use, be kept in the post-office, and at all times subject to examination by an inspector of the Department.

The amendment was agreed to.

The next amendment was to strike out section 6, as follows:

SEC. 6. That to provide for the payment of such persons as may be employed for this service, the postmaster at any office designated by section 3 of this act shall keep a record of the number of letters received at such office bearing such special stamp, which number shall correspond with the number entered in the receipt-books heretofore specified; and at the end of each month he may pay to such person or persons employed a sum not exceeding 80 per cent. of the face value of all such stamps received and recorded during that month: *Provided*, That in no case shall the compensation so paid to any one person exceed \$30 per month: *And provided further*, That nothing in this act shall in any way interfere with the prompt delivery of letters as now provided by law or regulation of the Post-Office Department.

Mr. MAXEY. Section 6 is in the same line, and I hope the action of the committee will be concurred in.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to strike out section 7, as follows:

SEC. 7. That the Postmaster-General be directed to instruct his subordinates to publish on the foreign bulletin board in the corridor of the post-office building in the city of New York the news of the sighting or arrival of foreign mail steamers, to the end that the public shall have such news in advance: *And provided also*, That no cost or charge to the Government shall be incurred in consequence of such instruction.

The amendment was agreed to.

Mr. MAXEY. I ask if all the amendments of the Committee on Appropriations are disposed of?

The PRESIDENT *pro tempore*. Has the Committee on Appropriations any further amendments to propose to the bill?

Mr. PLUMB. No further amendments on the part of the committee.

Mr. MAXEY. I call the attention of the Senator in charge of the bill to an amendment which I propose to perfect the text. In line 114, after the word "thereof," I move to insert "and reduced by the act of March 3, 1883, to 2 cents for each half ounce or fraction thereof." The wording of the bill refers to a repealed act whereby the postage was fixed at 3 cents. This brings it up to the existing act of March 3, 1883, and is explanatory of that. It is a mere correction of the text.

The PRESIDENT *pro tempore*. The Senator from Texas proposes an amendment which will be read.

The CHIEF CLERK. In line 114, page 6, after the word "thereof," it is proposed to insert:

And reduced by the act approved March 3, 1883, to 2 cents for each half ounce or fraction thereof.

The PRESIDENT *pro tempore*. The Chair will submit to the Senate the question whether this amendment is in order. The Senators who are of the opinion that the amendment is in order will say ay—

Mr. PLUMB. I suppose the Senator really asks unanimous consent to offer the amendment.

The PRESIDENT *pro tempore*. The Senator from Texas made a motion to amend the bill by inserting words. The Chair submits the question of order on that amendment to the Senate.

Mr. PLUMB. I suggest to the Senator that he ask unanimous consent to move the amendment.

Mr. MAXEY. I ask unanimous consent for the reason that the reading of the bill will show us that it describes the act which is proposed to be amended as that making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, by which act certain postage was declared to be at the rate of 3 cents for each half ounce or fraction thereof. That act has been repealed. There is no such act now. That provision of it was repeated in the act of March 3, 1883; and by putting in the words I propose "and reduced by the act approved March 3, 1883, to 2 cents for each half ounce or fraction thereof," we bring this act up to connect with the modified act now in force.

Mr. HAWLEY. I think the amendment of the Senator from Texas entirely unnecessary, because the bill before us goes on to say, in a line or two thereafter, "shall be mailed at the rate of 2 cents per ounce or fraction thereof." The lines he refers to simply describe the letters. The old law did say that they should be charged 3 cents a half ounce, but that is used here simply as language of description in referring to an old statute. It goes right on in line 117:

Shall be mailed at the rate of 2 cents per ounce or fraction thereof.

No mistake can arise from the language of the bill.

Mr. MAXEY. The act of March 3, 1883, says "2 cents for each half ounce or fraction thereof," and this simply changes the maximum of weight from a half ounce to an ounce. I care nothing about it, but this will leave it in an awkward situation.

Mr. HAWLEY. I think the fewer references to old acts the better; the shorter the description the better.

Mr. MAXEY. The Post-Office Committee—I do not know whether I have unanimous consent or not—

The PRESIDENT *pro tempore*. The Senator from Texas asks unanimous consent that the bill be amended as has been suggested. Is there objection?

Mr. SHERMAN. I do not think the amendment is a wise one. I do not want to object merely on a point of order, but I think the amendment will tend to make obscure what is now very clear.

Mr. MAXEY. I will state to the Senator from Ohio that when I first read the provision—and I read it very carefully—I was in great doubt what it meant. I went to the Senator from Iowa [Mr. ALLISON]; and he said the committee was troubled as to what it meant. The act mentioned here has been repealed, and by putting in the words I propose it is made perfectly plain. The amendment refers to the act now in force reducing the postage to 2 cents for a half ounce. You simply by this legislation strike out the word "half," and that is an amendment of the law of March 3, 1883.

Mr. SHERMAN. I will not object to it except that I think it is using an unnecessary reference.

Mr. MAXEY. I think it makes the matter clear.

The PRESIDENT *pro tempore*. The Senator from Texas asks unanimous consent to be allowed to offer this amendment. Is there objection to the amendment proposed by the Senator from Texas?

Mr. ALLISON. I should like to hear it reported.

The PRESIDENT *pro tempore*. It will be again read.

The CHIEF CLERK. In line 114, after the word "thereto," it is proposed to insert:

And reduced by the act of March 3, 1883, to 2 cents for each half ounce or fraction thereof.

So as to read:

And by that act declared subject to postage at the rate of 3 cents for each half ounce or fraction thereof, and reduced by the act of March 3, 1883, to 2 cents for each half ounce or fraction thereof, postage shall be charged on and after the 1st day of July, 1883, at the rate of 2 cents for each ounce or fraction thereof.

Mr. ALLISON. I do not think that is at all necessary, but I do not object to it.

The PRESIDENT *pro tempore*. Is there objection to the amendment proposed by the Senator from Texas? The Chair hears none. The amendment is agreed to.

Mr. MAXEY. By direction of the Committee on Post-Offices and Post-Roads, I offer an amendment to come in on page 3, lines 50 and 51.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. On page 3, line 50, it is proposed to strike out the word "and" after the word "first," and to insert in line 51, after the word "second," the words "and third;" so as to make the clause read:

That the Postmaster-General may lease premises for use for post-offices of the first, second, and third classes at a reasonable rental, to be paid quarterly, &c.

Mr. MAXEY. In support of that amendment I call attention—

Mr. ALLISON. Is that amendment in order?

Mr. PLUMB. This amendment was before the committee, and seemed to involve the Government in a very large sum of money, and I feel instructed by the committee to raise whatever point of order may lie against the amendment, which I now do.

The PRESIDENT *pro tempore*. The Senator from Texas proposes an amendment, which will be again read.

The Chief Clerk read the amendment.

The PRESIDENT *pro tempore*. The Senator from Kansas makes the question that this amendment is not in order. The Chair submits the question to the Senate.

Mr. MAXEY. Is that question debatable?

The PRESIDENT *pro tempore*. It is.

Mr. MAXEY. Mr. President, I call the very serious attention of the Senate to this proposition. I believe that if they would hear me there would be probably not a dissenting voice in the Senate to the amendment which I offer by direction of the Committee on Post-Offices and Post-Roads.

First, the Senate by a unanimous vote, there being not a dissenting voice, passed a bill during the present Congress, on the 5th of March, 1884, authorizing the Postmaster-General to lease premises for the use of post-offices of the first, second and third classes, which is precisely what is proposed by the amendment. That bill passed the Senate on the 5th of March last, and is now in the House. That is the first point.

In the second place, at the present session the Post-Office Committee of the Senate unanimously request the adoption of the amendment which is now offered by that committee.

Third, and on the point of order, it is shadowy whether or not the Postmaster-General to-day has any authority to rent offices for post-offices of the first and second classes. If this clause remains in the bill as sent by the House allowing premises to be leased for post-offices of the first and second classes, it is as much legislation as to provide for post-offices of the third class.

The Postmaster-General in his last annual report, sent to us at the beginning of the present session, says:

I again invite the particular attention of Congress to the subject-matter of leasing buildings and premises for post-offices.

The Department has been greatly embarrassed for the want of a well-defined law on this subject. I am of the opinion that it is the duty of the Government to provide buildings and proper facilities for the transaction of postal business. The records show that roomy, well-arranged, and well-furnished offices not only facilitate the transaction of business, but very largely increase the revenues of the Department. Suitable rooms with suitable fixtures can only be secured by leasing for a term longer than that now authorized by law, and longer delay in giving this authority will prove embarrassing to the Department and hurtful to the service.

Now in respect to the point which is made by the Post-Office Committee in the amendment which I offer in its behalf, he says:

I renew the recommendation made last year that Congress provide for the office-rent, fuel, light, stationery, and miscellaneous items at third-class post-offices. I know of no reason why these expenses should not be paid at third-class post-offices as well as at first and second class offices.

In addition to that, in response to a letter which I wrote to him, the Postmaster-General on the 11th of February, the present month, writes a letter which I send to the desk to be read.

The PRESIDENT *pro tempore*. The letter will be read if there be no objection.

The Chief Clerk read as follows:

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., February 11, 1885.

SIR: I have the honor to acknowledge the receipt of your communication of the 10th instant, with inclosures as stated, and in reply I beg to state that I have no hesitancy in saying, as a matter of simple justice, that the law should be so amended as to authorize the allowance for rent, fuel, and light at post-offices of the third class, and I have so recommended in my annual report (a copy of which is herewith submitted), to which your attention is respectfully invited.

Under the act of March 3, 1883, the compensation of postmasters at offices of the third class is determined by the amount of gross receipts, the same as at offices of the first and second classes; the gross receipts in all cases including the box rents collected, whether the boxes are owned by the Government or the postmaster; and in addition to this, at offices of the third class postmasters are required to furnish the room and fixtures necessary to transact the business of their offices. Such being the case, I am of the opinion that the law should authorize the leasing of suitable buildings or the allowance of rent at all Presidential post-offices.

Very respectfully,

FRANK HATTON,
Postmaster-General.

Hon. SAMUEL B. MAXEY, *United States Senate*.

Mr. MAXEY. The Senate will observe that the Postmaster-General says first that no reason exists in favor of the leasing of an office for the use of a first or second class post-office, which does not in like manner exist for the renting of a third-class office, and next he says that the mode and manner of computing the pay of a third-class postmaster is precisely the same as the mode and manner of computing the pay of a first or second class postmaster. There is therefore no conceivable reason why the same privilege should not be extended to a third-class office that is extended by the bill to a first or second class office, and upon that point the Senate undoubtedly thought so, for on a bill that was duly considered by the Committee on Post-Offices and Post-Roads and presented to this body the Senate without a dissenting voice sustained that position and passed the bill making provision for first, second, and third class offices, and sent it to the House.

In every portion of the country, and especially in the growing sections of the West and Southwest, we find a large number of offices are passing from fourth-class offices to third-class offices. A third-class office is one where the salary of the postmaster is between one thousand and two thousand dollars; the second between two thousand and three thousand dollars, and the first above three thousand dollars. These are the divisions. All these are Presidential offices, as they are called. Here is a distinction made without any reason between the larger offices and the smaller offices, although all are salaried offices, and all the postmasters have to be nominated by the President and the nominations acted on by the Senate. It is a fact within the knowledge of most of us that in many of the towns, in order to get a suitable building for a post-office, the people have to get together and raise a purse out of their own pockets, rent a building for the office to go into, and yet the Government gets all the revenue. The net revenue in offices above a thousand dollars makes the offices self-sustaining.

Now I would ask, as a matter of common justice, why the Government of the United States should ask its citizens to pay their postage and at the same time pay for the houses to put their letters in? The Government is not a pauper.

I would ask again, is there any reason why the larger towns should have the benefit of this and the lesser towns not have it? If there is none, and if the Postmaster-General says there is none, the Post-Office Committee says there is none, and the Senate by its act made no distinction between first, second, and third class offices, surely no reason can be assigned why there should be a distinction.

I have presented this subject after very careful consideration, because I had the matter under charge in the Post-Office Committee, and there was not a dissenting voice there. I presented it to the Senate in a bill, and there was none here. It seems to me the reasons are as good now in favor of its propriety as they were in March, 1884.

Mr. BECK. I voted to retain all that the House sent to us in regard to extending the present law as to the renting of post-offices, but the

House limited it to first and second class offices. The question was before the committee, and many of us, I think, would be glad to do what we did before, vote to extend this provision to third-class offices; but our rule positively prohibits any new legislation. We have a right to act on such legislation as comes to us from the House, and we have acted favorably as far as they have given us an opportunity to do so.

Mr. MAXEY. The Senator will permit me to interrupt him. If this is not germane and in fact a correction of what the House has done, what is it? Will you deprive the Senate of the power of making an amendment to any bill whatever that comes from the House? You can not do it under the Constitution. If the amendment is germane and relevant, cognate to the bill before the Senate, we have a right to adopt it.

Mr. BECK. I have contended for that so often and said it—of course not as well as the Senator from Texas has said it—on so many occasions and been overruled every time I made the suggestion, as I shall be, I suppose, as long as we have a parliamentarian in the chair, that I have no confidence in the argument. If I could get into the chair the Senator from Texas he might rule otherwise; but the question I understand now is this: The Chair having said that in his opinion this is new legislation, and submitted it to the Senate to say whether it is or not—

The PRESIDENT *pro tempore*. The Chair has expressed no opinion on the subject. After the recent action of the Senate, the Chair thinks it better to leave these questions of order to the Senate itself.

Mr. BECK. I thought the Chair had expressed its opinion, and then submitted it to the Senate. I was not able to hear very distinctly. I believe it is new legislation and I thought the Chair had submitted the question after a ruling. I felt bound to sustain the ruling of the Chair if such had been the case; but as there is no ruling by the Chair and we are all left to do what we please, and as the only rule I have observed is to do what we want, rule or no rule, I think I shall vote for the amendment.

Mr. HALE. Is the debate proceeding upon the merits of the amendment or upon the question of order?

The PRESIDENT *pro tempore*. On the question of order, but as the Senator from Maine well knows there is no right in the Chair to restrain Senators in respect to what they consider relevant to any question under consideration.

Mr. HALE. I understood the Senator from Texas to debate the merits of the proposition. I only want to say, Mr. President, that the Senate ought to understand the force and operation of this amendment. It is simply increasing the pay of a large class of postmasters throughout the United States who fill what are called third-class offices. There are, or were, in July last—and the number is increasing rapidly from week to week—1,838 of these third-class offices. There has never been the time in my knowledge or observation when there was any difficulty in procuring good men to hold these places and take the pay under the law of a third-class office, each postmaster furnishing a suitable building for the use of the public. The Government has never paid the rent of all this great number of offices, and if we embark upon the scheme presented by the Senator from Texas it will be no light additional demand upon the Treasury. The offices are, as I have said, increasing rapidly, but take the present number, nearly 2,000, and if an average rate of \$500 a year was paid that would amount to a million dollars a year, added, in fact, to the salaries of postmasters. If the rent was half that of course the amount would be half in the aggregate. If the Senate is ready, with all the carefulness that it exhibits upon other matters in raising salaries, in this wholesale way to raise the pay of offices of the third class in the Post-Office Department, let it be fully understood what we are doing.

I have not found, so far as my observation goes, that any inconvenience arises to the public from the present rule and the present law. No doubt the postmasters, the 1,800 or 1,900 of them, in the different States would like to have the Government furnish buildings; undoubtedly they proffer their requests to the Postmaster-General, who naturally believes in aggrandizing his Department, and so we get the recommendation to put this in with the other classes, which are comparatively small in number, and we have the authority of the Post-Office Department cited to the Senate as a reason why we should grant this request.

I am opposed, for one—entirely, absolutely, earnestly—to inaugurating this new expense to the Government. It is no time to do it. There is no necessity for it, and it is a wanton waste of money to do it. I hope the Senate will vote down the proposition.

Mr. MAXEY. The Senator from Maine uses very strong language. He says there is no necessity for it, and it is a wanton waste of public money. I have already stated what was the opinion of the Post-Office Department on that subject in the official report of the Postmaster-General favoring this very proposition, of the Post-Office Committee favoring it, of the Senate favoring it, and with all this testimony I am of the opinion that they are perhaps as well prepared to say whether or not this is useless and a wanton waste of money, as the Senator from Maine says. I prefer this accumulated evidence from the highest sources to his single opinion. So much for that.

Now I would ask if there is any reason on earth why the people anywhere should be compelled to rent a building for the use of the Gov-

ernment and let the Government receive the revenues of the business conducted in that building, and at the same time require the people to pay the postage on their letters and all other mail matter? There is no reason for it. The Government is not a pauper. There is as much reason, I will say to the Senator from Maine, why these smaller places, which appear to be regarded as significant in the eyes of some, should be cared for as your great cities where millions of dollars are expended in the erection of post-office buildings. In this Government an equitable distribution of its blessings and benefits should go to all the people.

The PRESIDENT *pro tempore*. The question is, Is the amendment proposed by the Senator from Texas in order?

Mr. ALLISON. Before that question is decided, I should like to say one word. As I understand existing laws, it is within the power of the Postmaster-General to rent for the use of the Department buildings for first and second class post-offices. Is not that the law?

Mr. MAXEY. I will state to the Senator that that seems to have been the impression; but from the wording of the report of the Postmaster-General himself there is no distinction made between first, second, and third class offices; and it is quite shadowy where the power comes from at all.

The Department has been greatly embarrassed for the want of a well-defined law on this subject.

The subject of renting offices.

I am of the opinion that it is the duty of the Government to provide buildings and proper facilities for the transaction of postal business.

The law does not limit him now, as I understand him, to first and second class offices.

Mr. ALLISON. I understand the law now to be that he can rent buildings for first and second class offices. The object of the provision in the bill is to enable the Postmaster-General to rent those offices for five years instead of renting them for one year.

Mr. MAXEY. I ask the Senator to be kind enough to turn to that law. If he will, he will find something that I think will throw great light on the subject.

Mr. ALLISON. I am only speaking now of the construction heretofore given to the law in the Post-Office Department. It has never been the custom of the Post-Office Department, nor have they ever supposed they had a right under existing law, to provide buildings for third-class post-offices. I submit to the Senator, therefore, that he proposes here to change existing law; and hence this amendment, under our rules, is out of order. I do not know precisely why the presiding officer has submitted this question to the Senate. It seems to me so perfectly clear that it is hardly worth while to submit the question.

Now, I desire to say one word to the Senator from Texas with reference to the expense of this proposed amendment. I think he will agree with me that if the Postmaster-General is authorized to rent buildings for third-class offices, it is a simple method or mode of increasing the compensation of third-class postmasters beyond what the law now provides for, and if so, it will result, as the Senator from Maine has said, in an additional expenditure of a million dollars. So far as I have been able to discover, these third-class post-offices are reasonably well conducted, and the third-class postmasters receive adequate compensation for the services they render.

Mr. INGALLS. What are third-class offices?

Mr. ALLISON. Those where the salaries are between \$1,000 and \$2,000 per annum.

Mr. MAXEY. The Postmaster-General says in the letter I have had read to the Senate, and which will appear in the RECORD, that there is no difference in the method of computation of the compensation of first, second, and third class postmasters.

Mr. ALLISON. So I agree.

Mr. MAXEY. They are all on the same footing, and then he says there is no reason for making the distinction.

Mr. ALLISON. They are all paid on a computation of percentages, I agree. When the computation reaches \$2,000 the class is changed from a third-class office to a second-class office, so that when the compensation is \$1,950 the postmaster is not allowed rent, and when it amounts to \$2,050 he is. You must draw the line somewhere with reference to these matters, and that arbitrary line is \$2,000, as fixed.

What I object to is changing the existing law with reference to the power of the Postmaster-General to rent these offices, because if he is authorized to rent offices he will also be authorized to fit up the offices and fit them up with what are known as Yale locks. All the second-class post-offices, or nearly all of them, I believe, are now fitted up by the Government with Yale locks. The rental and the Yale-lock provision will make a range of from five to six or seven hundred dollars for each third-class post-office. I submit to the Senator from Texas that this is too large an increase of the expenditures of the Post-Office Department, unless it can be shown that these third-class postmasters do not receive a sufficient compensation for the work they perform. Under existing law as I understand it third-class postmasters are allowed clerk-hire as well as second-class postmasters, and there is a considerable allowance made by the Post-Office Department to third-class postmasters for clerk-hire. If now we allow them clerk-hire and to rent buildings for their use, it seems to me we shall very largely swell the annual appropriations for the postal service.

If the Senator from Texas can convince me that the third-class postmasters are not receiving adequate compensation under the law which we passed in 1883, which was said to be very liberal toward them and which increased their compensation beyond what they had received before, I shall admit that there is an equity in favor of some increase; but I submit that it is dangerous to allow all these third-class postmasters, whether their salary be \$1,000 or \$1,900, to have their respective offices fitted up with Yale locks and all the modern appliances that are used in first and second class post-offices.

So I submit again to the Senate that this amendment is an absolute change of existing law; that there has never been a time when the Post-Office Department under existing law could allow third-class postmasters any sum whatever for rent. So it seems to me that the amendment is not in order.

Mr. MAXEY. Mr. President, after all, the argument which has been presented has not been met. The whole argument of the Senator from Iowa is simply that this ought not to be done because it will cost money. That is all there is in it. Not one single argument has been offered or can be offered why this provision should extend to first and second class offices that does not equally apply to third-class offices. So says the Postmaster-General, whose duty it is to investigate to the bottom of these things.

We have already on this bill reduced, and in my judgment very considerably reduced, the revenues of the Post-Office Department. When you come to the method of computing the salary of the third-class offices it is exactly the same as for the second and the first class, and the Postmaster-General—a point which the Senator seems altogether to have overlooked—has said:

The records show that roomy, well-arranged, and well-furnished offices not only facilitate the transaction of business, but very largely increase the revenues of the Department.

That is the opinion of the Postmaster-General, and in respect to this particular thing he says:

I know of no reason why these expenses should not be paid at third-class post-offices as well as at first and second class offices.

Besides, I ask the Senator to point out the law which authorizes the Postmaster-General to lease for a term of years offices for post-offices of the first and second class and which excluded the third-class offices. Is there anything now which would prohibit him from leasing for one year, because it can not be for a longer term, premises for a post-office of either the first, second, or third class?

Mr. ALLISON. Now will the Senator allow me to ask him a question?

Mr. MAXEY. Certainly.

Mr. ALLISON. Is not the effect of his proposed amendment to increase the compensation of third-class postmasters to the extent of the rent paid?

Mr. MAXEY. I can not see that it has the slightest effect on the third-class offices that does not apply equally to the first and second classes, because all three are paid precisely in the same way; and at last the only argument which can be used is that it will cost money. So it costs money for the first-class offices, so it does for the second-class offices; but why, I ask, should these privileges be extended to one portion of the community and not in like manner to the other portions of the community where especially the Postmaster-General, who ought to know, says that there is no difference in the method of computing the pay, and no reason which applies to one that does not apply to the others?

I have not been able to see that the point of order would apply at all. If it be that this is original legislation sent to us by the House on an appropriation bill, then the Senate has a right to propose or to concur with amendments as on other bills. If the amendment be relevant, pertinent, germane, cognate to the text, we have the right to do it in my judgment; and this is simply carrying out and making plain that which the Postmaster-General tells us is shadowy—that is the right to rent offices at all.

Mr. PLUMB. I suppose it is in order to discuss the merits of this proposition upon the point of order; and therefore I want to say a few words about the merits.

I have no doubt some better rule should be established than that obtaining now in regard to the allowance of rent and the making of leases for buildings for the accommodation of the postal service in the matter of buildings for post-offices; but any rule we are likely to make by statute is arbitrary, and there will always be found exceptions to the rule which will constitute arguments for a change. Certainly there is one thing we ought to consider in connection with this matter at the present time, that this is going to add very largely to the expense of the service. As the Senator from Texas says, that probably is not the strongest argument against it; but it should be borne in mind that we have recently very largely reduced the cost of the service to the people of the United States by the reduction of letter postage, and the Senate has lately voted by an overwhelming majority to reduce the postage on second-class matter one-half, which will make a deficit of at least \$500,000 in addition to that which otherwise would exist.

Mr. MAXEY. We have also increased from a half ounce to an

ounce the weight of letters carried at the single rate, thereby taking away some postage we get on letters.

Mr. PLUMB. The deficit last year was over \$2,000,000. The deficit this year will be probably something like \$3,000,000 as now estimated. If we add to that a half million dollars as the diminished receipts from newspaper postage, we shall have a deficit of about three and a half millions.

Mr. INGALLS. What were the revenues last year?

Mr. PLUMB. The postal revenues last year were about \$48,000,000. For the postal service proper the expenses and revenue run about together; they vary from 8 to 12 per cent. As to this amendment it is pretty hard to tell how much it will add, but I think it will be safe to say it will add, in the ordinary way of administration, at least half a million dollars to the expenditure, and it may add more. The number of third-class offices is very much in excess of the number of second-class offices. Of course if the business were carried on as a private individual would carry on his business, a large number of offices would not be rented. The theory on which this classification was originally fixed, or rather on which the allowance of rent was originally fixed, was that the smaller offices would largely be stationed in stores and other places of business.

Mr. MAXEY. I beg to call the attention of the Senator to the fact that the Postmaster-General is not required to lease. He may do it. It is left in his discretion. He will only lease such offices as may be for the good of the service.

Mr. PLUMB. I have a great deal of respect for the executive branch of the Government; but I do not know of any powers that it is authorized to exercise that it does not find occasion to exercise in the course of the fiscal year.

There is this other thing which ought to be understood about it: If the Government rents an office it must rent the entire room. It submits to no partnership and can not submit to any partnership, especially in reference to a room to be occupied for postal purposes. It will not do to have a man in the office who has not a legal right to be there, to stay at night, and consequently to have access to the mail as much as the postmaster perhaps. That would have the effect either to entirely take away from the postmaster any responsibility as to the sacredness of the mail, or it would have the effect to add to him a responsibility which no postmaster would assume. Therefore, if this provision is to be adopted and carried out, it will result in the Government renting rooms in large numbers of places where now there is adequate accommodation in connection with such other business as the postmaster himself, having a due regard to his own responsibility and the security of the mails intrusted to him, permits to be carried on in the same room with his post-office.

But, as I was saying, there are many reasons why there might be some exception to this right. There are a great many third-class post-offices where the merit of the proposition is very plain to me; but it seems to me that now, having so largely diminished the revenues of the Post-Office Department, we could permit this matter to go over for a year or two longer until the revenues have approached the expenditures before we enter upon any new experiments, and especially upon such as we know will inevitably largely increase the expenses of the service. I hope, therefore, that the Senate will not adopt this proposition.

The PRESIDENT *pro tempore*. The question is, Is the amendment offered by the Senator from Texas in order?

The question being put, a division was called for; and the ayes were 7.

Mr. PLATT. Evidently the only way to obtain a quorum is to have the yeas and nays. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 20, nays 24; as follows:

YEAS—20.			
Blair,	Hampton,	Mahone,	Vance,
Call,	Hill,	Maxey,	Van Wyck,
Camden,	Jackson,	Palmer,	Vest,
Coke,	Jonas,	Sawyer,	Williams,
Conger,	McMillan,	Sewell,	Wilson.
NAYS—24.			
Aldrich,	Cullom,	Groome,	Lapham,
Allison,	Dawes,	Hale,	Mitchell,
Bayard,	Dolph,	Harris,	Morrill,
Butler,	Edmunds,	Harrison,	Platt,
Cameron of Wis.,	Garland,	Hawley,	Plumb,
Chace,	Gibson,	Ingalls,	Voorhees.
ABSENT—32.			
Beck,	Frye,	Logan,	Pugh,
Bowen,	George,	McPherson,	Ransom,
Brown,	Gorman,	Manderson,	Riddleberger,
Cameron of Pa.,	Hoar,	Miller of Cal.,	Sabin,
Cockrell,	Jones of Florida,	Miller of N. Y.,	Sealebury,
Colquitt,	Jones of Nevada,	Morgan,	Sherman,
Fair,	Kenna,	Pendleton,	Slater,
Farley,	Lamar,	Pike,	Walker.

The PRESIDENT *pro tempore*. The Senate decides that the amendment of the Senator from Texas is not in order.

Mr. FRYE. I move to strike out lines 171, 172, and 173, and to insert in lieu thereof:

For transportation of foreign mails, including railway transit across the Isth-

mus of Panama, \$600,000. And the Postmaster-General is hereby authorized to enter into contracts for the transportation of any part of said foreign mails, after legal advertisement, with the lowest responsible bidder, at a rate not exceeding 50 cents a nautical mile on the trip, each way, actually traveled between the terminal points: *Provided*, That the mails so contracted shall be carried on the American steamships, and that the aggregate of such contracts shall not exceed one-half of the sum hereby appropriated.

Mr. BAYARD. I raise the question of order.

The PRESIDENT *pro tempore*. The Senator from Delaware submits the question of order that this amendment is not in order. The Chair submits the question to the Senate.

Mr. BECK. In connection with that I wish to say that section 4009 of the Revised Statutes provides:

SEC. 4009. For transporting the mail between the United States and any foreign port, or between ports of the United States touching at a foreign port, the Postmaster-General may allow as compensation, if by a United States steamship, any sum not exceeding the sea and United States inland postage; and if by a foreign steamship or by a sailing vessel, any sum not exceeding the sea postage on the mail so transported.

And this provision clearly annuls that statute.

The PRESIDENT *pro tempore*. The question is, Is the amendment submitted by the Senator from Maine in order?

Mr. FRYE. In the first place I join issue with the Senator from Kentucky; an issue has been joined with him on that very point not at a far distant day from this in another body which I have no authority to mention by name. Take the very provision which the Senator suggests, and let him look at the last clause of that provision and he will see the distinction between the first clause and the second clause very clearly. One says the vessel shall be allowed under the contract the sea and inland postage; how much is that? How much was it last year, will the Senator state?

Mr. BECK. I do not know; I have not the figures.

Mr. FRYE. It was about \$1,500,000. Under the second clause it says, "shall not exceed the sea and inland postage on the mail so transported," the words "on the mail so transported" being a clear limitation of the right and power of the Postmaster-General; and that is not contained in the first clause to which the Senator referred.

Now, I desire to call the attention of the Senate to another thing. I find that it is very common in the United States Senate in stating the Senate rule to misstate it by confounding it with the House rule. The Senator from Iowa, in making the point made a few moments ago, used the language of the House rule, "changing existing law." The House rule is that legislation changing existing law shall not be in order. There is no such language as that in the Senate rule, and none such can be found there. The Senate rule is that general legislation shall not be permitted on appropriation bills. There may be legislation on appropriation bills which is not general legislation, and a proposition may be entirely in order which does change existing law. The Senate ought to bear that in mind in determining this question.

I am sorry that the question has been submitted to the Senate. I prefer very much that a presiding officer, with the responsibility upon him of deciding according to the rule, should determine upon this question, because I believe I have some familiarity with the rules of the Senate and the rules of the House, and I declare that this amendment which I have offered, by any fair construction of the Senate rule, is strictly in order.

I do not cite the fact here that the Senate over and over again has decided it to be in order. When the proposition has been before the Senate, going to a much greater length than this amendment goes, one that made provision for expending \$1,700,000; when it provided that it should be in 4,000-ton ships; when it provided for a charter for those ships; when it provided for \$200,000 for a line between here and Brazil, mentioning it by name, the United States Senate three times over declared it to be in order by an overwhelming majority. I do not cite that in favor of this amendment now, because I am aware, as Senators are, that the Senate is apt to determine a rule as it thinks best for the Government at the time when the point of order is suggested. The presiding officer, on the contrary, is bound to rule as he believes the rule to be, and recognizing that fact I repeat I am sorry that he has felt obliged to-day to submit the question of order to the Senate in this case.

Now, sir, only one point has been made, that this is general legislation. Everybody admits that it is open to no other point of order. There are three or four that could be raised, but nobody raises one of them, and therefore I address myself to the question whether or not this is general legislation under the Senate rule, and I contend, with great respect, that it is not. I contend that there never was an appropriation bill passed by the Senate, there never has been one submitted to the Senate by the Senate committee holding themselves bound by the rule, which has not had more in it subject to the point that it was legislation than this amendment has. I will take the very bill we are now considering. I call the attention of the Senator from Kentucky to this part of it:

For compensation to clerks in post-offices, \$5,150,000. And postmasters are authorized, with the approval of the Postmaster-General, to assign at any time any clerk or employé of their respective post-offices to duty in any branch thereof: *Provided always*, That any employé shall be paid from money-order funds for such time as he is engaged in money-order work.

Just exactly as open to the objection of being general legislation as this amendment which I have proposed now.

Mr. HARRIS. If the Senator from Maine will allow me, I should be glad to ask him if his amendment does not change a provision in the Revised Statutes, does not establish a different legal rule than the one prescribed by the section of the Revised Statutes?

Mr. FRYE. I say it does not, very respectfully.

Mr. HARRIS. It does not?

Mr. FRYE. It does not.

Mr. HARRIS. With what particular object then does the Senator offer it if it does not change existing law?

Mr. FRYE. The Senator asked if it changed any existing rule regulating the administration of affairs of this kind. I say it does not. There is only one question, and that is whether or not it changes the existing law touching the amount of compensation which may be given. That is the only point raised, because there is authority given now to make contracts by law.

Mr. HARRIS. If the Senator will allow me, my question was a little broader than he chooses to recognize. Does his amendment change a general existing law that exists to-day? That is the question that I desire to propound.

Mr. FRYE. It has been determined, not a thousand miles from here, by the presiding officer of a body as important as this, that it did not.

Mr. HARRIS. I was asking for the opinion of the Senator who offered the amendment. Other bodies are governed by their own rules of order, as this body ought to be governed by its rules of order. We have a rule which prohibits receiving an amendment which is legislative in its character upon an appropriation bill.

Mr. FRYE. Not precisely.

Mr. HARRIS. Well, to be precise, it prohibits general legislation to a general appropriation bill.

Mr. FRYE. That is it exactly.

Mr. HARRIS. If we have a general law upon the statute-book on the subject, and the Senator's amendment modifies or changes that general law, is it not legislation such as is prohibited by the rule?

Mr. FRYE. Not necessarily at all; and I call the attention of the Senator from Tennessee to the provision of the statutes in section 4009, cited by the Senator from Kentucky, and it is the only provision under which any question can be raised even as to whether or not it changes the law, because the Postmaster-General is to-day by law authorized to make contracts for carrying this very mail.

The first part of section 4009 says that whenever the Postmaster-General makes these contracts "for transporting the mail between the United States and any foreign port," if in an American steamship the compensation shall not exceed "the sea and United States inland postage." That, last year, was from \$1,200,000 to \$1,500,000. The next clause goes right on and says, after a semicolon:

And if by a foreign steamship or by a sailing vessel, any sum not exceeding the sea postage on the mail so transported.

And those words are nowhere a qualification upon the first clause of the section.

Mr. BECK. So that the Senator from Maine may answer what I propose to show, if I can, is the construction of that statute, I want to ask him to allow me to suggest now what my construction of it is.

The PRESIDING OFFICER (Mr. PLATT in the chair). Does the Senator from Maine yield to the Senator from Kentucky?

Mr. FRYE. With pleasure.

Mr. BECK. I desire the Senator to have full opportunity to answer my proposition; therefore I suggest it to him now. When he asked me the question if I knew what was the total amount of sea and inland postages last year, I, of course, said no; I did not even know what he meant by the question; and even after he announced it was from a million and a quarter to a million and a half of dollars I failed to comprehend what he meant by that. My construction of the statute is that the million and a quarter or million and a half of surplus has nothing to do with the construction of the law or the pay steamships are entitled to receive for services. The law provides that when the mail is transported by a United States steamship the Postmaster-General may allow that steamship "any sum not exceeding the sea and United States inland postage" upon the mail so carried by that particular ship. He can not allow the million and a half of surplus or any part of it to any one American steamship that carries a single letter. He can only give the ocean and land postage on the mail it carries. I repeat that the Revised Statutes limit his authority to allowing to an American ship, or any number of ships that may carry the mail, the ocean postage on the mail carried and the inland postage added; the sum is in proportion to the amount of mail carried, or in other words to the service done, and the total amount of surplus has no connection with the question we are now considering at all.

Mr. FRYE. Now, Mr. President, for the sake of the argument, I am going to admit that the Senator from Kentucky is right. I knew, of course, he would make that point. It is the only point that there is touching this legislation. Now, if the Senator from Kentucky will observe, there is no repeal of that section in this amendment.

Mr. BECK. It does not repeal it in so many words, but it repeals it by making contradictory provisions.

Mr. FRYE. It does not repeal it in any sense whatever; it suspends it for one year, and that is not general legislation by any manner of

means. General legislation is that which lives until repealed; general legislation is that which stands upon your statute-book and requires a repealing clause to get rid of it; and there is no such thing as general legislation on an appropriation bill which dies with the appropriation bill.

The Senator from Kentucky is always consistent about this; he has always endeavored to prevent anything being done for American shipping, I admit. I call his attention to another item in this appropriation bill beginning on line 79, on page 4, which also passed the scrutiny of the distinguished Senator from Kentucky:

For inland transportation by steamboat routes, \$615,000. The Postmaster-General is authorized to contract for inland and foreign steamboat mail service, when it can be combined in one route, where the foreign office or offices are not more than two hundred miles distant from the domestic office, on the same terms and conditions as inland steamboat service, and pay for the same out of the appropriation for inland steamboat service.

There is a provision deliberately left in this appropriation bill by the Senator from Kentucky, who objected to this provision when before the committee that it contained general legislation. There is a provision more open to the charge of being general legislation, and providing for a payment for this class of service in American lines of 66 cents a mile instead of 50, to which the limitation is in my amendment. How is it that the Senator from Kentucky closes his eyes to a certain portion of what he claims is general legislation and keeps them sharply open every time a proposition is here made to help the American steamship carry the flag of the country on the ocean?

Now I call the attention of the Senate to probably the most carefully considered ruling that has ever been given in the United States Senate to this question of general legislation. I admit that on an examination of the authorities the question has been submitted almost invariably to the Senate and that the Senate every time it has been submitted but once has declared it to be in order. But it was last year in the month of April considered by the presiding officer on an appropriation where an amendment was proposed of over \$3,000,000—an appropriation which was contested as violently, as determinedly as any appropriation ever was before the United States Senate; and that was on a naval appropriation bill, fresh in the memory of every Senator here last April. An appropriation was proposed to enable the President to strengthen the naval establishment of the United States, with provisions of limitation, of qualification, of description, of power to contract, of power to build, occupying one entire column of the CONGRESSIONAL RECORD in the ordinary fine print of the RECORD. The point of order was raised by the Senator from Kentucky [Mr. BECK]. He saw the general legislation in that just as plainly as he sees it in this, and very promptly he raised the point that it was not in order because it was general legislation. But the presiding officer ruled it in order; and he stated to the Senate that he had given the subject the carefulest attention, that he knew the question would be raised, that he had reviewed the decisions, and that he came deliberately to his conclusion; and his ruling was in these words, which I commend to the United States Senate as a distinct, clear statement of what the term "general legislation" means when used in Rule XVI of the Senate:

Mr. BECK. I submit that the amendment just read is new legislation, and not in order under the rules of the Senate.

The PRESIDING OFFICER *pro tempore*. The Chair thinks that the amendment is in order, for the reason that it is a provision like the provisions in all the appropriation bills for increasing the establishment the bill provides for, as an appropriation bill in respect of the Treasury Department provides for more clerks, provides for new furniture, and all things that relate to the subject of the bill and the execution of the purpose of the establishment. The Chair therefore feels obliged to rule that this amendment is not general legislation within the sense of the sixteenth rule.

Mr. BECK. Then I suppose under that ruling we might provide for building a hundred new cruisers as an amendment to this appropriation bill, although there is no existing law on the subject.

The PRESIDING OFFICER *pro tempore*. The Chair does not think that the number of cruisers is affected by the rule.

Mr. BECK. I just desired to know what power an appropriation committee has. I had been taught to believe heretofore that no new legislation could be proposed on an appropriation bill, and I am very sure that the present occupant of the chair held us to a very strict accountability, and not only did not allow legislation on an appropriation bill, but not even an amendment to a House provision containing legislation. But I assume the Chair knows more about the rules than I do.

Just here the Senator from Kentucky saw as much general legislation and more, costing more money, building cruisers that he did not want to build, he saw more general legislation a hundred times over than in this simple amendment that I have offered. What did the presiding officer say for the instruction of the Senator from Kentucky?

The PRESIDING OFFICER *pro tempore*—

I want the Senator to hear this—

The PRESIDING OFFICER *pro tempore*. The Chair has examined the Journal as to analogous amendments at former sessions, and finds himself, as he thinks, fully supported. The distinction is a very broad and obvious one between the general legislation named in the rule and a provision of this character. "General legislation," in the general sense (there are exceptions, however), is legislation that is permanent and regulates the conduct of affairs, and does not exhaust itself of its own force, as every item or provision in appropriation bills properly does.

There is the definition given by the presiding officer from a sense of duty after exhaustive examination, deliberately given on an amendment appropriating millions of dollars. It was fought determinedly in the Senate and in the other branch.

"General legislation," in the general sense (there are exceptions, however), is legislation that is permanent and regulates the conduct of affairs, and does not exhaust itself of its own force, as every item or provision in appropriation bills properly does.

He says further:

This amendment is to provide for doing an act which when once done the statutory part of it is entirely exhausted and the law is no longer in force; it has been executed.

Precisely my amendment.

That is widely different from a regulation even in respect of the conduct of officers of the Navy, which regulation would be a general provision that would continue in force until repealed. The Chair therefore thinks, however great the enactment of the subject is, that within the rule it is in order. The question is on agreeing to the amendment.

And no appeal was taken from the ruling of the presiding officer; and I submit that that ought to settle the question of order in favor of the amendment which I propose, for it is limited to an appropriation for the next fiscal year. What provisions are contained in the authority given to the Postmaster-General die a natural death with the appropriation bill. It has every element that the amendment to the naval appropriation bill objected to last year had, and in my judgment is clearly in order.

Mr. BECK. Mr. President, the Senator from Maine was obliged to admit, though he said he did it for the sake of argument, that there was no relevancy between the question which he asked me so triumphantly at first—if I knew what was the surplus received from the foreign mail service; he admits now, as he is obliged to do, even for the sake of the argument, as he said, meaning of course that he could not as a fair-minded man do anything else but admit, that it has no connection with this question. He denied that the section from which I read, 4009, limited the right of the Postmaster-General to the allowance to any American steamship of the ocean and the land postage; he now agrees that if that was only ten dollars or ten hundred dollars the amount of services controlled the amount of pay, and that it had no connection at all with the million or million and a half of surplus that remained from the total service. When that fact is admitted, it follows as a necessary consequence that an amendment to this bill which allows 50 cents a nautical mile of the trip each way actually run by the ship between the terminal points, which may amount to ten times as much as the ocean postage and the land postage added, for the mail carried by that ship is a change of the existing law as absolute as if the original law had been repealed. It is a repeal of it by implication, a repeal of it in fact for a year, a change of the existing condition. He might as well contend that an act that suspended the law against murder, burglary, arson, or any other crime for a year was not a change of existing law because it operated only for a limited time. During the time to which this provision applies the law as laid down in the Revised Statutes, which is a general law and provides for all classes of ships both foreign and American, is repealed so long as the law we now seek to pass, if it is declared in order, remains in force. Whether it be for five years or for one year or for six months or for one day, during the time that the provision now sought to be ingrafted in the Post-Office appropriation bill remains in force, the general laws in the Revised Statutes of the United States are changed, altered, suspended, are not the rules to govern the conduct of citizens, nor the rules to govern the Postmaster-General, not the rule of compensation by which people carrying the mails are to be paid. If an amendment that suspends a general law does not come within the provisions of our rules, then I am at a loss to know what would.

The Senator from Maine seems to think that I have been wonderfully negligent in not noticing the provisions of the House bill inserted in the text, not inserted here. Many of them were doubtless subject to a question of order under our rules if they had been proposed to be inserted here, among them the provision whereby postmasters are allowed to employ their clerks in the money-order business as well as outside of it, which under existing law or regulations they are not authorized to do; that may be new legislation. I am asked why did I not move to strike it out? My answer is it is in the original bill; the House had a right to put it there. They did put it there. So with regard to the amendment we adopted in relation to carrying the mail to foreign offices that might be within two hundred miles of our coast; that was in the original bill sent here by the House, not subject to any point of order here.

Mr. FRYE. Will the Senator allow me?

Mr. BECK. Certainly.

Mr. FRYE. I call the Senator's attention to pages 9, 10, 11, 6, 7, 5, containing exceedingly healthy provisions touching the carrying of mails, letter-postage, and all that sort of thing, which the Senate itself this very day has declared to be good legislation and has kept in, and I call the attention of the Senator to the fact that he and the other members of the Appropriations Committee struck every word of that good legislation out which the Senate has declared to be good and put back again to-day, simply on the ground that it was general legislation—no other ground. The Senator himself admitted it was good legislation; a majority of the committee admitted that it was good legislation; and yet they said they were compelled to strike it out because it was general legislation, and now the Senator says, forsooth, that the provision touching foreign and domestic mails where they can be connected within

two hundred miles came from the House of Representatives, as it had a right to come, and for that reason it was not stricken out. The rest came from the same source.

Mr. BECK. The Senator from Maine has a logical mind when he takes pains to be logical; but I ask him what connection has the remark that he has just made with this question? All the provisions alluded to were inserted by the House, none of them were inserted by the Senate, and being inserted by the House they were not subject to any point of order under our rules.

Mr. FRYE. But they were subject to the knife of the Appropriations Committee.

Mr. BECK. That does not affect the rules of the Senate.

Mr. FRYE. I was replying to the Senator's remarks.

Mr. BECK. I am endeavoring to discuss this question under our rules and to show that the criticism in regard to our keeping in certain provisions with regard to money-order offices, and adopting the port of Cuba as a domestic office, has nothing to do with this question of order; and the Senator rose as though he had made a great discovery and showed a number of other things that were in the bill and met with the disapproval of the Senate committee, and with the approval of the Senate; but they were all House provisions, and a question of order could not be made against them here. I believed that the legislation of the House was good legislation, and I voted for it, in regard to the increase in the weight of letters from half an ounce to one ounce and for the reduction of the postage on newspapers. I made the motion to disagree with the committee myself, but that was as an individual Senator. I was not dealing with the rules when the question was brought before us where I had a right to vote as I pleased, the rules permitting me to vote as I chose in regard to retaining or striking out those House provisions, I voted to retain them. I see no connection between these questions and this proposition.

Now the Senator makes an effort to overthrow the provisions of the Revised Statutes and to adopt a new rule of compensation altogether to ocean mail carriers, to wit: 50 cents a mile whether a single letter be carried or not, setting at naught the provision of the Revised Statutes which limits the rate to be paid by the Postmaster-General to the sea and the land postage upon all letters carried by any particular ship. His proposition may double or quadruple, or even go a hundred-fold beyond the provisions of existing law; yet that is proposed to be done in the Senate, whose rules prohibit any change of general law on an appropriation bill.

Mr. FRYE. No.

Mr. BECK. Any change of law is prohibited by the rules of the Senate.

Mr. FRYE. No.

Mr. BECK. All general legislation is prohibited on appropriation bills; and this general legislation reaches over the whole class of subjects to which it pertains and overthrows the laws of the land as provided in section 4009 of the Revised Statutes.

The Senator chooses to go out of his way to say in connection with this question, when I simply read the statute—the question of order having been made by the Senator from Delaware [Mr. BAYARD]—that I am opposed to everything that aids American ships. I am not going to discuss those questions; I have argued them in the Senate before, to my own satisfaction at least. I believe I voted for every provision of the bill the Senator from Maine brought up last year, which he claimed was going to do a great deal of good to our ocean commerce. I believe it did some, but it was a very feeble effort toward accomplishing any substantial result. The only two steamships that we had then on the Atlantic in the European trade that he said his bill would enable us to maintain the American flag upon, and perhaps add others, have torn down their flag since that bill was passed.

Mr. FRYE. The Senator will pardon me for saying that they would not have torn down their flag if the Senator and Senators and members of the House of Representatives who believed with him would have permitted the provision for carrying the mail to have gone into that bill.

Mr. BECK. It was said that the bill we passed would build up and add to our ships; yet instead of doing any good we have lost the only two we had on the Philadelphia line, and we had none in New York or elsewhere. The objection I have always made to all of these propositions is that this is a subsidy and nothing but a subsidy disguised under the shape of a mail contract. These ships are to have 50 cents for each mile they sail if the Postmaster-General sees fit to give it to them if they carry one letter apiece, and that sum of \$400,000 is to be given to certain American steamships; but few men have American steamships; all the sailing vessels of the United States competing with these people in the same trade are to be handicapped by it. It is simply building up a favored line or lines for a few favored men. The subsidy is only to last for one year. No man can build a ship between now and the expiration of the next fiscal year to enter into competition with the men who already have those ships on those lines that are thus to be paid 50 cents a mile whether they carry mails or not. It is the old Garrison subsidy, it is the old Pacific Mail subsidy, it is the old Brazilian subsidy in a new and more insidious form.

The Senator from Maine has stricken out some words from his amend-

ment. The proposition submitted by the Senator from Maine which our committee acted upon was different from that which he has now submitted. That now before us was submitted after the bill was reported. The first amendment which we rejected proposed to make a contract allowing 50 cents a mile to all steamships trading between the ports of the Atlantic and the ports of the Pacific through any foreign country. When the committee developed the fact and all agreed that there was not a letter carried from New York or New Orleans by way of Panama, or from Panama to San Francisco or anywhere else on our Pacific coast by any American steamship line, because we had at least three great lines of railway, from New Orleans, from Saint Louis, from Chicago, from Saint Paul, carrying all our mails across the continent to all our own ports on the Pacific, and that those ships would not carry a single letter, and it was too bald a subsidy to come before the Senate and demand 50 cents a mile for ships running between the ports of the Atlantic and the ports of the Pacific through any foreign country on the pretense of carrying the mail, when they did not carry a single letter, the Senator, after the bill was reported, I believe, amended it by striking out that portion which the committee had rejected, upon the ground that it was a subsidy pure and simple, as no mail ever goes in that way by steamships.

I repeat, the provision now is only for a year, so that the few men who hold these lines in their own hands, whether they do work or not, are to have \$800,000 given to them if the Postmaster-General sees fit to give it to them, whether they do service or not.

Mr. FRYE. Four hundred thousand dollars.

Mr. BECK. It is now reduced to \$400,000.

No man in the United States can build a sailing vessel to compete with them within the time allowed. I ask what is this proposition but a subsidy? What is that but an unjust discrimination? What is that but enabling a few favored men inside the United States who happen to own the only steamships that are running between the ports named \$400,000 out of the Treasury of the United States for nothing, to the injury of the men who are competing with them, who also own American ships but have not ships of the character that the amendment would allow the subsidy to be given to, and, as I said, without allowing any man time to build a ship to compete with them to get any part of the \$400,000?

I have contended and always will maintain, and I think maintain successfully, that the only way to aid our commerce is to do something that is to help what inherently belongs to the business itself. A proposition is now pending which I was told will be up to-morrow, that I hope to vote for and to urge, to which I call the attention of the Senate now as one of the things that I think will do good. Where foreign material is brought to this country and put into ships, into merchandise or anything, and exported afterward, we now only allow 90 per cent. drawback. The proposition which the Senate will be called to act upon to-morrow, I hope, is to allow 100 per cent.; in other words to allow them all they paid for what they afterward export. That bounty pertains to the business itself. That will help. Anything that helps an American ship-owner or ocean carrier I have been in favor of, and have advocated as urgently as any man on this floor; but when I see, or think I see, that a few men are seeking to get money out of the Treasury for nothing, whether you call it a postal contract or a subsidy or anything else, and it is not going to aid our commerce, is not going to aid our trade or do anything else but enrich the pets of Congress, I have always opposed their schemes, and I always expect to do so.

This I regard as a subject of that character. I do not care, however, to go into that. I do not want to have any controversy now in the closing days of the session in regard to my ideas of trade or commerce. There is no time for it; I do not want to take up the time of the Senate to do it, but I will say to the Senator from Maine that whenever he brings any proposition before the Senate that in my judgment will be a benefit to our trade or to our commerce he will find no man who will go further than I shall. I would give our people raw material free; I would give them everything I could that would enlarge and extend their markets abroad and enable them to buy as cheaply as possible and to sell as profitably to foreign nations as they can, and thus enable them to compete with every other people on the open high seas of the world. That is what I seek to do.

I am properly charged with being an advocate of free ships. The main reason why I have demanded free ships for our people is because we have by treaty with England, France, Prussia, Russia, with all the nations of the world except Spain, given them a right to trade to and from our ports and to carry our goods upon exactly the same terms as our own ships can carry them, prohibiting Congress as long as those treaties remain in force from giving our ships any advantage over them by rebate or discrimination in trade and commerce. We allow them to trade in ships that cost them \$200,000 while our people are forced to pay \$300,000 for the same kind of ships, and they are expected to compete with foreigners even for our own trade upon such terms. I insist that it can not be done. The difference in the cost makes the difference between profit and loss.

I go further and maintain that as long as we keep up a Chinese wall around ourselves in order to protect, if you please, what you call American industry the wall is as high on the one side as it is on the other, and our trade is crippled, yes, ruined by it. Germany is crying trichina

against our pork; France, pleuro-pneumonia against our cattle; England is struggling to get her supplies from other countries; we are only crippling and ruining our own exporters and the laborers in the land by building up a wall that prohibits them from swapping their products and fabrics with other people. But, as I said, I am not going into these questions now.

It is because in my opinion the policy it is now proposed to pursue is merely for the benefit of a few people, to the detriment of the whole country, that I am opposed to it; and believing that it is general legislation on an appropriation bill and is in itself impolitic, especially as it does not enable all American citizens to compete for the subsidy given, because it limits it only to the few people who have ships upon certain lines now, and there can be no competition before the fiscal year runs out by any man in yet unbuild American ships, that I regard the legislation in itself as vicious even if it is in order.

Mr. FRYE. Mr. President, I did not say anything at all about the merits of the amendment, and I did not suppose that any Senator would discuss the merits of the amendment on the question of order. The Senator from Kentucky has seen fit to devote most of his time in this direction, therefore it is necessary for me to make a few words of reply.

First, as to the Pacific Mail Steamship Company getting all of this appropriation, I do not believe if George Washington was in the United States Senate to-day and a question affecting the interests of our great merchant marine, which is dying and almost dead, was before the Senate he would attempt to frighten his colleagues with any cry about Pacific Mail Steamship or subsidy; and I do know that the Senator from Kentucky never fails in making the attempt. I suppose when a two-horse stage travels down through the blue-grass regions of Kentucky away off to some little hamlet in the mountains carrying a half-dozen letters and is paid \$500 a year, more than a dollar apiece for every letter it carries, it is no subsidy and does not smack of it. I suppose when Kentucky is supported in her mail system and her post-office conveniences by the rest of the country and does not pay for such accommodations within \$500,000, the \$500,000 is not a subsidy. I suppose when the Senator consents and allows it to remain a law on the statute-book, under which every inland steamer plying up the rivers—the Mississippi, the Missouri, or other great rivers, on the lakes, on the coast, protected by law, too, against any interference by any other nation on the earth, by the navigation laws, a double protection—received last year 66 cents a mile for all the mails carried by them, that that is no subsidy. But when a Senator proposes to pay a vessel to-day carrying the American flag on the ocean 50 cents a mile at the outside limit, subsidy is the ghost that is summoned to kill it. Mr. President, no country on the face of this earth ever treated its commercial marine so unjustly, so outrageously, as the United States of America has treated its under the lead of such gentlemen as the Senator from Kentucky.

The Senator alludes to section 4009 as the section under which they shall receive their pay if contracted with. Let me call his attention to the history of that legislation. When that section was put on the statute-book how much does the Senator think there was permitted to be paid under it for a letter carried by an American steamship? Does the Senator know? Under that section, when it became a law, you could pay 40 cents a letter to half the foreign ports, 25 cents a letter to China and Japan, 30 cents a letter to Australia. Liberal pay for carrying United States mails when section 4009 was put onto the statute-book. How comes it now cut down to 3 or 4 or 5 cents a letter—a beggarly pittance? The great nations of the earth met at Paris and at Berne, and for the good of the whole world they agreed upon certain postal regulations and upon certain postages that should be paid upon letters and papers, and they cut it down to the sea and inland postage of to-day, about 5 cents. What did they do? They immediately doubled their mail pay to every steamer they had in their service.

Every country that met with the United States of America there at Berne has given heavy mail pay from that day down to now to every steamship carrying its mails. England last year paid \$3,000,000. She has paid as high as \$6,000,000 in a single year. She paid last year \$1,800,000 for carrying the mail to China, Japan, and Australia, and you paid the beggarly pittance of \$11,000. England paid last year \$400,000 for carrying her mails to the West Indies, and you paid the miserable pittance of \$3,600. Oh, your country was magnanimous at Berne and Paris when it cut down the pay for carrying mails from 40 and 30 and 25 cents to 5 cents and charged it to men who carried the American flag on the ocean. Italy did not do it, Spain did not do it, Mexico did not do it, Peru did not, France did not, Germany did not, no other country on the face of the earth did it. The United States alone, for the good of the general country and the whole world, was magnanimous and cut the carrying price down to 5 cents, and then compelled her own steamships to carry the whole burden of her munificence.

Ay, more and worse—ininitely more and infinitely worse. When your American vessels found they could not carry the United States mails for the sea and inland postage and they refused to, you went and put section 3976 upon the statute-book. It is a law which provides in terms that any American steamship may be seized by the Postmaster-General, may be detained at her wharf, at a demurrage costing her from \$100 to \$150 a day, until the United States mails are ready, and

then shall be compelled to take them, shall carry them to the port of destination, shall land them in the post-office, and shall receive 2 cents a letter in full pay therefor. Another section, 4204, contains a provision almost exactly like it, that when your vessels are abroad, and coming home they could be detained by the United States consuls in foreign ports exposed to that enormous demurrage, compelled to wait for the consul to get his letters ready, and then bring them to the United States for 2 cents a letter; and to-day every American steamship carrying the United States mail is carrying it for 2 cents a letter.

Mr. CONGER. It can not get a clearance.

Mr. FRYE. It can not get a clearance, as the Senator from Michigan suggests to me, until it has taken the mails, no matter if it has not a dozen letters.

Mr. BECK. It will get it after the 1st of April, I believe.

Mr. FRYE. Yes; and why?

Congress at the last session proposed, believing as I do, and as the Senator from Alabama [Mr. MORGAN], one of the best constitutional lawyers in this body or anywhere else, declared in a speech, that those laws were unconstitutional, that the United States in its grasping process had gone beyond its rights under the Constitution to punish American steamships carrying the American flag, to repeal those two sections to take effect the 1st day of April next; and after the 1st day of April next there is no power in the United States Government to compel an American steamship to carry a mail. There is no provision for carrying United States mails anywhere on American bottoms. The necessity is upon Congress to make some provision.

You paid last year for the transporting of your mails to Mexico, to the West Indies, to the Central American States about \$10,000. Mexico paid ten times that amount. You paid last year \$325,000 for carrying all your foreign mails all over the world. Italy paid \$2,000,000 the same year, France paid \$4,500,000, England over \$3,000,000. The United States made last year \$1,200,000 or \$1,500,000 out of her foreign mails. Did I say out of her foreign mails? Out of American steamships carrying her foreign mails at 2 cents a letter. The great overland mail for the Australian colonies going across our country by the Pacific railroads, for which the United States receives 5 cents a letter, is landed under that law on one of the Pacific Mail steamships, carried to Australia, and the United States pays 2 cents a letter. It is on rail six days, on steamer twenty-six. The Government makes a net profit of 3 cents a letter, which she puts into her Treasury, and then boasts through her Congressmen about the Post-Office Department being nearly self-sustaining. Every year for your star lines, your one-horse carriages, your two-horse coaches, your boy mounted on horseback with saddlebags carrying your mails across the plains, with a hamlet once in fifteen or twenty miles, it may be, the Government pays millions upon millions of dollars; and the Senator from Kentucky sees no subsidy in that. Two years ago she paid \$50,000 for one year for carrying the mails from Galveston to Brazoria in the same State—more than she paid last year for all the mails carried in all the American bottoms over the whole world; and there is no subsidy in that. I contend there is no such thing as a subsidy in paying a fair price for services rendered.

But the Senator from Kentucky says that the Pacific Mail Steamship Company is the bugaboo in this matter. The Pacific Mail Steamship Company, forsooth, called up to frighten children with. What harm is it doing? Within ten years, let me tell the Senator from Kentucky, that same Pacific Mail Steamship Company has built eighteen iron-clad steamships from 2,500 to 5,000 tons burden apiece, and to-day your flag is kept on the ocean almost alone by that company. In ten years the Pacific Mail Steamship Company has paid out \$10,000,000 for ships built in American ship-yards, not in British ship-yards where the Senator from Kentucky wants so much to build them—nine millions of it going to the hard-handed men of the United States of America, not to the toilers on the Clyde, where the Senator from Kentucky longs for it to go.

How does the Pacific Mail Steamship Company get entire control of these contracts? Has she no competitors? Does the Senator from Kentucky know that she is the only competitor, for instance, from San Francisco to China? Let me tell the Senator that the Occidental and Oriental Company has one 4,000-ton iron steamship, I think the best one ever built in the United States, built by Cramp of Philadelphia, sailing directly to China and competing for the mail with the Pacific Mail Steamship Company and the same company has ordered another 4,000-ton American-built ship. Is there to be no competition here?

Again, from San Francisco to the Sandwich Islands there are some of the finest iron steamships on the ocean to-day carrying the American flag, and they are in competition with the Pacific Mail Steamship Company for the United States mails. Again, between here and Aspinwall, here and Mexico, here and the West Indies, there are ships to-day ready to compete with the Pacific Mail Steamship Company for the carrying of the mails; and yet, forsooth, the Pacific Mail Steamship Company is to be brought up here as a great criminal.

Sir, if you had a war to-day you would take every single iron ship the Pacific Mail Steamship Company has for your Navy in less than thirty days; you would take Spreckel's two great ships from San Francisco, and you would take the Occidental and Oriental ships, and if

you could not take them you would be powerless to transport your troops. Is there no benefit to the country in this?

Last year under the influence of the legislation there was a steamer built to run on a line between New York and the River Platte, a thousand-ton iron steamer. An order was given for two more. These are American ships. When it was found that the legislation was defeated the order for the two more was countermanded; but if this measure passes the Senate to-day and becomes a law a contract in less than thirty days will be made for three more steamers to run between New York and the River Platte, carrying the American flag and bearing the products of the American loom to that country.

Again, last year there was a steamer of a thousand tons built for Hayti, to run between Boston and that port. Let this measure become a law, and a line will be established between Boston and Hayti, and we will have another opportunity to send our goods under the American flag.

Dom Pedro agreed to pay \$120,000 a year for carrying the mail from Brazil to the United States direct if the Congress of the United States would pay something for carrying the mail from the United States there. Congress refused to do it, and Dom Pedro finally withdrew his offer; and to-day you can not send a bale of goods from the United States to Rio Janeiro unless you send it first to Liverpool and let it lie there on the dock, it may be a month, for transshipment to Brazil.

Mr. President, any decently liberal policy toward these steamships will establish lines between here and the South American ports, the Central American ports, and the West Indies; and there is only where I wish to go. Those are the countries we must look to for opportunities to export our fabrics. We can not export them to France, nor Germany, nor England. They can beat us in making them; they have more than they want; but these other countries can not manufacture and they will not for a good many years. We want regularly established lines so as to enable our manufacturers when there is a glut in the home market to ship their goods into South American and Central American States. You can have them if you will deal with one-half the liberality that France or England or Germany, or even Italy, deals with her steamship lines; and they do not call them subsidies either.

The amendment only provides for one year. It only appropriates \$400,000. It is not subsidy enough to frighten anybody. But if I could have my way I would prefer not \$400,000 but \$4,000,000 this very year, and I would see to it that once more the American flag should be seen in the ports of the world on other than naval ships. I would see to it that once more instead of carrying only 15 per cent. we should, as we used to, do 80 per cent. of our carrying trade under our own flag. I would not care whether the Senator from Kentucky called it subsidy or not. No country without a ship on the sea can be a great country, and in two or three years more America will be in that condition if the present policy is pursued.

Mr. President, I did not intend to say a word about the merits of the amendment. I confined myself entirely to the question of order and only felt compelled to reply briefly to the remarks made by the Senator from Kentucky on the merits. I still insist that the amendment is not open to the point of order; that it ought to be placed onto the appropriation bill and made a law.

Mr. BECK. Mr. President, I think it must be apparent to the Senate that the proposed amendment is of a legislative character, from the speech of the Senator from Maine. It will be observed that he complained of the laws of the United States, turning to section 4009 and to other sections of the Revised Statutes, and telling what a miserable policy had been pursued and how oppressive the laws of the United States are upon the ships sailing under our flag. He proposes to change these laws now. I do not know how to change a general law except by general legislation. The whole burden of that portion of his speech admits the proposition which I make, that the laws as they now exist (which he says are very bad, and I may be willing to admit they are just as bad as he says they are) are now to be changed by an amendment on an appropriation bill that is general legislation. That is the issue between us. I insist that under the rules of the Senate we can not by an amendment to an appropriation bill change the general laws of the United States, no matter how bad they may be. He insists that we can; that is the issue. The argument which he made showing that he was seeking to change bad laws gives up his case, as I understand it.

The object of a Post-Office appropriation bill is to provide for the service of the Post-Office Department for the next fiscal year. That is what we propose to do; that is the title of this bill, to make "appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886." The Senator is now seeking to get clear of bad laws that limit commerce, as he contends, and prevent us from carrying, as he says, our manufactured goods to Rio and to South and Central American ports. He does not complain of the mails; they go fast and cheap enough. The private man does not care how his mail goes, nor who carries it, so that he gets his mail cheaply and quickly. The Post-Office Department does not care so it goes promptly, and the spending of \$400,000 or \$800,000 or any sum, not to carry the mails, but under some other hidden pretense to aid commerce or build ships, is not

making provision for the Post-Office Department for the next fiscal year.

The Senator from Maine asked me, with an air of triumph, why should we give a large sum of money to carry the mails from one little village in Kentucky to another? And why do we carry the mails at great cost down the Mississippi or the Ohio River, or any other stream? My answer is, every one of those mail-routes is let to the lowest bidder. Whether the carrier has a gray or white horse, a Mexican, a Canadian, or an American animal, the Post-Office Department does not care; the object is to get the mails from place to place as cheaply as possible. It is open to all competitors. They do not ask him whether he is an American citizen or where his wagon was built; whether it was built in London or Paris or Berlin or Louisville or anywhere else. The object is to carry the mails, to get the work done.

That is not this proposition. No one now complains that the work is not done; no one complains that it is not well done or that it is not cheaply done; but by indirection we are asked to do something else and call it mail service.

The little boat that goes down the Mississippi, the Ohio River, or other streams has to call, whether she has business or not, at every landing where there is a post-office. The landing, the starting, the carrying the mail to the post-office is the element that makes up most of the cost. So with the different star routes, as we call them, over the country, which are let to the lowest bidder. We have to carry the mail to our own people.

But the Senator says we pay very little for ocean postage; that England pays enormous sums. Of course she does, but we pay more than three times as much for postal service in the aggregate as England pays. We do not pay it to steamships; we pay it to railroads, to steamboats on the rivers and lakes; we pay it to the star routes. Why? Because we occupy a great continent and our people are scattered all over it; we undertake to supply them with the mails whether the particular State in which they live pays as much as some other State does or not.

The Senator from Maine says that Kentucky does not pay as much as she receives for her mails. I tell him that Kentucky pays more into the Federal Treasury in one year than Maine has paid in the last half century. We pay into the Federal Treasury from our taxes more every year than Maine has paid in the last fifty years, if I mistake not. But that is no argument on this point—does not amount to anything how much Maine or Kentucky pays each—and the citizens of each are entitled to good mail service, and they get it. The men in the far Northwest do not pay for the mails in the form of postal revenues; they pay it in other forms. They send their grain to New York to go to Liverpool; they send their cattle, their hogs, their vast surplus products; they furnish exports which bring back needed supplies not produced here, in part at least, and make the balance of trade which we boast of, so far as we are allowed to trade at all.

England, Scotland, and Ireland combined are very little more than one-third, they are nothing like half, as large as the State of Texas, yet England has 200,000,000 of people in India that she has to supply with mails that has to be done by ocean transit. She has her dominions in Canada; she has her naval stations the world over; she has over ten thousand commercial ports to which her ships run, and she has to send by vessels what we send by railroad, the mails that her people require, and she pays it in one form while we pay it in another. The Senator from Maine complains because she pays in the form that he now desires to subsidize for doing nothing large amounts. She pays her ship-owners for doing a great deal, and therefore he asserts that we are niggardly and she is liberal because we do not pay ours for doing nothing.

The difference in the conditions of the people to be supplied with mails makes the differences in the means of transportation. England can not reach the East Indies by a railway nor by a star route. She can not reach Canada except by the ocean. She can not reach her great trading ports all over the world except by her ships, and she pays the sea-going service for doing it. We can reach our people by railways, by star routes, by steamboats on lakes and rivers, and we pay the service for doing that, because that is the best way to reach the people. That is all there is in those distinctions.

I shall not attempt to reply to the suggestion that I am always struggling to have ships built on the Clyde or somewhere else than here. My views on these subjects are well known and the reasons for them. I want the ships that compete with other people furnished as cheaply to the American citizens who run them as their competitors get their ships for. That is all I ask. I do not want the people of this country to be taxed in order to give double prices to the American ship-builder, who does not run the ship, nor compete for the foreign trade.

The Senator from Maine says he would pay \$4,000,000 a year instead of \$400,000. Where would he exact those \$4,000,000 from? He could only get it by piling taxation, already mountain high. Tariff taxation, that has already broken up our trade—he would make it still higher to raise the additional \$4,000,000 to give to a few people under pretense that they were carrying mails when, very likely, they had not a letter on their ships.

He makes the humiliating confession that we have only 15 per cent. of our carrying trade when we once had 80.

Why have we only 15 per cent. of the carrying trade now when we had 80 per cent. in times gone by? When we had 80 per cent. there was a Democratic administration of the Government and a low tariff, an average of less than 20 per cent.; then our sailors and our ships and our commerce were encouraged to go all over the world. Now we have built up tariff taxation mountain high, until we are paying an average of 42 per cent., and we have been crushed in all our maritime enterprises and in all our commercial relations with foreign countries until we have 15 per cent. of the carrying trade now instead of the 80 per cent. we had in days gone by, when a more liberal policy prevailed.

The Senator may thank the administration of his party for their exclusive and prohibitory laws for being reduced down from 80 per cent. to 15 per cent. of the carrying trade. And will he tell an intelligent people that England cares where our ships are built? She is building the ships of the world now. She is building for France, for Germany, for Italy, for everybody who is doing our carrying trade. The money of the Frenchman, the money of the German, the money of the Italian, is as good to her as the money of the American. It requires just so many ships to do the carrying trade of the world. Sixty per cent. of that carrying trade is in her own hands, and she furnishes the ships to do nearly all the balance of it. Is she interested in building up American ship-owners? Will any intelligent man say so? We pay her to-day over \$100,000,000 a year to do our carrying trade. We feed and clothe and maintain for her 100,000 trained sailors who will be our worst enemies whenever she orders them to be. As the Senator from Maine said once before, I think eighteen months ago, 80 per cent. of our own sailors were American citizens. We had 90,000 of them in 1859 and 1860, when the Democratic party under a low tariff and liberal provisions for commerce ruled this country. Now, as he confessed himself, we have hardly any left, and 95 per cent. of those we have are foreigners of such an indifferent character that they could not get employment on the great ships of their own nationalities.

What brought all that about? Protection, subsidy, crippling commerce, taxing the people to build up a few pets, just as this amendment proposes to do. You might subsidize them as much as you pleased and start your ship, laden with the goods that he is going to send to Rio, side by side with an English ship, and when you get the goods to Rio the people there have no money. The Englishman does not want money. He takes their copper, he takes their wool, he takes their everything, and he swaps what he has got for what they have, and he carries it back home and tells the men at home to pull off their coats and go to work and manufacture it again. We take our products there and we can not take anything but money in return, and that in exchange upon London, because we can not land any of the things our people want at home until 50 per cent. has been paid for the privilege of landing it.

But, as I said, I am not going to argue these questions. I assert here and now, that while this \$400,000 may be given to a few people it will not build up our ships, it will not permanently aid our commerce; our postal facilities and service do not need it, and the rules of the Senate, in my judgment, prevent us from asserting it.

Mr. VEST. Mr. President, it is not my purpose to waste any time, for I consider it a waste of time, in discussing the rule of the Senate as to general or new legislation on appropriation bills. My experience in the Senate for six years has been that whenever the Senate saw fit to enact any legislation on an appropriation bill it was enacted, and the rules were swept away if those rules came in antagonism to the wish of the Senate. The question then is simply presented now, under the guise of a discussion of the rules, as to the adoption of an amendment which proposes to give \$400,000 in the shape of ocean mail pay to ships in the foreign trade carrying the American flag.

Let there be no mistake about this matter. Let us understand distinctly and clearly what is the meaning of this proposition. It is proposed here for the purpose of encouraging the building of ships by Americans, the running of ships by Americans, the placing of ships under the flag of the United States. If any one thing is certain, in my judgment, in regard to the carrying trade of the United States, it is that no legislation by Congress can ever build up the carrying trade under the present conditions of commerce and production in the United States. We might as well attempt to chain the winds or the waves of the ocean, to alter the laws of nature, as to attempt by legislation to change the great current of production, of interest, of commerce which now regulates the carrying trade as it regulates everything else in the shape of commerce upon this continent and elsewhere.

We were told here—the Committee on Commerce of which I have the honor to be a member were told at our session in New York, and told again after our return to Washington, and I read upon this floor at the last session a letter from Mr. Griscom, of Philadelphia, one of the most intelligent ship-owners in the United States, at the head of the Red Star Line, that the reason why American ships can not compete with other ships in foreign trade is because of the difference in the expense of running the ships, and he said to the committee of the Senate: "Take off that provision of your shipping laws which requires us to ship a new crew as soon as we touch American soil, and we shall be enabled to compete with the ships of Great Britain and France and the other maritime powers of the world." We repealed

that clause, and has it done any good? Since that time the four vessels that carried the American flag have taken it down, and are now navigating under the flag of Great Britain.

There is to-day, and that is the salient point in this whole question, but one single steamship line which was under the American flag, the Pacific Mail Steamship Company, and every dollar of this \$400,000 will go into the pockets of the stockholders of that company. There will be no competition; there will be no bidding. It is a naked, plain donation of \$400,000 to that company. It is that and nothing else.

The letters carried between the Atlantic and Pacific seaboard are carried by rail. Nobody pretends that this appropriation is necessary for mail service. It is a subsidy. I do not mention the word in order to terrify any one, for I do not propose to be frightened by it myself, but it is a subsidy naked, pure, and simple.

The experience of the world shows that subsidies will not build up commerce under unfavorable conditions. The reason why our commerce has declined is because it does not pay to own American ships. The reason why it has gone down has been because mines and railroads and stock-jobbing and agriculture pay better than the ocean. When New Englanders found that ships paid, New Englanders went to sea. When New Englanders found that it paid to go to the West and that the waves of the prairie were scenes of successful commercial venture, and not the waves of the ocean, then the young men of Massachusetts, New Hampshire, Vermont, and all New England went to the West instead of going to the ocean. So it will be, in spite of our laws, until the conditions change and until Americans find that it pays better to go upon the ocean than upon the land. The man who does not know this has not read the history of shipping in other countries.

Up to 1854 the shipping trade of the United States steadily and persistently gained upon the carrying trade of Great Britain. Until 1855, when there was a discovery that iron could be used in the manufacture of sea-going vessels, the clipper-built ships of the United States dominated the ocean and were superior to those of Great Britain, notwithstanding the difference in age of the two countries. During all of that time—and I challenge contradiction from my friend from Maine—England was paying out millions of dollars in the shape of ocean postage, really as subsidies, and the United States was paying less than \$300,000. Notwithstanding the enormous subsidies, for they were nothing else, paid by Great Britain, we gained upon her steadily and rapidly till about 1855 they commenced the manufacture of iron ships, and then with changed conditions our commerce and our shipping trade began to retrograde, and England commenced running in advance, and has remained so to this time.

In my judgment this \$400,000, so far as building up the shipping trade is concerned, might as well be thrown into the yeast waves of ocean itself. With that opinion I can not vote for this amendment. It is useless to attempt to fight against laws which are beyond the control of Congress by any such pitiful legislation as this.

Mr. CALL. Mr. President, I regret to differ with Senators on this side whose lead I usually follow, but I can see a great deal of good that may possibly be accomplished, allowing them all that they claim upon their argument, by an appropriation of an amount equal if not greater than the entire sum received from our foreign postages for the encouragement of the construction of American ships and the payment of American labor engaged in ship-building. Accepting in their utmost latitude the theories of my distinguished friends from Missouri and Kentucky as to the propriety of free trade in ships, it still remains true that there may be an encouragement to American ships by a proper appropriation of the public money. There is no conflict between the two propositions.

Americans might buy ships anywhere in the world, and still it might be judicious to appropriate the public money for the encouragement of the construction of American ships and American labor engaged in that pursuit. I have great sympathy with the economic theories of the distinguished Senators from Missouri and Kentucky which would indicate a different policy by which the resources of the country could be exported to foreign countries and engage in competition with the trade of other lands, but they are not pertinent to this question, they have nothing to do with it.

We have some American ships; we have some American artisans; we have American enterprise engaged in the construction of ships; and depressed as may be the condition of that industry, why should not the entire amount received from foreign postage be appropriated to test the experiment and see whether it will not increase the number of American ships upon the ocean?

I see nothing in the theories which have been propounded to conflict with the propriety of adopting the amendment; nor do I see anything against it in a proper construction of the rule of the Senate. The words "general legislation" have no intelligible meaning. The definition which the President gave of legislation which is permanent being general and which does not exhaust itself with the provision is not, I think, a correct interpretation of the term "general legislation." If that be so, you might change the entire judicial organization of the country, you might change the entire salaries of its marshals, its attorneys, and if you limited it to a period of years—one, two, three, or five years—the legislation would be general or not general according to the limitation. There

is no intelligible meaning to that. Every act of appropriation of money which concerns the permanent departments of the Government is general legislation, and you must limit it in its construction under the rule of the Senate to those things which relate to the ordinary conduct of the public service.

This amendment certainly does that. It is a provision for the appropriation of public money for the postal service, domestic and foreign, and it simply proposes to appropriate a portion of the receipts which come from the foreign service to the payment of American ships engaged in the transportation of the mails. It is a discretionary matter with the Postmaster-General, whoever he may be. He is not to be allowed to make a contract for the appropriation of the money where there is no necessity for it, nor is he allowed to contract with lines that do no work and have no mails to carry. The amendment does not propose that; it proposes to allow him in the exercise of a wise discretion to expend a reasonable sum of money for a proper payment of American ships engaged in carrying the foreign mails, and as such I shall vote for it.

Mr. PLUMB. I presume that the discussion on the point of order will perhaps exhaust the whole question, as it seems to have become a discussion on the merits of this proposition. I have before me the report of the Postmaster-General, and at page 30 he discusses this question and expresses the opinion that some embarrassment will accrue to the Department if some power is not given the Postmaster-General to pay a greater sum than he is permitted to pay under the existing law. On page 643 of that volume the Superintendent of Foreign Mails makes a very decided recommendation that some change in existing law is necessary in order that this portion of the mail service of the United States may be carried on without interruption.

I am not going to enter into the general question of the revival of the American merchant marine in this discussion, nor do I think that is so great and important a factor in this proposition as that the incoming of the Democratic administration shall be wholly relied upon to bring about a reversal of that which we mourn so much—the departure from the sea of American commerce in American bottoms. In fact I am rather fearful that American bottoms under a Democratic administration will mean ships purchased with American money but made by British workmen.

It does seem to me that there ought to be no objection whatever to paying to the ships which carry our mails, which carry the American flag, a reasonable price for that service. I have no doubt it will be said, as I think perhaps it has been said already in this debate, that many of these steamers and perhaps all of them are already running between home ports and foreign ports; that they are under a certain constraint to carry the mails, and that we can practically impose upon them and compel them to carry the mails for a less price than the actual value of the transportation, because they are thus running to and from the ports between which we desire to have our mails carried.

If that is an argument, why do we not apply it in regard to our internal transportation? There is not a railroad company in the United States to-day that is not under greater constraint to carry the mails on all its lines. We can cut down the price of mail transportation upon railroads one-half, perhaps three-quarters, and still the mails will be carried. Why? Simply because no railroad company practically would dare to refuse to carry the mails. It is such an incident to the convenience and to the comfort and to the business of the people along the line of its road that it would not under any consideration whatever fail to deliver those mails on every train on which the mails were proper to be carried, no matter whether it got more or less than it is getting now. Therefore, why do we not impose ourselves upon the internal transportation of this country to the extent of saying, "We have got you by the throat; we have got you where you can not get away; we are in a condition to impose upon you, and we intend to do it; we do not care what the service is worth, we will give you exactly what we please, and reduce the amount to the lowest possible figure in order that thereby the Government of the United States may make some profit out of private enterprises?"

All I insist is that when we come to deal with this question with reference to the transportation of mails on the high seas we shall adopt the same rule that we do with reference to the transportation of mails on the railroads, paying a reasonable price. Saying nothing about any incidental building up of our merchant marine, ought we as a matter of fairness to say to any man sailing an American ship, made in an American ship-yard, employing American seamen, that we shall require of him to carry the mails at less than a fair price? Why may we not look to the American citizen carrying on business who is living in Rio, in Yucatan, in Guatemala, in any other place in South America, or in any other foreign country, and why ought we not to look to him with as much interest as affecting the question of the growth and development of American commerce and business as we do to the man who goes into the secret and far recesses of the Rocky Mountains where, the moment he gets there, he calls upon us with a call which is never in vain to supply him with postal facilities?

I do not know as to all the elements of this problem. I do not know how much or how little may be necessary in order to accomplish this result. I do not know absolutely with reference to all these lines how

much would be a fair price, but in the absence of a rule which is fair, under a condition of things in which confessedly we are requiring service which we do not pay for, I am willing to say to the Postmaster-General, and one not of my political faith, "I will give you discretion for this year," because this amendment of the Senator from Maine only applies to this year. It is a current appropriation. It begins with the 1st day of July next and ends in a year from that time. I am willing to say to the incoming Democratic Postmaster-General or to any Postmaster-General that for the purpose of correcting an acknowledged evil, for the purpose of supplying what is confessedly a lack, and in order that justice may be done, you shall, during these twelve months of time, exercise a reasonable discretion as to what is proper for the service to be rendered.

All at once, of course, here comes in the Pacific Mail Steamship Company, and I observe that in another place where this matter was under consideration a list of the officers of the company was read, and it was much to my edification, because I did not before know them. When the names were read upon which persons delight to dwell when they want to bring before the American people something that is especially odious and to be avoided and to get up some kind of a scare, I wonder that some one did not move to amend the bill at that time by saying that no railroad company in which those men or either of them were stockholders should have any mail-pay for the carrying of the mails of the United States upon the land.

Mr. President, I hope to live to see the time when ships owned by citizens of the United States may be prospered in their business. I hope to live to see the time when the carrying trade of the United States shall be so prosperous that men who now shun it as they shun a plague will go into it, employing not only the existing ship-yards and the ship-builders, mechanics, and laborers at existing ship-yards, but that the number of the ship-yards may be multiplied tenfold because of the profit of the business, for I know of no way whereby a people can become rich, prosperous, and powerful unless the individual members of the commonwealth are themselves rich and prosperous, because national wealth, if I know it, is not in the possessions of the Government, it is not in the savings and pinchings whereby the Government imposes itself upon its people and thereby saves to its revenues, but it is in the aggregation of the wealth of individuals.

If any man has made or is making or hopes to make money out of the plying of an American ship in foreign waters or elsewhere, I for one am willing to give him a decent chance, and to say that if our Government wants anything of him from the carrying of an officer of the Navy to a letter or a newspaper, we will give him whatever that service is worth, and we will not reflect upon him, nor bear upon him harder, nor deal with him more unjustly or ungenerously than we would if he were a foreigner.

In fact we deal in all our relations more justly and more generously with foreigners than we do with home people. We pursue a policy that builds up ships on the Clyde; we pursue a policy that makes British manufacturers and French manufacturers rich; we pursue a policy that enables Great Britain to extend her commerce into all the seas of the world, and we rejoice in that. But the very moment it is suggested that we should do something to enable our people to do that, then the cry is to hold back; the cry is that we shall make somebody rich, that we shall add something to the wealth of the United States by means of the individual fortunes to be built up in this kind of business. We draw back and say, "Oh, no; we prefer to make Great Britain rich; we prefer that she shall send her ships into all the seas and all the ports rather than that we shall send ours there;" and we thus contribute to build up, to maintain, and strengthen the commerce of one nation which, above all other nations in the world, is to be our rival if we are ever seriously to enter upon a contest for supremacy on the seas.

This is an issue which does not concern merely the people who live upon the coast; it is a question which concerns every man who raises corn or wheat in the interior of this country. He is interested in all the questions that build up not only the manufacturing interests of our country, but enable our commerce to be carried in American ships into those sections of the world where we must inevitably look for markets if we are to continue to grow more than we use at home.

As I said, however, that is merely incidental to this question. I look upon the proposition now before us as simply this: Shall we give to the Postmaster-General the right during the next twelve months to make such an agreement with the owners of American ships for the transportation of mails as shall result in giving to them a compensation which is fair as between man and man, nothing more and nothing less? We give it to the railroad companies because we say they earn it. We do not bear down upon them with a heavy hand, as we can; but our own people as they are, we are ashamed to look them in the face and say that we exercise a power which we ought not to exercise. We give them prices we do not need to give. We can take \$7,000,000, we can take \$10,000,000 away from the railways of this country that we now pay for carrying the mails, but to do so would be dishonorable, and we do not do it. But whenever we come to touch the question of transportation in American ships we do not scruple to say that we will exact of them a service which ought to be rendered and require them

to render it for a price which is totally inadequate to the duties imposed upon them.

The PRESIDING OFFICER. The question is whether the amendment submitted by the Senator from Maine [Mr. FRYE] is in order.

Mr. FRYE. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MORGAN. Let the amendment be read.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. It is proposed to strike out lines 174, 175, and 176, and to insert:

For transportation of foreign mails, including railway transit across the Isthmus of Panama, \$800,000. And the Postmaster-General is hereby authorized to enter into contracts for the transportation of any part of said foreign mails, after legal advertisement, with the lowest responsible bidder, at a rate not exceeding 50 cents a nautical mile on the trip, each way, actually traveled between the terminal points: *Provided*, That the mails so contracted shall be carried on American steamships, and that the aggregate of such contracts shall not exceed one-half of the sum hereby appropriated.

The Secretary proceeded to call the roll.

Mr. WALKER (when his name was called). I am paired with the Senator from Virginia [Mr. RIDDLEBERGER] or I should vote "nay."

The roll-call was concluded.

Mr. DAWES. I desire to announce that the Senator from Iowa [Mr. ALLISON] is paired with the Senator from Missouri [Mr. COCKRELL]. The Senator from Iowa would vote "yea" and the Senator from Missouri would vote "nay."

Mr. PIKE (after having voted in the affirmative). I desire to withdraw my vote. I forgot at the moment that I am paired with the Senator from Nevada [Mr. FAIR].

Mr. SABIN. I wish to state that I am paired on general subjects with the Senator from West Virginia [Mr. KENNA], but as I have no reason to believe that the pair should be observed on this vote, I have voted.

The result was announced—yeas 33, nays 20; as follows:

YEAS—33.

Aldrich,	Dawes,	McMillan,	Plumb,
Blair,	Dolph,	Mahone,	Pugh,
Bowen,	Edmunds,	Manderson,	Sabin,
Brown,	George,	Miller of N. Y.,	Sawyer,
Call,	Hale,	Mitchell,	Sewell,
Cameron of Wis.,	Harrison,	Morgan,	Wilson.
Chace,	Hawley,	Morrill,	
Conger,	Hoar,	Palmer,	
Cullom,	Jones of Nevada,	Platt,	

NAYS—20.

Bayard,	Garland,	Jackson,	Vance,
Beck,	Groome,	Jonas,	Van Wyck,
Camden,	Hampton,	Maxey,	Vest,
Coke,	Harris,	Saulsbury,	Voorhees,
Colquitt,	Hill,	Sherman,	Williams.

ABSENT—23.

Allison,	Frye,	Lamar,	Pike,
Butler,	Gibson,	Lapham,	Ransom,
Cameron of Pa.,	Gorman,	Logan,	Riddleberger,
Cockrell,	Ingalls,	McPherson,	Slater,
Fair,	Jones of Florida,	Miller of Cal.,	Walker.
Farley,	Kenna,	Pendleton,	

The PRESIDING OFFICER. The amendment is held to be in order. The question recurs upon the adoption of the amendment.

Mr. SAULSBURY. I did not say anything on the question of order that was raised on the very text of the rule with reference to legislation upon appropriation bills. I have observed that the construction placed upon that rule is that we generally vote for that legislation of which we are in favor, and antagonize that to which we are opposed whenever a question of order comes up under that rule.

In reference to the merits of this proposition of amendment, the Senator from Maine simply proposes to vest in the Postmaster-General discretion to enter into contracts to pay the owners of American ships for carrying foreign mails such amount as he may deem proper, and the Senator from Kansas has very eloquently urged the propriety of our investing the Postmaster-General with that discretion. For my part, while I have no doubt that I shall have very great confidence in the next Postmaster-General, I am not willing to give to him any such discretion. I have learned by my experience in the Senate that it is under the discretionary powers given to executive officers of this Government that much of wrong has taken place.

I remember that under the discretionary power which was given to the Postmaster-General to expedite post-routes and to multiply the number of trips that could be made upon any post-route in the country we were called upon here, a few years ago, to make an appropriation of \$1,800,000 because of the exercise of that discretion vested in the Postmaster-General, and we actually did appropriate \$1,100,000, which we were compelled to appropriate to prevent the stoppage of the carrying of the mails because of the manner in which that discretion had been exercised by the Postmaster-General. While I say I shall have, I have no doubt, the highest respect for and the greatest confidence in the next Postmaster-General, I am not willing to clothe him or any other executive officer with a discretion that may take out of the Treasury of the United States money that ought not to be taken out.

Now, in reference to the merits of this amendment, who are to be the

beneficiaries under it? What steamship lines have we? It is said that it is not a subsidy; but who are the persons that are owning the American steamship lines to-day? The Pacific Mail Company and Mr. John Roach and nobody else so far as I know. I do not know of a single American steamship that is running to-day in foreign trade but what is owned and run either by the Pacific Mail Steamship Company, which, I believe, has some twenty-odd steamships upon the Pacific and one or two upon the Atlantic, and another gentleman who has been clamorous for subsidies in one form or another ever since I have been a member of this body.

Mr. FRYE. Will the Senator allow me a word?

Mr. SAULSBURY. Certainly.

Mr. FRYE. I do not know that Mr. John Roach owns a single steamship that will receive benefit from this. I think he does not. His ships are withdrawn from the Brazilian line. I do know that there is a large steamship company which is running ships under the American flag from California to China and Japan and the Australian colonies, outside of the Pacific Mail Steamship Company. I do know that there is a steamship company running lines to other ports. I do know that there is a steamship company running a steamship from New York to the River Platte; I do know that there is a steamship company running American steamers from Boston to Hayti. I do know that there are steamers running from Boston to the West Indies carrying the American flag. So, then, the Senator's knowledge is without much limit.

Mr. SAULSBURY. I confess that the Senator is possessed of information on the subject of steamship lines that I did not possess. I did know that there was another on the Pacific coast, but I had forgotten it for the time. I was not aware that there was a steamship line from Boston to Hayti, and I confess that the Senator from Maine possesses information on that subject which I did not possess. But the revelation which the Senator from Maine makes to us here is an argument against his amendment. If independent lines are springing up all over this country from Boston and from other places without the subsidies proposed by his amendment, wherefore the necessity of his amendment? The very information which he volunteers here to correct an error into which I had fallen, establishes conclusively that there is no necessity for the amendment which he has offered. Therefore I think that it is a voluntary contribution out of the public Treasury for the benefit of somebody, that is not demanded by any service to be performed to the Post-Office Department.

These drains upon the Post-Office Department are defended as not being subsidies; but has the Government ever had any trouble to get the mails of the country carried for the ocean postages? When did we first hear that there was any complaint about our not being able to carry the mails upon the ocean? I remember a few years ago that I read in the Senate a letter from the Postmaster-General in which he stated that he had no difficulty in getting the ocean mails transported, and there is none to-day. Every letter and every paper that we see proper to send across the ocean will go, especially the letters will go, without any subsidy to any line or without any appropriation as proposed in the amendment of the Senator from Maine. Disguise it as you may, treat it as you may, it is nothing less than a proposition to take out of the public Treasury \$800,000 and place it at the discretion of the Postmaster-General to appropriate as he pleases or as he sees proper to such lines as he in his judgment thinks it is necessary to appropriate it to to carry the mails. To that I am opposed.

Mr. FRYE. Will the Senator pardon me again?

Mr. SAULSBURY. Certainly.

Mr. FRYE. It is not \$800,000. It is only half as much.

Mr. SAULSBURY. The first printed copy I saw was \$800,000.

Mr. FRYE. That is the whole appropriation for carrying the mail on foreign ships as well as our own.

Mr. SAULSBURY. Last year there was a proposition here to take what money was realized from the Atlantic steamship lines that did not cost all that the postage was and to appropriate that to the same lines that are to be the recipients of this beneficence on the part of the Senator from Maine, and from the time that I have had connection with the Senate in one form or another there has been a proposition to take money out of the public Treasury, not for the benefit of the public service but for the benefit of some private parties—parties, I mean, interested in steamship companies.

If there was any necessity for it, if the business of the country could not be carried on with foreign ports through the mails without this appropriation, I should be willing to vote for it as I do for the transportation of the mails by star route and by railroad. Every star-route line is subject to lively competition; advertisements are placed in the newspapers and competing parties bid for the service; but here we may say what we please about the Postmaster-General advertising for the carrying of the mails in ocean steamships, we all know that there are but very few parties who can compete for the service, because there are very few parties interested in ocean steamship navigation.

I am opposed to this proposition, as I have always opposed every subsidy that has been proposed to further the interests of private parties at the expense of the public Treasury.

Mr. VAN WYCK. Mr. President, I offer the following amendment to the amendment to be added at the end of it:

Provided, That no part of the money hereby appropriated shall be paid in pursuance of any such contract to any steamship company now established and which has been paying dividends.

I suppose the amendment of the Senator from Maine is to have the effect which is attributed to protection generally; that is it is to protect infant industry; and therefore it is if this proposition to expend \$400,000 in the manner proposed is to benefit, is to encourage the putting on of new steamship lines, it is well that the greater part of it should not go to a steamship company which has been, I suppose for thirty years, paying dividends—I mean the Pacific Mail Steamship Company.

Disguise it as you may, this proposition is substantially to benefit that steamship company, because as I say the greater part of this money proposed to be expended is to be paid into the treasury of the steamship company thus long established. Does the Senator from Maine suppose that he will induce any steamship company to organize and establish a line of vessels upon the proposition of giving them the pittance left of this \$400,000, and only the assurance of that for one year? Yet we are called upon to make this appropriation to benefit our feeble, perishing commerce, and the most of it as I have said is to be bestowed liberally on this steamship company. If there be citizens of America in Japan and China and Australia needing mail facilities, they are served to-day, they are served by the service which this wealthy corporation is enabled to give them. That is all that is desired in those waters, I presume.

Why make this subsidy to this steamship company which needs it not? For years they have been reaching those ports; for years they have been amassing sufficient money in the carrying of commerce to declare liberal dividends. The Senator from Maine says that the Oriental and the Occidental lines run on the Pacific. Certainly; but the Oriental and the Occidental lines to-day are controlled by the same influences that control the Pacific Mail. All these great organizations are controlled by the same master spirits. They are in the interest of the Pacific railroad lines that cross our continent; and when the three steamships owned by the Oriental and Occidental companies were placed between California and Japan and China, it was done by Huntington and his crowd in order that they might force the Pacific Mail to obedience to their behests and demands. Huntington, that charming historian of American politics and American legislation, says so. He says so in those epistles which he wrote so elegantly to his friend Colton. Now listen for a moment and see if this was not so:

NEW YORK, December 3, 1874.

FRIEND COLTON: Yours of the 23d of November is received. I notice what you say of O. and O. S. S. Co.—

The Oriental and Occidental Steamship Company—

also of P. M.—

Pacific Mail—

If we could make just the right arrangement with the P. M. it would be well—

Listen to these words: "If we could make just the right arrangement with the Pacific Mail it would be well!"—

but I think the best time for us to make an arrangement will be when we have in the Pacific say three first-class steamers. They will be good tools to make P. M. do as they agree; but I would suggest that when we do trade we do our own trading. I send with this copy of contract that I propose to make between railroads and O. and O. S. S. Co.

Then in another letter, a few days before the one I have just read, he says to his friend Colton:

But with those three we can make the prices for the old line, and I think three is enough to break them with, unless the managers of that company are changed, and then we most likely can get their steamers.

There is the inspiration, the motive, the spirit which placed the three steamships of the Oriental and Occidental Company on the Pacific—to break down the Pacific Mail, to use them as tools, to force the Pacific Mail to comply with Huntington's demands and exactions. It is barely possible that that influence which dictated these letters, that influence which stalks into the halls of legislation whenever it desires, has the impudence to come and ask that their particular pet schemes may be recognized and fostered and fed from money which we extract from the pockets of the people and put in the Treasury of the United States. That controlling spirit may account for it all, and then force the Pacific Mail to do as they agreed; and one portion of that agreement was that they would keep up the rates of freight and transportation; that they would break down competition; that they, having this great Government under their control, would pay nearly a million dollars a year to the Pacific Mail Steamship Company in order to control a certain portion of their road so as to regulate freights and tariffs.

The object was to prevent competition between the Atlantic and Pacific. Here was the Pacific Mail occupying both oceans, and the enormous railroad corporations reaching from the Missouri River to the Pacific Ocean were determined that that competition should be checked. These organizations paid a million dollars and more yearly; they subsidized the Pacific Mail; they subsidized it more liberally than your Government can do; they subsidized it by taking a million dollars a year from their treasury, and the Pacific Mail surrendered. Huntington said that, in order to have a hold upon these men, they

must have three steamships on the Pacific, and the Occidental and the Oriental lines put them there; and thus the Pacific Mail was found to be one of their instruments in fettering commerce, binding it to these three or four men who control our transcontinental trade, who seek the control of what little we have left in the Atlantic and Pacific Oceans, and they come here to have \$300,000 stolen from the Treasury to give to this wealthy corporation. If it is only for one year it will encourage no commerce, it will build no steamships, it will open no new lines. The only object is to take still more to place in the pockets of those who have overburdened this people and our commerce with taxation too grievous to be borne.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on the amendment of the Senator from Nebraska [Mr. VAN WYCK] to the amendment proposed by the Senator from Maine [Mr. FRYE].

Mr. HILL. Mr. President, I understand the money appropriated by this amendment will go almost entirely, if not entirely, to the Pacific Mail Steamship Company. I hold in my hand a manual of railroad statistics, to which I desire to refer for a moment. It shows that this company last year made a profit of \$1,393,000; that it is paying 6 per cent. dividends on \$20,000,000, of which probably one-half is watered stock; that the company receives a "traffic guarantee," whatever that may mean, of the Pacific railroad companies of \$5,000 per month; that it has no debt; and also receives foreign subsidies to the amount of \$291,000.

I am unable to see why Congress should appropriate money to pay this Pacific Mail Steamship Company a subsidy for carrying the mails under these circumstances. For that reason I am opposed to the amendment and shall vote against it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nebraska [Mr. VAN WYCK] to the amendment of the Senator from Maine [Mr. FRYE].

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment proposed by the Senator from Maine [Mr. FRYE].

Mr. COKE called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

Mr. MANDERSON (when his name was called). I am paired with the Senator from Florida [Mr. JONES]. Not knowing how he would vote upon this question, I abstain from voting. Were I permitted to vote I should vote "yea."

Mr. VAN WYCK (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH]. He is in favor of this proposition and I am opposed to it.

Mr. WALKER (when his name was called). I am paired with the Senator from Virginia [Mr. RIDDLEBERGER]; otherwise I should vote "nay."

The roll-call was concluded.

Mr. CHACE. My colleague [Mr. ALDRICH] is paired with the Senator from Nebraska [Mr. VAN WYCK]. If he were here my colleague would vote "yea."

Mr. CALL. My colleague [Mr. JONES, of Florida] is detained at home by illness. He is paired with the Senator from Nebraska [Mr. MANDERSON]. I do not know how my colleague would vote on this question.

Mr. MITCHELL. My colleague [Mr. CAMERON, of Pennsylvania] is absent on account of illness. If he were present I believe he would vote "yea." He is paired with the Senator from California [Mr. FARLEY].

The result was announced—yeas 30, nays 18; as follows:

YEAS—30.

Blair,	Dolph,	Lapham,	Platt,
Brewer,	Frye,	McMillin,	Plumb,
Brown,	Hale,	Maibone,	Pugh,
Call,	Harrison,	Miller of Cal.	Sawyer,
Cameron of Wis.,	Hawley,	Miller of N. Y.,	Sewell,
Chace,	Hoar,	Mitchell,	Wilson.
Conger,	Ingalls,	Morgan,	
Cullum,	Jones of Nevada,	Morrill,	

NAYS—18.

Payard,	George,	Jonas,	Vest,
Beck,	Groome,	Maxey,	Voorhees,
Coke,	Hampton,	Pendleton,	Williams,
Colquhitt,	Harris,	Saulsbury,	
Garland,	Hill,	Slater,	

NOT VOTING—28.

Aldrich,	Edmunds,	Kenna,	Ransom,
Allison,	Fair,	Lamar,	Riddleberger,
Bulter,	Farley,	Logan,	Sabin,
Candeen,	Gibson,	McPherson,	Sherman,
Cameron of Pa.,	Gorman,	Madderson,	Vance,
Cockrell,	Jackson,	Palmer,	Van Wyck,
Dawes,	Jones of Florida,	Pike,	Walker.

So the amendment was agreed to.

Mr. MAXEY. I call the attention of the Senator in charge of the bill to the amendment which I now offer. I think no possible point of order can apply to it, being in the exact line of that voted to be in order. In line 50, page 3, I move to strike out the word "lease" and insert "apply part thereof to the purpose of leasing;" at the end of the

same line to strike out the word "and;" and after the word "second," in line 51, to insert "and third;" so as to read:

That the Postmaster-General may, in the disbursement of this appropriation, apply part thereof to the purpose of leasing premises for use for post-offices of the first, second, and third classes, at a reasonable annual rental.

This does not increase the appropriation a farthing. It simply gives the Postmaster-General the discretion where in his judgment the interests of the public service require that a part of it should be applied to the rental of third-class offices to do so, and is in the exact line of the vote the Senate has taken.

I ask the Secretary to read the first part of the clause to make the connection. The amount of \$490,000 is appropriated, and I use the words "in the disbursement of this appropriation" so as to show the connection.

The Chief Clerk read as follows:

For rent, light, and fuel, \$490,000. That the Postmaster-General may, in the disbursement of this appropriation, apply part thereof to the purpose of leasing premises for use for post-offices of the first, second, and third classes, at a reasonable annual rental, &c.

Mr. PLUMB. I feel constrained to raise the point of order if the point of order will lie against the amendment. This provision in its succeeding terms provides for a lease of six years, which of course would outrun the appropriation.

The PRESIDENT *pro tempore*. The Chair will submit the point of order to the Senate.

Mr. MAXEY. On precisely a like proposition the Senator from Kansas voted "yea" on the proposition of the Senator from Maine that where an amendment regulated the disbursement of an appropriation made in the bill the point of order would not lie, and the Senate by a large vote sustained that view. It is simply proposed that in a particular disbursement the appropriation may be used for rent of third-class offices.

The PRESIDENT *pro tempore*. The question is, Is the amendment proposed by the Senator from Texas in order?

The question was decided in the affirmative.

The PRESIDENT *pro tempore*. The amendment is declared to be in order. The question is on agreeing to it.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The Senate as in Committee of the Whole has made sundry amendments to the bill. The question now is on concurring in the amendments made as in Committee of the Whole. If there be no objection the question will be taken on all the amendments together. The Chair hears none.

The amendments were concurred in.

Mr. PLUMB. I wish to state that in lines 73 and 74, under the title of "Office of the Second Assistant Postmaster-General," there has been heretofore a provision for the payment of a certain sum of money for the transportation of mails across the Saint Louis bridge. That is not repeated in this bill upon the theory that the provision of the former bill was a continuing one; in other words, was general legislation and did not need to be repeated. In order to show that that was in contemplation in leaving out the clause I make this statement that the committee believe that the provision of last year was a continuing one, and that therefore it did not need to be repeated in this bill.

Mr. MAHONEY. Under the instructions of the Committee on Post-Offices and Post-Roads, I move to amend the bill on page 7, at the end of line 138, after the word "postage," by inserting:

And that reports of State boards of education, State superintendents of public institutions, and other books, circulars, forms, and blanks relating to education sent out by such shall be charged at the rates herein prescribed for second-class matter.

Mr. PLUMB. I make the point of order on that amendment.

The PRESIDENT *pro tempore*. The Senator from Kansas makes the point that this amendment is not in order. The Chair will submit the question to the Senate. Senators who are of opinion that this amendment is in order will say "ay;" those of the contrary opinion will say "no." [Putting the question.] The Senate decides that the amendment is not in order.

Mr. BROWN. This morning we struck out, I think as one amendment, from line 129 to line 138, inclusive, on pages 6 and 7. I think the latter portion of that clause ought to have been retained. I am not quite sure whether I can have a vote taken on the latter portion, or move that it be reinstated, or vote against the amendment in the Senate, or whether I may offer that portion of it as an amendment in the Senate.

The PRESIDENT *pro tempore*. The Senate has agreed to the amendments made as in Committee of the Whole. The words referred to by the Senator from Georgia are therefore in the bill now as before the Senate.

Mr. BROWN. Then I propose to offer that portion that I referred to, the latter part of it, as a separate amendment in the Senate.

The PRESIDENT *pro tempore*. Will the Senator name the lines he wishes inserted?

Mr. BROWN. The portion I desire to have inserted in the bill as it

came from the House is that found in lines 136, 137, and 138, as follows:

And any article or item in any newspaper or other publication may be marked for observation, except by written or printed words, without increase of postage.

That is done every day, and it is a great convenience when we get a newspaper that there shall be a mark on it to put the eye on the subject-matter to be read. I will reserve that if I can do so, and offer it as a separate amendment in the Senate.

The PRESIDENT *pro tempore*. The bill has been reported to the Senate and the amendments have been agreed to. The Senator can now move any amendment he desires to have inserted.

Mr. BROWN. Then I move that those three lines, commencing at the word "and" in line 136, and ending with the word "postage" in line 138, be inserted as an amendment.

The PRESIDENT *pro tempore*. The Senator from Georgia proposes an amendment, which will be read.

The CHIEF CLERK. On page 6, line 128, after the word "law," it is proposed to insert:

And any article or item in any newspaper or other publication may be marked for observation, except by written or printed words, without increase of postage.

Mr. PLUMB. This matter was discussed at some length at a previous session of the Senate and the Senate struck out the clause, as I thought upon a fully-defined principle applicable to this bill, that it would not enter upon legislation other than that which simply affected the rate of postage now existing and would not introduce new elements. I therefore feel constrained to make the point of order on the amendment.

The PRESIDENT *pro tempore*. The Chair will submit the point of order to the Senate.

Mr. BROWN. This is a portion of the bill as it came from the House of Representatives, language that was passed by the House of Representatives. I think it is a wise provision. I think nine-tenths of the people of the United States understand now that they have the right to draw a pencil mark at the head of an article so as to attract the eye of the person to whom it is sent. I do not see any harm whatever in it; and as all of us know, who receive newspapers containing articles to which our attention is desired, it is quite convenient. It saves us from looking through the newspaper, because the eye catches at the object of the friend who sends it; and if there is nothing printed or written I see no good reason why the simple pencil mark should not be made.

Mr. MAXEY. I think the Senator from Georgia was not in this morning when the subject came up. This is now the law:

And the sender of any article of the third class of mail matter may write his or her name or address therein, or on the outside thereof, with the word "from" above or preceding the same, or may write briefly or print on any package the number and names of the articles inclosed.

That is the law and has been.

Mr. BROWN. On the outside of the package.

Mr. MAXEY. And mark the article itself.

Mr. BROWN. I did not understand the reading correctly then. What I desire to get at is the privilege to draw a pencil mark at the head of an editorial or communication or anything a friend sending a paper desires one to read.

The PRESIDENT *pro tempore*. The question is, Is the amendment proposed by the Senator from Georgia in order?

Mr. HARRISON. I should like to have the amendment read.

The PRESIDENT *pro tempore*. The amendment will be again read. The Chief Clerk read the amendment.

Mr. BROWN. It is simply in the language of the bill as it came from the House, retaining the provision about the mark at the head of an article.

Mr. HARRISON. Is there not also a question of order about that, arising under Rule XVI? In Committee of the Whole these words were stricken out of this section, and the Senate has agreed to that amendment. Is it in order to move to insert them again?

Mr. BROWN. That was not stricken out as a separate amendment. The clause that was stricken out commenced on line 129, with the words "Provided, however," &c.

Mr. HARRISON. There was a separate vote upon these particular words in Committee of the Whole. The whole clause was divided upon my demand, and the Senate has agreed with the Committee of the Whole in striking out these words. Now I inquire whether it is competent after that action to move to insert the same words?

The PRESIDENT *pro tempore*. The Chair submitted the whole question of order to the Senate; not only the point made by the Senator from Kansas, that it is legislation, but also every other point that can be raised on the amendment.

Mr. HARRISON. I rose to a parliamentary inquiry in order to get the opinion of the Chair whether the point I stated was not well taken.

The PRESIDENT *pro tempore*. The Chair submits that point to the Senate.

Mr. HARRIS. I should like to inquire of the Senator from Indiana if he is sure that the question of striking out the particular words now offered as an amendment by the Senator from Georgia was taken separately. My understanding is—but I am not confident that I am

correct—that they in connection with many other words appearing prior to them in the bill were stricken out.

Mr. HARRISON. I am perfectly sure that the question was taken separately, because the division was made on my own suggestion.

The PRESIDENT *pro tempore*. The Chair will state that the question was taken separately on these identical words.

Mr. HARRIS. Then I quite concur with the suggestion of the Senator from Indiana. If that be so they can not now be offered in order.

Mr. BROWN. Then I move a reconsideration of the vote by which they were stricken out.

The PRESIDENT *pro tempore*. That is not now in order, the Senate having agreed to the action of the Committee of the Whole. The simple question now is whether the amendment proposed by the Senator from Georgia is in order. The Chair will put that question.

The question being put, it was decided in the negative.

The PRESIDENT *pro tempore*. The Senate decides that the amendment is not in order.

Mr. HILL. I offer the following amendment to be inserted after line 128—

Mr. BROWN. I will inquire now—

The PRESIDENT *pro tempore*. The Senator from Colorado has the floor and offers an amendment which will be read, after which the Chair will recognize the Senator from Georgia.

The CHIEF CLERK. After line 128 it is proposed to insert:

That Sunday-school publications shall be entitled to free transportation through the mails.

Mr. HILL. I wish to say just a word in regard to this amendment. There is no other one agency that is productive of so much good as the Sunday-school, and as we have now agreed in this bill to transmit through the mails at 1 cent a pound such publications as the Police Gazette, the organs of socialists and infidels, and all other kinds of injurious publications, I think we may afford to transmit Sunday-school publications free.

Mr. PRESIDENT *pro tempore*. The Senator from Colorado has offered an amendment. The question is on agreeing to it.

Mr. HARRISON. I think the attention of the Senator in charge of the bill should be called to the fact—

Mr. PLUMB. The amendment, I understood, was to the same effect as that of the Senator from Virginia, which was ruled out. I make the point of order that it is general legislation.

The PRESIDENT *pro tempore*. The Senator from Kansas submits a point of order that this amendment is not in order. The Chair will submit the question to the Senate. Senators who are of opinion that the amendment is in order will say "ay," those of the contrary opinion will say "no." [Patting the question.]

The question was decided in the negative.

Mr. HILL. I will now offer one other amendment, which I hope the Senator from Kansas will not object to, allowing these publications to go through the mails at the same rate as newspapers. At the end of line 128, I move to insert:

That Sunday-school publications shall be entitled to transmission through the mails at 1 cent per pound, to be prepaid by ordinary stamps affixed thereto.

Mr. PLUMB. I make the point of order on that.

The PRESIDENT *pro tempore*. The Senator from Kansas makes the point of order that this is in violation of the rules of the Senate. The question is, Is this amendment in order?

The question being put, it was decided in the negative.

The PRESIDENT *pro tempore*. The amendment is not in order.

Mr. BROWN. I do not know that I correctly understood the decision of the Chair, and I simply make the inquiry. I understood the Chair to say that I was not now in order in moving to reconsider the action of the Senate by which the three lines I have referred to already were stricken out of the bill as it came from the House.

The PRESIDENT *pro tempore*. The Chair did not make any such ruling.

Mr. BROWN. Then I misunderstood the Chair.

The PRESIDENT *pro tempore*. It is in order for the Senator to move to reconsider the vote of the Senate agreeing to the amendments made as in Committee of the Whole.

Mr. BROWN. Then I move to reconsider the vote of the Senate by which the following language was stricken out of the House bill: "And any article or item in any newspaper or other publication may be marked for observation, except by written or printed words, without increase of postage."

The PRESIDENT *pro tempore*. The Chair thinks the Senator must submit his motion to reconsider the vote as it was taken. It was taken in gross. He must move to reconsider all the amendments, and not a part.

Mr. BROWN. It is necessary then, as I understand the Chair to rule, although this was a distinct vote as the Chair stated—

The PRESIDENT *pro tempore*. It was not a distinct vote on agreeing to this amendment made as in Committee of the Whole; but there was one distinct vote on agreeing to the amendments made as in Committee of the Whole.

Mr. BROWN. Did I misunderstand the Chair a while ago to state

that this was stricken out of the bill by a distinct vote on these very words?

The PRESIDENT *pro tempore*. That was in Committee of the Whole. When the bill was reported to the Senate the Senate took a vote on all the amendments agreed to as in Committee of the Whole together.

Mr. BROWN. Then I move to reconsider that vote that I may get at this question.

The PRESIDENT *pro tempore*. The Senator from Georgia moves to reconsider the vote by which the Senate agreed to the amendments made as in Committee of the Whole. The question is on agreeing to that motion.

The motion was not agreed to.

Mr. SHERMAN. It has always been customary in the Senate when a question has been taken by inadvertence, and a Senator says that, to grant him a reconsideration as a matter of courtesy. I hope, therefore, the Senate will do it in this case.

I do not know what the question is that the Senator from Georgia desires to present, but it has always been done. I have been caught in this way several times. I hope, therefore, the Senate will not deny to the Senator from Georgia that which has always been conceded, that the vote may be reconsidered as a matter of form.

The PRESIDENT *pro tempore*. If there be no objection the Chair will put the question again on the motion of the Senator from Georgia. The Chair hears no objection. The question is on reconsidering the vote agreeing to the amendments made as in Committee of the Whole.

The question being put, a division was called for.

Mr. HARRIS. I desire to suggest to the Senator from Kansas that if this vote is reconsidered, the particular language that the Senator from Georgia wants to retain in the bill having been stricken out as a distinctive proposition, the result will be that the Senator from Georgia will then demand a separate vote upon that particular clause, and that is the end of it.

Mr. BROWN. That is all.

Mr. HARRIS. He certainly is entitled to that separate vote.

Mr. PLUMB. If the Senator will ask for that I have no objection to giving unanimous consent to having that done.

Mr. BROWN. That is all I desire.

Mr. PLUMB. But I do not wish to go to work and go over all the subjects we have had under consideration. I have some responsibility as in charge of the bill.

Mr. HARRIS. I beg to assure the Senator that it involves no such consequence. The Senator from Georgia will simply demand a separate vote on that particular language, and when that vote is taken there is the end of the matter.

Mr. INGALLS. Let us have unanimous consent that the vote may be taken on the proposition desired by the Senator from Georgia.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the question be taken now separately on agreeing to the amendment made as in Committee of the Whole striking out the words in lines 136, 137, and 138 that have been read. Is there objection? The Chair hears none. The question now is on agreeing to the amendment made as in Committee of the Whole striking out those words.

Mr. BROWN. A negative vote retains the words in the bill?

The PRESIDENT *pro tempore*. A negative vote retains the words in the bill. The question is on concurring in the recommendation of the Committee of the Whole that the words be stricken out of the bill.

The question being put, there were on a division—ayes 20, noes 21.

Mr. PLUMB called for the yeas and nays; and they were ordered.

Mr. PLUMB. The Senate, as I supposed, struck out that clause according to the recommendation of the committee, because that was a change of the law separate and distinct and entirely apart from the changes involved in the other provisions of this legislation inserted by the House. This changes the general run of the post-office law; it authorizes certain matter to be transmitted in a way that is not now permitted. The other legislation simply affected the weight of letters and the postage on newspapers, and was a plain proposition. I care nothing about it except to preserve as far as I can the consistency of the Senate in regard to the question of legislation on appropriation bills.

Mr. WILLIAMS. I can not see why a black mark should not be permitted to be drawn at the head of an article in a newspaper without the paper being subjected to additional postage, for it is a great relief to us as every member of the Senate must know. With the large number of papers sent to us from every section of the country, drawing our attention to particular articles in the papers, it saves us a vast amount of trouble in hunting through the entire papers to have marks drawn around the articles to which our attention is desired. It is not only an advantage to the editors but a great convenience to the reading public.

Mr. PLUMB. The thing can be done now, only this changes the rate of postage.

Mr. BROWN. It is no more a change of the law than many other provisions we have retained in the bill. There are several there that change the law quite as much as this.

As I understand, to vote "yea" strikes this out, and to vote "nay" retains it in the bill. ["Yes."]

The question being taken by yeas and nays, resulted—yeas 19, nays 38; as follows:

YEAS—19.			
Aldrich,	Dawes,	McMillan,	Plumb,
Allison,	Edmunds,	Miller of Cal.,	Sabin,
Blair,	Hale,	Miller of N. Y.,	Sewell,
Bowen,	Hampton,	Mitchell,	Wilson.
Cameron of Wis.,	Hawley,	Platt,	

NAYS—38.			
Bayard,	Dolph,	Jonas,	Saulsbury,
Beck,	Frye,	Jones of Nevada,	Sawyer,
Brown,	George,	Lapham,	Sherman,
Call,	Gorman,	Mahone,	Slater,
Camden,	Groome,	Morgan,	Van Wyck,
Chace,	Harris,	Morrill,	Vest,
Cockrell,	Harrison,	Palmer,	Voorhees,
Coke,	Hoar,	Pendleton,	Williams.
Colquitt,	Ingalls,	Pike,	
Conger,	Jackson,	Pugh,	

ABSENT—19.			
Butler,	Garland,	Lamar,	Ransom,
Cameron of Pa.,	Gibson,	Logan,	Riddleberger,
Cullom,	Hill,	McPherson,	Vance,
Fair,	Jones of Fla.,	Manderson,	Walker.
Farley,	Kenna,	Mazey,	

So the amendment was non-concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PETITION.

Mr. BLAIR. I present the petition of S. M. Davis and others, of Washington, D. C., praying for legislation to provide means of taking testimony at public expense on applications for pardons for criminal offenses. The petition goes on to set forth that one John W. Langston is confined in the United States jail in Washington, D. C., awaiting execution on sentence of death, having been convicted of murder; that there is strong evidence that there was in fact a mistrial and that this man, who is to be executed within a month, is innocent. The parties set forth that they find great difficulty in obtaining the evidence, and it will be attended with much expense, and they wish the attention of the Committee on the Judiciary to be turned to this subject to see if the general law does not need some rectification, and if there may not be suggestions from some source that will lead to justice in that direction.

The petition was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 2154) to prevent the acquisition of real property by aliens, and for other purposes, reported it with amendments.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, reported two amendments intended to be proposed to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDING AT DETROIT.

Mr. MAHONE. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the amendment of the House of Representatives to the bill (S. 1609) to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich., to move that the Senate non-concur in the amendment and ask for a conference on the disagreeing votes.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. MAHONE, Mr. CAMERON of Wisconsin, and Mr. VEST were appointed.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 2657) authorizing the construction of a bridge over the Mississippi River at or near the city of Alton, in the State of Illinois, and for other purposes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. DOLPH introduced a joint resolution (S. R. 132) authorizing the Secretary of the Treasury to establish a sub-port of entry and a port of call at Port Angeles, Wash.; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. DOLPH submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DOLPH submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HAMPTON submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. HOAR submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DAWES and Mr. VEST submitted amendments intended to be proposed by them respectively to the general deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

PENSION BILLS.

Mr. INGALLS. I move that the Senate do now proceed to the consideration of executive business.

Mr. MITCHELL. I desire to make a statement. It was my purpose to-day—

The PRESIDENT *pro tempore*. If there be no objection the Senator from Pennsylvania will proceed with his statement. The Chair hears no objection.

Mr. MITCHELL. It was my intention to-day to ask the Senate to consider private pension bills; but the day has been consumed by the consideration of the Post-Office appropriation bill. Now, my purpose is to ask the Senate to consider those bills to-morrow immediately after the formal business of the morning hour is concluded.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Kansas [Mr. INGALLS], that the Senate now proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and thirty-four minutes spent in executive session the doors were reopened, and (at 7 o'clock p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, February 23, 1885.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of Saturday was read and approved.

SUNDRY CIVIL BILL.

Mr. RANDALL, from the Committee on Appropriations, reported a bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. BLAND. Mr. Speaker, I desire to reserve all points of order upon that bill.

The SPEAKER. All points of order are reserved.

DUTIES ON AMERICAN IMPORTATIONS—GERMANY.

Mr. LE FEVRE, by unanimous consent, offered the following resolution; which was referred to the Committee on Foreign Affairs:

Resolved, In view of the continued proscription of American pork by Germany, the recent imposition of additional duty on wheat and rye imported from the United States, and certain measures now threatened hostile to American petroleum, that the Committee on Foreign Affairs be, and it is hereby, instructed to inquire into and report whether the interests of the United States do not demand the adoption of like discriminating measures against such principal articles imported from the German Empire as are grown or manufactured in the United States.

WASHINGTON'S HEADQUARTERS, MORRISTOWN, N. J.

The SPEAKER. The hour set apart for motions under the special rule of the House begins at nine minutes past 11 o'clock. The gentleman from New Jersey [Mr. KEAN] has a motion pending upon which the time for debate, except one minute, has been exhausted.

Mr. KEAN. I yield that minute.

The SPEAKER. The gentleman from New Jersey [Mr. KEAN] yields the remaining minute of his time, and the Clerk will report the title of the bill.

The Clerk read the title, as follows:

Joint resolution (H. Res. 197) authorizing the Secretary of War to assist in canceling the debt and in enlarging and improving the grounds and collections of Washington's headquarters in Morristown, N. J., and in securing suitable ground in which to gather the remains of the revolutionary soldiers there buried and in erecting a monument over the same.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. WELLER. Mr. Speaker, has the time for debate been exhausted?

The SPEAKER. It has been, except one minute.

Mr. WELLER. Well, I object.

The question was taken; and eighteen gentlemen objected—more than a sufficient number under the rule.

So the joint resolution was not considered.

PUBLIC BUILDING, MACON, GA.

Mr. BLOUNT. Mr. Speaker, I ask consent, under the rule, for the present consideration of a bill (S. 1117) for the erection of a public building at Macon, Ga.

The bill was read, as follows:

Be it enacted, &c. That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the United

States circuit and district courts, post-office, and other Government offices, at the city of Macon, Ga. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of \$125,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Georgia shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The SPEAKER. Under the rule, ten minutes are allowed for debate, of which the gentleman from Georgia [Mr. BLOUNT] is entitled to five.

Mr. BLOUNT. Mr. Speaker, for the present I shall content myself with a mere statement of the facts. There is a Federal court held at Macon. The population of the city is a little over 26,000, as shown by the enumeration of last year. The accommodations and facilities are very inadequate, and have been permitted to remain so up to this time by reason of the fact that the matter of erecting a public building there has been reported upon by several Congresses and the Department of Justice has not seen fit to make any improvement, or to attempt to better the existing accommodations, believing that a public building ought to be erected. The amount proposed to be appropriated is less than we have paid for our own local court-house, and I think this is one of the most moderate bills of this character that has been at any time reported to this House.

Mr. STORM. I ask for the reading of the report.

Mr. BLOUNT. This is a Senate bill. I believe there are several reports on this subject. I reserve the residue of my time.

The report (by Mr. YOUNG) on House bill 162 was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 162) for the erection of a public building at Macon, Ga., having considered the same, respectfully report:

That United States courts are held at Macon, Ga., and are located on the third floor, in a badly heated and poorly ventilated room, which is reached by noisy flights of iron stairs, there being no elevator in the building. For these uncomfortable and inadequate accommodations the Government is paying \$1,000 a year.

That the post-office, for its 19,000 citizens, is equally discreditably located, being in a room entirely too small, although rented at a cost of \$900 a year. There are also leased, for internal-revenue offices, rooms at a cost of \$100 a year, making the total annual outlay of the Government for rent at Macon, \$2,000.

In view of these representations, satisfactorily verified, your committee respectfully recommend the passage of a bill providing for the erection of a public building in said city, to meet the demands of its present wants and commensurate with its importance as a thriving and rapidly growing center. We accordingly submit herewith a substitute, limiting the amount to \$100,000.

Mr. STORM. I observe that this report names as the amount of the appropriation \$100,000.

Mr. BLOUNT. I think that must be a typographical error. At any rate the report just read relates to a House bill of similar purpose to the Senate bill which I have called up. I believe \$125,000 is the amount which has uniformly been reported in previous Congresses. I trust that the House will see fit to pass the Senate bill appropriating this sum which has been previously recommended, and which, as I have stated, is less than we have paid for our own court building.

Mr. HOLMAN. Would the gentleman from Georgia object to an amendment providing that the Secretary of the Treasury shall not approve any plan which will involve an expenditure for this building of a greater sum than the residue of this appropriation after the site has been paid for?

Mr. BLOUNT. I appreciate the purpose of the gentleman in limiting the cost of public buildings to the amount of the appropriation; and I would have no objection to such an amendment but for the fact that we are now almost at the close of this session, and if this bill should be returned to the Senate with an amendment it might be difficult to get it taken up for concurrence.

Mr. HOLMAN. This is a Senate bill?

Mr. BLOUNT. Yes, sir.

Mr. HOLMAN. I shall not press the amendment.

There being no objection, the House proceeded to the consideration of the bill; which was taken from the Speaker's table, read three times, and passed.

Mr. BLOUNT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COLORADO INDIAN LANDS.

Mr. BELFORD. I ask to take from the Speaker's table for present consideration the bill (S. 1695) relating to lands in Colorado lately occupied by the Uncompahgre and White River Ute Indians.

The bill was read, as follows:

Be it enacted, &c. That actual settlers on lands subject to pre-emption under existing laws within the late Uncompahgre and White River Ute Indian reservation, in Colorado, shall be entitled to purchase the same, in quantities not exceeding one hundred and sixty acres each, in accordance with the general principles of the pre-emption laws: *Provided*, That no bona fide settler as aforesaid shall be denied the right to purchase land under the provisions of this act on the ground that he may have previously had the benefit of pre-emption on other public land of the United States without said reservation, nor on the ground that he may have removed from his own land elsewhere within the State of

Colorado to settle upon land in said reservation: And provided further, That proof of actual inhabitation and improvement of the land for not less than one year shall be made to the satisfaction of the register and the receiver, under each regulation as the Secretary of the Interior may prescribe.

Sec. 2. That the payment for these lands may be made in three installments, as follows, to wit: Twenty-five cents per acre at the date of entry, and 50 cents per acre, respectively, in one and two years from such date.

The SPEAKER. Under the rules ten minutes are now allowed for debate—five minutes in support of this motion and five minutes in opposition. [A pause.] If no gentleman desires to occupy the time—

Mr. McMILLIN. Before objections are asked for, let us have the report read or some statement made, so that we may understand how we ought to vote on this question. It would appear that this bill proposes to change the law as to how these lands shall be paid for and who are to get the benefits of the sale. The House ought certainly to know why this change is to be made.

Mr. BELFORD. Mr. Speaker, if I can be heard I will try to explain the provisions of this bill. Some years ago we passed, under a suspension of the rules, a bill opening up what is called the Ute reservation—a tract of territory equaling in area New Hampshire, Connecticut, and Rhode Island. After that bill was passed a number of people, aggregating thousands, went upon that Ute reservation and took up their homes. That bill provided that when the land was pre-empted the money should go to the Indians. This bill makes no change whatever in that respect; it simply allows these people to pay their money into the Treasury; and this money is to go to the support and maintenance of these Indians.

If we do not pass this bill a large class of people occupying homesteads in the Ute reservation are practically left without any title whatever. Many of these men have had pre-emption rights in other States and have now forfeited them, having gone to these reservation lands to seek a new home. This thing of forfeiting pre-emption rights is not exceptional. I have once myself been obliged to abandon such a right because I found I was not able to bring water upon the ground. So it is with thousands of other people. I can state truthfully and candidly that there is no "steal" in this measure.

Mr. WELLER. I desire to ask the gentleman, if I may, whether the provisions of this bill are confined entirely to homestead or pre-emption settlers?

Mr. BELFORD. The bill is confined absolutely to those who have their homes there.

Mr. WELLER. Is the bill in its terms confined to that class?

Mr. BELFORD. It is confined to that class, because under the original bill nobody can take any tract of land except by pre-emption. The bill is designed to protect the people who have their homes on this vast tract of land.

Mr. WELLER. And that alone?

Mr. BELFORD. And that alone. The bill passed the Senate without objection.

Mr. PAYSON. I desire to ask the gentleman from Colorado [Mr. BELFORD] whether this bill has been considered by any committee of this House?

Mr. BELFORD. No; but it has been considered by a Senate committee, and passed by the Senate without objection. It has not been considered by a committee of the House because during the early part of the session I was not here to ask its reference to a committee. Now is my only chance for salvation in getting it through. [Laughter.]

The SPEAKER. Is there objection to the consideration of the bill?

Mr. COBB. I object.

The SPEAKER. Members objecting to the consideration of this bill will rise and be counted.

Thirteen members objected.

So the bill was not considered.

CUSTOM-HOUSE AT RICHMOND, VA.

Mr. GEORGE S. WISE. I desire to call up from the Speaker's table for present consideration the bill (S. 1473) to enlarge the United States custom-house at Richmond, Va.

The bill was read, as follows:

Be it enacted, etc., That the sum of \$100,000 be, and the same is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the enlargement of the United States custom-house at Richmond, Va.

Sec. 2. That said sum shall be expended upon the order of the Secretary of the Treasury, and under his direction, upon plans, specifications, and estimates previously made and approved according to law.

The SPEAKER. Under the rule ten minutes are allowed for debate—five minutes on each side.

Mr. GEORGE D. WISE. Mr. Speaker, I want to say in reference to this bill that it makes the small appropriation of \$100,000 to enlarge the custom-house at Richmond, Va. Both the United States circuit and district courts are held in that city. I need not say to the House that it is the capital of the State. The necessity for the enlargement will be apparent when I tell the members of the House that the present building was erected when the city contained a population of only about 25,000. Many of the records of our courts are kept in a lumber-room entirely unfit for the purpose. There are no rooms for grand or traverse juries, and no suitable accommodations for the judges.

Since the erection of this building the number of employes of the

post-office has been increased from eight to sixty. And we have in addition to that the offices of collector of customs and of internal revenue. I will state also that some \$1,700,000 was collected in this internal-revenue district at Richmond city alone during the fiscal year ending June 30, 1883. The gross receipts from the post-office during the same period were nearly \$120,000, and over \$2,000,000 are handled and counted annually by the clerks engaged in the money-order department.

Mr. COOK. What was the cost of the original building?

Mr. GEORGE D. WISE. I can not say as to that, but it was built in 1850 when the city had a population of only about 25,000.

I have also a letter from the Postmaster-General in which he recommends the enlargement of this building as necessary for the accommodation of the post-office at that city. I hope there will be no objection to this Senate bill.

Mr. NICHOLLS. What is the present population of Richmond?

Mr. GEORGE D. WISE. Over 80,000 inhabitants.

Mr. COOK. The committee of the House recommended \$79,000.

Mr. GEORGE D. WISE. One hundred thousand dollars is appropriated in the Senate bill. The Architect of the Treasury was asked to make an estimate, and he recommended that sum as necessary.

Mr. COOK. But the committee of the House only recommend \$79,000.

Mr. GEORGE D. WISE. I know that. This Senate bill is in accordance with the recommendation of the Architect of the Treasury Department. I took the pains to have the estimate made by the Architect of the Treasury Department. [Cries of "Vote!" "Vote!"]

Mr. STORM. I understand the Committee on Public Buildings and Grounds recommend only \$79,000. I should like to have the report of the committee read.

Mr. GEORGE D. WISE. Here it is.

Mr. STORM. Will the Clerk read it?

The Clerk read the report (by Mr. YOUNG), as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 1609) to make an appropriation for the extension, enlargement, and improvement of the public building at Richmond, Va., respectfully report:

After a full examination of the facts submitted, the committee believe that the proposed enlargement and improvement of the public building at Richmond is necessary and demanded by the requirements of the public service.

Richmond is the largest and most flourishing city in the State, and its commerce and business are extensive and rapidly increasing. The present public building there was constructed in 1832-'54, when the population of the city was but little over 27,000, and when the business transacted in the Federal offices there was comparatively small. The population is now 71,000, and the growth of the business of the offices of the Government has been so rapid as to make additional accommodation for its proper transaction a necessity. In brief, since the erection of the present building, the population of Richmond has nearly trebled, its business and commerce has been more than trebled, and the business of its post-office more than quadrupled. In this small building accommodation has to be provided for the post-office, the officers for the collection of the internal revenue, the collector of customs and his assistants, and for the United States district and circuit courts. For these various purposes it is wholly insufficient. The district and circuit courts of the United States are held here twice yearly, and there are frequently two special terms of these courts in each year.

In the language of the clerk of the circuit court—
"The judges' rooms are mere closets, with no conveniences for consultation, no library-room, and not space to hear anything properly in chambers. The clerks have to keep many of their records in an old lumber-room, entirely unfit for the purpose."

There is not, besides, sufficient room for the accommodation of the marshal, and the grand and traverse juries which attend these courts, and none whatever for witnesses. The collector of internal revenue has now employed in his office there eleven persons, as deputy collectors, clerks, tobacco inspectors, and gaugers, and they are confined to an area entirely too small for comfort and the rapid dispatch of the public business. During the year 1883 there were entered in this division of his district for export over three and one-half millions of pounds of tobacco and nearly thirty-five millions of cigarettes. During the same period nearly one and one-half million dollars were realized from the sale of tobacco, cigar, and cigarette stamps.

The amount of internal revenue collected at Richmond during the fiscal year ending June 30, 1883, was \$1,699,837.33. The collector states that double the space now occupied is required for the easy and proper transaction of the business of his office. The gross receipts from the post-office during the fiscal year ending June 30, 1883, were \$117,397, and over \$2,000,000 are handled and counted annually by the clerks engaged in the money-order department. The number of clerks employed is twenty-one, letter-carriers twenty, and money-order clerks three, making in all forty-one. In addition to this force, the Government has in its employment, on the seven railroads terminating here, forty-three postal clerks, for whom space has to be provided in the post-office at Richmond, it being impossible to obtain suitable accommodation elsewhere. At least one-third of these postal clerks are frequently in the office at the same time, making, with the regular force, an aggregate of over sixty persons. When the present building was erected, there were employed in this office an average of only eight persons in every branch of its business.

For the convenience of the collector of customs and his assistants, twelve in number, the present accommodations are also wholly inadequate. The Postmaster-General, in a letter in reply to one addressed to him upon this subject, says that in his opinion—

"The Government building at Richmond is not large enough, and that there should be such an enlargement of or addition to it as will meet the necessities of business and the public convenience."

These brief statements serve the purpose of showing the magnitude of the business done in the various offices of the Government in this city and the necessity for more space for its transaction. Your committee, therefore, recommend the passage of the accompanying as a substitute for bill H. R. 1609.

Mr. WELLER. I rise to a question of order. The confusion is so great that we can not hear what is going on in the House.

The SPEAKER. The Chair has made an ineffectual attempt to preserve order in the House. The Sergeant-at-Arms will ask members to resume their seats and stop conversation.

Mr. STORM. What is the amount recommended by the committee?
The SPEAKER. The report specifies no amount, but simply recommends the passage of the bill.

Mr. STORM. What is the amount recommended by the House bill?
Mr. GEORGE D. WISE. Seventy-five thousand dollars is recommended by the House bill.

Mr. STORM. Your bill calls for \$100,000.

Mr. GEORGE D. WISE. I will state to my friend that that amount is absolutely required, and it is recommended by the Architect of the Treasury after making a careful estimate of what would be required.

Mr. STORM. All I desire to say, in the short time left, is, that this has been considered by a committee of this House and the amount recommended was \$75,000. The Senate bills have not only been considered extravagant in the number of private buildings provided for, but in the amount provided and in the extension of limits heretofore proposed. As I have said, the committee of this House, having considered the bill, recommends \$75,000 as sufficient; and I do think we ought not to be asked now to say we will give \$25,000 more than the committee of this House has recommended, simply because this is a Senate bill. I am sorry to oppose it, but I think I am in duty bound to do so.

Mr. WELLER. I think I could make a suggestion which will obviate all objection.

The SPEAKER. The time has expired.

Mr. WELLER. I wish to offer an amendment.

Mr. GEORGE D. WISE. Is there not more time left in favor of the bill?

The SPEAKER. Two minutes remain in favor of the bill.

Mr. GEORGE D. WISE. I will yield then two minutes to my colleague.

Mr. JOHN S. WISE. I am instructed, Mr. Speaker, to say that the gentleman from Pennsylvania [Mr. STORM] withdraws his objection.

Now, in regard to this bill the estimates and the report of the Architect were fully discussed in the Senate, and the action taken there was one of deliberate judgment that \$100,000 was necessary to carry out the measure. I never had the opportunity such as I desired before the House committee to discuss the necessity of \$100,000. I believe whereas \$100,000 will accomplish the purpose, \$75,000 will be insufficient and bring them back here before the work is completed. I hope the House will adopt the bill as it passed the Senate because we might as well complete the job at once instead of taking two bites of a cherry as is often done. I call for a vote.

There was no objection to the present consideration of the bill.

Mr. WELLER. As the bill is before the House I move the following amendment.

The Clerk read as follows:

Provided, however, Twenty-five per cent. of this appropriation shall be made and paid only in standard silver dollars, which shall be transferred at the expense of the Government to the locality proposed for the disbursement of this appropriation.

Mr. WELLER. Would it be in order to ask unanimous consent to discuss the merits of that amendment?

The SPEAKER. The Chair thinks under this special rule, which expressly provides the limitation of debate, it would not be in order to extend that time.

Mr. KEAN. I offer an amendment to the amendment.

The Clerk read as follows:

Provided, That the remaining salary due Hon. LUMAN H. WELLER, of Iowa, as a Representative from Iowa for the Forty-eighth Congress, be paid in standard silver dollars. [Laughter.]

Mr. WELLER. I desire to accept that amendment, and I trust that the House will honor me by voting for it. I do accept it. [Laughter and applause.]

The SPEAKER. No debate is in order.

The question being taken on the adoption of Mr. WELLER's amendment, the House divided; and there were—ayes 10, noes 95.

So the amendment was not agreed to.

The bill was ordered to be read the third time; and being read the third time, was passed.

Mr. GEORGE D. WISE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UMATILLA INDIAN RESERVATION, OREGON.

Mr. GEORGE. Mr. Speaker, I ask now to call up Senate bill 66, providing for allotment of lands in severalty to the Indians residing upon the Umatilla reservation, in the State of Oregon, and granting patents therefor, and for other purposes, and put it upon its passage.

The bill was taken from the Speaker's table, read a first and second time, the second reading being at length, as follows:

An act providing for allotment of lands in severalty to the Indians residing upon the Umatilla reservation, in the State of Oregon, and granting patents therefor, and for other purposes.

Whereas the confederated bands of Cayuse, Walla Walla, and Umatilla Indians, residing upon the Umatilla reservation, in the State of Oregon, have expressed a willingness to settle upon lands in severalty on their said reservation, and to have the residue of their lands not needed for such allotment sold for their benefit: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States cause lands to be allotted to the confederated bands of Cayuse, Walla Walla, and Umatilla Indians, residing upon the Umatilla reservation, in the State of Oregon, as follows, of agricultural lands:

To each head of a family, one hundred and sixty acres; to each single person over the age of 18 years, eighty acres; to each orphan child being under 18 years of age, eighty acres; and to each child under 18 years of age not otherwise provided for, forty acres.

Allotments to heads of families and to children under 18 years of age belonging to families shall be made upon the selections made by the head of the family; allotments to persons over 18 years of age not classed as heads of families shall be made upon the selection of such persons; and allotments to orphans shall be made upon selections made by the agent in charge, or other person duly authorized by the Department. In addition to the allotments of agricultural lands to said Indians in severalty as herein provided, there shall be reserved a reasonable amount of pasture and timber lands for their use, to be used by said Indians in common, and there shall also be selected and set apart for an industrial farm and school six hundred and forty acres of agricultural lands. Before any allotments are made, a commission of three disinterested persons to be appointed by the President shall go upon said reservation and ascertain as near as may be the number of Indians who will remain on said reservation, and who shall be entitled to take lands in severalty thereon, and the amount of land required to make the allotments; and thereupon said commission shall determine and set apart so much of said reservation as shall be necessary to supply agricultural lands for allotments in severalty, together with sufficient pasture and timber lands for their use, and 640 acres for an industrial farm and school, not exceeding 120,000 acres in the aggregate for all purposes; and the same shall be in as compact a form as possible. Said commission shall report to the Secretary of the Interior the number and classes of persons entitled to allotments, as near as they may be able to, the metes and bounds of the tract by them selected for said Indians, and designate the particular tract selected for an industrial farm and school; and if the same shall be approved, the said tract shall thereafter constitute the reservation for said Indians, and within which the allotments herein provided for shall be made. The said tract shall be surveyed, or so much thereof as shall be required for allotments, and as soon as such surveys are approved the selections and allotments shall be made. The President shall cause patents to issue to all persons to whom allotments of lands shall be made under the provisions of this act, which shall be of the legal effect, and declare that the United States does and will hold the land thus allotted, for the period of twenty-five years, in trust for the sole use and benefit of the Indian to whom such allotment shall have been made, or in case of his decease, of his heirs according to the laws of the State of Oregon, and that at the expiration of said period the United States will convey the same by patent to said Indian, or his heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever: *Provided,* That the law of alienation and descent in force in the State of Oregon shall apply thereto after patents have been executed, except as herein otherwise provided: *Provided further,* That any Indian or Indians residing upon said reservation who may desire to remove to or settle upon any other reservation shall be permitted to do so, and shall retain their right to share their equal proportion of benefits to be derived from any fund that may arise from the sale of any of the lands of said Umatilla reservation, and in addition the equitable value of the right to take lands in severalty on said reservation, to be determined by the Secretary of the Interior and taken out of said fund; and the same shall be expended from time to time for their benefit in establishing them in their new homes in such manner as the Department shall direct.

SEC. 2. That as soon as the report of said commission in respect to the new boundaries of said reservation shall be approved, the residue of said reservation lands not included in said new lines shall be surveyed, if not already surveyed, or if the stakes and monuments, if surveyed, have become so obliterated that the lines can not be ascertained, and the same shall be appraised and classified into timbered and untimbered lands; and in case where improvements have been made by any Indian or for the United States upon such lands, such improvements shall be separately appraised, and if the same belong to an Indian such Indian shall be reimbursed the value of such improvements in money or in other improvements upon his allotment, as shall be determined by the Department; but no lands shall be appraised at less than \$1.25 per acre. The said lands, when surveyed and appraised, shall be sold at the proper land office of the United States by the register thereof, at public sale, to the highest bidder at a price not less than the appraised value thereof, such sale to be advertised in such manner as the Secretary of the Interior shall direct. Each purchaser of any of said lands at such sale shall be entitled to purchase one hundred and sixty acres of untimbered lands and an additional tract of forty acres of timbered lands, and no more. He shall pay one-third of the purchase-price of untimbered lands at the time of purchase, one-third in one year, and one-third in two years, with interest on the deferred payments at the rate of 5 per cent. per annum, and shall pay the full purchase-price of timbered lands at the time of purchase. And where there are improvements upon the lands purchased which shall have been separately appraised the purchaser shall pay the appraised value of such improvements at the time of purchase, in addition to the amounts hereinbefore required to be paid.

Each purchaser shall, at the time of making his purchase, make and subscribe an oath or affirmation that he is purchasing said lands for his own use and occupation, and not for or on account of or at the solicitation of any other, and that he has made no contract whereby the title thereto shall, directly or indirectly, inure to the benefit of another. And if any conveyance is made of the lands set apart and allotted as herein provided, or any contract made touching the same, or any lien thereon created before the issuing of the patent herein provided, such conveyance, contract, or lien shall be absolutely null and void. And before a patent shall issue for untimbered lands the purchaser shall make satisfactory proof that he has resided upon the lands purchased at least one year and has reduced at least twenty-five acres to cultivation. No patent shall issue until all payment shall have been made; and on the failure of any purchaser to make any payment when the same becomes due, the Secretary of the Interior shall cause said land to be again offered at public or private sale, after notice to the delinquent; and if said land shall sell for more than the balance due thereon, the surplus, after deducting expenses, shall be paid over to the first purchaser: *Provided,* That persons who settle upon or acquire title under the pre-emption or homestead laws of the United States to fractional subdivisions of lands adjacent to the lines of said reservation, as now and heretofore existing, and at the time of the sale herein provided for are residing on such fractions, and have been unable to secure the full benefit of such laws by reason that the lands settled upon were made fractional by the boundary line of said reservation crossing such subdivision, shall have a right, at any time after advertisement, so much of said lands as shall, with the fractional lands already settled upon, make in the aggregate one hundred and sixty acres; and no additional residence shall be required of such settler, but he shall take and subscribe the oath required of other purchasers at the time of purchase: *Provided further,* That after three years from the date when such lands shall be declared open for settlement and subject to sale, the lands which shall remain unsold may be purchased, without settlement, at the appraised value thereof. All controversies between settlers and purchasers in respect to settlement and the right of purchase shall be heard and determined, upon their priorities and equities, by the like officers and in the same manner as like contests are heard and determined under existing pre-emption laws: *Provided also,* That the State of Oregon shall be entitled to select

from the public lands of the United States in said State lands in lieu of the sixteenth and thirty-sixth sections contained in said Umatilla reservation as now set apart and established.

Sec. 3. That the funds arising from the sale of said reservation lands, after paying the expenses of survey, appraisal, and sale, and reimbursing any Indian or Indians for the value of any improvements belonging to such Indian or Indians, and the equitable share of any Indian to the funds arising from the sale of said reservation lands as herein provided, and reimbursing the United States for improvements made by the Government and under the provisions herein, shall be placed in the Treasury of the United States to the credit of said Indians, and the same shall draw such rate of interest as is now or may be hereafter provided by law. Twenty per cent. of the principal of said funds may be used, under the direction of the President, in assisting said Indians to establish themselves upon their several allotments, in such manner as he shall direct, and \$30,000 of the residue thereof shall be devoted to the establishment and support of an industrial farm and school for the training and education of the children of said Indians in the arts and methods of civilized life, and the increase from the funds thereafter to be devoted to the support of said industrial farm and school, and to such other beneficial purposes as in the judgment of the Secretary of the Interior may be for the best interest of said Indians: *Provided*, That the said Indians shall pledge themselves to compel their children, male and female, between the ages of 7 and 15 years, to attend said school.

Sec. 4. That for the purpose of carrying into effect the provisions of this act the sum of \$10,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, which said sum shall be reimbursed to the Treasury out of the sales of said lands; and \$10,000 of said sum so appropriated shall be expended toward establishing said industrial farm and school herein provided for.

Sec. 5. That before this act shall be executed in any part, the consent of said Indians shall be obtained to the disposition of their lands as provided herein, which consent shall be expressed in writing and signed by a majority of the male adults upon said reservation, and shall be filed with the Secretary of the Interior.

Sec. 6. That the Secretary of the Interior shall have power to make needful rules and regulations to carry into effect the provisions of this act, and shall have power to determine all disputes and questions arising between Indians respecting their allotments, and shall fix the compensation to be allowed to the commissioners provided for in section 2.

The SPEAKER. Under the rule ten minutes are allowed for debate—five minutes for and five against the bill.

Mr. WELLER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WELLER. I desire to know if it will not be proper, under the rules of the House, to move that this bill be laid over until to-morrow in order that it may be printed in the RECORD for the information of the House.

The SPEAKER. The bill is not yet before the House.

Mr. GEORGE. This bill, I will state, has been already printed in full in the RECORD.

I do not desire to detain the House at length in regard to this matter. I know that it is a long bill and that it is difficult for each individual member of the House to thoroughly understand from hearing it read in this manner, but I wish to state that it has been passed twice by the Senate and has been favorably reported unanimously by the committees of two Houses, the present House and the House of Representatives of the Forty-seventh Congress. It has the earnest approval of the Indians themselves, who are very desirous for the passage of the bill. It is for their welfare and for the welfare of the people of that State generally. All are desirous that such a bill shall be passed as will provide for the welfare of the Indians, who are a part and parcel of their community.

In brief the bill proposes to allot to the Indians such lands as they may need for their use, and then the remainder of the reservation be sold in small tracts and at not less than its appraised value to the highest bidder in cash with time payments, the money to be appropriated to the present and future welfare and benefit of the Indians.

Mr. PERKINS. And purchasers are limited to one hundred and sixty acres of the land as the amount they may acquire.

Mr. GEORGE. Yes, they are limited to one hundred and sixty acres with a small amount of timbered land in addition. I reserve the remainder of my time.

Mr. COBB. I would like to ask the gentleman from Oregon a question. As I understand this bill—I have never read it, and have heard it now for the first time—I understand that after the expiration of three years it is provided that the lands shall be sold and the proceeds paid over to the Indians. Is that the purport of the bill?

Mr. GEORGE. Yes, with reference to such lands as they do not need for allotment. It is provided that the residue shall be sold and the proceeds be appropriated to their benefit.

Mr. COBB. How do you provide that these lands shall be sold—by auction, at so much per acre, or at private sale after appraisement?

Mr. GEORGE. They are first to be appraised and the price fixed upon them, afterward to be sold at public auction to the highest bidder at not less than the appraised value, and only to the actual settlers upon the land and in quantities not to exceed one hundred and sixty acres to each, with forty acres of timbered land.

Mr. McMILLIN. Does it not provide that these lands shall be sold for cash?

Mr. GEORGE. Yes, sir.

Mr. McMILLIN. As this is to be a fund for the benefit of the Indians, would these lands not bring better prices if sold for part cash and a part on time?

Mr. GEORGE. That is the provision of the bill; in order that poor men can avail themselves of the opportunity of purchasing the lands and have time in which to pay for them.

Mr. McMILLIN. I understood the gentleman from Oregon to state, and also from hearing the bill read—for no man can understand so long a bill in all of its details from hearing it once read—that it provided for a cash sale.

Mr. GEORGE. Cash sale, but time payment of the greater portion.

Mr. McMILLIN. The gentleman from Oregon and myself have a very different conception of what cash sales and time sales mean.

Mr. HEWITT, of Alabama. Does this bill limit the amount to which each person may become entitled under its provisions?

Mr. GEORGE. Yes, sir; one hundred and sixty acres, and forty acres of timber land in addition.

Mr. WELLER. I would like to ask the gentleman from Oregon if in so far as he is concerned he will not consent that this shall go over until to-morrow, in order that we may have the opportunity of reading the bill and the report in the interim.

Mr. COBB. I ask for the reading of the report in connection with the bill.

Mr. STEVENS addressed the Chair.

The SPEAKER. The gentleman from Indiana was recognized to demand the reading of the report. This seems to be a Senate bill and there is no report accompanying it.

Mr. GEORGE. I will furnish a Senate report which I have here.

Mr. COBB. It is difficult to understand so long a bill, and I do not think it ought to be passed without time for its consideration.

Mr. GEORGE. Although this bill has been printed in the RECORD once, I will suggest that its consideration go over until to-morrow and that it be printed in the RECORD, and also the reports of the Senate and House committees, so that members may have a full opportunity of seeing what it is that is proposed.

The SPEAKER. Four minutes only of the hour under the special rule now remain. The gentleman from Oregon asks that the hour be now terminated and that this bill go over until to-morrow and be printed together with the report in the RECORD. Which report? Of the House or of the Senate?

Mr. GEORGE. The Senate report as it is a Senate bill and the House report, for that matter.

The SPEAKER. Is there objection?

Mr. COBB. I shall have to object; the bill is so long.

Mr. CASSIDY. The bill goes into the RECORD anyhow, having been read.

The SPEAKER. Does the gentleman from Indiana object?

Mr. COBB. I do.

The SPEAKER. The Clerk will proceed to read the report.

The Clerk commenced the reading of the report (made by Mr. DAWES, from the Senate Committee on Indian Affairs), as follows:

The Committee on Indian Affairs, to whom was referred the bill (S. 66) entitled "A bill providing for allotment of lands in severalty to the Indians residing upon the Umatilla reservation, in the State of Oregon, and granting patents therefor, and for other purposes," have had the same under consideration, and report as follows:

This bill was reported from the Senate Committee on Indian Affairs during last Congress, after very careful consideration, and passed the Senate, and was reported upon favorably by the House Committee on Indian Affairs. The report of the Senate Committee of last Congress very fully sets forth all the facts and reasons relating to said subject, and is therefore adopted for convenience as the report of your committee; which report is as follows:

"The Umatilla reservation was created by treaty with the Walla Walla, Cayuse, and Umatilla tribes and bands of Indians, occupying lands partly in Washington Territory and partly in Oregon, which treaty was promulgated April 11, 1859. The reservation contains 288,900 acres of land, of which 150,000 is tillable; the residue is pasture and timber land.

"The Indians upon this reservation have for the most part, since their location on the same, been peaceable and friendly toward the whites; have made some progress toward civilization; cultivated in 1881, as shown by the agent's report, 4,000 acres, broke during the year 2,000 acres new land, produced 10,000 bushels of wheat, 2,000 bushels of corn, 6,000 bushels of oats and barley, 6,000 bushels of vegetables, cut 900 tons of hay, 75,000 feet of lumber, 1,000 cords of wood, and built 10,000 rods of fence. They have 10,000 head of horses, 50 head of mules, 400 head of cattle, 5 head of swine, and 3,000 head of sheep. They earn by labor in civilized pursuits 65 per cent. of their subsistence and support, procure 12 per cent. by hunting and fishing, and receive in rations from the Government 23 per cent.

"The number of Indians on this reservation, as shown by the report of the agent for 1881, is 751—males 330, females 421. Of the whole number 504 are wholly clad in citizen's dress, and 123 partly. Two hundred and fifty-two families are reported as engaged in agriculture, and 162 male Indians undertake manual labor in civilized pursuits.

"These Indians for some years have in various ways manifested their desire to take lands in severalty, and secure titles to homes for themselves and children. In April, 1879, several of the chiefs and headmen visited Washington to confer with the Indian Office in respect to making a permanent settlement on their reservation, or, in lieu of such settlement, to remove to some other locality. The matter was to be left to the Indians upon their return to their reservation, which was determined by them the following November in favor of remaining upon their present reservation and taking lands in severalty."

When the Clerk had read so much of the report as is printed above, The SPEAKER said: The hour under the special rule has expired.

Mr. GEORGE. I ask unanimous consent that the House and Senate reports be printed in the RECORD.

Mr. RANDALL. I call for the regular order.

The SPEAKER. The regular order is demanded, which is equivalent to an objection.

COURT-HOUSE AND JAIL IN ALASKA.

The SPEAKER, by unanimous consent, laid before the House a letter from the Attorney-General, inclosing a letter from the United States

marshal for Alaska, and asking an appropriation for court-house and jail in that Territory; which was referred to the Committee on Appropriations, and ordered to be printed.

INSANE PERSONS IN ALASKA.

The SPEAKER also laid before the House a letter from the Attorney-General, referring to a letter from the marshal of Alaska, in which inquiry is made as to his authority to remove persons adjudged insane to asylums; which was referred to the Committee on Appropriations, and ordered to be printed.

INFANTRY BRANCH OF THE ARMY.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting communications from officers of the Army in regard to the passage of Senate bill (S. 2442) to increase the efficiency of the infantry branch of the Army; which was referred to the Committee on Military Affairs, and ordered to be printed.

ORDER OF BUSINESS.

Mr. RANDALL. I move that the consideration of the business of the Committee for the District of Columbia be dispensed with to-day.

The SPEAKER. The first business to-day is the call of States and Territories for the introduction of bills and joint resolutions, &c.

Mr. RANDALL. I do not want to interfere with that.

TEXAS PACIFIC RAILROAD LAND GRANT.

Mr. PAYSON. I ask unanimous consent to take from the Speaker's table, for the purpose of moving concurrence in the Senate amendments, the bill (H. R. 3933) to declare a forfeiture of land grant to the Texas Pacific Railroad Company, and for other purposes.

The amendments of the Senate were read, as follows:

Page 1, line 6, strike out the word "that."
Page 1, line 6, strike out the word "be."
Page 1, line 7, strike out "sale and settlement" and insert "disposal."
Page 1, line 7, strike out the word "existing" and insert the words "the general."
Page 1, at the end of line 7, insert "as though said grant had never been made: Provided, That the price of the lands so forfeited and restored shall be the same as heretofore fixed for the even sections within said grant."
Strike out section 2.
At the end of the bill add the following:
"SEC. 2. That the act of March 3, 1875, entitled 'An act for the relief of settlers within railroad limits,' is hereby repealed."

The SPEAKER. Is there objection to the request made by the gentleman from Illinois [Mr. PAYSON]? The Chair hears none.

Mr. PAYSON. I move that the Senate amendments be concurred in.

The amendments of the Senate were concurred in.

Mr. PAYSON moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IMPORTATION AND IMMIGRATION OF ALIENS.

Mr. HOPKINS. I ask unanimous consent to take from the Speaker's table for the purpose of disposing of the Senate amendments the bill (H. R. 2550) to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

The amendments of the Senate were read, as follows:

Page 1, lines 7 and 8, strike out "to perform service or labor."
Page 1, lines 14 and 15, strike out "and doing business within the United States."
Page 1, line 16, after the word "service," insert "or having reference to the performance of labor or service by any person."
Page 1, line 16, strike out the words "of any kind."
Page 1, line 18, strike out the words "such persons" and insert "the person or persons whose labor or service is contracted for."
Page 1, line 22, after "by" insert "knowingly."
Page 2, line 8, after the word "recovered," insert "by the United States or."
Page 2, line 8, after "person," insert "who shall first bring his action therefor."
Page 2, lines 9 and 10, strike out "who may choose to bring such suit."
Page 2, strike out all after "United States" in line 11, down to and including "molety," in line 13, and insert "the proceeds to be paid."
Page 2, after the end of line 15, insert "and it shall be the duty of the district attorney of the proper district to prosecute every such suit at the expense of the United States."
Page 2, line 27, after the word "citizen," insert "or subject."
Page 3, line 11, after the word "actors," insert "artists."
Page 3, line 11, after "singers," insert "nor to persons employed strictly as personal or domestic servants."
Page 3, line 13, after "relative," insert "or personal friends."
Page 3, line 14, after "United States," insert "for the purpose of settlement here."

Mr. KEIFER. Mr. Speaker, is it proposed to concur in these amendments?

The SPEAKER. The Chair does not know what motion the gentleman from Pennsylvania [Mr. HOPKINS] proposes to make.

Mr. KEIFER. I will ask the gentleman from Pennsylvania [Mr. HOPKINS] whether he proposes that the House shall concur in these Senate amendments?

Mr. HOPKINS. That is my motion, Mr. Speaker—to concur in the amendments of the Senate. They are mostly verbal amendments.

Mr. KEIFER. I think they are pretty important.

Mr. MILLS. I will ask the gentleman from Pennsylvania [Mr. HOPKINS] whether this bill proposes to prohibit the introduction of agricultural laborers?

Mr. HOPKINS. It prohibits the importation under contract of all classes with the exceptions named in the bill.

Mr. MILLS. I am opposed to the bill.

The amendments of the Senate were concurred in.

Mr. HOPKINS moved to reconsider the vote by which the Senate amendments were concurred in; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

CORRECTION OF MILITARY RECORDS.

Mr. STEELE. Mr. Speaker, I ask unanimous consent to report at this time, from the Committee on Military Affairs, a bill in lieu of various bills that have been referred to that committee. It is a bill (H. R. 8257) to correct the record of certain soldiers of the late war.

The SPEAKER. Does it name the soldiers?

Mr. STEELE. It does not name the soldiers, but it is in lieu of various bills that do name soldiers.

The SPEAKER. In the absence of objection the bill will be referred to the House Calendar, and ordered to be printed.

Mr. WELLER. Mr. Speaker, I ask unanimous consent that that bill and report may be printed in the RECORD.

There was no objection, and it was so ordered.

The bill and report are as follows:

A bill to correct the record of certain soldiers of the late war.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and is hereby, authorized and directed to remove the charge of desertion in all cases where it is shown by satisfactory evidence that the soldier did not leave his command in the face of the enemy, and was not in arrest or under charges; that he rejoined the service within ninety days from date of absence, or was suffering from wounds or sickness which prevented his returning, served faithfully, received an honorable discharge, and did not rejoin to obtain bounty; *Provided*, That in cases where the soldier was prevented from joining his command on account of wounds or sickness, and receiving an honorable discharge that he might have received had he not been so prevented, he shall have his record amended so as to remove the charge of desertion.

SUBSTITUTE FOR VARIOUS HOUSE BILLS.

Mr. STEELE, from the Committee on Military Affairs, submitted the following report:

The Committee on Military Affairs, to whom were referred—

The bill (H. R. 7807) for the relief of David Harrington;
The bill (H. R. 7736) for the relief of Daniel Morris;
The bill (H. R. 7741) for the relief of John Connel;
The bill (H. R. 7527) for the relief of Melvin M. Davis;
The bill (H. R. 7500) for the relief of William Formann;
The bill (H. R. 6107) for the relief of Joseph Moor;
The bill (H. R. 5745) for the relief of James W. Dotson;
The bill (H. R. 7528) for the relief of David Ward;
The bill (H. R. 7479) for the relief of Thomas Cummings;
The bill (H. R. 7406) for the relief of George Leeman;
The bill (H. R. 7381) for the relief of James Roach;
The bill (H. R. 7009) for the relief of John Knockleemann;
The bill (H. R. 6977) for the relief of A. L. Williams, M. D.;
The bill (H. R. 1974) for the relief of Francis M. McDonald;
The bill (H. R. 7020) for the relief of Charles H. L. Poock;
The bill (H. R. 6778) for the relief of Thomas Wood;
The bill (H. R. 6719) for the relief of Wellington Doddridge;
The bill (H. R. 6718) for the relief of Phillip Ellibuff;
The bill (H. R. 6717) for the relief of Thomas J. Sutton;
The bill (H. R. 6654) for the relief of John P. Stewart;
The bill (H. R. 6618) for the relief of George H. Melay;
The bill (H. R. 6598) for the relief of William C. Elliott;
The bill (H. R. 6522) for the relief of Edward W. Casley;
The bill (H. R. 6500) for the relief of Frank Singerist;
The bill (H. R. 6482) for the relief of Enoch Hunt;
The bill (H. R. 6356) for the relief of William C. Jones;
The bill (H. R. 6268) for the relief of Samuel H. Watson;
The bill (H. R. 6172) for the relief of William Munton, jr.;
The bill (H. R. 6001) for the relief of Fredorline Rentz;
The bill (H. R. 1775) for the relief of Edmund Williams;
The bill (H. R. 5912) for the relief of Joseph Sexton;
The bill (H. R. 5129) for the relief of Zoath Hammond;
The bill (H. R. 5886) for the relief of Elihu Robinson;
The bill (H. R. 5842) for the relief of Jeremiah Fritts;
The bill (H. R. 5840) for the relief of John W. Robinson;
The bill (H. R. 5826) for the relief of George L. Schermerhorn;
The bill (H. R. 5804) for the relief of Joseph Stubblefield;
The bill (H. R. 5665) for the relief of Walter D. Forbes;
The bill (H. R. 5600) for the relief of Marcellus Martin;
The bill (H. R. 5382) for the relief of George W. Harbaugh;
The bill (H. R. 5320) for the relief of Anderson B. Gosc;
The bill (H. R. 5223) for the relief of Charles J. Lahue;
The bill (H. R. 5193) for the relief of William A. Jackson;
The bill (H. R. 5163) for the relief of John G. Brown;
The bill (H. R. 5142) for the relief of Seymour F. Arnold;
The bill (H. R. 5113) for the relief of Peter Hudaut;
The bill (H. R. 5093) for the relief of George W. Revere;
The bill (H. R. 5033) for the relief of Moses Scard;
The bill (H. R. 5012) for the relief of Thomas Brown;
The bill (H. R. 4996) for the relief of John W. Claiborn;
The bill (H. R. 4995) for the relief of Benjamin Pierce;
The bill (H. R. 4961) for the relief of John Butler;
The bill (H. R. 4860) for the relief of Ivans Huse;
The bill (H. R. 4772) for the relief of Newton Whems;
The bill (H. R. 4753) for the relief of William B. Phillips;
The bill (H. R. 4580) for the relief of J. H. Davis;
The bill (H. R. 4566) for the relief of Miles Dunning;
The bill (H. R. 4540) for the relief of George Barlow;
The bill (H. R. 4455) for the relief of David A. Hawk;
The bill (H. R. 4418) for the relief of Robert Newman;
The bill (H. R. 4345) for the relief of Green B. Ledford;
The bill (H. R. 4339) for the relief of Absolom Roberts;
The bill (H. R. 4306) for the relief of Frank Greenwood;
The bill (H. R. 4231) for the relief of Dennis Forbes;
The bill (H. R. 4218) for the relief of Philip Brodbeck;
The bill (H. R. 4104) for the relief of Asa M. Fryc;
The bill (H. R. 4106) for the relief of James Cooney;
The bill (H. R. 4036) for the relief of George Hobbs;

The bill (H. R. 4030) for the relief of Charles B. Pense;
 The bill (H. R. 4011) for the relief of C. Copeland;
 The bill (H. R. 3974) for the relief of William Prewitt and others;
 The bill (H. R. 2177) for the relief of John Sims;
 The bill (H. R. 1024) for the relief of William G. Windom;
 The bill (H. R. 709) for the relief of William R. Boag;
 The bill (H. R. 2548) for the relief of Charles Doenhart;
 The bill (H. R. 904) for the relief of J. J. Gideon;
 The bill (H. R. 2731) for the relief of John Davis;
 The bill (H. R. 2823) for the relief of William W. Armstrong;
 The bill (H. R. 1434) for the relief of John W. Gummo;
 The bill (H. R. 417) for the relief of William H. Hamlet;
 The bill (H. R. 2443) for the relief of John Driscoll;
 The bill (H. R. 3946) for the relief of Samsun Goliah;
 The bill (H. R. 1639) for the relief of Pierre Pernot;
 The bill (H. R. 2563) for the relief of Susan R. Gassaway; and
 The bill (H. R. 1638) for the relief of Isaac R. Moulton—

and the petitions as follows, namely:

Petition for the relief of Andrew W. Barton;
 Petition for the relief of Andrew Riley;
 Petition for the relief of George W. Monteith;
 Petition for the relief of Robert P. Moore;
 Petition for the relief of John Schlick;
 Petition for the relief of John Cole;
 Petition for the relief of John Erickson;
 Petition for the relief of John G. Brown;
 Petition for the relief of Andrew Meadows;
 Petition for the relief of Milton Bunch;
 Petition for the relief of Abraham Brown;
 Petition for the relief of Frank Gardner;
 Petition for the relief of Moses Lord;
 Petition for the relief of George Adams;
 Petition for the relief of Charles Martin;
 Petition for the relief of G. W. Smith;
 Petition for the relief of John Condon;
 Petition for the relief of Charles Davis; and
 Also, the petition of various citizens of Stuart, Iowa, asking the passage of a bill—
 report the same back and recommend that they lay on the table without prejudice; and recommend the passage of the accompanying bill as a substitute, believing it, together with the act of July 5, 1884, herewith, will cover nearly, if not quite, all meritorious cases.

[PUBLIC—No. 95.]

An act to relieve certain soldiers from the charge of desertion.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the charge of desertion now standing on the rolls and records in the Office of the Adjutant-General of the United States against any soldier who served in the late war in the volunteer service shall be removed in all cases where it shall be made to appear to the satisfaction of the Secretary of War, from such rolls and records, or from other satisfactory testimony, that any such soldier served faithfully until the expiration of his term of enlistment, or until the 1st day of May, A. D. 1865, having previously served six months or more, or was prevented from completing his term of service by reason of wounds received or disease contracted in the line of duty, but who, by reason of absence from his command at the time the same was mustered out, failed to be mustered out and to receive an honorable discharge: *Provided*, That no soldier shall be relieved under this section who, not being sick or wounded, left his command without proper authority while the same was in the presence of the enemy.

SEC. 2. That the Secretary of War is hereby authorized to remove the charge of desertion from the records of any soldier in the late war upon proper application therefor and satisfactory proof in the following cases:

First. That such soldier, after such charge of desertion was made, and within a reasonable time thereafter, voluntarily returned to his command and served faithfully to the end of his term of service.

Second. That such soldier absented himself without proper authority from hospital, or from furlough given from hospital, while suffering from wounds, injuries, or disease received or contracted in the service in the line of duty, and, on recovery, voluntarily returned to his command and served faithfully until discharged, or died from such wounds, injury, or disease while so absent and before the date of the muster-out of his command.

Third. That such soldier absented himself without proper authority from furlough given by proper authority, and while so absent died from wounds, injury, or disease received or contracted in the service in the line of duty before the muster-out of his command.

SEC. 3. That in all cases where the charge of desertion shall be removed under the provisions of this act from the record of any soldier who has not received a certificate of discharge, it shall be the duty of the Adjutant-General of the United States to issue to such soldier, or, in case of his death, to his heirs or legal representatives, a certificate of discharge.

SEC. 4. That when the charge of desertion shall be removed under the provisions of this act from the record of any soldier, such soldier, or, in case of his death, the heirs or legal representatives of such soldier, shall receive the pay and bounty due to such soldier: *Provided, however*, That this act shall not be so construed as to give to any such soldier, or, in case of his death, to the heirs or legal representatives of any such soldier, any pay, bounty, or allowance for any period of time during which such soldier was absent from his command without proper authority, nor shall it be so construed as to give any pay, bounty, or allowance to any soldier, his heirs or legal representatives, who served in the Army a period of less than six months.

SEC. 5. That all applications for relief under this act shall be made to and filed with the Secretary of War within the period of five years from and after its passage, and all applications not so made and filed within said term of five years shall be forever barred and shall not be received or considered.

SEC. 6. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved July 5, 1884.

REPORTS OF SMITHSONIAN INSTITUTION.

Mr. ROGERS, of New York. Mr. Speaker, I ask unanimous consent to take up the Senate joint resolution providing for the printing of the annual reports of the Smithsonian Institution.

The SPEAKER. That is not in order at this time. The special rule under which the House is now acting provides that so long as that rule remains in operation it shall not be in order for the Chair to entertain a request to take up for consideration any bill embraced by that rule except Senate amendments to House bills.

POST-OFFICE SITE, WASHINGTON, D. C.

On motion of Mr. STOCKSLAGER, by unanimous consent, the bill

(S. 2617) to authorize the acquisition of certain parcels of real estate embraced in square No. 406 of the city of Washington, for the enlargement of the Post-Office Department building and to provide accommodations for the city post-office, was taken from the Speaker's table, and referred to the Committee on Public Buildings and Grounds.

ORDER OF BUSINESS.

Several MEMBERS. Regular order.

The SPEAKER. The regular order is called for, and this being Monday, the regular order is the call of the States and Territories for the introduction of bills and joint resolutions. Under this call resolutions of inquiry addressed to the heads of Departments, and joint and concurrent resolutions and memorials of State and Territorial Legislatures, are also in order for reference only.

REMOVAL OF CAUSES TO FEDERAL COURTS.

Mr. CRAIG introduced a bill (H. R. 8258) to protect the rights of citizens of the United States in State courts, and providing for the removal of civil and criminal causes from State to Federal courts in certain cases; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SELMA, ALA.

Mr. CRAIG introduced a bill (H. R. 8259) to constitute Selma, in the State of Alabama, a port of entry; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

TOBACCO DEALERS.

Mr. CRAIG introduced a bill (H. R. 8260) exempting from special tax dealers in manufactured and leaf tobacco whose annual sales do not exceed \$1,000; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

EMPLOYÉS OF NAVY DEPARTMENT.

Mr. ROSECRANS introduced a joint resolution (H. Res. 343) relative to certain employés of the Navy Department; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

OKLAHOMA LANDS.

Mr. PAYSON submitted a joint resolution of the Legislature of Illinois relative to the opening of the Oklahoma lands to homestead settlement; which was referred to the Committee on the Public Lands.

JOHN E. MCGAUGHEY.

Mr. BROWNE, of Indiana, introduced a bill (H. R. 8261) granting a pension to John E. McGaughey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BENJAMIN FYE.

Mr. BROWNE, of Indiana, introduced a bill (H. R. 8262) granting a pension to Benjamin Fye; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NANCY J. NIX.

Mr. ENGLISH introduced a bill (H. R. 8263) for the relief of Nancy J. Nix, late widow of William F. Perry, late a private in Company I, Fortieth Regiment Illinois Infantry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

OPENING INDIAN COUNTRY TO SETTLEMENT.

Mr. PEKKINS introduced a bill (H. R. 8264) to enable the President to negotiate for the purchase of portions of certain Indian reservations and to open the Oklahoma Indian country to homestead settlement; which was read a first and second time.

Mr. PERKINS. I ask the reference of this bill to the Committee on Indian Affairs.

The SPEAKER. The Chair will state that a bill relating to this subject was just referred to the Committee on Public Lands.

Mr. PAYSON. I submit that a bill providing for the disposition of these lands after they shall be public lands ought in any event to go to the Committee on Public Lands.

The SPEAKER. This bill, however, seems to provide for purchase of the land from the Indian tribes.

Mr. PERKINS. It authorizes the President to enter into negotiations with the Indians for opening that country to settlement. I think it should go to the Committee on Indian Affairs.

The SPEAKER. The Chair thinks that is the proper reference under the rules.

Mr. PAYSON. I am not strenuous on the point.

The bill was referred to the Committee on Indian Affairs, and ordered to be printed.

RESURVEYS OF PUBLIC LANDS IN KANSAS.

Mr. PETERS presented a concurrent resolution of the Legislature of the State of Kansas, in favor of an appropriation for resurveys of certain public lands in Kansas; which was referred to the Committee on Appropriations.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had agreed to the amendment of the House to the bill (S. 194) to authorize the Secretary of the Treasury to convey land in Providence, R. I., for highway purposes.

The message also announced that the Senate had passed without amendment the bill (H. R. 433) for the erection of a public building at Keokuk, Iowa.

BRIDGE OVER MISSISSIPPI AT ALTON, ILL.

Mr. HATCH, of Missouri, introduced a bill (H. R. 8265) to authorize the construction of a bridge over the Mississippi River at or near Alton, Ill., and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

GENERAL U. S. GRANT.

Mr. STEVENS presented a concurrent resolution of the Legislature of the State of New York, in favor of the passage by the House of the Senate bill "to authorize an additional appointment on the retired-list of the Army;" which was referred to the Committee on Military Affairs.

H. T. BRINEGAR.

Mr. YORK (by request) introduced a bill (H. R. 8266) for the relief of H. T. Brinegar; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MEXICAN WAR PENSION BILL.

Mr. EVERHART presented a joint resolution of the Legislature of the State of Pennsylvania, urging the passage of the Mexican war pension bill with Senate amendments; which was referred to the Committee on Pensions.

PAYMENT TO VIRGINIA OF PUBLIC LANDS FUNDS.

Mr. BARBOUR (by request) introduced a bill (H. R. 8267) to pay to the State of Virginia moneys received from the sale of public lands by the United States Government under the act of September 4, 1841; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

WADDY T. JAMES AND OTHERS.

Mr. JOHN S. WISE introduced a bill (H. R. 8268) to pay Waddy T. James and others for horses killed in the service of the United States; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SYLVIA ROBINSON.

Mr. LIBBEY introduced a bill (H. R. 8269) for the relief of Sylvia Robinson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REPEAL OF DESERT-LAND ACT.

Mr. SINGISER presented a memorial of the Legislative Assembly of the Territory of Idaho, against the repeal of the desert-land act; which was referred to the Committee on the Public Lands.

TRANSFER OF TERRITORY FROM IDAHO TO WASHINGTON.

Mr. SINGISER also presented a memorial of the Legislative Assembly of the Territory of Idaho, in favor of attaching the northern counties of that Territory to Washington; which was referred to the Committee on the Territories.

ORDER OF BUSINESS.

The SPEAKER. The call of States and Territories has now been concluded; but if there be no objection the Chair will recognize, for the introduction of bills and resolutions, gentlemen who were not in their seats when their States were called.

There was no objection.

PORTAGE LAKE IMPROVEMENT COMPANY.

Mr. DUNHAM presented a joint resolution of the Legislature of the State of Illinois, relative to the Portage Lake Improvement Company; which was referred to the Committee on Rivers and Harbors.

GENERAL U. S. GRANT.

Mr. MILLIKEN presented resolutions of the Legislature of the State of Maine, in favor of restoring General U. S. Grant to his rank of General of the Army on the retired-list; which were referred to the Committee on Military Affairs.

JOSEPH M. DENNIS.

Mr. MILLIKEN also introduced a bill (H. R. 8270) granting a pension to Joseph M. Dennis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DOBB, BROWN & CO.

Mr. BROADHEAD introduced a bill (H. R. 8271) for the relief of Dobb, Brown & Co., of Saint Louis, Mo.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BRIDGES BETWEEN NEW JERSEY AND NEW YORK.

Mr. HEWITT, of New York, presented a resolution of the Legisla-

ture of New York, in regard to bridges between New Jersey and New York; which was referred to the Committee on Commerce, and ordered to be printed.

RAILROAD BRIDGE OVER CUMBERLAND AND CANEY FORK RIVERS.

Mr. SEYMOUR, by unanimous consent, from the Committee on Commerce, reported, as a substitute for H. R. 8102, a bill (H. R. 8272) to give the assent of Congress to the construction of a railroad bridge by the East and Middle Tennessee Railroad Company over the Cumberland and Caney Fork Rivers; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

LEAVE OF ABSENCE.

Mr. GLASCOCK, by unanimous consent, was granted leave of absence for the balance of the day, on account of sickness in his family.

ORDER OF BUSINESS.

Mr. RANDALL. I move to dispense for to-day with the rule of the House requiring that the next business for to-day be devoted to the consideration of reports coming from the Committee on the District of Columbia.

Mr. BARBOUR. I understand the motion of the gentleman from Pennsylvania to be to dispense with the regular order, which is the consideration of the District of Columbia business.

Mr. RANDALL. That is the effect of my motion.

Mr. BARBOUR. I hope the House will not take from the District of Columbia Committee this day for the consideration of its business. Under the rules of the House two days in each month have been set apart for the consideration of that business. The District Committee has only used one in the month of December; one in the month of January; and the second Monday of February was taken from the committee for the consideration of its business. Under the circumstances we have really had but two days at this session for the consideration of the District of Columbia business. I hope, therefore, it will be the pleasure of the House to give us this day, as this is the last day which we can have under the rule.

Mr. RANDALL. It is with reluctance that I make this motion, and yet I think it is right to say that the public business in my judgment requires this motion should prevail.

Mr. TUCKER. I ask the gentleman whether he will not allow reports from committees to be brought in this morning? I have some to submit from the Committee on the Judiciary.

Mr. McMILLIN. Take to-morrow morning.

Mr. RANDALL. I must meet all the difficulties as they are presented.

The SPEAKER. The gentleman's motion now is to dispense with the business of the District of Columbia.

Mr. RANDALL. Is that the next business?

The SPEAKER. The morning hour is the next business.

Mr. RANDALL. Well, I move to dispense with the morning hour for to-day.

Mr. WILLIS. With the consent of the gentleman from Virginia, I will make a suggestion, which I think will solve the difficulty; and that is, to ask that to-night from 8 to 10 o'clock be set apart for the consideration of the District of Columbia business.

The SPEAKER. The Chair finds he is mistaken. Upon the examination of the order made by the House, the business of the District of Columbia comes next.

Mr. RANDALL. I so supposed.

The SPEAKER. What suggestion does the gentleman from Kentucky make?

Mr. WILLIS. That by unanimous consent from 8 to 10 o'clock this evening be set apart for the consideration of the District of Columbia business. I do that at the request of the gentleman from Virginia himself.

Mr. RANDALL. If no one else objects I will not.

The SPEAKER. The gentleman from Kentucky, in order to enable the House to proceed with its business to-day, asks a recess be taken this evening—

Mr. RANDALL. From 6.

Mr. WILLIS. Yes; from 6 until 8 o'clock.

The SPEAKER. And that the evening session be devoted to the business presented by the Committee on the District of Columbia.

Mr. PRICE. Say from 5 to 7.

Mr. WHITE, of Kentucky. I move to amend by saying that it be devoted to the Mexican pension bill.

The SPEAKER. It is not amendable. The gentleman asks unanimous consent.

Mr. WHITE, of Kentucky. I object.

Mr. RANDALL. I ask for a vote on my motion to dispense with the District of Columbia business for to-day.

The motion was agreed to.

Mr. RANDALL. I now move that the House resolve itself into Committee of the Whole House on the state of the Union to consider general appropriation bills.

Mr. WHITE, of Kentucky. I ask that the request for unanimous consent be again stated.

The SPEAKER. The gentleman from Kentucky [Mr. WILLIS], at the request of the chairman of the Committee on the District of Columbia, asks that there be an evening session from 6 to 8 this evening to be devoted to the consideration of the business coming from that committee.

Mr. WHITE, of Kentucky. I have no objection to that, but I want it understood that the Committee on the District of Columbia is to proceed to-day.

The SPEAKER. The business of the District of Columbia for to-day has been already dispensed with by unanimous consent of the House.

Mr. WILLIS. I ask to make a brief statement.

Mr. RANDALL. I ask to have the privilege for a reply if I deem it necessary.

Mr. WILLIS. Certainly. I am instructed by the Committee on Rivers and Harbors to press the consideration of that bill this morning to its conclusion. I regret very much some arrangement could not be made.

Mr. HEPBURN. Regular order.

Mr. WILLIS. Wait a moment.

Mr. HEPBURN. That is what I am not going to do. Regular order, Mr. Speaker.

Mr. WILLIS. But wait a moment.

Mr. HEPBURN. I demand the regular order.

Mr. WILLIS. I asked unanimous consent.

Mr. HEPBURN. I objected to unanimous consent.

Mr. WILLIS. You were too late.

The SPEAKER. The Chair thinks the gentleman understood at least that he had unanimous consent to make a brief statement. The gentleman from Pennsylvania was disposed to interpose objection, but simply insisted upon an understanding that he might also make a brief reply. That arrangement was acquiesced in by the House and, as the Chair understands, no objection was made.

Mr. HEPBURN. I renew the objection.

Mr. McMILLIN. The gentleman from Kentucky had proceeded under the consent of the House and is entitled to continue.

The SPEAKER. The Chair thinks the gentleman from Kentucky ought to be permitted to proceed under the arrangement.

Mr. WILLIS. I think it my duty to ask the sense of the House upon the question—

Mr. HEPBURN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HEPBURN. What is the regular order?

The SPEAKER. The gentleman from Kentucky asks unanimous consent to make a brief statement. The gentleman from Pennsylvania [Mr. RANDALL] stated that he would not object provided he was allowed the same privilege.

No other gentleman interposing an objection, the gentleman from Kentucky was proceeding to make a statement.

Mr. HEPBURN. I objected as soon as I knew what was the purport of the request of the gentleman.

The SPEAKER. If the gentleman so states the Chair will, of course, recognize the objection.

Mr. HEPBURN. I had no knowledge of any private arrangement between the gentleman from Kentucky and the gentleman from Pennsylvania, but as soon as I knew what the request was I interposed an objection.

The SPEAKER. If the gentleman states that he rose to make objection in time, the Chair will of course recognize his right to do so.

Mr. McMILLIN. The gentleman does not so state.

Mr. RANDALL. I think I ought to have an opportunity to reply to what the gentleman has already said. [Laughter.]

Mr. WILLIS. I withdraw all that I have said. [Renewed laughter.]

The SPEAKER. The Chair will suspend all public business until order is restored upon the floor.

The Sergeant-at-Arms will see that gentlemen are seated.

Mr. RANDALL. I now move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

Mr. WILLIS. I now as a parliamentary question ask—

Mr. RANDALL. Now, then, I must be allowed a parliamentary reply.

Mr. WILLIS. I have no objection to that.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. WILLIS. If that motion be voted down will it not then be in order to move to go into Committee of the Whole to consider any other bill?

The SPEAKER. It will.

Mr. RANDALL. Will it be parliamentary to say that the House must now choose between the safe road as to the general appropriation bills or the dangerous path in that particular?

Mr. McMILLIN. It would not.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

The question was taken; and on a division there were—ayes 93, noes 84.

Mr. WILLIS demanded tellers.

Tellers were ordered, 54 members voting in favor thereof.

Mr. HARDEMAN. Give us the yeas and nays.

Mr. BEACH. I demand the yeas and nays.

The yeas and nays were ordered, 57 members rising in favor thereof.

The question was taken; and there were—yeas 134, nays 127, not voting 63; as follows:

YEAS—134.

Aiken,	Dockery,	Lamb,	Skinner, T. G.
Alexander,	Dorsheimer,	Lanham,	Smalls,
Anderson,	Eaton,	Le Fevre,	Smith, A. Herr
Arnot,	Eldredge,	Long,	Sponcer,
Barr,	Elliott,	Lowry,	Spriggs,
Bayne,	Ellis,	Lyman,	Steele,
Beach,	English,	McAdoo,	Stewart, Charles
Belmont,	Ermentrout,	McComas,	Stewart, J. W.
Bingham,	Evans,	McCormick,	Stockslager,
Blount,	Everhart,	Matson,	Storm,
Bowen,	Ferrell,	Millard,	Strait,
Brainerd,	Follett,	Mitchell,	Sumner, D. H.
Brewer, F. B.	Fyan,	Morse,	Swope,
Brewer, J. H.	Graves,	Mutchler,	Townshend,
Brown, W. W.	Green,	O'Neill, Charles	Tulley,
Browne, T. M.	Hammond,	Paige,	Turner, H. G.
Buchanan,	Hancock,	Patton,	Turner, Oscar
Buckner,	Hardeman,	Phelps,	Valentine,
Burnes,	Hardy,	Poland,	Van Alstyne,
Campbell, J. M.	Harmer,	Post,	Wadsworth,
Campbell, J. E.	Hatch, W. H.	Randall,	Wait,
Cannon,	Haynes,	Ranney,	Wakefield,
Cassidy,	Hepburn,	Ray, Osmian	Warner, A. J.
Clay,	Hewitt, A. S.	Reed, T. B.	Warner, Richard
Cobb,	Hill,	Reid, J. W.	Washburn,
Collins,	Hiscock,	Reese,	White, J. D.
Connolly,	Holman,	Rockwell,	White, Milo
Cosgrove,	Hopkins,	Rogers, J. H.	Whiting,
Covington,	Jones, B. W.	Rogers, W. F.	Wilkins,
Cox, W. R.	Jones, J. K.	Rosecrans,	Winans, E. B.
Crisp,	Kean,	Rowell,	Winans, John
Deuster,	Kelifer,	Russell,	York.
Dingley,	Kelley,	Seney,	
Dixon,	Ketcham,	Seymour,	

NAYS—127.

Adams, G. E.	Dowd,	Kleiner,	Riggs,
Bagley,	Dunham,	Lacey,	Robertson,
Valentine,	Dunn,	Lawrence,	Robinson, W. E.
Barbour,	Elwood,	Lewis,	Shively,
Barkdale,	Findlay,	Libbey,	Singleton,
Bennett,	Finerty,	McCold,	Slocum,
Bisbee,	Foran,	McMillin,	Smith, H. Y.
Blanchard,	Forney,	Maybury,	Stephenson,
Bland,	Funston,	Miller, J. F.	Stevens,
Bratton,	Garrison,	Miller, S. H.	Stone,
Breckinridge,	George,	Money,	Struble,
Breitung,	Gibson,	Morrill,	Talbot,
Broadhead,	Greenleaf,	Muldrow,	Taylor, J. D.
Budd,	Guethner,	Murphy,	Taylor, J. M.
Burleigh,	Halsell,	Neece,	Thomas,
Cabell,	Hanback,	Nelson,	Thompson,
Caldwell,	Hatch, H. H.	Nicholls,	Tillman,
Campbell, Felix	Hemphill,	Nutting,	Tucker,
Carleton,	Henderson, T. J.	Oates,	Vance,
Clardy,	Hewley,	Ochiltree,	Van Eaton,
Clements,	Holbert,	O'Ferrall,	Wallace,
Cook,	Hewitt, G. W.	O'Hara,	Weaver,
Culbertson, D. B.	Hitt,	Payne,	Wellborn,
Culbertson, W. W.	Hoblitzell,	Payson,	Weller,
Cullen,	Holmes,	Peel,	Williams,
Dargan,	Houk,	Peters,	Willis,
Davidson,	Houseman,	Pettibone,	Wilson, James
Davis, G. R.	Hunt,	Pierce,	Wolford,
Davis, L. H.	Jeffords,	Price,	Woodward,
Davis, R. T.	Jones, J. H.	Pryor,	Worthington,
Dibble,	Jones, J. T.	Pusey,	Yaple.
Dibrell,	King,	Reagan,	

NOT VOTING—63.

Adams, J. J.	Glascock,	Lovering,	Ryan,
Atkinson,	Goff,	Milliken,	Shaw,
Belford,	Hart,	Mills,	Skinner, C. R.
Blackburn,	Henderson, D. B.	Morgan,	Snyder,
Boutelle,	Holton,	Morrison,	Springer,
Boyle,	Hooper,	Moulton,	Sumner, C. A.
Brumman,	Horr,	Muller,	Taylor, E. B.
Candler,	Howey,	Murray,	Throckmorton,
Chalmers,	Hurd,	O'Neill, J. J.	Ward,
Converse,	Hutchins,	Parker,	Wemple,
Cox, S. S.	James,	Perkins,	Wilson, W. L.
Craig,	Johnson,	Potter,	Wise, G. D.
Curtin,	Jordan,	Rankin,	Wise, J. S.
Cutcheon,	Kellogg,	Ray, G. W.	Wood,
Fiedler,	Laird,	Rice,	Young.
Geddes,	Lore,	Robinson, J. S.	

So the motion was agreed to.

Mr. RANDALL. I ask unanimous consent to dispense with the reading of the names.

Mr. WILLIS. I object for the present.

The Clerk then recapitulated the names of those voting.

Mr. HARDEMAN. I desire to announce that my colleague [Mr. CANDLER] is absent to-day on account of sickness.

The following gentlemen were announced as being paired on all political questions, until further notice:

Mr. MORRISON with Mr. JOHN S. WISE.
Mr. SHAW with Mr. LAIRD.
Mr. RANKIN with Mr. KELLOGG.
Mr. THROCKMORTON with Mr. EZRA B. TAYLOR.
Mr. JORDAN with Mr. HENDERSON, of Iowa.
Mr. HURD with Mr. RICE.

The following gentlemen were announced as being paired for the day:

Mr. SNYDER with Mr. JOHNSON.
Mr. GLASCOCK with Mr. BRUMM.
Mr. CANDLER with Mr. JAMES.
Mr. MULLER with Mr. GOFF.
Mr. ADAMS, of New York, with Mr. CHALMERS.
Mr. FIEDLER with Mr. HOOPER.
Mr. O'NEILL, of Missouri, with Mr. CRAIG.
Mr. RYAN with Mr. PERKINS, on this vote.
Mr. GEDDES with Mr. HOLTON, for to-day.
Mr. BLACKBURN with Mr. MILLIKIN, on this vote.
Mr. WOOD with Mr. BOWEN.

The result of the vote was then announced as above recorded.

NAVAL APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. WELLBORN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill, and the gentleman from Massachusetts [Mr. LONG] is entitled to the floor.

Mr. LONG. Mr. Chairman, we all know what verdict history will render in this case. History, in my judgment, will not stop to ask which was the more at fault, a Republican Administration on the one hand, or on the other a Democratic House of Representatives, which had in its hand and under its control the machinery of legislation and the purse-strings of the Treasury. I believe history will say that after the war, with a navy of all sorts left upon our hands, and in a transition time of naval architecture, we did the best we could to repair and make useful what we had; and that we did it, as the gentleman from Ohio [Mr. KEIFER] has well said, at less cost than that incurred by other nations during the same time.

But, sir, history will not hold us guiltless if now, when that transition time has passed, when twenty years have gone by since the war ended, when the era of wooden ships has closed, and when the new age of iron and steel and turret and tower and mighty ordnance has come—history will not hold us guiltless if now we fail to put our country alongside with England, with Italy, with Brazil, with Chili, and other nations in the matter of our war ships and our harbor defenses. I exaggerate no danger. I apprehend no war. I deprecate its invocation. I rely, as the American people rely, and as this Congress should rely, upon the healthful blood and muscle of peace. But I know as every other man knows that preparation for war, the possession and appearance of power, and the ability to strike back are the best guarantees of peace.

I admit that modern invention runs so fast that the equipment of to-day is very likely to be behind the times to-morrow. But that is a truth which applies to all nations equally with ours; and I want to see our country at least as close on the heels of advance as any other.

Nor do I believe in a great expenditure of money; but I do believe we ought to expend enough to take a step forward and to make a new departure—no, I will not say a new departure; let me rather say that this Forty-eighth Congress should put a silver lining upon the cloud of its utter inefficiency hitherto and at least carry forward the work which the Forty-seventh Congress well began for the rehabilitation and increase of our Navy, and the credit for which should be recognized and proclaimed. Public sentiment, in my judgment, demands and will justify a liberal policy in this regard.

I can speak only for myself, but I think I speak substantially for this side of the House when I say we are ready to promote such a policy, even though the party of which we are loyal members is no longer to be in administration of the Government and will not reap the glory of restoring our Navy to its former prestige and glory. We might as partisans be glad to see the new administration hampered and belittled in this matter; but it goes without saying that the interest of the country is of far more moment than that of any party, and that there is no Representative on this floor who will consent that his country shall stoop among the nations of the earth too proud to swallow an insult, yet too powerless to resent it or to have made it impossible.

Those are preliminaries in which we all agree. Now, what is this section of the bill before us? What does it propose? I sum it up in one sentence: If you pass this bill, amending it if you please, correcting its details, but putting its main feature into law, the result is as sure as the rising of the sun, to wit, four new war ships of the best modern type and design, and the foundation laid for the further increase of our Navy in accordance with the demands of modern naval architecture. If there be any man here who does not want to see this increase of the

Navy, let him vote against this section. If there be any man here who desires an increase of the Navy but does not want it if it shall take place under the administration of a party to which he does not belong, then let him vote against this section. But if any man does desire the increase of the Navy, and that is his single aim, let him vote for the principle embodied in this bill; and if the details do not in all respects commend themselves to his judgment, do what he can to modify them.

What are the provisions of this section? It is easy to ridicule or to criticize or to cavil at any proposed measure; it is easy to exaggerate faults of detail. But look at the main provisions. First, a board is established, a board of seven persons, the Secretary of the Navy at the head of it. With him are associated a representative of the Navy at the Department of Construction, a representative of the equally important branch of steam-engineering, a representative of the line of the Navy, and then three civilians skilled in naval architecture.

I would prefer, Mr. Chairman, that we should put upon that board the present head of the Bureau of Construction, Commodore Wilson; the present head of the Bureau of Steam-Engineering, Commodore Loring; the present head of the Bureau of Ordnance, Commodore Sicard, each of these officers thoroughly competent and familiar with the science of his department. I doubt also—I say it frankly—if you can find in this country three civilians skilled in naval architecture who would or could serve as members of the board, for such are very likely to be bidders for the contract for building the proposed new ships. But to the Secretary of the Navy and to the three representatives of the experience and skill of the departments I have referred to, it is perhaps well to add what is called "new blood" from civil life, as I am informed is the rule in the British admiralty, in France, and other countries.

If you put in three sensible business men and pay them a better per diem than is now provided in the bill, I believe you will make a good board. What does that board do? It is to meet and invite plans from all the world—certainly a democratic arrangement. Of course that provision can be ridiculed; if you please, you may speak of the "cranks" who will send in their dreams; but the board will probably have sense enough to throw into the waste-basket whatever is unworthy of consideration.

After receiving suggestions and plans the board is to offer a reward for the best designs for four types of new war ships. Anybody in the world may compete for that award. When those designs are presented the board is to determine which are the best for each of the four types of war vessels and award a reasonable price to the successful competitors. What happens then? I had the honor to suggest, and it is embodied in the bill, that this board, having completed its work, goes out of existence on making its report in December next. It will have finished its work and exist no longer to become a fungus upon the healthy growth of the body-politic. It will go out of existence, and the work of constructing these ships will begin at once by force of law.

Criticism has been made upon this part of the bill on the ground that the board ought to be required to report to Congress, and that then, and not till then, shall the ships be built, Congress determining the plans and details of construction. This is a fair question between us, whether it is better that the board, having made up its mind as to the best types of vessels, shall make a report to Congress, and Congress shall take up the matter anew, or whether, the best types having been selected by the board, the Secretary of War shall go on to construct the ships. There is no politics in that question; it is a pure business question, and I put it to every business man, what does common sense suggest? Under this bill we at once get plans and designs the best that can be had, and the ships will then at once be constructed. But if we take the other course and require the board to report to the next Congress, and Congress then to arrange details of construction, we shall simply go back again to the beginning, and find ourselves just where we are to-day. Then will come the many minds of the three hundred and twenty-five members of this House and the difficulties of bringing them to an agreement. One gentleman will have one plan and another another; one will listen to one inventor and another to another, and the probability is that a succeeding Congress will escape the whole difficulty by resorting to the creation of still a new board.

Reverting to the details of the bill, the Secretary of the Navy is required to construct these ships. One vessel of each class is to be built, which insures four vessels of the highest and best possible modern types. They are to be built of American material, they are to be built in the United States, and they are to be built by contract, which I believe is the right system. So far as that system has any political bearing, it destroys the opportunity for making our navy-yards a part of the political machinery of the country. It encourages ship-building among our own people; and it selects men to perform the labor, not through political influences but through the ordinary channels of business employment, for their skill and fitness for the work.

Let me again suggest, Mr. Chairman, that as to the civilian members of the board, if we are to get the best business abilities they should be paid a larger per diem than \$10. And let me earnestly press one other question which the committee fairly throw open to the House, and that is, whether the appropriation for this work should be indefinite or limited. For myself I shall be ready to amend the bill so as to provide

for a limited appropriation, because I believe it is better for Congress, as a matter of general principle, to retain the control of the public expenditures rather than to leave them unlimited and indefinite. That is opening the door altogether too wide. I can not consent to it.

These are the provisions of the bill, open to suggestion or amendment; but amend as much as you please, perfect the details as you will, the general fact remains, that if you pass it you insure at least the beginning of the construction of an adequate navy.

Mr. RANDALL. I now yield to the gentleman from New York [Mr. DORSHEIMER].

Mr. DORSHEIMER. Mr. Chairman, I have sought for an opportunity to take part in this discussion and to state my reasons for supporting the provision in this bill which proposes an increase of the Navy, principally because during the last session I differed with the committee as to the propriety of the action which it then proposed to the House. I am glad now to be able to support the bill as it has been presented to us by the Committee on Appropriations. But before entering upon the subject of the bill as it stands I wish to say a word upon a topic which was introduced into the debate last Thursday afternoon.

At that time the question before the committee being as to whether the wooden ship New York should be finished, I ventured upon an observation which was challenged by my distinguished colleague [Mr. HEWITT, of New York] that all the other countries were now building wooden vessels. In compliance with my promise to furnish the authority upon which I made this observation, I addressed the appropriate bureau of the Navy Department, and have received a reply in which is stated precisely what other governments are doing with reference to the construction of wooden vessels.

In England there are at present no vessels now building entirely of wood, but a number of what are called composite vessels are in course of construction in the navy-yards of that country. A composite vessel is a vessel the frame of which is either of steel or iron, but the planking, the bulwarks, and the decks of which are of wood. England has built of that class four in 1884, of about 1,420 tons each, and there are seven small gun-vessels of this description now in course of construction.

In France one large wooden cruiser was launched in the month of December, 1884, a vessel of 3,355 tons. Two small composite gun-vessels were built during the same year. There are also a number of small gunboats built of wood, and several composite vessels which were laid down in 1882 but not yet completed. Five small wooden gunboats of 155 tons are in course of construction, and two wooden dispatch transports of 1,580 tons each. So that it appears France is now building quite a fleet of either wooden vessels or vessels partly of wood and partly of metal.

Germany, Italy, Austria, and Russia have not built any wooden vessels recently. In Spain three wooden vessels of 3,090 tons each are now on the stocks. In Japan two new wooden vessels were built in 1882 and 1883. China, Turkey, Portugal, Chili, and the Argentine Republic have not built any wooden vessels recently. In Brazil two wooden vessels were built in 1883 and 1884, one of 1,960 tons and another of 726 tons. So it will appear that while I am required to make some qualification in the general observation which I made, yet wooden vessels have not been so absolutely rejected by foreign countries as to be considered an obsolete type.

Mr. HEWITT, of New York. Will my colleague allow me to ask him whether he finds a single wooden vessel of 5,000 tons burden on the stocks anywhere?

Mr. DORSHEIMER. I do not know that I do.

Mr. HEWITT, of New York. That was the proposition.

Mr. DORSHEIMER. That is a very large vessel.

Mr. HEWITT, of New York. That is the size of the New York, which is proposed in this bill to be finished.

Mr. DORSHEIMER. That is a very large ship.

Now, Mr. Chairman, I would like to lay before the committee some facts which have come to my knowledge by reason of an inquiry which I was led to make, comparing the vessels now in course of construction in our navy-yards with a very remarkable vessel which has lately been built upon an order given by the Chilean Government, and which is now in the naval service of Chili. I refer to the Esmeralda. And it is a fact worthy of note by this committee that the principal features of the Boston and the Atlanta, the two new vessels most criticised, have been—I will not say copied, but have been reproduced to a remarkable extent in this very successful ship built in England for the Republic of Chili. The Esmeralda is of the precise length of the Boston—two hundred and seventy feet; she is of the precise width of the Boston—forty-two feet; and she is (this is the only difference in her dimensions) one foot deeper than the American ship. All the peculiarities of construction—the light hull, built of steel, divided into a great number of water-tight compartments, and the strengthened deck covering the engine of the vessel—all those features and others are in the Esmeralda as they are in the Boston, and without any essential points of difference whatever.

Now what difference exists between this vessel, the last product of the mechanical naval ingenuity of England, and the two vessels of which I have spoken? The Esmeralda was built upon a contract that she should

have a speed of seventeen knots an hour; and she actually has made over the measured mile in smooth water a speed of eighteen and a quarter knots an hour. The report of the Esmeralda's voyage from England to Chili was received within a few weeks at the Navy Department, and I have been able to read it. The officer in command of that vessel reports that on several occasions during his voyage he obtained a speed of eighteen and one-half knots an hour. That speed in the Esmeralda is obtained upon a consumption of one hundred and ninety tons of coal in twenty-four hours—a consumption of coal so great that it is clear the capacity of the vessel, which is only for six hundred tons of coal, will not permit the speed to be maintained for any great length of time.

As to the speed of the Boston and the Atlanta, it is to be observed that they are as yet unfinished vessels, but the contract speed is fifteen knots an hour, two knots an hour less than the contract speed of the Esmeralda; and the officers of our naval service have a confident belief that when the ships shall be tried they will be found to have a rate of speed under favorable circumstances considerably greater than the contract requires. But I am ready to suppose that the Esmeralda has a rate of speed of three knots an hour greater than the Boston or Atlanta will have.

Now what other point of superiority has the English vessel? The English vessel has a heavier armament. The broadside fire of the Esmeralda has a weight of 1,140 pounds. The broadside fire of the Boston has a weight of 800 pounds.

The superiority of the Esmeralda, however, comes out of the circumstance that her two pivot-guns, both of which can be placed in broadside, are 10-inch guns, while the two pivot-guns of the Boston are 8-inch guns. The broadside guns proper of the Boston are heavier than those of the Esmeralda. The three broadside guns of the Boston each throw a shot of one hundred pounds' weight, while the three broadside guns of the Esmeralda each throw a shot of eighty pounds' weight. If the vessels were steaming end-on, as the phrase is, and the Boston were able to use her bow-fire, she would throw from her bow three hundred and fifty pounds from two guns, while the Esmeralda would throw four hundred and fifty pounds from one gun. It will depend very much on the circumstances in which the vessel is situated whether it is better to have this weight of metal from a single gun or to have it distributed between two guns.

Mr. HEWITT, of New York. Will my colleague be good enough to tell the House how much greater the range of the 10-inch guns of the Esmeralda are than the 8-inch guns of the Boston?

Mr. DORSHEIMER. It is said that the pivot-guns of the Boston are of a pattern later than those furnished to the Esmeralda, and that the initial velocity of the 8-inch gun of the Boston is greater than the initial velocity of the 10-inch gun of the Esmeralda. But as I will have occasion to show, in a fighting sense, the question of my distinguished colleague has no relation to this subject whatever. The stern-fire of the two vessels is just the same as the bow-fire.

Now, I am supposing these two vessels at sea and coming together.

Mr. HISCOCK. May I ask my colleague the question, would they come together if one had a longer range?

Mr. DORSHEIMER. I will come to all that. Now, this weight of metal would be a matter of some consequence as against ironclads or against a fort; but of what consequence is it or could it be against a vessel so lightly built that the lightest gun on either of the vessels would search out every part of the opposing ship? There is no part of the Boston above the water line which the lightest gun upon the Esmeralda will not break through as if it were a sheet of paper, nor is there any part of the Esmeralda which the lightest gun upon the Boston will not break through in the same way. The vessels are built upon the principle of letting the shots through and not keeping them out. And it is a curious circumstance that Sir William Armstrong, who waged one side of this long conflict between the gun and the target, when he furnishes a vessel to a foreign country makes no effort whatever to keep the shots out, but builds his vessel of steel only five-eighths of an inch thick.

I am supposing that the two ships, both having the same number of guns and both strong enough to search out every part of the opposing vessel, are coming together, and one ship is manned and officered by Americans from the North and the other manned and officered by Americans from the South, is there any member of the House of Representatives who will have any doubt what the issue of that battle would be? We have won naval victories against greater odds and a more formidable foe. These pivot-guns of the Esmeralda are of enormous dimensions; they are to be manipulated by machinery, loaded by machinery, and whenever they are fired the gun is dipped into a hood and there a hydraulic engine on the lower deck reloads the gun.

Now these two ships are in action. It is not a question which has the biggest gun, but it is a question of the brains and nerve and manhood of the men who work and look along the barrels of the guns. And that is what I meant when I said the other day that finally the defense of States is not to be obtained by defensive armor but must rest within the fiery hearts of those who man the ships and fight the guns.

I have put the question to officers of our Navy and have been received with smiles, I have put the question as to whether any American naval officer would decline a conflict with the Esmeralda if he had

the Boston under his command. And I venture to say here that such a combat could not be declined by the captain of the Boston without subjecting him to a court-martial and the probable loss of his commission.

Let me venture here the prediction that when the Esmeralda meets the Boston at sea, if she ever does, she will have no need of her speed of eighteen knots an hour; she will catch the Boston at a much lower rate of speed than that. Speed! Do not let us place too much reliance upon the speed of a fighting ship; it is not a fighting quality at all.

It is a valuable thing to have, for it will enable you to run away when you want to run away, and undoubtedly it will enable you to overtake an adversary; but you win a considerable victory when you have made your adversary fly from you, and you can well take the chances of not running away from another ship if you have a good fighting ship under your feet.

Now my friends on the other side of the House are very much troubled about the long-range guns. Why, either of these guns, the pivot-guns, would throw a shot three or four miles, and if two ships of war are three or four miles apart from each other, how much danger would there be in that sort of a combat? On the sea—and my distinguished colleague from New York is not unacquainted with the sea, and knows what an unstable element it is—on the sea, the ordinary basis of calculation, the result of experiment and close observation, is, that but one cannon-ball out of twenty strikes; and I will submit it to my friend from Maine, who has been distinguished in the naval service of his country, whether there would be any particular reason to call the crew to quarters because of an encounter with an adversary who remained three or four miles distant?

On the other hand, I think it would be an entirely safe thing for the crew of the Boston, with the Esmeralda three or four miles away and out of range of her guns, to go about their ordinary duties in the working of their vessel.

So much, sir, it has given me much pleasure to have had an opportunity to say with reference to this astonishing vessel, which I think the gentleman from Ohio [Mr. KEIFER], if I understood him, a day or two ago, apprehended as likely in case of war to spread terror upon our coast from the capes of Florida to the Maine boundary.

Mr. KEIFER. I said on the Pacific coast.

Mr. DORSHEIMER. Well, with reference to that part of the coast, when the time comes we must have something like the Boston there.

Mr. KEIFER. I was speaking of the present time.

Mr. DORSHEIMER. Now as to the bill before us. There is a feature in the bill to which I do not so much object, but I desire to call the attention of the committee to it, which will prohibit the construction of any ironclad at present. I mean by the term ironclad a heavily armored vessel; because the bill provides that the ships authorized by it shall be built of American material. But no steel plates sufficiently thick to enter into the construction of an ironclad can at present be produced in this country.

Mr. TALBOTT. Let me interrupt the gentleman from New York a moment. I desire to say to him that he is entirely mistaken about that. It has been thoroughly investigated by a committee of this House, and we can manufacture steel in any quantity and quality necessary for the construction of war vessels of any size which may be demanded.

Mr. REED, of Maine. But not at present.

Mr. TALBOTT. Yes, sir; we can do it now.

Mr. DORSHEIMER. I have no doubt if the plant is obtained that proper plates can be made in this country. That I do not dispute. But I state this as a fact within my personal knowledge that there is now needed about \$1,200,000 worth of steel plates to finish the monitors, and that no contractor can be found in the United States willing to provide the plant which would be necessary for constructing that quantity of steel plates.

There is another description of plates most useful in the construction of the best ships, known as compound steel and iron plates, with steel surfaces and iron backings and which late European artillery experiments tend to prove are the best form in which metal can be placed for the purpose of resisting shot. So I say, as I have indicated before in the course of this debate, I am not particularly anxious to build ironclad ships. I believe the ship of the future will be a ship so divided into water-tight compartments as to make the sinking of her very difficult, and which will have high speed and great offensive power. She will be built upon the principle on which the Esmeralda and the Boston are built, which will allow the shots to pass through and not attempt to stop them at all. And so I will be patient with the bill as it stands, for I care little about the construction of iron-clad ships; but I wish the committee to understand that if the bill passes in its present form no ironclads can be built in this country in the present state of our machinery and the art.

The distinguished member of the committee from Massachusetts [Mr. LONG] has criticised that provision in the bill which makes what in substance is an unlimited appropriation. We all recognize the force of the criticism which he has made; but there is one reason, which I venture to suggest to him, why perhaps we may be willing to make an exception in this case. You can not obtain the best terms from the con-

tractors unless the Government has all the money in hand. I have had myself, as chairman of a commission in the State of New York, constructing a great public building, occasion to know how much more a public work costs when the contractor has to run his risk of future appropriations over what it would cost if the contractor knew that the money was all at the disposal of the Government. In the building of which I speak, in my judgment, and I say it advisedly and after an experience of five years, at least 30 per cent. has been expended more than would have been necessary if the State had provided the funds so as to carry on the work without interruption.

Therefore I think we should make an exception in this case. Let us find how well the Department can do without any restriction as to money. Let us find how cheaply we can build these vessels when the contractors know there is no necessity whatever of the Department going to Congress for any further appropriation.

Mr. Chairman, I have trespassed upon the patience of the committee as long as I think it desirable, and I will conclude with a single observation. I congratulate both sides of this House on the fact that all parties are now united in the policy of the rehabilitation of the American Navy, which I hope will be the beginning of the re-establishment of our greatness upon the sea. And I am glad during my short service in this House to have had an opportunity to see both the great political parties united in this work of patriotic endeavor and of patriotic necessity.

THE CHAIRMAN. Eight minutes of the time of the gentleman from New York remains.

Mr. DORSHEIMER. I reserve the remainder of my time.

Mr. CANNON. As I understand, there are still two hours for general debate after this hour closes, including a full hour in advocacy of the bill.

THE CHAIRMAN. The gentleman from Illinois will be recognized if he desires.

Mr. DORSHEIMER. I yield a few minutes to my colleague from New York [Mr. HEWITT].

Mr. HEWITT, of New York. My colleague is good enough to yield to me two or three minutes, which I think is all I require for one single purpose suggested by his remarks. He has stated that the Esmeralda has pivot-guns of 10-inch caliber, and that the Boston has 8-inch pivot-guns; and it follows as a matter of course that the range of the 10-inch guns on the Esmeralda will be greater than the range of the 8-inch guns of the Boston. That range may be taken approximately at about 25 per cent. greater on the Esmeralda than on the Boston. As the range of a 10-inch gun may be safely set down at about five miles, this will give a superiority of range to the Esmeralda of one mile at least over the Boston. In other words, the Esmeralda coming within the range of the Boston will have a space of a mile within which shot and shell from her 10-inch guns will hit the Boston and where the shot and shell from the Boston's 8-inch guns can not reach the Esmeralda.

Then it is also admitted the speed of the Esmeralda is three knots an hour greater than the speed of the Boston. Hence it follows that the Esmeralda can plant herself at a point where she can shell the Boston and by her greater speed keep herself in that position until the Boston has gone to the bottom.

Now, then, I do not know how brave the American heart is; I have never had occasion to find out; my friend knows more about it than I do. I do not know how cowardly the South American heart is; I have never tried it. But I take it human nature is pretty much the same in North and in South America. But brave as the one may be and deficient in bravery as the other may be, I say the ship with the smaller guns will go to the bottom by the superior range of her adversary's guns; and neither the bravery nor the cowardice of the sailors or of the officers can avert the catastrophe.

It seems to me, Mr. Chairman, that all these propositions which look to getting any but the best ships, and the further proposition that ships are to be built to be penetrated, proceed entirely from ignorance of the true position of the case—I say it with all due deference to my colleague, ships do not always fire solid shot; they fire shell, and more frequently shell than shot; and when a shell is driven through the sides of the Boston, fired from the Esmeralda with its superior range, and the shell is exploded inside the Boston, she will go to the bottom like a shot. That is the difficulty with the propositions laid down by my eloquent but erring colleague.

Now I ask my colleague also one crucial question. He undertook to defend his statement that modern nations were still building wooden ships. The matter in issue was whether a wooden frigate of 5,000 tons should be finished or not; and I took the ground that no nation in the world building to-day a cruising ship for fighting purposes builds a wooden ship. Their wooden ships are small gunboats or small transports, and they have nothing to do with the question of armored ships or of unarmored cruisers.

As to unarmored cruisers there are two fundamental conditions: First, that they be faster than any other ships with which they come in contact, so they may overtake and destroy or else may run away and save themselves; and second, that their weight of metal which they carry shall be superior to the adversary. It is in that respect that the Esmeralda is to-day the best of her type, and that the Chicago and the

Boston are failures in view of the existence of such ships as the *Esmeralda* and the *Riachuelo*.

Now, Mr. Chairman, I come down to this bill. I did not intend to take any part in this discussion, for I did not expect to be allowed any time. I am heartily in favor of this bill, because I want to get a navy. It is time that we should build a navy. I do not think it is necessary, however, to open the Treasury in the manner in which this bill proposes. I trust the committee will bring in a recommendation limiting the expenditure to some specified amount. I do not care whether it is ten millions or fifteen millions or twenty millions or thirty millions. I am ready to-day, as an American Representative, to do what was done at its last session by the Parliament of Great Britain. That Parliament voted six million pounds sterling, \$30,000,000, for the improvement of the British navy, and I am ready here to-day to vote \$30,000,000 for the restoration of the American Navy. It is a sum that we are bound to expend upon our Navy within the next five years, and I am willing to give the pledge to-day that the American Congress has the patriotism and the intelligence to appropriate whatever sum may be found necessary to accomplish this great result so dear to the national heart.

Mr. CANNON. I ask the Chair to rap me down at the expiration of fifteen minutes if I do not sit down before.

It is with considerable diffidence, after listening to both the distinguished gentlemen from New York [Mr. DORSEMER and Mr. HEWITT] and to my colleague upon the committee [Mr. LONG], as well as to various other gentlemen who are skilled in naval architecture [laughter], that I venture to address this committee for a few moments. I do not know much about naval architecture, and in what little I shall say about this bill shall come as near as I can to discussing it from a business standpoint. It is admitted that we are without a navy, and that we ought to have one. We can all stand upon that ground at last. It is true, it has been only within the last few days that we have all been able to get upon that platform.

I recollect that even within the last six weeks it was contended upon the other side of the House, notably by the gentleman from Pennsylvania, the chairman of the Committee on Appropriations [Mr. RANDALL], that we did not know what to build, and that there was not much hurry about it any way; but he has been as suddenly converted on the subject of the Navy as Paul was when he was traveling to Damascus and was stricken down at midday by that great light.

Mr. RANNEY. But not by the same means. [Laughter.]

Mr. CANNON. Not by the same means, the gentleman from Massachusetts suggests. Now, while I want a navy, there is a proper and orderly way of proceeding to take measures to get it. In the first place, time out of mind we have expended from four to five million dollars a year in salaries to educate men and make them skilled in these matters, and I undertake to say, notwithstanding the abuse that has been poured out on the officers of the Navy, that to-day, outside of perhaps a few skilled ship-builders whose services you can not secure under the provisions of this bill, those officers have more knowledge touching the proper method of constructing a navy than any other people upon this continent.

The last Congress wisely provided to take a long step forward toward the construction of a navy. They constituted a board of five skilled naval officers and brought in as "fresh blood" two civilians. I do not know the politics of those five naval officers, nor do I care. I believe that those officers represent the best skill in the Navy. Under the provisions of that bill this board of seven members organized, advertised, not once but twice, for plans and suggestions from wise men and ignorant men, from level-headed men and from cranks, and they got them. Then they considered the plans, and by and by a recommendation was made to Congress, and we authorized the building of four vessels, one dispatch-ship and three cruisers, which are now approaching completion. The officers of the Navy Department had then in the Department or have procured since exact plans of all the war ships that have been built in modern times. Do gentlemen know what that means?

Since 1869 Great Britain has spent upon her navy \$800,000,000; France has spent on hers \$630,000,000; Russia has spent on hers \$345,000,000. Not one of the war ships of a new type has been constructed anywhere within the last twenty years but what complete plans and drawings of the ship, the armor, the guns, and the machinery are to be found in our Navy Department. The advisory board made a report to Congress recommending the construction of certain other vessels—cruisers and armored vessels. We have received from them, boiled down, abstracted, the substance of the combined wisdom and experience of the world in this matter of the construction of war ships. Now then, if you want to build a navy, make your appropriation, not indefinite, but so much for an armored vessel, so much for a cruiser, so much for a torpedo-boat, so much for machinery and armor. You have already got all the information that the best skill and knowledge on this subject on this round earth has been able to produce, and you have it ready at five minutes' call, yet we find gentlemen coming in here and proposing by this bill to do what? To constitute a board to consist of three naval officers, three civilians, and the Secretary of the Navy. I asked one of the most noted ship-builders in this country, from the gentleman's [Mr. RANDALL'S] own city of Philadelphia, what kind of

a board that would give us. He replied that there was not a naval architect or constructor upon this continent whose opinions and views were worth anything but what he would pay him double or treble the wages here provided. So that you will get for your board three civilians who do not know anything about this question, plus the Secretary of the Navy—upon whom I will not pass judgment until I learn who he is to be.

What next do they do? Advertise for plans. What plans? Do you propose to pay them for partial or complete drawings of what is already in the Navy Department? Or do you propose to take the plans of every enthusiast, every one-idea man in the country? And there are plenty of them. I guess that is about the size of it. And when you get the plans, what then? You pay in round numbers \$60,000—that is to say, \$15,000 for the first and second premium for each class. What next? From those plans, remember—not from what you find in the Navy Department; not from what we know from the experience of the whole world—but from these plans you select the four classes. What shall they be? Great armored ships like the *Lepanto* and the *Dreadnaught*? Is that what you are going to have?

I call on the gentleman from Pennsylvania to say, Is this scheme of yours to produce a great armored vessel? I get no answer. Is it to produce a cruiser, wood or steel? I get no answer. What will it produce? It will produce ships, kind not known, at a cost to the Treasury of—the Lord only knows what! Now, I want a navy. I am just as ardent in that direction as my colleague on the committee, the gentleman from Massachusetts [Mr. LONG]. I want a navy; but I do not see any means of getting it through this process.

The gentleman from Massachusetts [Mr. LONG] amused me during his remarks. Eloquent and able as he is, while he proposes to support this measure he turns round and criticises it, and apologizes for it. Well, I can not accept his apology, nor that of the eminent gentleman from New York. He is not pleased with it either. Both of them think it may be amended. Yes, it is possible, I grant you, by amendment to mature proper legislation here which will give us a navy, and will commence at once. But who supposes there can be any amendment in Committee of the Whole, any fair discussion of this bill at this time of the session? When it is recollected that the gentleman from Pennsylvania is in charge of this bill, that it is a child of his mind, that it sprang full-armed from his brain as *Minerva* sprang from the brain of *Jupiter*, it can at once be understood that it is not to be amended but is to go through substantially as reported from the committee or it is to die. And my impression is that until the gentleman himself is enabled to follow the recommendations of those skilled in naval architecture, is enabled to give definite and fixed appropriations, is enabled to say what classes of ships shall be built, and how much they shall cost, and who shall superintend their construction—until that time it is better that all measures of this kind should die in their birth.

In conclusion I want gentlemen to look at this measure. It in part organizes a new Navy Department. It sets aside the present advisory board and throws away its work. It dispenses with experience and skill and bids for ignorance and inefficiency. It unlocks the doors of the Treasury and places a sum of money without limit in the hands of the Executive, to spend at his discretion, he not even being required to report the details to Congress of expenditure.

Now, we are soon to have a change of administration. No man on either side of the House desires more entirely and sincerely than myself that the incoming administration should be successful, for the best interests of the country. While I am not a member of the political party which elected Mr. Cleveland, yet when inaugurated he becomes my President. If I had anything against him I could not more persistently and effectively urge it than to place in his hands by law the Treasury of the United States, subject only to the limitations contained in this bill, for the construction of a navy upon his discretion, as he may be advised by a board—the board yet to be created, the plans yet to be evolved, the President yet to be inaugurated.

If this bill should be enacted into law it will be well for us politically on our side, because in my opinion it can not be successfully executed. If enacted into law it must breed disorders and corruption in administration. Not that I say the new President is to be corrupt, or that gentlemen here intend corruption should exist. But this loose method of obtaining plans and determining the classes of vessels, this loose method of making unlimited indefinite appropriations for construction, if followed, would wreck any administration and debauch any service.

I now yield ten minutes to the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN addressed the committee. [See Appendix.]

Mr. CANNON. I will yield for ten minutes to my colleague [Mr. TOWNSEND].

Mr. TOWNSEND. Mr. Chairman, I am ready to respond to the demand of the people for the rebuilding of the American Navy. I am as anxious as any one to see our flag float above an American navy as formidable on the sea as when it floats over our Army upon the land. But I can not understand why the Democratic party in this House should become so quickly panic-stricken, and leap from the conservative policy, which we have followed for so many years, into the opposite extreme.

Therefore I shall, when the proper point is reached in the bill, offer an amendment to limit the amount appropriated for the rebuilding of the Navy to \$8,000,000, which will be as large a sum as can properly be expended during the next fiscal year for this purpose.

Mr. Chairman, this proposition, submitted by the gentleman from Pennsylvania [Mr. RANDALL] on behalf of the majority of the Committee on Appropriations, takes the control of the construction of the Navy out of the hands of the next President and the Secretary of the Navy, where it was lodged by the fathers, and places it under the control of a board, three of which will be unknown to the Navy. All of them are unknown to this Congress. That board will have power to control the construction of the Navy, to prescribe the models and plans to be adopted for building the new war ships. If this proposition is ingrafted on this bill it will be regarded as a vote of want of confidence in the future President to whom the country has intrusted the destiny of the country for the next four years. For that and other reasons I shall oppose the proposition.

The other day when there was a proposition pending before this House to place under the control of the Postmaster-General \$600,000, to be used at his discretion in compensating American steamers for carrying our mails into foreign countries, it was assailed on the ground that it was a subsidy for the purpose of enabling John Roach or somebody else to rebuild the merchant marine. It was by such arguments I was influenced in the Committee on Appropriations and in this House to vote against that proposition. It was on such arguments, sir, that the proposition was voted down in this House and such a power was denied to the future Postmaster-General.

Now, sir, what have we before us? A proposition which puts it into the power of a board, as I have said, the personnel of which is entirely unknown to us, at discretion to open the vaults of the Treasury and pay out to John Roach its one hundred and fifty millions of surplus to rebuild a navy.

Sir, if it is unwise and evil to subsidize John Roach or anybody else to rebuild our merchant marine, is it not also unwise and evil to subsidize him or anybody else to rebuild the Navy?

I have no doubt, nor can any one else doubt, that if this proposition prevails John Roach will obtain the bulk of the appropriations covered by this bill. Can any one who knows the condition of ship-building in this country doubt that fact?

When bids are invited for building the ships proposed in this bill there will be but three great ship-building firms in the country able to compete for the contract, and John Roach, having superior facilities in his ship-yards, will be enabled to obtain the contracts. Sir, I would inquire why it is proposed to take this work from our navy-yards, which have cost us from fifty to sixty millions of dollars and which, without a very large expenditure, can be put in a sufficient state of efficiency to build these ships, and give this largest of all subsidies ever granted to privateship-yards? It is in reality a scheme to demolish our navy-yards and rebuild private ship-yards at public expense.

I do not want to take any unnecessary time upon this question. I know that time is precious at this stage of the session. I would have said nothing had I not been a member of this committee and differed with my colleagues on this question. The arguments in which some of those now supporting this measure so eloquently and potently urged against the mail subsidy applies with a hundred-fold more force against granting this bonanza subsidy to John Roach or other ship-builders. Those who raised the specter of the old Pacific Mail scandal the other day to defeat the increased foreign-mail pay should remember, what I have been taught to believe, that a dark specter also hangs over the recent past history of the Navy. If it be unsafe for such a reason to trust the Postmaster-General with discretion over \$600,000 for foreign-mail pay, it is far more dangerous to trust an indefinite and unlimited appropriation to such a board as is provided in this bill.

But, sir, I do not wish to subject the incoming administration to the danger of such scandals growing up under its naval administration as those which have been occurred in recent years.

This proposition, sir, as I have said, deprives the President and Secretary of the Navy of their legitimate powers, and transfers them to a board of persons now unknown to us. It reduces, so far as the construction of the Navy is concerned, the President and Secretary of the Navy to the office of simply becoming the paymasters and determining whether they will approve or not the plans and recommendations submitted by the board.

In other words, sir, the whole power of rebuilding our Navy is to be lodged in the hands of a board unknown to us and unknown to our present system. I for one am not willing to vote such a want of confidence in the next administration or to tie the hands of the Executive and place him in this respect under the control of a board yet to be appointed. I will say no more until the proposition is under consideration by sections.

Mr. CANNON. I now yield ten minutes to the gentleman from New York [Mr. HISCOCK].

Mr. HISCOCK. Mr. Chairman, if I understood aright the gentleman from Massachusetts [Mr. LONG], he said that all those gentlemen opposed to the construction of a navy, or opposed to the construction of a navy by the Democratic party, would oppose this provision of this

bill. If he meant that none others than those belonging to those two classes would oppose it I say to him he is entirely mistaken. I believe, sir, I have the right to say I am in favor of the building of a navy. I had the honor to preside as the chairman of the Committee on Appropriations when it initiated the policy of building a new navy and when it initiated those reforms in the Navy Department which have saved to the Government, or will save to the Government, enough to give us a good, first-class navy. Friendly as I am to the building up of a navy, I am opposed to these provisions which we are now discussing, and I shall oppose them with all of the ability of which I am possessed.

Why, I can not forget, Mr. Chairman, that it was but a little more than twenty-five years ago that we had the live-oak contracts that scandalized the United States, when a contract was made previous to election that certain contracts should be given to furnish the money to carry an election, and that contract was carried out by an administration. I can not forget the frauds in the management of the navy-yards; and when I see my distinguished friends from New York here advocating the completion of this old frigate in the navy-yard I felt it would be my duty to call attention to the correspondence that occurred twenty-five or twenty-seven years ago on the part of members of Congress from the city of New York with the powers that controlled the navy-yard at that time; and I will commend it to them.

I read from the report of the Committee on Expenditures in the Navy Department, made in the first session of the Thirty-sixth Congress:

NEW YORK, June 14, 1857.

MR. COHANE: Mr. Cullen tells me that you are to take men on on Tuesday. Now I ask you to take him on and the others I have asked you to take on. I will have my proportion of men under you. If you do not give them I will lodge charges against you. You have turned away all the men but one from my district already. Of this I have complained to the Secretary, and now, unless you rectify this injustice I will make application that you be turned out. The hearer will bring me an answer.

Yours, &c.,

That was written by a then Democratic Representative in Congress from the State of New York.

Mr. DORSHEIMER. Who was it?

Mr. HISCOCK. And he is a Democrat now.

Mr. TOWNSHEND. What is his name?

Mr. HISCOCK. I read now from the report:

In another case Lewis W. Berry, the master painter, discharged a man for habitual drunkenness, who had been appointed upon the recommendation of Hon. ———— Mr. ———— requested that the man be taken on again. Berry thus describes what took place at that interview:

"I told Mr. ———— that I could not employ any such man as he was; that he had disgraced himself and was a disgrace to my department. Mr. ———— said he could not help that, but that the man must go to work again. I told him I could not employ him again. Said he, 'You may set it down as a fact that I will have you removed if I can if you do not put that man on again.'"

Within two or three months Berry was removed. When asked if he had been removed for this cause he said:

"I can not say of my own knowledge; I only know what was said. I suppose he was as good as his word, as he said he would get me turned out. When I came on to Washington afterward I thanked him for being as good as his word."

Here is another letter:

WASHINGTON CITY, March 23, 1858.

CAPTAIN TURNER: You will much oblige me by retaining Mr. Fitzgerald as foreman. This is the understanding between Mr. Searing and myself, and I may add, the Secretary of the Navy. You will also oblige me by appointing Mr. Tenney, in the twelfth ward, when in your power to do so. As a general thing Hugh McLaughlin, master laborer, knows who my friends are and he will confer with you at all times.

Yours, respectfully,

He represented, I think, Brooklyn.

Mr. TOWNSHEND. Can you not name him?

Mr. COBB. Why does the gentleman not name him?

Mr. HISCOCK. You can look at the report and get their names. I do not want to publish their names to the world.

HOUSE OF REPRESENTATIVES, April 7, 1858.

DEAR SIR: I understand that, as a part of the arrangements before your appointment, you were to retain Mr. Fitzgerald as your foreman. You promised to do so; and that is Mr. Searing's understanding. I am now informed that you intend to dismiss him and appoint some one in his place from New York. This is not right, and you ought not to think of it. If you do, I trust that the original understanding will be carried out. I have just conversed with Mr. Searing, and this is his view of the matter, and it was the Secretary's view when you were appointed. In your turn you will, of course, do the best to equalize matters among the various members.

Yours, respectfully,

I have just shown this letter to Mr. Searing.
WILLIAM TURNER, Esq., Master Painter.

WASHINGTON CITY, April 13, 1858.

SIR: Your favor has been received. I will be much obliged for a list of the men under you, when I will write to indicate those I am especially interested in. I want only a fair proportion of the men.

In reference to Mr. Fitzgerald, it was expressly understood between Mr. Searing and myself that Fitzgerald should remain, and promised this yourself. I do not know what Mr. ———— has to do with this matter, but I shall be pleased to see him gratified so far as it is proper, but I can not, and will not, submit to Mr. Fitzgerald's dismissal; and now I give you notice that if you do remove him I will do what I can to correct it, and if you suffer you must not blame me. I desire to sustain you and to make your position pleasant. This I desire on your account as well as in respect to Mr. Searing; but, sir, I will not stand by and see my friends struck down by you or any other master.

Yours, respectfully,

WILLIAM TURNER, Esq.

NEW YORK, July 27, 1858.

MY DEAR SIR: I have applied to Mr. Fraganza, master joiner of the navy-yard, to give employment to a few men, good workmen and worthy persons, in my district. Although he has one hundred and thirty men or thereabouts in his shop he has not done so.

I have only sent one letter of recommendation to him, but no attention has been paid to it beyond the answer that when he put an additional number of men to work he would then see what he could do.

I appeal to you to vindicate my district from this unjust and partial discrimination.

Mr. FRAGANZA admits he has not one man in his shop from my district. If I have not misunderstood your views, it is your wish that the master should select from the different districts adjacent to the yard in equal proportions, upon the recommendation of members, the workmen employed in the shops, &c.

Truly, yours,

Hon. ISAAC TOUCEY,
Secretary of the Navy, Washington.

Signed by another distinguished Democrat; and this is indorsed by the Secretary of the Navy:

NAVY DEPARTMENT, August 2, 1858.

SIR: The Department has addressed the commandant of the navy-yard at New York on the subject of your letter of the 27th ultimo.

Very respectfully, your obedient servant,

ISAAC TOUCEY.

Hon. ———
New York.

And again the Secretary of the Navy says:

The Department desires that a fair and liberal course be pursued toward Mr. ———'s district, and wishes you to inquire into and report upon this matter.

I am, respectfully, your obedient servant,

ISAAC TOUCEY.

Commodore L. KEARNEY,
Commandant Navy-Yard, New York.

The report says:

A master workman testified that the present workmen were pressed upon him with the most pertinacity. Romeo Fraganza, one of the master workmen, writes the Department, under date of August 3, 1858: "In eight Congressional districts who claim the patronage of the yard, in nine cases out of ten the men who are most strenuously recommended are very indifferent hands, many of whom can not obtain employment from private employers." Men from the laborers' gang, who knew nothing about painting, were ranked as first-class painters (Fitzgerald), others as blacksmiths, &c.; and so in the different departments. Laborers were employed to act as clerks and to work as carpenters.

I have not time to read all this correspondence. This book is filled with it. And when we saw this bill come in here to complete this old wooden ship—this 5,000-ton frigate—no ship of the kind to-day being constructed anywhere in the world, even though I am subject to the criticism of the distinguished gentleman from Massachusetts [Mr. LONG] for my vote, I can not support this policy of building a new navy.

I have no time to discuss the proposition as to the building of the four ships. I desire to call the attention of this committee, however, to one fact: This board is to report to Congress next December. A Democratic House will then be here with forty majority. Why, I ask you, not allow this report to be made to the House then? The work will not be delayed—not an hour. Bring in the plans and models for your ships. Bring in provisions of law like those contained in the appropriation bills at the two sessions of the Forty-seventh Congress. Subject them to the criticisms of the House, subject them to the criticisms of the world, subject them to the criticisms of ship-builders everywhere, and I say I believe there will not be a man on this side of the House but will unite in the policy of building a new navy, amending those plans if need be—but there will be no vote on this side of the House, in my opinion, in the direction of the obstruction of this great work.

But here you propose to strike down the limit. For the first time almost, in the history of Congress for thirty years, you come in here with an indefinite appropriation. How much these ships are to cost no one knows. On what model they are to be built no one knows. Who the men are to be who are to make the models no one knows. But we are to open the door of the Treasury to the incoming administration.

The gentleman from Illinois has said that he does not desire to vote a vote of censure upon the next administration for this bill. I say to the gentleman from Illinois I do not care to subject the next administration or any administration to the temptation that it will be subjected to if this bill shall pass.

[Here the hammer fell.]

Mr. CANNON. How much time have I remaining?

The CHAIRMAN. The gentleman has seventeen minutes remaining.

Mr. CANNON. I yield the remainder of my time to my colleague [Mr. THOMAS].

Mr. THOMAS. I yield seven minutes of the time to the gentleman from Maine [Mr. REED].

Mr. REED, of Maine. I confess my surprise that after all this incubation on the part of the Democratic party, extending over a period of twenty-five years, there should be produced such an egg and such a bird as is contained in the second section of this bill. For years they have stood out against appropriations for the Navy, and at last they present themselves with an abundance, which at once shocks and horrifies my friend, the gentleman from Indiana [Mr. HOLMAN]. And well it may, for both in manner and in matter the proposition is of a most astonishing character.

It proposes as to its manner to indict and convict the next administration of incompetency before it is formed. It proposes to put the

Government into commission as far as a navy is concerned. And in defense of the details of its matter my friend the gentleman from Massachusetts has succeeded in evoking not praise from himself, but blame. He says that of the three civilian members it will be impossible to obtain one at the price, and of the naval members that they ought to be the heads of bureaus, which is not in the bill. Consequently there is left with the smile of his approval only the Secretary of the Navy that is to be. Then this board is to call for plans, and then they are to decide upon four different kinds of ships; and then, to use the eloquent language of my friend from Massachusetts, they are to cease to be a "fungus upon the body-politic."

Why, Mr. Chairman, look at the genius of the Democratic party! Here it finds itself, thanks to its own neglect in times past, with the business on its hands of building a navy, and the very first thing it does is to declare that the regularly constituted authorities of this country that are to be, and that are to be appointed under its auspices, are unfit to do the work! For my part, I desire to repudiate this business of non-responsibility. It is the curse of this country. It comes to us under the pleasant guise of non-partisanship, and we have one striking example in this country of the result of that soft method of doing business. If there is any State to-day that is cursed with perpetual charges of corruption it is the great State where almost all the Government is carried on by means of non-partisan boards. The result is that such boards are exempt from all criticism. The Republican newspapers do not attack them because there are Republicans on the boards; the Democratic newspapers refrain from attack because they would hit their friends; and under such a system corruption has run riot. I say further, establish this board, give it this non-responsible character, and add to that an unlimited appropriation—the doors of the Treasury swung open for the hands of this board to reach in—and what will be the result? Why, just look at one interesting little item in the bill. The board are to give prizes—a first prize \$10,000—what for? For a vessel we are going to build. A second prize \$5,000—what for? For a vessel we are not going to build! [Laughter].

Well, sir, that is consistent with the history and the practice of the Democratic party; it is always giving a chromo for incompetency. [Renewed laughter.] Why, look at it, Mr. Chairman. What is the object and purpose of this bill? Is it business? No; it is politics. It is for the purpose of having an unlimited sum to spend; and that purpose is shown outside of this section of the bill. Here is a wooden frigate that has been long resting in the Brooklyn navy-yard; the winds of nineteen summers and winters have blown through her timbers unhindered, and all this time our economical Democratic friends have never thought of taking that frame and erecting it into a vessel; but the moment their own frigid frames have been revived by the advance gleams of the coming sun they begin to look around to find methods of spending money which they have rejected during all these long years.

The SPEAKER. The time of the gentleman from Maine [Mr. REED] has expired.

MESSAGE FROM THE SENATE.

The committee rose informally; and Mr. BAGLEY having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. McCook, its Secretary, informed the House that the Senate had passed a bill (S. 1886) to quiet the title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes; in which the concurrence of the House was requested.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. THOMAS. Mr. Chairman, during my comparatively short term of service in the American Congress I have urged, in season and out of season, the rebuilding of the American Navy. I am proud of the fact that I was a member of the Committee on Naval Affairs which reported that section of the law which authorized the construction of the Chicago, the Boston, the Atlanta, and the Dolphin. I am proud to have been a member of a Congress that had the nerve to take hold of this question of rebuilding the American Navy according to modern ideas and of modern materials, and crystallizing it into law.

I opposed the appropriation of \$400,000 for the completion of the old New York, which has stood in the Brooklyn navy-yard for nineteen years past. I did so because of the fact that the building and repairing of wooden vessels in years gone by have given anything but satisfactory results. Wooden vessels—I have but to name them—in many instances have cost for repairs twice or thrice the amount of their original cost. Take, for instance, the Tennessee, the Powhatan, and the Lancaster—and I call especial attention to the last named. Its original cost was \$670,087. It has been repaired and rebuilt. It was built, it is true, in 1850, but it has recently been rebuilt at a cost of \$1,657,110. Take the Kearsarge, if you please, which cost in 1861 \$286,918, and which has cost for repairs \$1,123,415.75. And, sir, we shall have that experience repeated over and over again so long as we continue to build wooden vessels.

Look now at the case of an iron vessel—the Michigan—built in 1844, the first iron vessel ever built in the world. She is to-day as good as she was the day she was built, and has cost less for repairs than any other vessel which has been afloat five years. These are the reasons,

sir, that induced the Committee on Naval Affairs of the Forty-seventh Congress to embark in the enterprise of building steel cruisers instead of wooden vessels. But now we find that the Democratic party make a grand outcry about our Navy. Their hearts are swelling with pride and burning with love for the American Navy. They come prancing upon the scene bearing with them the glorious American Navy in the form of the raft so eloquently described by my friend from Tennessee [Mr. McMILLIN], composed of two logs fastened together [laughter], which is to bear aloft the flag of our country and bid defiance to the world; or, instead of the raft, we are to have this old frame of a wooden ship, the New York, which has been abandoned for nineteen years, fixed up to bear in triumph the flag of the Republic and to defend our national honor.

And these are the reformers who are to take charge of this Government. How do they propose to do it? They propose to introduce into the United States Navy for the building of ships a most heterogeneous mass—without beginning and without end—a board to be composed of men the Lord knows who, and the ships to be built of material the Lord knows what! And we are not even advised as to what the vessels are to cost; whether they are to be wood or iron or steel—whether they are to be frigates, cruisers, gunboats, or rams. This bill does not provide for the building of anything but the hulls of the vessels. It appropriates not one cent for guns, not one cent for armor, not one cent for boilers, not one cent for machinery, not one cent for the rigging. In respect to all these matters there is no plan and no price—nothing but a provision for a place for a lot of Democratic politicians, alleged naval architects, who are to be paid the enormous and extraordinary price of \$3,130 per annum for furnishing plans for a navy of the United States!

Why, sir, there was a naval advisory board with that illustrious naval officer John Rogers at its head. It was composed of some of the most brilliant naval officers and naval constructors of this country. They sat for weeks and months; and with all the progress of the years that had elapsed since the close of the war before them, and with all the enterprise, intelligence, and scientific knowledge of the present hour before them, they recommended the building of certain kinds of ships, certain types of vessels, and certain guns to arm them with.

If this committee wanted to go forward and build an American navy why did they not tell us what kind of ships they were going to build, whether they were to be iron, steel, or wood, whether we were to have old muzzle-loading guns or breech-loading guns, whether the vessels were to be ship-rigged, bark-rigged, brig-rigged, or schooner-rigged, whether they were to be armored or unarmored?

America has always taken the lead in everything requiring ingenuity, enterprise, and skill. It was America that produced the Monitor which revolutionized the naval architecture of the world. The world went wild with the idea that ships of war might be so constructed as to prevent the killing of men. Experience, however, demonstrated the fact—to use a popular phrase—that omelets can not be made without breaking eggs; that battles can not be fought without killing men; and as the manufacturers of guns brought forward guns which would pierce any ship that could be built, our people swung back to the other extreme and said, "We will build vessels of the greatest possible flotation, constructed with air-tight and water-tight compartments; vessels which although they may be pierced as an armored ship may be, will in view of their greater flotation be less liable to sink than armored ships, more effective, and more easily handled. Other countries have followed in our wake; and as a consequence we see the Esmeralda. To-day we have been treated to the soul-harrowing spectacle of a battle between the Esmeralda, now lying in the harbor of Valparaiso, and the unfinished Boston up here at Chester, Pa. And I must say that my heart stood still, my blood was frozen in my veins, as I contemplated the horror of that engagement with the ships four miles apart.

[Here the hammer fell.]

Mr. RANDALL. Mr. Chairman, I now commence the last hour of the debate.

Mr. KEIFER. Before the gentleman proceeds I rise to make an inquiry with reference to the time. According to my information and according to my recollection, there seems to be some mistake as to the time that I occupied. If there is any time left to me, I suppose it would be fair to occupy it now.

Mr. RANDALL. According to my recollection of the time taken by the gentleman, I do not think there is any time left for the other side under the agreement of two hours to each side.

Mr. KEIFER. That is the agreement; we are not differing as to that. But gentlemen around me state that I occupied only forty-five minutes, and that corresponds with the memorandum made at the Speaker's table by the gentleman who was acting as Clerk at the time I was cut off.

Mr. RANDALL. I never like to place my word against that of another gentleman, but it seems to be necessary on this occasion. I watched the clock, and I think the gentleman spoke from a half minute to a minute and a half over the hour. But I am liable to be mistaken. Yet, I am corroborated in that statement by others here who watched the time as I did. The gentleman commenced, if I remember correctly, at eleven minutes of the hour and closed at eleven minutes or possibly ten minutes of the hour succeeding.

Mr. KEIFER. Let me say the gentleman's recollection is no doubt very good; but the clerk's memorandum shows I commenced at eleven minutes after the hour, instead of before; and the recollection of gentlemen about me corresponds with that. I do not put my own recollection against anybody's on the subject.

Mr. ELLIS. I expected to answer the gentleman from Ohio, therefore I marked the clock. He commenced his speech at twelve minutes of 4 o'clock.

Mr. HOBLITZELL. Yes; I will vouch for that.

Mr. RANDALL. And the usual clerk does not state the time differently from what I give it. On the contrary, the clerk usually at the desk would, I think, if he had an opportunity, confirm my statement.

Mr. KEIFER. He is the very one I quote. It was the unusual clerk, I believe, who got it wrong.

The CHAIRMAN. The clerk who ordinarily keeps the time was called out upon business before the gentleman from Ohio was cut off; and on the information of the other clerk, the Chair announced that the time of the gentleman from Ohio had expired.

Mr. KEIFER. No doubt.

Mr. RANDALL. Does not the gentleman who occupies the chair remember I sent a messenger to him to know what time the gentleman from Ohio had begun?

The CHAIRMAN. The Chair would ask the gentleman from Pennsylvania if the present occupant was then in the chair?

Mr. RANDALL. Yes, sir.

The CHAIRMAN. The Chair would state this: he has no recollection himself in reference to the matter, but as the gentleman from Ohio was cut off at a particular time and no complaint was then made that his time had not expired, the Chair would not be willing, unless agreed to now, to open up that question. He could not do so.

Mr. RANDALL. How could the gentleman be cut off unless it was by the expiration of his hour?

The CHAIRMAN. The Chair must assume that it was done at the expiration of the hour.

Mr. KEIFER. But the chairman would be perfectly willing to rectify any mistake made through inadvertence.

The CHAIRMAN. Certainly.

Mr. KEIFER. No one claims there was any purpose to cut me off before the expiration of my time. If gentlemen insist on their objections I will withdraw my request. It is obvious, for many reasons, we should have fifteen minutes left.

The CHAIRMAN. Does the gentleman from Pennsylvania object?

Mr. RANDALL. I am willing to ask unanimous consent that the gentleman have ten minutes.

The CHAIRMAN. In view of the misunderstanding in reference to the time, unanimous consent is requested.

Mr. RANDALL. Yes, I make the request.

The CHAIRMAN. The gentleman from Pennsylvania, in view of the misunderstanding, submits a request that the gentleman have unanimous consent to proceed for ten minutes.

There was no objection, and it was ordered accordingly.

Mr. KEIFER. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. RANDALL] and the House for the time. I would rather have heard from the gentlemen on the other side, who are the responsible constructors of the scheme, if I may be allowed to call it by that name, for increasing the United States Navy before I said anything more. So far I have heard something from the distinguished gentleman from Massachusetts [Mr. LONG], who has chosen to indorse the plan in its general scope while repudiating all its details. He joins in what he has to say with the distinguished gentleman from New York [Mr. DORSEIMER] who spoke this morning in what that gentleman said on Thursday last, and also what he reiterates this morning, that we are to have a navy strong always because the American heart is always brave and strong. This is a very good doctrine and I would like to join in it, but our American seamen, our gallant officers of the Navy, well-selected men, will never be willing to go to sea in war with wooden vessels, relying alone on the bravery of their spirits. It has turned out that there have been brave spirits on the other side, and we have found it necessary to have good material of war, cannon, rifles, shot, shell, in short everything that went to make up good material of war, to put under the control and in the hands of our men of brave spirits. Will you take the brave men of America and put them in obsolete vessels upon the sea and say to them we rely for the glory of America upon your dauntless souls and spirits? That is well enough, but some of us at least know we must not only have spirits strong, souls strong and brave, but we must have men who are willing to go and shed their blood in opposing brave men of other countries with which we may go to war.

But to the criticism of the bill. It is proposed to build four ships, wooden or what not, and no more. It proposes to suspend the finishing of five of the monitors that are now in process of construction—to wait two and a half years before we are to have an experimental ship under the present plan. Yet it is to be proclaimed to this country everywhere that the Democratic party is coming into power and that the first thing it proposes to do is to build a navy.

But the fact is the first thing proposed is to stop building a navy and resort to a plan to build something or other called vessels and put them

upon the stocks, and which we have no assurance will ever have a gun aboard of them.

The plans, as I have already stated, and specifications which are to be reported on and advice that is to be furnished in response to circulars of inquiry, are all with reference to the naked vessel and do not comprehend any report in reference to the guns or projectiles which are to be used. The essential features of all that go to make up a navy in its strength and power are entirely left out, and I think that is about the best feature in the proposition—that is, that the principal, essential matters which go to make up a navy are to be omitted from their consideration. They are not to look into the most important things; they are not to report in reference to armor, armament, and equipment, and some other things. It is possible they can make a report to do no harm, for there will be plenty of time to review this report of these civilians, for they have wisely put into the bill a provision that the board's report shall be submitted to the Forty-ninth Congress. And I want to say that in this great rush for getting power the important thing always of concern to the American people is how much money is to be expended. No provision is made for a report on this subject.

Neither the President of the United States nor the Secretary of the Navy are required to report to Congress how much money is expended or proposed to be spent in this matter of trying to build some vessels of war. They are not required to report, although for the first time in peace, and so far as I know even in war, in this country the door of the Treasury is set wide ajar for the President to send by order a pay officer to get money without limit. The President of the United States, I repeat, is called upon to make no report to the Congress of the United States as to how much money he spends or proposes to spend.

Now, it may be said, and will be said, that these imperfections in this proposition to increase the Navy may be cured by amendment, but we are brought here face to face with this proposition and must take it in all its ill proportions; and we say to you that we are against it, absolutely against it, and will be against it when it is amended if it looks to stopping the construction of vessels now already in process of construction. We will be against it because it does not propose to give us a navy. These four vessels that may possibly be built under this bill of some class or other are not to be even types of vessels which we can reproduce in future.

We now have in process of construction more well-designed ships than it is proposed to build by this bill. We should at least finish them.

Mr. RANDALL. It was not my intention to discuss this subject at all, for reasons which are known to all and which are manifest. But there are some things which have been said in the course of this debate which I consider myself as bound, even at a great personal inconvenience, to respond to.

The effort seems to have been made to make an impression that the Democratic party is hostile to the construction of a navy. Its history is just the reverse. Further, the effort has been made to impress this House with the conviction that the Committee on Appropriations at its last session was hostile to the building up of the American Navy.

How unjust that is appears when you come to examine into what that committee did at its last session in reference to a navy. It found four vessels in course of construction authorized by the previous Congress. It gave every dollar of appropriation that was required to complete those vessels, and the Democratic House has added to it a sufficient sum to complete the armament required for them; and to-day again that committee has been called upon to consider and continue in connection with these very cruisers, and as far as I know the members of the Committee on Appropriations will decide to give \$165,000 deficiency, so that these vessels may with all expedition be completed.

It is true, sir, the committee took the position that they were unwilling to recommend to the House the expending of four and a quarter millions of dollars more upon the monitors, when it was conceded that the objects for which the monitors were originally authorized by law were not the objects for which they would now be of service. And only did we stop as to the rehabilitation of the Navy in regard to cruisers, upon the ground that we desired first to know the result of those that were in course of construction. That was wisdom, for these very vessels have been altered in many particulars, and the Department itself has not only asked for more money to construct them but has asked the Congress of the United States by appropriation to affirm changes in the original plans, which have been found to be necessary. It has also requested that the appropriations asked for one of these ships may if they are in excess be applied to the building of any of the others, thus making the appropriations for the three cruisers and the dispatch-boat an appropriation in common to be expended on any or all as the case may in the future demand.

And further, the effort has been made to show that I occupy a position now upon this subject inconsistent with the position which I have occupied in the past. That is but of slight moment in connection with the great interests and purposes that I think I have in view in advocating this project, which is to build up an American navy worthy of the American people. I beg you, then, gentlemen, who wish to ascribe to me hostility in the past to the Navy, in what I have done I beg that you will not, because I march up to-day to the demands and utterances of both of the great parties in the country, that you will not retrograde

or seek to take a position which you allege that I occupied in the past, but which I deny. I never occupied that position. In other words, why should gentlemen on the other side of the House who have for a long time been asserting their wish and purpose to build up an American navy, simply because we have taken steps in this bill to go forward to comply with the demand of the people—I say why should they take the opposite position now to what they claim to have uniformly demanded? If the bill is wrong in any of its details it rests with the House to correct them.

For one I do not object to a limitation, if it be large enough to make certain the execution of the purposes of this bill; and I say further, yes, it is an exception to my record in this particular. But I am not afraid to make that exception in my course of conduct as to appropriation bills when a great national result is to be achieved thereby and the honor of the nation is to be elevated. I think indeed he would be a poor representative of the people who would not do the same under like circumstances.

I now yield the remainder of my time to the gentleman from Louisiana [Mr. ELLIS], who has kindly undertaken to assume charge of this matter in the House.

Mr. ELLIS. I yield ten minutes to the gentleman from Pennsylvania [Mr. CURTIN].

Mr. CURTIN. It seems to be the disposition of this House now on both sides of the aisle to build a navy. And at this late period, when the wooden ship is of the past as much as the bones of the pre-historic animals found in the frozen regions of the North, every time a navy is mentioned here the monitors are brought forward in this highly intellectual and cultured presence, and are subjected to the eloquence and oratory of this House. And they are of the past. There is scarcely an iron-clad ship of any nation abroad that could not run down in one day all your monitors that could be placed in the harbor of New York. We started the monitor and the world improved on it. We go back to the monitor now, and that is a disturber to the councils of this House constantly intruded upon its deliberations. Let the monitor wallow around like a great turtle in your harbors, and let us build a navy commensurate with the greatness of this country and of a power up to the possibility of modern invention and skill.

I do most positively differ with the distinguished gentleman from New York [Mr. DORSHEIMER] who would be in favor of buying American ships abroad because he asserts we can not make the steel in this country. Offer any enterprise that invites capital, and the American mind will evolve a construction in steel and iron equal to that of any people in the world.

Mr. Chairman, you can not build a navy unless you prove to the world you can build it here of American material. If we do not build it of American material we are not worthy of a navy; and I will never, so far as I am concerned, vote for a bill to make a ship unless it is admitted we can build it here.

I do not, Mr. Chairman, like this political discussion. I did not like the speech of my friend opposite to me [Mr. THOMAS]; and I am afraid indeed to stand before and attempt to say anything of the eloquent sarcasm of the gentleman from Maine [Mr. REED]; for I am not equal to his shafts and do not desire such controversy. The time for political speeches on this floor as the 4th of March is approaching has passed. We will reserve that for next summer in the hot weather. We shall now confine ourselves if possible to the question before this body, and that is whether we shall attempt to build a navy.

Now, my friends, you have not a navy, and I will tell you the reason. Under similar circumstances Parliament would have voted a want of confidence. There is a want of confidence in your Secretaries of the Navy, and it is insinuated, you know whether truly or not, that the Navy Department for many years past has not been managed fairly and with the integrity which should be exacted from a high official of that Department. That is all.

You vote money for a navy, and you have not a navy, but your Navy is gone. You investigated your Navy. The rules of this House, rigid rules of which I know little, and that little I desire to forget [laughter], obstructed the development of what was alleged as to the administration of the Navy.

There is a want of confidence in the present Secretary of the Navy. I do not accuse him of any fraud.

Mr. BOUTELLE. On the part of whom is there a want of confidence?

Mr. CURTIN. I do not know and do not accuse him; but there is a want of confidence—on whose part I do not know, but do say to my friend from Maine that when the Tallapoosa went down and he was not upon it the country breathed pleasure and satisfaction. [Laughter.]

I hold in my hand an order of the Secretary of the Navy of recent date, and having tried to get information from a Navy officer and found he was reticent, I could not understand it and complained to another Navy officer that he did not seem disposed to give me information. And then to my house last night they sent me an order of the 7th of February under which no officer of the Navy, either on the active or retired list, can make any communication to Congress or to a member of Congress without their passing through the Navy Department—that is, that no member of this House could consult an officer of the Navy as to

his duty unless it was filtered through the medium of the Navy Department.

Mr. BOUTELLE. That has always been the regulation.

Mr. CURTIN. No, sir; this order goes beyond that. Do you imagine that is proper?

Do you imagine for one moment that if that heroic man, Admiral Worden, would come upon this floor I could not consult him about the Navy? Have I to go to the Secretary of the Navy and ask him for leave to consult with a naval officer about naval matters? Where did the gentleman from New York [Mr. DORSHEIMER] get the information which he has developed to the House to-day? Why, Mr. Chairman, I would not go to a shoemaker to learn how to make a watch, nor would I go to a locomotive builder to find out about the construction of a ship. If I desired to build a navy I would go to the men who have been educated in the building and management of ships, men who have been educated and trained by the Government in the naval service and have thus acquired skill, learning, and knowledge about such matters.

I say, sir, that a Secretary of the Navy who interdicts me, as a free representative of the free people of the State of Pennsylvania, from seeking instruction from the men who can give it to me in regard to a public matter like this, must have something concealed behind the subject under consideration than that order which is not entirely consistent with propriety or with the dignity of the place he occupies. I allege, sir, that steel can be made in this country, and I insist moreover that it can be made of a standard so high that English steel can not approach it.

Mr. BROWN, of Pennsylvania. So do I.

Mr. KELLEY. And I affirm that statement from personal observation.

Mr. CURTIN. Thank you, my friend. Now, Mr. Chairman, I have two friends in Pennsylvania who understood that it was proposed to build ships for the Navy, and who, at their own cost and expense, made a plate thirteen feet long, four feet wide, and seven and a half inches thick, of three qualities of steel with a perfect weld, and defy the skill of the Navy Department to separate it, and that will resist any piece of ordnance in America to penetrate it. I put into the bill \$25,000 to test the quality of steel, and say to you, Mr. Chairman, you can build a navy although you have no merchant marine to protect [laughter]; but that we may get in the future if we have not got it now. The man in all the history of Great Britain who did most to fix her national policy was Oliver Cromwell.

[Here the hammer fell.]

Mr. CURTIN. Oh, let me speak on that for just a few minutes more. [Laughter.]

Mr. RANDALL. I yield a few minutes to my colleague from Pennsylvania [Mr. CURTIN].

Mr. CURTIN (resuming). Kings had preceded him and heads were cut off, but he stamped upon Great Britain the policy of extending her dominions in order to obtain markets for her surplus products. That was the common sense of a great man. His bones were scattered to the winds; no enactment or ordinance of Parliament bears his name; and yet his policy has made Great Britain the great and powerful nation that she remains until this day. They could give his bones to the winds, but he left his impress upon the policy of the nation, and that little island, which you can cover on a map of ordinary size with your thumb, is the source from which every country in the world borrows money, the bank to which every city and every corporation in the world is indebted. Now, then, if you intend to get foreign commerce you must pay for it as the English have done. They encircle the globe, not as Webster said in his magnificent rhetoric, with the drum-beat of their military posts, but they encircle it far more effectually in reaching out to all parts of the earth to secure markets for their surplus productions.

Mr. BAYNE. Will my colleague permit me a question?

Mr. CURTIN. Yes.

Mr. BAYNE. Does my friend understand that this bill contemplates the construction of iron or steel ships?

Mr. CURTIN. Steel ships.

Mr. BAYNE. My understanding is that it points more toward the construction of wooden ships.

Mr. CURTIN. Oh, the wooden ship is gone, and is a creation of the past.

Mr. BAYNE. But this bill, I think, contemplates wooden ships. It certainly does not provide that these ships shall be constructed of iron or steel.

Mr. CURTIN. There is one wooden ship in the bill. In the name of the honor of the country and to build a navy, if that is necessary as a concession, let us have one wooden ship, so that we may construct ships that will be respectable in peace and formidable in war. [Laughter.]

Mr. BAYNE. But this bill does not provide that the other four ships shall be built of iron or of steel.

Mr. CURTIN. Is that so?

Mr. BAYNE. Why, certainly that is so.

Several MEMBERS. That is so.

Mr. HISCOCK. I will say to my friend from Pennsylvania [Mr.

CURTIN] that there is nothing in this bill which provides that there shall be any iron or steel used in the construction of these ships.

Mr. CURTIN. Then I have read the bill in vain, and my speech goes for nothing. I do not care so much about the wooden or iron ships as about the loss of my speech. [Laughter.] But if that is the case I will not vote for the bill. [Laughter and applause on the Republican side.]

Mr. HEWITT, of New York. Move to amend it.

Mr. CURTIN. At the proper time I will; of course I will. The gentleman from New York [Mr. DORSHEIMER] has given us an account of a ship built in England for Chili, and has compared it with the cruisers ordered by the last Congress. I think those ships ought to have been built long since; and will tell you the reason of the delay. It is because they have been unable to get the armor from abroad. Now, I allege that if you determine to build ten or twenty ships for your Navy and invite our Pennsylvania steel manufacturers to supply the material, the capital and the plant will be provided, and Pennsylvania will produce you steel for the construction of these ships which the English manufacturers cannot equal—

A MEMBER. And cheaper.

Mr. CURTIN. And cheaper. We will produce it for \$175 a ton. And if you want a navy you must make it popular by building it at home. Will any one say that after our long experience we are not equal to building a navy in the United States? What has occurred since we were a nation that we have not had an active interest in? Franklin out on a common in Philadelphia brought the lightning from the clouds; and to-day, by the use of lightning, as harnessed by Morse and used in modern civilization and progress, affords quick transition of knowledge to all the world and is an active agent in human affairs. Go into yonder hall, and you see Fulton, who made the steamboat and revolutionized the commerce of the world—

Mr. KELLEY. Having borrowed the machinery from John Fitch. Mr. CURTIN. Yes; John Fitch propelled a boat by steam on the Delaware, but died before his merits as an inventor were acknowledged. His statue should be in that hall instead of Fulton's.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. CURTIN. Are you quite sure of that?

The CHAIRMAN. Quite sure. [Laughter.]

Mr. CURTIN. I have much more to say if I have time; but I yield to the rigid rules of this House.

Mr. McADOO. Mr. Chairman, in bold contrast with the broad and statesmanlike views of the gentleman from Massachusetts comes the sharp partisan talk of other gentlemen from that side of the House. Gentlemen on the other side criticize the Democratic party as responsible for this measure. Now, I admit it may be a matter of speculation what navy the Democratic party will build; but it is a painful reality what navy the Republican party has failed to build in the last twenty-two years. In the matter of ships they have produced—what? The Tallapoosa! In the matter of ordnance, nothing that I know of save that the champagne broadsides of that celebrated vessel were said to be very effective upon Republican statesmen.

Gentlemen on the other side have railed against the navy-yards. Now what has been the policy of the Republican party in their attempts to build up, or rather destroy, the American Navy? They have used both the navy-yards and the contract system. The gentleman from Illinois read a list of vessels, giving their original cost and the tremendous outlay of money expended upon them in the way of repairs. That is the key to the situation. The Tennessee and the other vessels which had millions of dollars expended upon them under the name of repairs were literally rebuilt in the navy-yards in order to give patronage to enable the Republican party to hold its own in doubtful districts. Will the caustic and witty gentleman from Maine inform this House what the patronage of the Kittery navy-yard in his State was, and what effect it had upon the September elections in the gentleman's own district?

The navy-yards were kept well filled with partisans, patching and coppering and rebuilding the wooden vessels, while the contractors reveled in constructing marine monstrosities in the shape of alleged ironclads and costly engines and machinery.

Not alone that, but they say this bill is an attempt to administer the Government by commission. Well, I would rather have a government administered by commission than a government administered by contractors; and at the proper time I shall second or offer an amendment to this bill providing that the navy-yards of the Government be rehabilitated and that the work of upbuilding an American navy from American materials shall be done in American navy-yards.

Mr. THOMAS rose.

Mr. McADOO. My time is too short to allow me to yield to the gentleman.

Sir, the great blot upon the whole Republican administration was the contract system. The people of this country believe, and they have some basis of fact for that belief, that the navy-yards were used for patronage, and that the contractors helped to swell the campaign funds that carried doubtful States in Presidential elections. I think it will be found not only wise but economic to turn loose into our navy-yards the talent and skilled intelligence which we have educated and allow

it to help upbuild the Navy in our own yards. In whatever way it is built the people demand a navy commensurate with the interests, the security, and the honor of this great country.

Mr. ELLIS. I now yield ten minutes to the gentleman from Connecticut [Mr. EATON].

Mr. EATON. Mr. Chairman, in the ten minutes given me by my friend from Louisiana I can not be expected to discuss this question at any length; but I wish to say in the outset that I believe my friend from Maine, my friend from Ohio, and my friend from Illinois entertain the same opinion that I entertain—that there should be an American navy.

I do not stand here to criticize for one moment the actions of past administrations. That matter has nothing to do with this great question. Ought we to have a navy? I will not say one word that might come to my mind with regard to anything that may have occurred in the last twenty years in reference to the maladministration of the Navy Department. Let that pass by "like the idle wind, that we regard not."

There are two things necessary: first, a navy; second, harbor defenses. Following my own judgment, I should have put harbor defenses first and the Navy second. We can not in one year, or two years, or three years construct a navy equal to the navy of Great Britain; and everybody knows it. Let us, however, have the germ of a navy.

But, said my friend from Ohio, "You are giving all the power of the Government to the Democratic party." I disliked to hear that. It was further said, "You are opening the doors of the Treasury to the Democratic party." Sir, with the gentleman from Ohio I dislike this limitless expenditure of money. I would be glad to see in this bill, I say this House ought to see in this bill, a limit. No matter who has the expenditure of that money, whether it be Grover Cleveland or Chester A. Arthur, there should be a limit. If I had the knowledge necessary to put a limit on this bill, I would draw the amendment myself.

But we are here, Democrats and Republicans, seeking one great object; and we ought to be brethren in seeking that object; that is, to start the building of a proper navy. As a Democrat, I do not wish the representatives of the Democratic party to have the power in their hands to squander one, two, ten, or twenty million dollars. Let us know what the limit should be, and I stand ready to vote for it.

Mr. KELLEY. Will the gentleman permit me—

Mr. EATON. I have but little time; but I yield to the gentleman.

Mr. KELLEY. I was going to ask whether this bill should not determine the character of the vessels, their quality especially, in view of the fact that the highest naval authority has just pronounced unseaworthy the last ten ships built by the British Government?

Mr. EATON. Well, I will answer that question in this way: If the British board of admiralty has learned that the science of Great Britain has not been able yet to construct a proper vessel, then permit me to say that neither my friend from Pennsylvania, myself, nor any other authority in this country will be able to put on a bill of this kind a description of what the vessels should be. [Laughter.] My friend ought to know that. He ought to know it.

Mr. KELLEY. I have simply quoted Sir Edmund Reed, the highest naval authority.

Mr. EATON. I am quoting my friend as very high naval authority. [Laughter.] I wish to have a board of admiralty, if I may so style these officers and scientific men who have this matter in charge, to select the proper models upon which to build our vessels. But limit the expenditure of the money. It is a farce to talk about it when we know that there is not an ironclad on the water that will not go down beneath the force of modern projectiles. Everybody knows it. And my friend from New York [Mr. DORSHEIMER], whom I do not see in his seat, who was so strenuous to build ironclads six months ago, has learned at last there are no ironclads on the water that can stand before modern projectiles.

I rejoice the United States has not expended in the past fifteen, twenty, thirty, forty, or fifty millions of dollars. It would have been thrown away, absolutely thrown away. We have had the advantage of the expenditures of other people, and now we may go to work believing the results will warrant our desires.

I come from a little State bounded by the ocean; I am a New England man, and if anybody is interested in a navy it is New England that is interested. If anybody is interested in a navy it is my friend from Maine [Mr. REED] and my friend from Massachusetts [Mr. LONG]. For let me tell you, Mr. Chairman, before twelve months have rolled round the fishery question will present such a question that you may desire and need a navy.

Therefore I say let us discard all talk about Democrats and Republicans. Let us stand here American citizens and begin to build up a navy that will be an honor to the American name. We have the sailors—New England furnishes the sailors, and the world can not produce a class of men like the sailors from Connecticut and Maine and Massachusetts. Give us the bottoms and we will furnish the sailors.

Now do not let us quarrel about this matter. Let an amendment be offered to this bill. I desire to limit the expenditure; I do not believe the incoming administration to have it in its power to squander the

money of the people. I have no such desire. I will give no such vote while I have a seat on this floor; but I want to see a navy started.

Now, Mr. Chairman, I am trespassing, I know, upon my friend from Louisiana.

Mr. ELLIS. No; you are not.

Mr. EATON. But let us forget to-day, if possible, party. Let us remember we are one people and what is good for the Democratic party is good for the Republican party, and what is good for the Republican party is good for us all.

If this bill needs amendments, and I believe it does, let those amendments, Mr. Chairman, be produced by one side or the other. I shall stand ready to vote with my friend from Maine to do what he believes is best to prevent the squandering of the money of the people. I have no desire the Democratic party I fought for should have any other power than what ought to be exercised by just and honorable men.

We may do something, but little. I do not believe the time has come—I am not a prophet—but yet I predict the time has not come when any naval board, whether composed of Englishmen, or Frenchmen, or Germans, or Americans, can put into the water a vessel that will stand the projectile power of to-day. My own opinion is we may look for fast-going cruisers that can make from eighteen to twenty miles an hour with 100-ton guns on their decks, that can sink an ironclad or run away from it as they please, and then let our harbors and coasts be properly defended, and America will be as she always has been, resistless against the powers of the world. [Applause.]

Mr. ELLIS addressed the committee. [See Appendix.]

The CHAIRMAN. General debate on this section is now terminated under the order of the House. The question before the committee is on the point of order raised by the gentleman from Illinois [Mr. THOMAS]. The Chair will now hear from that gentleman a statement of the grounds on which he bases his point.

Mr. THOMAS. Mr. Chairman, my point of order against this section is made under section 3 of Rule XXI, which provides that—

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

The pending section of this bill provides for the organization of a board to be appointed by the President of the United States, to be composed of several members, some civilians and some officers of the Navy. It is an attempt to create new offices on a general appropriation bill, and to pay premiums or rewards for plans which are to be submitted by parties outside of the Government service. This is new legislation. It does not provide for any public work authorized by law. More than that, I submit it is subject to objection under the other part of the rule, which provides:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

Now, this section is admittedly germane to the bill, the purpose of the bill being to provide for the naval service of the United States. But this is an attempt to furnish plans and to provide for the building of ships, and it does not reduce expenditures. It is not a retrenchment of salaries paid to officers. On the contrary it involves increased expenditure by providing additional salaries, by providing for the payment of rewards to persons who may furnish plans to this board. Indeed, it provides for an unlimited expenditure of money, as no restriction is placed upon the cost of the vessels which are to be constructed.

I do not think it necessary to elaborate this point. It must be clear that the provision of the bill is contrary to the third section of Rule XXI. I may have occasion to answer any objection which might be urged to this point of order; but at this time I shall offer nothing further upon it.

Mr. STONE. I should like to state upon the point of order another objection to the section in addition to the one made by my friend from Illinois [Mr. THOMAS]. I wish to suggest to the consideration of the Chair whether or not it be competent for the Committee on Appropriations to report the section now under consideration, inasmuch as clause 12 of Rule XI provides that "subjects relating to the naval establishment other than the appropriations for its support" shall be referred to the Committee on Naval Affairs. I submit that so much of this bill as refers to naval affairs and does not concern appropriations comes properly within the jurisdiction of the Committee on Naval Affairs, under Rule XI; and unless it can be shown that this subject of the establishment of a naval board has by some order, resolution, or bill been referred to the Committee on Appropriations, that Committee in attempting to deal with the subject has exceeded its jurisdiction, precisely as it was suggested a day or two ago that another committee of this House, the Committee on Rivers and Harbors, had attempted to deal with a subject beyond its jurisdiction.

So I submit, under a fair construction of this rule, it is not competent for the Committee on Appropriations to deal with a subject that does not relate to appropriations, but which by the rule is exclusively committed to the Committee on Naval Affairs. And the Chair will take

notice this section is different from some other sections—that it is not only inclusive but exclusive. It so distinctly declares, as I have already stated, and I will not repeat what I have said, as I think the Chair understands my point.

The CHAIRMAN. Does the gentleman in charge of the bill desire to be heard on the point of order?

Mr. RANDALL. No; I am willing to leave it to the Chair. My desire is to save the time of the committee.

The CHAIRMAN. The ground stated by the gentleman from Massachusetts [Mr. STONE] is new to the Chair, and his decision will turn upon the other ground. Therefore, without entering upon any discussion on it, the Chair thinks section 2 of the bill is obnoxious to the third clause of Rule XXI. It is an appropriation for expenditure not authorized by law, and that part of the section which provides for the organization and structure of this board is new legislation. The Chair therefore sustains the point of order.

Mr. RANDALL. I ask to lay aside this bill, as I believe I will find some way to test the sense of the House where one objection will not prevail.

The CHAIRMAN. The Chair would suggest to the gentleman from Pennsylvania there is yet one section to be disposed of.

Mr. REED, of Maine. I hope when the gentleman submits a plan it will be a plan that takes the responsibility as well as confers the power.

Mr. RANDALL. I do not quite understand what the gentleman means.

Mr. REED, of Maine. I mean this: that if we are to build a navy the party in power having the power should also have the responsibility.

Mr. RANDALL. I propose in some way, and I think I see my path clear, to make this proposition so that it will be acceptable to enough members of this House to secure its consideration on this bill. I therefore beg to lay the bill aside for the present.

Mr. KEIFER. Is it proposed to have the bill recommitted?

Mr. RANDALL. No, sir.

The CHAIRMAN. Section 3 is not disposed of.

Mr. RANDALL. That is not a material point. I ask the bill be laid aside and to have the committee now proceed to the consideration of the deficiency appropriation bill.

Mr. THOMAS. I object to its being laid aside.

Mr. REED, of Maine. Let them have all the time they want.

Mr. WILLIS. What is the proposition?

The CHAIRMAN. To lay the naval appropriation bill aside and take up the deficiency appropriation bill.

Mr. WILLIS. I am perfectly willing the river and harbor bill should be proceeded with.

The CHAIRMAN. Is there objection?

Mr. RANDALL. There is no objection to laying this bill aside.

Mr. STONE and other members objected.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

Mr. TALBOTT. I desire to offer an amendment.

Mr. RANDALL. I ask for the reading of the third section.

Mr. TALBOTT. I have an amendment to offer to come in before that. I send it up to the Clerk's desk to be read.

The Clerk read as follows:

To complete the construction of the steel cruiser, of not less than five nor more than six thousand tons displacement, and the armament thereof, authorized by act of Congress August 5, 1882, \$1,780,000, or so much thereof as may be necessary.

Mr. TOWNSEND. Do I understand the whole section has been ruled out?

The CHAIRMAN. It has.

Mr. HOLMAN. I reserve the point of order on the amendment of the gentleman from Maryland. It is a modification of the law of 1883.

Mr. TALBOTT. No, sir; there is no modification of that law.

Mr. HOLMAN. Let the law be exhibited.

Mr. TALBOTT. I have sent for it.

The CHAIRMAN. What is the point of order the gentleman makes?

Mr. HOLMAN. That this appropriation is not authorized by any existing law. That the act to which the gentleman refers, the act of 1882, is modified by the subsequent act of 1883. That all the vessels authorized to be constructed are now in process of construction, while this amendment proposes something in addition not authorized by law.

Mr. TALBOTT. I do not want to say a word upon the point of order, because this act of August 5, 1882, to which the gentleman called the attention of the Chair, clearly authorizes the construction, and leaves no room for doubt. It is absolutely existing law, and I shall submit the question to the decision of the Chair.

Mr. RANDALL. Let us see the law.

Mr. TALBOTT. I have sent for it.

Mr. HOLMAN. It will be remembered that there were two acts, one of 1882 and the other of 1883, the latter modifying the former.

The CHAIRMAN. The Chair desires to see the acts.

Mr. TALBOTT. I will say further that this vessel provided for in this amendment was expressly authorized at the second session of the

Forty-seventh Congress in the naval appropriation bill passed at that time. This vessel is provided for by law and its construction authorized. I send the statute to the desk.

The CHAIRMAN. The Clerk will read the section to which the gentleman refers as authorizing this construction.

The Clerk read as follows:

Any portion of said sum not required for the purposes aforesaid may be applied toward the construction of two steam cruising vessels of war, which are hereby authorized, at a total cost when fully completed, not to exceed the amount estimated by the late naval advisory board for such vessels, the same to be constructed of steel of domestic manufacture, having as near as may be a tensile strength of not less than 60,000 pounds to the square inch, and a ductility in eight inches of not less than 25 per cent.; said vessels to be provided with full sail-power and full steam-power. One of said vessels shall be of not less than 5,000 nor more than 6,000 tons displacement, and shall have the highest attainable speed.

Mr. TALBOTT. The advisory board advised the construction of two vessels of that class, and estimated the cost at \$3,500,000. The act of Congress authorized only the construction of one—that is to say, a vessel of not less than 5,000 tons or more than 6,000 tons displacement. This amendment, therefore, is prepared exactly in accordance with the existing law and the amount is the amount fixed by the advisory board. It is, therefore, the law now, and this is a provision to carry it into effect. No law of Congress has changed it. No law has varied the law authorizing the construction of that vessel, and I now ask the adoption of this amendment which authorizes this construction.

I have heard, Mr. Chairman, a good deal of talk on the floor of this House about a navy, and I have heard a great deal of talk about wooden vessels. The Committee on Naval Affairs in the Forty-seventh Congress investigated the whole subject, and investigated it thoroughly. We had before us all the scientific and naval men in the country who were within reach. We had their views, opinions, and conclusions, and I desire to say that from Admiral Porter down to the lieutenants in the Navy they all concurred in the opinion that the invention of gun-power was far in excess of the development of ships of war.

In other words, that now gun-power, with recent improvements in that direction, is so great that you can not construct a vessel that will float capable of resisting it. The conclusion of the board and the Committee on Naval Affairs on this investigation was that what we require is first-class steel cruisers of the highest attainable speed. Every man who knows anything about naval architecture knows that you can not have speed without displacement, because you have got to have size, and if you have the size so as to give you the necessary engine-room and machinery power you are compelled to have weight and displacement. This you must have in order to get the ability to put upon the vessel the power you require. You must have room capacity for storage of coal, and you must have capacity for your machinery; and the result of the labors of the committee, and after months of labor and earnest attention to the duties devolving upon them, was that if this vessel authorized by that law was constructed, with her power and guns aboard of her, she would easily run away from any war vessel in the world. She would also have gun-power to fight in a close conflict.

Now, gentlemen talk about speed as a great element. Not a single one has told this House one thing, and that is that there is a great deal of difference between the average speed and speed measured by the mile. You can put the vessel to its full capacity and strain the machinery for a short distance, or a measured mile, and make a speed of eighteen, nineteen, or twenty knots an hour, but that is no evidence of speed. The speed of a vessel is what she will make on an average of running a whole day, a week, or three weeks; in other words, what she will make continuously and in all kinds of weather and under all circumstances. That, I say, is a very different question.

Mr. TOWNSEND. I rise to a question of order. Is this debate in order?

Mr. TALBOTT. Yes, sir.

The CHAIRMAN. The Chair thinks the gentleman should confine himself to the point of order.

Mr. TALBOTT. I am endeavoring to do so. I say again, that the Committee on Naval Affairs did consider this whole subject in the Forty-seventh Congress. I say that Congress passed a law authorizing the construction of this vessel; and further, sir, that the Committee on Appropriations can not find a single word altering or limiting that act or the terms of that authorization of August 5, 1882. I submit, therefore, that no point of order can lie against the amendment providing for the construction of this vessel authorized by the act of Congress in question.

Mr. HOLMAN. I hold in my hand an act of the 3d March, 1883, which seems to be a revision of the act to which the attention of the Chair has been called. I will send it up to the Chair. My understanding has always been that this act of 1883 had the effect of repealing the provisions of the act which has already been read; but I trust some gentleman connected with the Appropriations Committee of last Congress will state how that is.

Mr. THOMAS. We can give a perfect explanation of it. There was no repeal of the former act.

The CHAIRMAN. Will the gentleman from Indiana indicate what portion of the act he desires to have read?

Mr. HOLMAN. That which applies to the construction of the steel

cruisers. But before that act is read some gentleman connected with the Committee on Appropriations of the Forty-seventh Congress, which reported both bills, will be able to explain whether this last act repeals the former act or not, in so far as the provisions of the one are inconsistent with those of the other. My opinion has always been that this last act covers the whole ground.

The CHAIRMAN. Does the gentleman desire the act to be read?

Mr. HOLMAN. I do. It is under this latter act that the vessels now in process of construction are being constructed.

The Clerk read as follows:

For the construction of the steel cruiser of not less than 4,300 tons displacement nor less than 2,500 tons displacement each, and one dispatch-barge, as recommended by the naval advisory board in its report of December 20, 1882, \$1,300,000; and for the construction of all which vessels, except their armament, the Secretary of the Navy shall invite proposals from all American ship-builders whose ship-yards are fully equipped for building or repairing iron and steel steamships, and constructors of marine engines, machinery, and boilers; and the Secretary of the Navy is authorized to construct said vessels and procure their armament at a total cost for each not exceeding the amounts estimated by the naval advisory board in said report, and in the event that such vessels or any of them shall be built by contract, such building shall be under contracts with the lowest and best responsible bidder or bidders, made after at least sixty days' advertisement, published in five of the leading newspapers of the United States, inviting proposals for constructing said vessels, subject to all such rules, regulations, superintendence, and provisions as to bonds and security for the due completion of the work as the Secretary of the Navy shall prescribe.

Mr. HOLMAN. The chairman of the Committee on Appropriations of last Congress has given me information from which I am ready to believe this act is not a complete substitute for the act of 1882, and that to the extent of one vessel it does not cover that act. Upon that statement of facts I withdraw the point of order.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Maryland [Mr. TALBOTT].

Mr. RANDALL. It is due for me to say that so far as I know the Secretary of the Treasury has not made any estimate or recommendation on this subject this session.

Mr. McMILLIN. Have any proposals been invited as provided in the act?

Mr. RANDALL. Nothing of the sort; I only want to say it seems to me this matter should have some investigation. This may have been a very good ship four years ago or two years ago, but in the light of the experience of the intervening years it may be that it would not be such a vessel as we should now build.

Mr. TALBOTT. I desire to say to the gentleman from Pennsylvania [Mr. RANDALL] that the act authorizing the construction of this vessel covers all of that. The naval advisory board has the power under the act which authorizes the construction to make all the alterations that may be called for in consequence of new inventions. And I will say more than that: the armament for that vessel is only limited as to the minimum. The act makes the minimum 6-inch steel rifled guns and 8-inch guns. But as regards the maximum there is no limit; and the naval bureau having the charge of the armament can make the guns as large as they please under the act itself.

Mr. THOMAS. The construction of this vessel was fully considered by the Naval Committee.

Mr. TOWNSEND. I make the point of order that debate is exhausted on the pending amendment.

Mr. THOMAS. Then I move to amend by striking out the last word.

This legislation has been fully considered and matured. The plans and specifications and model for this vessel are on file in the Navy Department to-day. The naval advisory board are qualified to take up that plan and build the vessel, with all the modern improvements up to this hour, and to begin as soon as this appropriation is available.

Now, if my friends on the other side of the House are in favor of building a navy, here is an opportunity to build a first-class American man-of-war that will be a source of pride to every American heart and a satisfaction to every American sailor. It can go as fast any naval vessel in the world. It will have an average speed of 16 knots an hour for six days. It is provided that it shall be armed with breech-loading guns of not less than 6-inch and 8-inch caliber. And the maximum, as stated by the gentleman from Maryland [Mr. TALBOTT], is not fixed. As large guns as are needed can be put on the vessel, and it will be first-class in every respect. If the Representatives on both sides of this House want to build a navy, here is an opportunity afforded, and one that is based on common sense and the recommendation of some of the wisest naval architects and naval officers this country has ever produced.

Mr. HEWITT, of New York. I am as earnestly desirous to begin the construction of a proper navy as the gentleman from Illinois [Mr. THOMAS]. But this proposition simply leads us to produce another first-class failure. When this vessel was authorized, three years ago, a ship of five or six thousand tons, iron-clad, would have been a success, provided she achieved a speed of 16 knots an hour; but in the interval ships have been built that have achieved a speed of 18.6 knots an hour; and at this moment the British Government are considering a proposal from John Elder & Co. to build an armored ship with twenty-one inches of armor, of 10,500 tons, that will make a guaranteed speed of 21 knots an hour—no cure, no pay.

Now, are we not to take advantage of the lapse of time and of the experience which has come since this provision was enacted into law? What we want is a real navy and not a sham navy; and the addition of this ship will simply give us another failure. The money will be thrown away. The limitation of the existing law is for a ship of from five to six thousand tons. I do not know, and no man can tell, in the condition in which this country now finds itself, with its open ports undefended, whether we do not want a first-class iron ship of from ten to twelve thousand tons.

Mr. THOMAS. Will the gentleman from New York [Mr. HEWITT] permit me a question?

Mr. HEWITT, of New York. Certainly.

Mr. THOMAS. I want to ask the gentleman if it is not a fact that there are not over six vessels afloat on the ocean to-day that can make over 16 knots an hour?

Mr. HEWITT, of New York. It is a fact; and I want to say to the gentleman from Illinois [Mr. THOMAS] that those slow vessels are being abandoned and cast away.

Mr. TALBOTT. And I will say to the gentleman from New York [Mr. HEWITT] that not a single unarmored vessel in the world has been discarded unless for old age. It is the armored vessels that he is talking about.

Mr. HEWITT, of New York. This proposes to build an armored vessel.

Mr. TALBOTT. No, sir; an unarmored steel cruiser.

Mr. HEWITT, of New York. A 6,000-ton armored steel cruiser.

Mr. TALBOTT and Mr. THOMAS. No, sir; an unarmored cruiser.

Mr. HEWITT, of New York. Very well. Then I have this to say: If that vessel is to be unarmored she will be confronted by an armored vessel capable of making over twenty-one knots an hour.

Mr. THOMAS. When?

Mr. HEWITT, of New York. Now John Elder & Co. have a proposition pending, which will no doubt be accepted by the British Government, by which they guarantee to construct a 10,500-ton armored steel cruiser with 21-inch plate, and carrying a hundred-and-twenty-one-ton gun; and when you have built this vessel which you propose here and it meets that vessel in the open ocean yours will go down. Therefore, I say, this ship ought not to be built. If we build an unarmored cruiser, let us build one that will be at least able to run away from these armored cruisers.

Mr. TALBOTT. Only last Friday the gentleman from New York [Mr. HEWITT] rated this House because it was proposed to repair a wooden vessel, and called attention to the fact that every nation had discarded armored vessels. To-day he tells us that every nation is going to build armored vessels.

Mr. HEWITT, of New York. Every nation is building them to-day.

Mr. TALBOTT. No nation is building them. They may talk about building them, but they do not do it.

Mr. HEWITT, of New York. Great Britain is building them, France is building them, Germany is building them. [Cries of "Vote!" "Vote!"]

Mr. MCADOO. Mr. Chairman, I am in favor of building this vessel because it is a type of what will be the modern war vessel. We have gone from the old fast-sailing clipper-ship to the great iron floating battery, and the compromise between the two extremes is the unarmored, swift-sailing steel cruiser, easily maneuvered, armed with powerful ordnance, capable of running away when necessary, and also capable of catching an enemy and destroying her. I am in favor of every practicable measure for building up our Navy. I do not believe simply in discussing measures about the Navy; but when a practical proposition is made upon this floor to build a vessel like the one now proposed, leaving it to the advisory board to take advantage of every modern improvement and produce an American Esmeralda, my vote is for it, because I believe the American people want it. [Cries of "Vote!" "Vote!"]

Mr. BAYNE. Mr. Chairman, if there be a proposition before the committee, I have failed to hear it.

The CHAIRMAN. The Clerk has read the amendment which was offered by the gentleman from Maryland [Mr. TALBOTT], and the question now is on agreeing to that amendment.

Mr. BAYNE. The confusion was so great that the amendment could not be heard, and I ask that it be again reported.

The Clerk read as follows:

Insert, after line 517, the following:

"To complete the construction of the steel cruiser, of not less than 5,000 nor more than 6,000 tons displacement, and the armament thereof, authorized by act of Congress August 5, 1882, \$1,780,000, or so much thereof as may be necessary."

The CHAIRMAN. The question is on agreeing to the amendment just read.

The question being taken on the amendment of Mr. TALBOTT, it was agreed to; there being—ayes 91, noes 64.

Mr. RANDALL. I move to amend by adding to the amendment just adopted the words:

Provided, That the Secretary of the Navy shall approve of the construction of said vessel.

Mr. TALBOTT. I am willing to accept that amendment.

The question being taken on agreeing to the amendment of Mr. RANDALL, there were—ayes 140, noes none.
So the amendment was agreed to.

Mr. THOMAS. I move to amend by adding after the amendment just adopted the language which I send to the desk.

The Clerk read as follows:

For the completion and armament of the iron-clad monitors Puritan, Terror, Monadnock, Amphitrite, and Miantonomoh, \$2,204,327.31, provided such completion shall be recommended by the Secretary of the Navy.

Mr. RANDALL. The object contemplated by that amendment will take \$4,000,000.

Mr. THOMAS. My amendment names the exact amount which the Secretary of the Navy says will be required to complete these vessels.

Mr. RANDALL. Nevertheless, I say the object stated in the amendment will require an expenditure of more than \$4,000,000.

Mr. THOMAS. Mr. Chairman, in support of this amendment I wish to say that these five vessels are completed as to their hulls and machinery. One of them, the Miantonomoh, is provided with armor, and is now at the Brooklyn navy-yard having its turrets constructed. The Monadnock is at the Mare Island navy-yard, California. The Puritan, the Terror, and the Amphitrite are on the Delaware River, with their hulls and machinery completed. Five different boards of naval officers have examined these vessels and have reported in favor of their completion. If completed according to the plans proposed within the last few years, with defective armor, defective turrets, and high-power guns, they will be the most effective coast and harbor defenses that can be made within the United States. Their hulls are built of the best American iron. They have passed muster under five several examinations made by the most critical boards, each one of which has recommended their completion.

Our seacoast cities are defenseless to-day. We have no means of resisting the encroachments of any of the war vessels of the Old World. Any one of the vessels named in the amendment—especially the Puritan, which is to have a speed of 16 knots an hour—armed with the high-power guns which we are constructing here at the navy-yard to-day, can resist the largest war vessel that can enter the harbor of New York or Philadelphia or Baltimore, or any of the cities along the Atlantic or Pacific coast.

California stands to-day from the head of the Gulf of California along the whole coast without any defensive vessel at all. This much-talked-of Esmeralda belonging to the Chilean Government might come and lay the city of San Francisco under contribution and extort from its inhabitants enough in one hour to finish from the beginning a dozen such vessels as these.

Here these vessels are almost completed; yet we daily day after day and year and year, while our country is in this helpless condition. I hope that the spirit mentioned by the gentleman from Pennsylvania [Mr. CURTIN] will animate this Congress, and will prompt members to come forward and vote for the completion of these vessels of war, so that we may be able to defend ourselves and to resent the insults which are constantly being put upon the flag of our country and upon our citizens in foreign lands.

It has been said that these vessels can not cross the ocean. It is a mistake. The Monadnock went around Cape Horn. She was under convoy of two wooden ships which three times had to seek the shelter of a port, while all the time she went bravely on, arriving in the harbor of San Francisco a week before her convoys. She went across the Atlantic Ocean to Russia and proved herself in every way seaworthy. These monitors when completed can go anywhere where there are eighteen feet of water. They can ride the strongest sea and fight the most terrific battles. I hope that Congress will now, when we have a chance, vote money to complete them. [Applause.]

Mr. RANDALL. Mr. Chairman, this question is perfectly well understood by the House. It has been discussed over and over again. The committee do not recommend this proposition. I content myself with asking a vote upon it.

Mr. ADAMS, of Illinois. I suggest a verbal amendment, which I think my colleague [Mr. THOMAS] will accept, to strike out the word "recommended" and insert "approved;" so as to read, "approved by the Secretary of the Navy."

Mr. THOMAS. I accept that as a modification of my amendment.

The question being taken on agreeing to the amendment of Mr. THOMAS as modified, it was not agreed to, there being—ayes 64, noes 95.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BAGLEY having taken the chair as Speaker *pro tempore*, a message was received from the Senate, by Mr. McCook, its Secretary, which announced disagreement to the amendments of the House to the bill (S. 1609) to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich., asked for a conference on the disagreeing votes of the two Houses, and had appointed Mr. MAHONEY, Mr. CAMERON of Wisconsin, and Mr. VEST as managers of said conference on its part.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. BOUTELLE. I move to amend, after the last line of the amendment, by inserting the following:

The Clerk read as follows:

Sec. 3. That the President be, and he hereby is, authorized to return the Arctic steamer Alert to Her Majesty's Government with the thanks of the Government of the United States for the generous and graceful act of courtesy in so promptly tendering the gift of that vessel and for the valuable service thereby rendered to the cause of science and humanity.

Sec. 4. That the Secretary of the Navy be, and he hereby is, directed to transfer to the Treasury Department for use as a revenue-cutter in the waters of Alaska the Steamer Bear, of the late Greely relief expedition, and is hereby authorized to place the steamer Thetis for use in the Navy as surveying vessel or otherwise.

On page 25 strike out figure "3" and insert "5;" so it will read "section 5."

Mr. RANDALL. I desire to say to the gentleman from Maine that the first paragraph, so far as I am concerned, I have no objection to, as I think it is proper. The second is provided for in another bill. The other, of course, I leave to the gentlemen of the House.

Mr. BOUTELLE. I will state that these two sections I have offered as amendments are the substance of a joint resolution which I was instructed unanimously by the Committee on Naval Affairs to report to the House for passage.

The first section embodies the recommendation of the President of the United States in a special message recently sent to this House, that the Arctic steamer Alert, which was so opportunely tendered to us, be returned to the British Government, with the thanks of this Government. I understand the Committee on Appropriations make no objection to that.

The second section provides for disposing of the other two vessels of the Arctic relief fleet, the Bear and the Thetis, which we purchased for that purpose, the act of Congress providing that on completion of this service these purchased vessels should be sold.

Mr. RANDALL. They have not been, though.

Mr. BOUTELLE. A bill is now pending in this House providing for the construction of a revenue-cutter adapted for the extraordinary uses of the Alaskan coast.

Mr. GEORGE. And it was favorably reported from the committee.

Mr. BOUTELLE. Yes; favorably reported by the committee, and is now on the Calendar of the House. Subsequently a bill was introduced in the Senate and a similar one in the House for the transfer of one of these Arctic steamers for that purpose instead of building a new vessel. That bill was referred to the Committee on Naval Affairs, and was reported favorably by the committee. The Secretary of the Treasury and Secretary of the Navy were consulted in regard to the matter, and I have their responses on my desk in favor of carrying out this disposition. Therefore it is proposed in this second section to transfer the steamer Bear, as being best adapted for the purpose for which the revenue-cutter is desired on the Alaskan coast, to the Secretary of the Treasury for that purpose. That, the gentleman from Pennsylvania states, has been considered by his committee and is incorporated in another bill.

Mr. RANDALL. Yes; it is in the other bill; but if the House desires to put it on this bill it will only involve striking it out of the other bill.

Mr. BOUTELLE. I would suggest also that my proposition involves disposing not only of the Bear but of the Thetis.

Mr. LONG. As the amendment relates to kindred subjects, perhaps it is best to incorporate them on this bill.

Mr. BOUTELLE. They should be included in one proposition. This amendment provides that the Bear shall be transferred to the Secretary of the Treasury, and the Thetis placed in the Navy as a surveying vessel or otherwise. I will not make any argument, but ask that this amendment may be unanimously appended to the bill.

The amendments were agreed to.

The reading of the bill was then concluded.

Mr. RANDALL. I move the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. McMILLIN having taken the chair as Speaker *pro tempore*, Mr. WELLBORN reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 8239) making appropriations for the naval service for the fiscal year ending June 30, 1886, and for other purposes, had directed him to report the same back with sundry amendments.

Mr. RANDALL demanded the previous question.

The SPEAKER *pro tempore*. Do gentlemen desire a separate vote on any amendment?

Mr. RANDALL. I ask a separate vote on Mr. TALBOTT's amendment.

By unanimous consent, the remaining amendments of the Committee of the Whole House on the state of the Union were agreed to in gross.

The CHAIRMAN. The question next recurs on the following amendment.

The Clerk read as follows:

To complete the construction of the steel cruiser, of not less than 3,000 nor more than 6,000 tons displacement, and the armament thereof, authorized by act of Congress August 5, 1882, \$1,700,000, or so much thereof as may be necessary.

The House divided; and there were—ayes 88, noes 70.

Mr. RANDALL demanded the yeas and nays.
The yeas and nays were ordered.

The question was taken; and there were—yeas 111, nays 100, not voting, 113; as follows:

YEAS—111.

Adams, G. E.	Dorsheimer,	Lacey,	Rogers, W. F.
Alexander,	Dunham,	Lawrence,	Rowell,
Ballentine,	Ellwood,	Libbey,	Russell,
Barr,	Everhart,	Long,	Ryan,
Bayne,	Findlay,	McAdoo,	Seymour,
Belford,	George,	McComas,	Skinner, C. R.
Bisbee,	Gibson,	Maybury,	Small,
Blanchard,	Guenther,	Millard,	Smith, H. Y.
Boutelle,	Hart,	Miller, S. H.	Spooner,
Breitung,	Hatch, H. H.	Milliken,	Steele,
Brewer, F. B.	Henderson, T. J.	Morrill,	Stephenson,
Brown, W. W.	Henley,	Morse,	Stewart, J. W.
Burleigh,	Hepburn,	Nutting,	Stone,
Caldwell,	Hewitt, G. W.	O'Hara,	Strait,
Campbell, J. E.	Hiscock,	O'Neill, Charles	Talbot,
Campbell, J. M.	Hobbs,	O'Neill, J. J.	Taylor, J. D.
Cannon,	Holmes,	Parker,	Thomas,
Carlton,	Horr,	Payne,	Tillman,
Collins,	Houk,	Payson,	Wait,
Craig,	Houseman,	Perkins,	Washburn,
Culbertson, W. W.	Howey,	Peters,	Weaver,
Cullen,	Hunt,	Pettibone,	White, J. D.
Dargan,	Jeffords,	Potter,	Whiting,
Davis, G. R.	Kean,	Prie,	Wilson, James
Davis, R. T.	Keifer,	Ranney,	Wise, G. D.
Dibble,	Ketcham,	Reed, T. B.	Wolford,
Dingley,	King,	Rockwell,	Worthington.
Dixon,		Rogers, J. H.	

NAYS—100.

Aiken,	Eaton,	Lovering,	Stevens,
Anderson,	Eldredge,	Lowry,	Stewart, Charles
Barbour,	Elliot,	McMillin,	Stockslager,
Barksdale,	Ellis,	Miller, J. F.	Storm,
Beach,	English,	Mills,	Sumner, D. H.
Bennett,	Ermentrout,	Money,	Taylor, J. M.
Bland,	Ferrell,	Muldrow,	Townshend,
Blount,	Follett,	O'Ferrall,	Tucker,
Boyle,	Forney,	Patton,	Turner, H. G.
Bratton,	Garrison,	Pierce,	Turner, Oscar
Breckinridge,	Green,	Post,	Van Alstyne,
Buchanan,	Greenleaf,	Pryor,	Van Eaton,
Budd,	Hale,	Randall,	Wallace,
Burnes,	Hardeman,	Reid, J. W.	Ward,
Campbell, Felix	Hatch, W. H.	Reese,	Warner, A. G.
Clay,	Hemphill,	Riggs,	Warner, Richard
Clements,	Hewitt, A. S.	Rosecrans,	Wellborn,
Cosgrove,	Holman,	Seney,	Wemple,
Crisp,	Hopkins,	Shively,	Williams,
Culbertson, D. B.	Jones, B. W.	Singleton,	Willis,
Curtin,	Jones, J. H.	Skinner, T. G.	Wilson, W. L.
Deuster,	Kleiner,	Spriggs,	Winans, E. B.
Dibrell,	Lanham,	Springer,	Yale,
Dockery,	Lewis,		York.
Dunn,	Lore,		

NOT VOTING—113.

Adams, J. J.	Dowd,	Kelley,	Rice,
Arnot,	Evans,	Kellogg,	Robertson,
Atkinson,	Fiedler,	Laird,	Robinson, J. S.
Bagley,	Finerty,	Lamb,	Robinson, W. E.
Belmont,	Foran,	Le Fevre,	Snow,
Bingham,	Funston,	Lyman,	Slocum,
Blackburn,	Fyan,	McCold,	Smith, A. Herr
Bowen,	Geddes,	McCormick,	Snyder,
Brainerd,	Glascok,	Matson,	Struble,
Brewer, J. H.	Goff,	Mitchell,	Sumner, C. A.
Broadhead,	Graves,	Morgan,	Swope,
Browne, T. M.	Hammond,	Morrison,	Taylor, E. B.
Brum,	Hancock,	Moulton,	Thompson,
Buckner,	Hardy,	Muller,	Throckmorton,
Cabell,	Harmer,	Murphy,	Tully,
Candler,	Haynes,	Murray,	Valentine,
Cassidy,	Henderson, D. B.	Mutcher,	Vance,
Chalmers,	Herbert,	Neece,	Wadsworth,
Clardy,	Hill,	Nichols,	Wakefield,
Cobb,	Hitt,	Ochiltree,	Weller,
Connolly,	Holton,	Paige,	White, Milo
Converse,	Hooper,	Phelps,	Winans, John
Cook,	Hurd,	Poland,	Wood,
Covington,	Hutchins,	Pusey,	Woodward,
Cox, S. S.	James,	Rankin,	Young.
Cox, W. R.	Johnson,	Ray, G. W.	
Cutcheon,	Jones, J. K.	Ray, Ossian	
Davidson,	Jones, J. T.	Reagan,	
Davis, L. H.	Jordan,		

So the amendment was adopted.

On motion of Mr. RANDALL, by unanimous consent the reading of the names was dispensed with.

The following additional pairs were announced:

Mr. THOMPSON with Mr. OCHILTREE, on this vote.

Mr. CONVERSE with Mr. RAY, of New Hampshire, for the rest of the day.

Mr. CAMPBELL, of New York, with Mr. FUNSTON, for this day.

Mr. FERRELL with Mr. CUTCHEON, for the remainder of the day.

Mr. SUMNER, of California, with Mr. STRUBLE, for this day.

Mr. ROBINSON, of New York, with Mr. PHELPS, for to-day.

Mr. JONES, of Arkansas, with Mr. BREWER, of New Jersey.

Mr. NICHOLLS with Mr. EVANS.

Mr. DAVIDSON with Mr. FINERTY.

Mr. JONES, of Alabama, with Mr. VALENTINE, on this vote.

Mr. CABELL with Mr. KELLEY.

Mr. HERBERT with Mr. WHITE, of Minnesota.

Mr. HILL with Mr. BROWNE, of Indiana, on the naval bill.

Mr. HAMMOND with Mr. BREITUNG.

Mr. BALLENTINE with Mr. HARMER.

Mr. WADSWORTH with Mr. BRAINERD.

Mr. GRAVES with Mr. NELSON.

The result of the vote was then announced as above recorded.

Mr. TALBOTT moved to reconsider the vote by which the amendment was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RANDALL. I demand the previous question upon the engrossment and third reading of the bill.

The previous question was ordered.

Mr. RANDALL. I ask now by consent that the vote may be taken on the final passage of the bill to-day, and that the time for the recess be extended. The Senate Committee on Appropriations, I may be permitted to say, are without a bill, as I understand, and it is important, therefore, that this bill should be in the hands of the Senate committee as early as possible.

Mr. KEIFER. I have no objection to the vote being taken to-night.

Mr. REED, of Maine. I ask unanimous consent that the calling of the roll may be dispensed with on this vote.

Mr. BELFORD. I object.

The SPEAKER *pro tempore* (Mr. McMILLIN in the chair). The Chair will submit the request of the gentleman from Pennsylvania to the House.

The gentleman asks that the recess be postponed until after the vote is taken upon the passage of this bill.

Mr. ANDERSON. But that no other business is to be transacted.

The SPEAKER *pro tempore*. Is there objection to the request?

There was no objection.

Mr. REED, of Maine. I again ask unanimous consent to dispense with the calling of the roll.

Mr. COSGROVE and others objected.

Mr. REED, of Maine. It can be done by consent. It is only wasting a half hour additional time.

The SPEAKER *pro tempore*. Objection having been made, the Clerk will call the roll.

Mr. DINGLEY. I renew the request of my colleague for unanimous consent to dispense with the call of the roll.

Mr. REED, of Maine. I hope that will be done.

The SPEAKER *pro tempore*. That request has been made and objection interposed. [Cries of "Regular order!"]

Mr. HEWITT, of Alabama. Objection was made by some gentleman who may probably be willing to withdraw the objection.

Mr. COSGROVE. I made the objection for one, and insist upon it.

The question was taken upon the passage of the bill; and there were—yeas 157, nays 6, not voting 161; as follows:

YEAS—157.

Adams, G. E.	Elliott,	Lowry,	Springer,
Alexander,	Ellis,	McAdoo,	Steele,
Anderson,	Ellwood,	McComas,	Stephenson,
Arnot,	English,	Maybury,	Stevens,
Bailentine,	Ermentrout,	Miller, J. F.	Stewart, Charles
Barbour,	Everhart,	Milliken,	Stewart, J. W.
Barksdale,	Ferrell,	Muldrow,	Storm,
Barr,	Findlay,	Neece,	Strait,
Bayne,	Follett,	Nutting,	Sumner, D. H.
Belford,	Forney,	O'Ferrall,	Talbot,
Bennett,	George,	O'Hara,	Taylor, J. D.
Bingham,	Gibson,	O'Neill, J. J.	Taylor, J. M.
Bisbee,	Green,	Parker,	Thomas,
Boutelle,	Guenther,	Patton,	Tillman,
Boyle,	Halsell,	Peel,	Townshend,
Bratton,	Hatch, W. H.	Perkins,	Turner, H. G.
Brown, W. W.	Hemphill,	Peters,	Van Alstyne,
Budd,	Henderson, T. J.	Pettibone,	Van Eaton,
Burleigh,	Henley,	Pierce,	Wallace,
Caldwell,	Hepburn,	Post,	Ward,
Campbell, J. E.	Hewitt, A. S.	Potter,	Warner, A. J.
Campbell, J. M.	Hewitt, G. W.	Price,	Warner, Richard
Carlton,	Hill,	Randall,	Washburn,
Clay,	Hiscock,	Reed, T. B.	Weaver,
Clements,	Holman,	Reid, J. W.	Wellborn,
Cook,	Holmes,	Robertson,	Wemple,
Cosgrove,	Horr,	Rogers, J. H.	White, J. D.
Craig,	Houk,	Rosecrans,	White, Milo
Curtin,	Houseman,	Russell,	Wilkins,
Dargan,	Hunt,	Ryan,	Wilson, James
Davis, G. R.	Jeffords,	Seney,	Wilson, W. L.
Dibble,	Jones, B. W.	Seymour,	Winans, E. B.
Dibrell,	Jones, J. H.	Shively,	Wise, G. D.
Dingley,	Kean,	Skinner, C. R.	Wolford,
Dixon,	Keifer,	Skinner, T. G.	Yale,
Dockery,	Ketcham,	Small,	York.
Dunham,	King,	Smith, H. Y.	
Dunn,	Kleiner,	Spooner,	
Eldredge,	Lanham,	Spriggs,	
	Lore,		

NAYS—6.

Bland,	McMillin,	Oates,	Turner, Oscar,
Cannon,	Miller, S. H.		

NOT VOTING—161.

Adams, J. J.	Davis, R. T.	Kellogg,	Reagan,
Aiken,	Deuster,	Lacey,	Reese,
Atkinson,	Dowd,	Laird,	Rice,
Bagley,	Eaton,	Lamb,	Riggs,
Beach,	Evans,	Lawrence,	Robinson, J. S.
Belmont,	Fiedler,	Le Fevre,	Robinson, W. E.
Blackburn,	Finerty,	Lewis,	Rockwell,
Blanchard,	Foran,	Libbey,	Rogers, W. F.
Blount,	Funston,	Long,	Rowell,
Bowen,	Fyan,	Lovering,	Shaw,
Brainerd,	Garrison,	Lyman,	Singleton,
Breckinridge,	Geddes,	McCoid,	Slocum,
Breitung,	Glascock,	McCormick,	Smith, A. Herr
Brewer, F. B.	Goff,	Matson,	Snyder,
Brewer, J. H.	Graves,	Millard,	Stockslager,
Broadhead,	Greenleaf,	Mills,	Stone,
Browne, T. M.	Hammond,	Mitchell,	Struble,
Brumm,	Hanback,	Money,	Sumner, C. A.
Buchanan,	Hancock,	Morgan,	Swope,
Buckner,	Hardeman,	Morrill,	Taylor, E. B.
Burnes,	Hardy,	Morrison,	Thompson,
Cabell,	Harmer,	Morse,	Throckmorton,
Campbell, Felix	Hart,	Moulton,	Tucker,
Candler,	Hatch, H. H.	Muller,	Tully,
Casidy,	Haynes,	Murphy,	Valentine,
Chalmers,	Henderson, D. B.	Murray,	Vance,
Clardy,	Herbert,	Mutcher,	Wadsworth,
Cobb,	Hitt,	Nelson,	Wait,
Collins,	Hoblitzell,	Nicholls,	Wakefield,
Connolly,	Holton,	Ochiltree,	Weller,
Converse,	Hooper,	O'Neill, Charles	Whiting,
Covington,	Hopkins,	Paige,	Williams,
Cox, S. S.	Howey,	Payne,	Winans, John
Cox, W. R.	Hurd,	Payson,	Wine, J. S.
Crisp,	Hutchins,	Phelps,	Wood,
Culbertson, D. B.	James,	Poland,	Woodward,
Culbertson, W. W.	Johnson,	Pryor,	Worthington,
Cullen,	Jones, J. K.	Pusey,	Young,
Cutcheon,	Jones, J. T.	Rankin,	
Davidson,	Jordan,	Ray, G. W.	
Davis, L. H.	Keiley,	Ray, Ossian	

So the bill was passed.

On motion of Mr. RANDALL, by unanimous consent the reading of the names was dispensed with.

The following additional pairs were announced:

Mr. PRYOR with Mr. HITT.

Mr. STEELE with Mr. COLLINS.

Mr. AIKEN with Mr. JOHNSON.

The result of the vote was then announced as above recorded.

Mr. RANDALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONTESTED ELECTION—FREDERICK VS. WILSON.

Mr. MILLER, of Pennsylvania, by unanimous consent, submitted the views of the minority of the Committee on Elections in the contested-election case of Frederick vs. Wilson, from the fifth district of Iowa; which were ordered to be printed with the report of the committee.

ORDER OF BUSINESS.

Mr. KEIFER. I wish to ask whether any other business is in order but the business for the District of Columbia at the evening session to-night.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Ohio that no other business would be in order under the order of the House providing for to-night's session.

Mr. WHITE, of Kentucky. Not even to grant unanimous consent for to-morrow morning.

LEAVE TO PRINT.

By unanimous consent, leave was granted to Mr. ENGLISH to print some remarks on House bill 2142; also, to Mr. WOOD to print remarks on the educational bill.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. STEELE, for the remainder of this day.

To Mr. WAIT, for the rest of the day, on account of important business.

To Mr. JONES, of Texas, on account of sickness in his family.

To Mr. GARRISON, for this evening's session, on account of sickness.

And then, in pursuance of the previous order of the House, the Speaker *pro tempore* (at 5 o'clock and 25 minutes p. m.) declared the House to be in recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House (at 8 o'clock p. m.) was called to order by the Clerk, Hon. JOHN B. CLARK, Jr., who directed the reading of the following letter from the Speaker:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, February 23, 1935.

Hon. JOHN B. CLARK, Jr.,
Clerk House of Representatives:

Hon. BERTON McMILLIN is hereby appointed Speaker *pro tempore* to preside at the session of the House this evening.

JOHN G. CARLISLE, Speaker.

ORDER OF BUSINESS.

The SPEAKER *pro tempore* (Mr. McMILLIN). The session of the House to-night is for the consideration of bills reported by the Committee on the District of Columbia.

Mr. BARR. As the only member of that committee present, I move that the House resolve itself into Committee of the Whole House with the view of taking up business of the committee on the Calendar.

Mr. ELDREDGE. I think all the bills the committee desire to take up this evening are on the Speaker's table.

Mr. GUENTHER. Inasmuch as the chairman of the Committee on the District of Columbia is not present, but I presume will be here presently, I move that the House take a recess for five minutes.

The motion was agreed so.

The House accordingly (at 8 o'clock and 2 minutes p. m.) took a recess for five minutes.

The recess having expired, the House reassembled at 8 o'clock and 7 minutes p. m.

The SPEAKER *pro tempore*. As the Chair has already stated, the House is in session to-night for the purpose of considering reports by the Committee on the District of Columbia. The gentleman from Virginia [Mr. BARBOUR], the chairman of that committee, is recognized.

MELISSA G. POLAR.

Mr. BARBOUR. I call up from the Speaker's table the bill (H. R. 2344) for the relief of Melissa G. Polar, with amendments by the Senate.

The amendments of the Senate were read, as follows:

Page 1, line 13, after "Melissa G. Polar," insert "the duplicate certificates as provided for in section 1."

Page 1, lines 15 and 16, strike out the words "the duplicate certificates as provided for in section 1" and insert the word "and."

The SPEAKER *pro tempore*. The question is on concurring in the Senate amendments.

Mr. BARBOUR. This is a bill which passed the House, and has also passed the Senate with two amendments which are merely verbal corrections.

The amendments of the Senate were concurred in.

Mr. BARBOUR moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT OF HEALTH OFFICER OF THE DISTRICT OF COLUMBIA.

Mr. BARBOUR. I now call up from the Speaker's table the joint resolution (H. Res. 238) authorizing the printing of 2,500 extra copies of the annual report of the health officer of the District of Columbia, with an amendment by the Senate.

The amendment of the Senate was read, as follows:

Amend the title so as to read:

"An act authorizing the printing of 2,500 extra copies of the annual report of the health officer of the District of Columbia."

The amendment of the Senate was concurred in.

TAX SALES IN THE DISTRICT.

Mr. BARBOUR. I now call up from the House Calendar the bill (H. R. 8236) relating to sales for taxes in the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That hereafter sales of real estate, after advertisement as required by law, by the collector of taxes for the District of Columbia, for taxes or assessments that have been or may be levied by the commissioners of said District, or by other lawful authority, shall entitle the purchaser, his heirs or assigns, if the property be not redeemed within two years from the date of such sale, to a deed from the commissioners of the District, which deed shall vest in the grantee a good and valid title, and shall be presumptive evidence in all controversies in relation thereto that the property so conveyed was subject to the taxes for which the property was sold, that such taxes were not paid, and that the property was not redeemed before the execution of the deed; and such deed shall be conclusive evidence that the manner of levy, notice, sale, and all the other prerequisites of law were complied with necessary and proper to make such deed and title valid.

The bill was reported by the Committee on the District of Columbia with the following amendments:

In line 5, strike out the words "that have been or may be."

In line 9, after the words "such sale," insert the words "as provided by law."

In line 14, strike out the word "and" after the words "were not paid."

In lines 15 and 16, strike out the words "such deed shall be conclusive evidence."

Mr. McCOMAS. This bill, introduced by the gentleman from Ohio [Mr. FOLLETT], has been reported by the Committee on the District of Columbia with amendments, and they believe that in its present form it will meet a want now very much felt here. It seems that in the Revised Statutes of the District of Columbia there is no later provision for making title to property sold for taxes than the provision therein directing the governor of this District to make the deed.

The present bill authorizes the commissioners to do so. Further than that, it supplements the present procedure with respect to the mode of assessment and levy, and the manner of advertising and notice of sale, with the further provision—certainly mild enough in the shape in which it has been recommended by the committee—that the procedure incident to an ordinary sale for default of payment of the assessment or tax with respect to property which hereafter may be sold in this District

for delinquency in payment of assessment or tax shall be presumptive evidence of the manner of levy, notice, and sale, and also as to the description of the property, the assessment of the particular property making the title good and valid with that presumption in its favor. Unless there be further reason for discussion, I shall reserve my time and will yield to the gentleman from Ohio [Mr. FOLLETT]. But in the first place I will yield to the gentleman from Illinois [Mr. WORTHINGTON], a member of the committee.

Mr. WORTHINGTON. The amendments as read by the Clerk I do not think cover what the committee intended to put in there. It strikes out the words "such deed shall be conclusive evidence," but does not insert anything in its place.

Mr. MCOMAS. If the gentleman from Illinois will look at the first page he will find at line 11 the words "shall be presumptive evidence." At the last meeting of the committee to perfect the bill, the words in the fifteenth and sixteenth lines, "such deed shall be conclusive evidence," were stricken out. The words in the eleventh line, "shall be presumptive evidence," I think my friend will see cover all that has been withdrawn.

Mr. WORTHINGTON. I desire the Clerk again to read the bill as proposed to be amended in those lines.

Mr. MCOMAS. I now yield for a minute to have the bill reported as requested by my colleague on the committee, Mr. WORTHINGTON.

Mr. WORTHINGTON. Mr. Speaker, I ask that the Clerk read the latter part of the bill, commencing at line 15.

The Clerk read as follows:

And that the manner of levy, notice, and sale, and all the other prerequisites of law were complied with necessary and proper to make such deed and title valid.

The CLERK. The words stricken out in the fifteenth and sixteenth lines are "such deed shall be conclusive evidence."

Mr. WORTHINGTON. I think that is correct, in connection with the amendment made previously.

Mr. BROWN, of Pennsylvania. Will the gentleman from Maryland [Mr. MCOMAS] state the object of striking out those words, "shall be conclusive evidence?"

Mr. MCOMAS. The committee believed that the manner of levy, notice, and sale and all the other prerequisites of law should be held to be presumptive, but not conclusive, evidence.

Mr. BROWN, of Pennsylvania. Why not conclusive?

Mr. MCOMAS. I will state to the gentleman from Pennsylvania [Mr. BROWN] that while it seemed to me that the levy and sale might well be made conclusive evidence, yet such was not the wisdom of a large majority of the committee, and I think that you could not make a deed reciting notice conclusive by mere act of Congress, or by any legislative act.

Mr. BROWN, of Pennsylvania. You can just as well make it conclusive as presumptive.

Mr. MCOMAS. No; I think not. The manner of notice might be presumptive, but the fact of notice is jurisdictional and could not be made conclusive.

Mr. HUNT. Suppose no notice was given?

Mr. BROWN, of Pennsylvania. I shall oppose the amendment.

Mr. MCOMAS. I now yield to the gentleman from Ohio [Mr. FOLLETT].

Mr. FOLLETT. Mr. Speaker, the object of this bill is to supply a want that has been felt for a long time in the collection of taxes in the District of Columbia. By the last report of the District commissioners it appears that there were arrears of taxes in this District due and unpaid on the 1st day of November last to the amount of \$824,532.97. While taxes on real estate ought to be, and generally are, collected in a larger per cent. than taxes upon personal property in this District, on the contrary, as shown by last year's attempt at collection, 95.3 per cent. of the taxes upon personal property are collected and paid, and only 90 per cent. of the taxes upon real estate. The only means provided by law for the collection of taxes on real estate is by the sale of the real estate for the taxes. At the last attempt at such sale there was not a bidder for any property in the District, the reason being that to bid in the property was simply an idle form, as nobody was authorized to execute a deed upon a sale for delinquent taxes.

What is sought to be accomplished by this bill is to supply that defect by vesting authority somewhere (and it is thought that the best place to deposit that authority is with the District commissioners) to execute a deed of property sold for taxes.

There is not a State in the Union whose laws do not provide for the execution of a deed upon a tax sale, and the anomalous condition in which the District is found in this respect is due largely to the change in the mode of governing the District and in the laws relating to its government. From what I have learned during this term in Congress, I have no doubt that there ought to be a general revision of the laws of the District of Columbia; and I trust that before the expiration of another Congress they will be revised. Although this District is under the special supervision of Congress, there is not a State in the Union to-day in which the laws are in such utter chaos as in the District of Columbia, which is governed in part by the old laws of Virginia, in part by the old laws of Maryland, and in part—God only knows how.

So that it is impossible for a citizen of the District to know just what his rights are.

An attempt was made, I think, in the Forty-fifth or Forty-sixth Congress to have these laws codified, so as to give the people residing in this District some trustworthy source of information as to the laws by which they are governed, but that attempt failed. A proposition was made this year to appropriate \$5,000 to have the work of codification done again, but the Committee on Appropriations thought it had once been done, and a sufficient basis, perhaps, furnished for any Congress that might see fit to take up the matter and provide a code of laws for the government of the District. In this condition of things, in this emergency, it is absolutely necessary, if the property owners of the District of Columbia are to be compelled to pay any taxes, that some means should be provided by which those taxes could be collected.

There is not a city in the Union so lightly taxed as the city of Washington. One and a half per cent. is the outside limit. All the street improvements, all the expenses of governing the city are paid by general taxation, while in most of the cities throughout the country the rate of taxation is from 2 per cent. upward, and the improvements of streets are made by assessments upon abutting property. So that nobody in the District can rightly complain of taxation. That being true, we ought to provide that this moderate taxation shall be paid, and supply some means by which its collection can be enforced.

Mr. PERKINS. Will the gentleman yield for a question?

Mr. FOLLETT. Certainly.

Mr. PERKINS. Does this bill go as far as it should go? Does it remedy the embarrassment that you have just mentioned as showing itself at the last attempted sale for taxes. In the event of no purchaser appearing at these tax sales, is there any authority provided in this bill or in the law by which the property may be bid off to the District of Columbia or to the District commissioners? Will not this bill leave the law in this respect in the same anomalous condition which exists at the present time? The bill provides, as I understand, that where there is a purchaser at the tax sale and the property is not redeemed within two years it may be conveyed by a tax deed to the purchaser. But in the event that there is no bidder, then, as I understand, the defect in the existing law is not cured by this bill. Ought not the bill to be amended so that if there should be no bidder at the tax sale the property may be struck off to the commissioners of the District?

A MEMBER. Or may be forfeited to the District.

Mr. FOLLETT. I am advised there is now a provision upon that subject in the law; so that the apparent defect in this bill does not exist. What is needed on this subject, and all that is needed, as I understand, is a power somewhere to make title. At present, while the power of sale exists, there is no one authorized to execute deeds upon the sale. I believe I desire to say nothing further on this question.

Mr. MCOMAS. After briefly responding to the inquiry of the gentleman from Kansas [Mr. PERKINS] and the objection of my friend from Pennsylvania [Mr. BROWN], I shall, unless there be desire for further discussion, move the previous question.

The Committee on the District of Columbia has had the honor to report one bill in the direction so well suggested by my friend from Ohio [Mr. FOLLETT], providing for a codification of the criminal laws of the District; and that bill, having passed this House, is now pending in the Senate.

With respect to the suggestion of my friend on the right, that this bill does not show all the procedure with respect to a tax sale, I would call attention to the Revised Statutes relating to the District of Columbia and to the organic law of 1878, wherein all the procedure with respect to the sale of property for taxes is already provided. But, as has been already said, by reason of the change made by the organic law of 1878, there is now no authority in this District competent to execute a title to property sold for taxes. Besides, there is no provision of law declaring what shall be presumptive and what conclusive evidence with respect to the proceedings culminating in a deed for property purchased at a tax sale. I concede that when a deed is made to a purchaser for property sold for taxes such deed should be presumptive evidence that the property so conveyed was subject to taxation for the year, that the taxes were not paid, that the property was regularly assessed for taxes and the taxes regularly levied, that it was duly advertised, and that it was not redeemed within the time fixed by law.

Personally I might concede that the bill should go a little further, and provide that the deed should be held to be conclusive evidence that the manner of assessment, levy, and advertisement was regular, and that all the prerequisites of law had been fully complied with by all the officers whose duty it was to take action affecting the property up to the stage of the sale. But the committee, knowing the great variety of claims with respect to assessment and taxation, has perhaps very wisely stopped short and said that for the present it will provide only that there shall be in this District a tax deed and somebody authorized to make it; that this deed, which now can not be made, shall be at least presumptive evidence of all these things as to some of which I am prepared to concede such deed might well be made conclusive evidence.

But this bill had better pass in the present shape than not pass at all. The exigency of this District requires that this House in its legislation should be practical. This bill in its present form has received

careful consideration, and is fully approved by the committee having charge of the subject.

Mr. GIBSON. With the gentleman's permission I would like to make an inquiry. This bill provides, I see, in line 8:

If the property be not redeemed within two years from the date of such sale, &c.

Now, I wish to inquire what provision is made with respect to the cases of owners of property who are under legal disabilities—minors or married women.

Mr. McCOMAS. My recollection is that the existing statutes—I only speak generally—make the usual reservation with respect to the rights of persons under legal disabilities. That is my impression in regard to the revised statutes of the District and the organic law of the District.

Mr. BROWN, of Pennsylvania. I understand the gentleman to say that there is a provision in the Revised Statutes for the commissioners purchasing property where there are no bidders.

Mr. McCOMAS. I am confident that in the act of 1878 or in the Revised Statutes there is provision authorizing the commissioners to bid in property sold for delinquent taxes.

Mr. BROWN, of Pennsylvania. In a case of that kind, by whom would the deed be made? Could the commissioners make a deed to themselves?

Mr. McCOMAS. I apprehend that by the very force of law the title would be in the District.

Mr. BROWN, of Pennsylvania. I doubt it.

Mr. McCOMAS. At any rate the inquiry of my friend from Pennsylvania would be more pertinent upon some general modification of the tax law, and does not speak with reference to this modest provision with respect to the making of a deed, which is the whole scope of this measure. Therefore, Mr. Speaker, unless there be further inquiry—and there seems to be none—I move the previous question.

The previous question was ordered; and under the operation thereof the amendments reported by the Committee on the District of Columbia were adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McCOMAS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SALE OF CERTAIN REAL PROPERTY IN THE DISTRICT OF COLUMBIA.

Mr. BARBOUR. I call up from the House Calendar the bill (H. R. 7557) to provide for the sale of certain real property in the District of Columbia, and for other purposes.

The bill was read, as follows:

Be it enacted, &c., That the commissioners of the District of Columbia be, and they are hereby, authorized and empowered to sell and convey to the highest bidder at public auction the following-named property, with the improvements thereon, belonging to and being within the District of Columbia: Lots 3, 4, and 11, and parts of lots 5, 9, and 10, in square 572; subplot 30, in square 269; part of lot 6, square 925; lots 16 and 17, square 1098; one acre near the junction of the Chain Bridge, Tumlawn, and Loughborough roads, on north line of Pickrell's land; one-half acre on Grant road, between Tennallytown and Brightwood, adjoining land of John Noonan, south side; one acre on Queen's Chapel road, adjoining lands of George W. Utermehle; a lot forty feet square, formerly the Georgetown powder-house property, one hundred perches west of the Saint Alban's church; the old fish-market lot in Georgetown, northwest corner of Potomac and Grace streets. The proceeds of the sale of the foregoing property shall be exclusively invested in sites for public schools or in the erection or purchase of school buildings, and shall be used for no other purpose whatever: *Provided*, That if, in the opinion of said commissioners, the highest bid made at public sale for any or all of said pieces of property, or parts thereof, is not a full and fair price for the same, the said commissioners shall have the right to reject such bid or bids and to annul said sale or sales, and to sell and convey any or all of said pieces of property, or parts thereof, at private sale, at a price exceeding the bid or bids made at public auction.

SEC. 2. That the commissioners may in like manner sell and convey all that portion of lot 11, in square 481, purchased by them from J. Ford Thompson, lying north of the center line of the north wall of the new police station-house extended, being 28 feet 9 inches front, more or less, and shall apply the proceeds, or so much thereof as may be necessary, to the completion and furnishing said station-house, including grading of ground and the erection of a stable thereon.

Mr. WILSON, of West Virginia. Mr. Speaker, this bill provides for the sale of certain lots and parts of lots in Washington and elsewhere in the District of Columbia, which in the shifting of population or for other reasons are no longer needed. The lots and parts of lots mentioned in the first section were with one single exception acquired for school purposes, but they are no longer required for the purpose of their original acquisition. The other piece of property is a surplus market site which belongs to the District, but is not needed now for the purpose of a market, there being ample provision therefor. If sold it becomes at once tax-paying property, and the proceeds of the sale will be used for the construction of school-houses. The property in the second section of the bill was acquired originally for a station-house in the sixth precinct. In order to get a desirable piece of property the commissioners bought more ground than was necessary. They desire to sell the surplus ground and use the proceeds of the sale for the original purpose of the appropriation.

The proceeds of the sale of the lots in the first section will be used for the erection of school buildings.

By instruction of the Committee on the District of Columbia, I offer the following amendments to section 2 of this bill:

Strike out the word "the," in line 7, and for the word "completion" substitute the word "complete;" omit the words "and furnishing," in line 8, and strike out all after the word station-house, in lines 8 and 9; so it will read:

SEC. 2. That the commissioners may in like manner sell and convey all that portion of lot 11, in square 481, purchased by them from J. Ford Thompson, lying north of the center line of the north wall of the new police station-house extended, being twenty-eight feet nine inches front, more or less, and shall apply the proceeds, or so much thereof as may be necessary, to complete said station-house.

The amendments were agreed to.

Mr. GIBSON. I suggest an amendment in line 31 of section 1. It is there provided that if, in the opinion of said commissioners, the highest bid made at public sale for any or all of said pieces of property, or parts thereof, is not a full and fair price for the same, the said commissioners shall have the right to reject such bid or bids and to annul said sale or sales, and to sell and convey any or all of said pieces of property, or parts thereof, at private sale, at a price exceeding the bid or bids made at public auction.

I move to insert, in line 31 after the word "a," "full and fair;" so it will read: "At a full and fair price exceeding the bid or bids made at public auction."

Mr. WILSON, of West Virginia. I have no objection to the gentleman's amendment, but I am not authorized to accept it.

Mr. COBB. I rise for the purpose of asking the gentleman from West Virginia whether the committee have detailed information in reference to these lots and parts of lots which it is proposed by this bill to sell. I know the commissioners, when I was a member of the Committee on Appropriations, desired to sell one-half of Corcoran Square, the most eligible site in the city, for a high school, and it was all I could do, as gentlemen who were in Congress at that time will remember, to prevent the sale of that property, upon which afterward was erected a fine high-school building. It is known to every one who has examined the premises that it is the most eligible site for a public-school building in the District of Columbia.

If the committee have given this subject a careful examination and are of the opinion that the present commissioners are not disposed to favor the requests of gentlemen who live in the neighborhood of these several lots and parts of lots and who desire to bid on them, then I will say that the recommendation may be all right; but from my experience I am quite sure that we should take no action for the sale of this property until the members of the Committee on the District of Columbia have made full and complete examination and can say from their own personal knowledge this property will not be used in the future for the public purposes for which it was originally purchased.

Mr. WILSON, of West Virginia. I have here a statement as to each piece of property, and I will answer the gentleman as to any one of them upon which he desires information. So far as these school sites are concerned, if he will turn to page 13 of the Report of the School Trustees of the District of Columbia he will find they recommend the sale of these pieces of property which are not now in use or adapted to school purposes. So far as the other pieces are concerned, they are surplus property and are not required for any present or future needs in those localities.

Mr. COBB. I desire to state, Mr. Speaker, that I know nothing myself about this property and have simply propounded a question to the gentleman from West Virginia having the bill in charge to ascertain whether the committee is advised fully as to the probability of this property being used in the future. If it can be, and there is any probability it will be needed, then in my judgment it will not be sold. If, however, it is so located that probably it will never be needed, then the sale might safely take place. I wish to know whether the committee were advised personally on that subject.

Mr. FOLLETT. The property referred to in the second section of the bill is property which was purchased by the commissioners of the District of Columbia for the purpose of erecting a new station-house, as provided for in the District of Columbia appropriation bill of that year. This property contained at the time a surplus in excess of the land needed for their purposes, but they were able to obtain it for as low a price as any piece of property in the precinct where they wanted to erect the station-house, and where there would have been no surplus. This piece they acquired at 50 cents a square foot. The owner of the property declined to sell to them unless they took the entire tract; or if he did sell a portion of the property, the price asked was nearly the amount necessary to purchase the whole lot. Therefore, as a matter of economy, they purchased all this lot of ground. Now they ask simply to sell this surplus for which they have no use, and which they believe can be sold nearly or quite equal to about \$1,500, which amount would be necessary to build the extension of the station-house that was ordered.

Mr. WILSON, of West Virginia. I ask the previous question upon the passage of the bill.

The previous question was ordered; and under the operation thereof the bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WILSON, of West Virginia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ST. MARK'S P. E. CHURCH.

Mr. BARBOUR. I move to take up from the Private Calendar the bill (H. R. 5828) for the relief of the St. Mark's Protestant Episcopal church in the District of Columbia.

The bill was read, as follows:

Be it enacted, &c., That from and after the passage of this act a certain piece of land situated in the city of Washington, D. C., known as lots 9 and 11 in square 783 of the plan of that city, and occupied by the church known as Saint Mark's Protestant Episcopal church, and all the buildings, grounds, and property appurtenant thereto and used in connection therewith, in the District of Columbia, shall be exempt from any and all taxes or assessments, national, municipal, or county; and all taxes, together with the interest and penalties, now due and unpaid upon said property shall be, and they are hereby, remitted.

Mr. COBB. I would like to inquire what amount of real estate is attached to this property or belongs to this church.

Mr. SPRIGGS. It is a small lot, only such as is necessary for the purposes of the church. The foundation prepared upon the lot covers the whole of it. This bill is in all respects similar to the one passed at the last House.

Mr. COBB. If there is no real estate occupied unnecessarily, I do not see any objection to the bill.

Mr. SPRIGGS. None at all. The foundation of the church covers the whole property. The only thing is that it lay some little while after it was acquired for church purposes before they commenced building, for the reason that the church was not able to proceed with the erection of the building.

Mr. WARNER, of Ohio. Let me ask the gentleman from New York a question: This seems to single out, as I understand from the reading of the bill, this one particular church—specifies one church—exempting its property from taxation. How about the others?

Mr. SPRIGGS. All churches are exempted from taxation under the general law. The only thing in reference to this is that the commissioners have held, inasmuch as the property has not been occupied as a church, that during the building of the church they should not be exempt from taxes. The committee think differently.

Mr. WARNER, of Ohio. This relieves the back taxes simply?

Mr. COBB. The future taxes as well.

Mr. SPRIGGS. The taxes in future would be exempt under the general law. This exempts the taxes due, back taxes. Under the law when property is used and occupied for church purposes it is exempt from taxes. The committee think that they have used and occupied the property for that purpose when they purchased it for the purpose of erecting a church building.

Unless some one desires to ask some other question I shall move the previous question.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SPRIGGS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHURCH OF THE ASCENSION, DISTRICT OF COLUMBIA.

Mr. BARBOUR. Mr. Speaker, I desire to call up a bill similar to that just passed. I refer to House bill 7935, for the relief of the Church of the Ascension.

The bill was read, as follows:

Be it enacted, &c., That from and after the passage of this act a certain piece of land in the city of Washington, D. C., known as lots 1, 2, and 3, in square 282, and owned and occupied by the Church of the Ascension, and all the buildings and grounds or property appurtenant thereto and used in connection therewith, in the District of Columbia, shall be exempt from any and all taxes or assessments, national, municipal, or county, and all taxes and assessments, together with the interest and penalties, now due and unpaid upon said property shall be, and they are hereby, remitted.

Mr. COBB. Mr. Speaker, I see that this bill mentions about three lots, as I understand it, that are proposed to be exempt from taxes. What amount of ground do these three lots contain?

Mr. SPRIGGS. The Church of the Ascension occupies all three of the lots, and the only tax due upon it is from the time it was purchased to the completion of the building—a little less than a year, I think.

Mr. COBB. What I want to know is whether or not there is more ground here than is necessary for the purposes of a church.

Mr. SPRIGGS. No, sir.

Mr. COBB. I am opposed to giving to any church organization more ground exempt from taxation than is necessary for its building and for church purposes merely.

Mr. SPRIGGS. This property is all covered by the church.

Mr. COBB. If it covers all the ground, that is satisfactory.

Mr. VAN ALSTYNE. I would like to ask my colleague a question. During the time these taxes were accruing was the title in the corporation or the individual?

Mr. SPRIGGS. It was in the church. They purchased the property for church purposes.

Mr. VAN ALSTYNE. And the tax prior to that had been all paid?

Mr. SPRIGGS. Yes, sir. This tax refers only to the time between the acquisition of the property for church purposes and the completion of the building, as I have said; less than a year, I think.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SPRIGGS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LUTHERAN STATUE ASSOCIATION.

Mr. BARBOUR. I call up from the Speaker's table the bill (H. R. 4088) to incorporate the Lutheran Statue Association to erect and maintain a monument or statue in memory of Martin Luther in the District of Columbia, with an amendment by the Senate.

The amendment of the Senate was read, as follows:

Insert at the end of the bill as follows:

Provided, That this act may be modified, repealed, or amended whenever Congress may see fit to do so.

Mr. MCOMAS. The amendment is with respect to the exemption from taxation. The land itself, the angle on which the statue stands, was already exempt by law on account of being church property. The general law provides that all exemptions or any other provisions should be repealable, alterable, or amendable at the pleasure of Congress. This amendment the committee apprehend is only harmless surplusage; but they ask that it be concurred in.

The amendment was concurred in.

WATER SUPPLY IN THE DISTRICT.

Mr. BARBOUR. I call up from the Speaker's table the bill (S. 2551) to increase the water supply of the city of Washington, and for other purposes.

The bill was read, as follows:

Be it enacted, &c., That the time fixed by the act entitled "An act to increase the water supply of the city of Washington, and for other purposes," approved July 15, 1882, within which owners of or parties interested in lands condemned or taken under the provisions of said act may accept the appraised value made or to be hereafter made under said act, or owners or persons interested in such lands who have declined or may hereafter decline to accept the appraised value of such lands, and have elected or may elect to file a petition in the Court of Claims under the provisions of said act, be, and the same is hereby, extended for one year from the passage of this act, notwithstanding the limitation provided by said act.

Mr. WILSON, of West of Virginia. This is the same as a House bill which has been reported by the Committee on the District of Columbia favorably, and is now on the Calendar of the Committee of the Whole House on the state of the Union.

This bill is rendered necessary under the act passed July 15, 1882, to increase the water supply of the city of Washington, which act provided for the condemnation of property for the extension of the aqueduct. The act required that the Secretary of War should make out a map of the pieces of property necessary for the extension proposed. This map was to be filed with the Attorney-General, who was forthwith to advertise in the papers for owners to come forward with their abstracts of title. Commissioners were to be appointed to appraise the property of these respective parties or their interest; and upon this appraisal being made, and satisfactory abstracts of title being presented, the Attorney-General was authorized to tender to them the amount of the appraisal. They might accept it or they might decline to accept it and go into the Court of Claims.

It was found when the Attorney-General took up this work that some pieces of property were so involved that the title required so much examination that he was unable to complete the work assigned him within the year.

The original act provided that these parties must accept the amount tendered them or file their petition within the year, or be forever barred of any remedy whatever; and that the property should then vest in the United States. It has so happened that a very large part of the property taken had vested in the United States before it was in the power of the Attorney-General to complete these investigations. He therefore applied to Congress last July to extend the period fully six months; and he has written a second communication, advising the passage of this bill as one of justice to those parties whose property has been taken and who have as yet had no opportunity to accept the appraisal, because the appraisal has not been made, and they have had no opportunity to decline it and go into the Court of Claims.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. WILSON, of West Virginia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MANUFACTURE AND SALE OF LIQUORS.

Mr. BARBOUR. I now call up from the House Calendar the bill (H. R. 7556) to regulate the sale and manufacture of spirituous and malt liquors in the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That wholesale dealers in distilled, malt, or fermented liquors, wines, or cordials shall pay \$100 annually: *Provided*, That this license shall not authorize any person to sell such liquors, wines, or cordials in less quantities than one pint, nor to be drunk upon the premises where sold.

SEC. 2. That every person engaged in the business of manufacturing brewed or malt liquors for sale shall pay \$250 annually; and under their license as brewers shall be allowed to sell malt liquors in any quantity, at their brewery premises, without other license.

SEC. 3. That every person engaged in the business of distilling or manufacturing for sale spirituous or intoxicating liquors shall pay \$200 annually.

SEC. 4. That rectifiers shall pay \$50 annually, in addition to the license as wholesale dealer.

SEC. 5. That the proprietors of bar-rooms shall pay \$150 annually. Every place where distilled, malt, or fermented liquors, wines, or cordials are sold to be drunk on the premises, or in quantities less than one pint, shall be regarded as a bar-room. And the possession of malt, distilled, fermented, or any intoxicating liquors, with the means and appliances for carrying on the business of disposing of the same to be drunk where sold, or a single sale of such liquors in quantities less than a pint, or to be drunk on the premises, shall constitute the premises a bar-room within the meaning of this act; and it shall be the duty of the proprietor of every such place to deposit with the collector of taxes the amount of his license-fee with his application for license, and also present to the commissioners the written permission of a majority of the persons owning real estate and of a majority of the residents keeping house on the side of the square where it is desired to locate such business, and on the side of the square fronting opposite the same; and such license shall not be issued until approved by the commissioners, nor to any bar-room located or to be located within four hundred feet of any school building owned by the District of Columbia, unless such bar-room be carried on by hotel-keepers for the accommodation of their guests; and no such liquors shall be sold except in compliance with the provisions of this act, nor to minors nor intoxicated persons, nor on Sunday; and every bar or other place where liquors are usually sold shall be kept closed on Sunday during the day or night, and all such places shall be kept closed each and every day between 12 o'clock midnight and 4 o'clock in the morning: *Provided, however*, That where during the year no complaint has been made against a license issued under this act by a majority of the property-holders and residents, such proprietor shall not be required to file every year with his application for license such written permission of persons owning real estate, and residents; but if such complaint has been made, the proprietor of such bar-room shall be required to obtain anew the written consent of such owners of real estate, and residents, as is herein required of him.

SEC. 6. That licenses granted in pursuance of this act may be transferred to persons to continue the same business in the same house, or to remove a place of business, under the same regulations as the original license. All transfers shall be certified by the assessor.

SEC. 7. That it shall be the duty of every person who is required by the provisions of this act to have a license to keep the same at all times displayed in a conspicuous position in his place of business, and if he has no place of business, to exhibit the same on demand of the proper officer; and it is hereby made the duty of the police court, upon the application of the mayor of police, accompanied by an affidavit of any person stating that he has good ground to believe and does believe that any person required by this act to have a license is doing business without such license, designating the place, to issue a warrant to the mayor of police authorizing him, unless a proper license is produced, to close up such place of business, who shall thereupon execute such warrant and close such place, and report thereon directly to said police court, which, upon notice to the alleged delinquent, shall promptly hear and determine the guilt or innocence of the party accused, and, if guilty, impose the punishment prescribed herein; and the commissioners of the District shall have power to close all places where intoxicating liquors are sold whenever, in their opinion, the preservation of public order makes the exercise of such power necessary.

SEC. 8. That every person liable to a license tax under this act who shall fail to pay the same before engaging in the business for which the license may be required shall, for each offense, pay a fine equal to the license tax imposed, and, in addition thereto, not less than five nor more than fifty dollars.

SEC. 9. That any person having obtained a license and violating any of the provisions of this act shall be liable for each violation thereof to a fine not exceeding \$—, and, in addition thereto, his license may be revoked by the commissioners at their discretion; and it is hereby made the special duty of the police department to promptly arrest and bring before the proper officers all persons who may violate any of the provisions of this act.

SEC. 10. That the police court shall, upon information duly filed by the attorney of the District, his deputy or special assistant, or upon complaint duly made before the judge thereof for that purpose, issue a warrant against any person for the violation of any of the provisions of this act, which warrant may be addressed to the mayor of police and made returnable before the police court. Such judge issuing such warrant shall keep a docket stating the names of the persons issued against, the date, to whom directed, for what offense, and on whose information.

SEC. 11. That in any case of appeal from the decision of the police court to the criminal court of said District, in which the defendant shall, on appeal, be duly convicted of any violation of any of the provisions of this act, and shall fail immediately to pay such fine, penalty, or forfeiture imposed by law for such offense, such person shall be committed to the work-house till such fine or penalty and costs thereon be paid; but in no case, in the event of non-payment, shall such imprisonment be for a period of less than five days nor more than one hundred days for any one offense.

SEC. 12. That the provisions of this act shall take effect upon its passage except as to the amounts paid for licenses; and all laws and ordinances relating to the sale in the District of Columbia of distilled, malt, or fermented liquors, wines, or cordials, either by wholesale or retail, in conflict herewith, are hereby repealed; but no pending prosecutions for violation of existing laws and ordinances shall be affected by this act.

Mr. GUENTHER. I ask for the reading of the report.

The report (by Mr. SPRIGGS) was read, as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 7556) to regulate the manufacture and sale of spirituous and malt liquors in the District of Columbia, have had the same under consideration, and report thereon as follows:

The bill under consideration will materially increase the revenue of the District, that the police regulations connected therewith and the rules for enforcing the observance of the law are greatly simplified and the efficiency of the service increased, and insures more speedy and certain punishment for violation of law. The committee report the bill back to the House, and ask that the same be passed.

Mr. SKINNER, of New York. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert after section 9, as a new section, the following:

"That all laws or parts of laws imposing a tax, penalty, or license upon any

commercial traveler or travelers, manufacturers, or their agents, who sell by sample in the District of Columbia be, and the same are hereby, repealed."

Mr. COOK. I wish to offer an amendment at a point in the bill before that.

Mr. PRICE. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. PRICE. Must the amendments be offered to each section as the sections are read in order, or may we offer amendments to any part of the bill?

The SPEAKER *pro tempore*. Those amendments which apply to the earlier sections of the bill should be considered first.

Mr. PRICE. Then I desire to offer an amendment to the first section.

The SPEAKER *pro tempore*. The gentleman will send up his amendment.

Mr. SPRIGGS. I desire to make a point of order on the amendment of the gentleman from New York [Mr. SKINNER].

The SPEAKER *pro tempore*. The gentleman will state his point of order.

Mr. SPRIGGS. It is not germane to this bill, and it is therefore not in order.

The SPEAKER *pro tempore*. Does the gentleman from New York [Mr. SKINNER] desire to be heard on the point of order?

Mr. SKINNER, of New York. Yes, sir.

Mr. HEPBURN. Will the disposition of this cut off amendments from the preceding sections?

The SPEAKER *pro tempore*. It will not. The Chair will hear gentlemen on the point of order while the gentleman from Wisconsin [Mr. PRICE] is preparing his amendment to the first section, and then the amendments will be considered in the order of sections to which they apply.

Mr. SPRIGGS. Mr. Speaker, I only want to say with regard to this point of order that I think the amendment offered by the gentleman from New York [Mr. SKINNER] is not germane, because this is a bill to regulate the manufacture and sale of spirituous and malt liquors in the District of Columbia, and the gentleman's amendment relates to an entirely different matter.

The SPEAKER *pro tempore*. The Chair will suggest to the gentleman from New York [Mr. SPRIGGS] that he withhold his statement concerning the point of order until the preceding sections are perfected.

Mr. PERKINS. Mr. Speaker, I would suggest that we read and consider this bill by sections.

The SPEAKER *pro tempore*. The Clerk will report the amendment proposed to the first section. To what section does the amendment of the gentleman from Wisconsin [Mr. PRICE] apply?

Mr. PRICE. I sent up an amendment, with a note at the bottom saying, in substance, that "I desire the foregoing language to be added to the second section."

The Clerk read as follows:

In line 4 strike out "one" and insert "two."

Mr. PRICE. Mr. Speaker, that is not my amendment. My amendment is simply to add to section 2 the following language:

Provided, That such persons shall have complied with all the conditions and requirements of section 5 of this act.

The SPEAKER. The amendment of the gentleman from Wisconsin [Mr. PRICE] applies to the second section. The amendments to the preceding section will be first disposed of.

The Clerk read as follows:

In line 4, section 1, strike out "one" and insert "two;" making it read: "That wholesale dealers in distilled, malt, or fermented liquors, wines, or cordials shall pay \$300 annually."

The House divided; and there were—ayes 17, noes 20.

So the amendment was not agreed to.

Mr. SPRIGGS. Mr. Speaker, I am entirely satisfied, from the indications I have observed, that there is going to be too much of a fight on this bill to pass it to-night, and I therefore withdraw it.

Mr. WARNER, of Ohio. Can that be done?

The SPEAKER *pro tempore*. Does the gentleman from New York desire to withdraw the bill?

Mr. SPRIGGS. I do.

The SPEAKER *pro tempore*. That can be done only by unanimous consent.

Mr. SKINNER, of New York. I object.

The SPEAKER *pro tempore*. Objection is made. The Clerk will report the next amendment.

Mr. SPRIGGS. I ask unanimous consent to withdraw this bill for the reason I have stated.

The SPEAKER *pro tempore*. The Chair put the gentleman's request to the House, but objection was made.

Mr. SPRIGGS. I did not understand that there was any objection made.

The SPEAKER *pro tempore*. The Chair will put the question again. The gentleman from New York [Mr. SPRIGGS] asks unanimous consent to withdraw this bill. Is there objection?

Mr. COOK. I object.

Mr. BARBOUR. Mr. Speaker, I move to lay the bill on the table.

Mr. SKINNER, of New York. Is that in order, Mr. Speaker?

The SPEAKER *pro tempore*. It is.

The question was taken on the motion to lay on the table; and on a division there were—ayes 25, nays 19.

Mr. COBB. No quorum.

The SPEAKER *pro tempore*. The point is made that no quorum has voted. The Chair will appoint tellers, and will ask the gentleman from Indiana, Mr. COBB, and the gentleman from New York, Mr. SPRIGGS, to take their places as tellers.

Mr. COBB. I withdraw the point.

Mr. SKINNER, of New York. I renew it.

The SPEAKER *pro tempore*. Then the gentleman from New York, Mr. SKINNER, and the gentleman from New York, Mr. SPRIGGS, will take their places as tellers.

Mr. COOK. Mr. Speaker, there is no disposition to prevent the passage of this bill. Some of us think the license should be higher, but if we can not get it raised as high as we think it ought to be, we shall not therefore oppose the passage of the bill.

Mr. VANCE. There is evidently not a quorum in the House.

Mr. SKINNER, of New York. Mr. Speaker, as to lay a bill on the table is virtually to kill it, I will withdraw the point of order.

ORDER OF BUSINESS.

Mr. BARBOUR. I move that the House now resolve itself into Committee of the Whole on the state of the Union for the purpose of considering District of Columbia business.

The motion was agreed to; there being—ayes 25, noes 6.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HATCH, of Missouri, in the chair.

BRIDGE ACROSS THE POTOMAC AT GEORGETOWN.

Mr. BARBOUR. I move to take up the bill H. R. 7376, which was reported by the Committee on the District of Columbia as a substitute for Senate bill 1477.

The CHAIRMAN. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 7376) to amend an act approved February 23, 1881, entitled "An act to authorize the construction of a bridge across the Potomac River at or near Georgetown, in the District of Columbia, and for other purposes."

Mr. HEPBURN. I want to raise the question of consideration on this bill.

The CHAIRMAN. The gentleman from Iowa [Mr. HEPBURN] objects to the consideration of this bill; and under the rule the committee must rise and report the objection to the House.

The committee accordingly rose; and Mr. McMILLIN having resumed the chair as Speaker *pro tempore*, Mr. HATCH, of Missouri, reported that the Committee of the Whole on the state of the Union having reached the bill (H. R. 7376) to amend an act approved February 23, 1881, entitled "An act to authorize the construction of a bridge across the Potomac River at or near Georgetown, in the District of Columbia, and for other purposes," objection had been made to the consideration of the bill, whereupon the committee rose for the purpose of reporting the objection to the House in accordance with the rule.

The SPEAKER *pro tempore*. The question is, Will the House instruct the Committee of the Whole to consider this bill?

The question being taken, there were—ayes 20, noes 14.

Mr. WELLER. I make the point that no quorum has voted.

The SPEAKER *pro tempore*. No quorum having voted the Chair appoints as tellers the gentleman from Iowa, Mr. WELLER, and the gentleman from Virginia, Mr. BARBOUR.

Mr. BARBOUR. Will not the gentleman allow me to explain what the Committee on the District of Columbia desire with reference to this matter?

Mr. WELLER. If the gentleman will withdraw this bill and go on with something else, it will be all right; otherwise I propose to stop right here until to-morrow morning, if necessary.

Mr. WILSON, of West Virginia. Will the gentleman from Iowa withdraw his objection if we agree that any money expended under this bill shall be payable in standard silver dollars? [Laughter.]

Mr. WELLER. Bless your soul, no! It is too late to do that. [Laughter.]

Mr. BELFORD. If this thing is going on we had better adjourn at once. I make that motion.

Mr. BARBOUR. I hope the House will not adjourn.

The motion of Mr. BELFORD was not agreed to.

Mr. BARBOUR. I am willing to withdraw the proposition for the consideration of the bridge bill.

The SPEAKER *pro tempore*. That can be done by unanimous consent. Is there objection? The Chair hears none.

MANUFACTURE AND SALE OF LIQUORS.

Mr. SPRIGGS. I now move to take up again the license bill which was before the House a short time ago—the bill (H. R. 7556) to regulate the manufacture and sale of spirituous and malt liquors in the District of Columbia. I understand from gentlemen here that they do not really oppose the bill; they only desire to raise the fees and to take the sense of the House upon that question. It seems to me the House as now constituted will have no difficulty in acting upon the question.

The SPEAKER *pro tempore*. The bill to which the gentleman refers has been laid on the table.

Mr. PERKINS. I move to reconsider the vote by which the bill was laid on the table.

The motion of Mr. PERKINS was agreed to.

The question recurring upon the motion to lay the bill on the table, it was not agreed to.

The SPEAKER *pro tempore*. The bill is now again before the House for consideration. The question recurs upon the amendment offered by the gentlemen from Iowa [Mr. PRICE], which the Clerk will report. The Clerk read as follows:

At the end of section 2 insert:

"Provided, That such person shall have complied with all the conditions and requirements of section 5 of this act."

Mr. PRICE. If there is no objection to this amendment, I have no desire to make an argument in its favor.

The amendment was agreed to.

The SPEAKER *pro tempore*. The next amendment which was offered by the gentleman from Iowa [Mr. PRICE] will be read.

The Clerk read as follows:

In line 4 of section 1, strike out the word "one" and insert "two."

Mr. COOK. Mr. Speaker, I offered this amendment—

Mr. SPRIGGS. If the gentleman will allow me, I wish to say a word on this question, and will then yield to him.

The present law requires from this class of persons a license fee of \$50. We have raised it to \$100. This has been done after full consideration in the committee and upon consultation with the commissioners of the District of Columbia, and with persons interested in this question. We thought this the best conclusion that could be reached with respect to this kind of a license.

As to other license fees, in one case where the fee has been \$100 we have increased it to \$250; and in every other case I think the license fee, as fixed by this bill, is double the old license fee. It was the opinion of the committee, the commissioners, and everybody interested, so far as we could learn, that this measure was the best that could be devised for the present—better than any measure fixing a larger sum. It is our belief that this measure will increase the revenues of the District and insure a more speedy and certain punishment for violations of law.

Mr. VAN ALSTYNE. Is the gentleman able to state what is the present tax in this District each year on account of pauperism?

Mr. SPRIGGS. I can not tell.

Mr. VAN ALSTYNE. Can the gentleman state what it is on account of the crime?

Mr. SPRIGGS. I can not.

Mr. VAN ALSTYNE. Can the gentleman tell what is the number of wholesale dealers in liquor?

Mr. SPRIGGS. I am not prepared to answer that question. I am prepared to say there are enough liquor dealers, both retail and wholesale, and that there is sufficient pauperism and crime in the District of Columbia. I do not think, however, this bill will increase either.

Mr. COOK. Mr. Speaker, this amendment submitted by myself was offered not in hostility to the bill, but in support of it.

It seems to me clear that something of the nature of this bill is necessary to the good order and good government of the District of Columbia. I am assured of that fact, in addition to my own opinion, by the judgment of the commissioners of the District. It simply appears now that the license of \$100 imposed upon wholesale dealers of intoxicating liquors is altogether too small a sum. It should be at least \$200. I think in looking through the bill if the license sought to be exacted from dealers by this bill was doubled all the way through it would still be too small a sum.

There is a large number of the lower order of liquor establishments in this District which it seems to me should be taxed out of existence entirely. There is no business which can afford to contribute to the revenues of the Government and the expenses of the Government as well as the class dealt with in this bill. There is no purpose on the part of those who agree with me to interpose any objection to the bill. If we can not secure the amendment we offer we expect to vote for the bill.

Mr. BELFORD. I move to strike out the last word. There is no mistaking the fact, Mr. Speaker, that there is a growing sentiment throughout this country in favor of temperance, especially as represented by the distinguished statesman from Kansas, Mr. St. John. I am casting no reflection on St. John, of Kansas, or any other St. John who existed there or in Palestine. [Laughter.] But I think we all recognize one fact, and that is that people will eat bread, drink water, and drink whisky. There is not any doubt about that fact, and you have got to regulate the appetite. Now I will vote for any bill making it a felony for any man who sells one drop of adulterated liquor. [Laughter.] No man has any more right to adulterate the liquor I desire to drink than he has to adulterate the bread that I desire to eat, and this is the sum and substance of the whole temperance question that will be considered to-day and for generations hereafter.

Noah got drunk. Christ manufactured wine. Everybody knows people will drink liquor. Now, let us get to the substance of the whole question and declare openly, positively, and vigorously that any man

who sells one drop of adulterated liquor in this country, liquor corrupted or poisoned, shall be regarded as a felon and besent to the penitentiary. [Laughter and applause.]

A MEMBER. For a night.

Mr. BELFORD. For all time. [Laughter.] Upon no other theory can you get through. It is a flimsy pretext to impose a license tax of \$100 a year. A license for what? A license to poison and ruin thousands of men. A license to disorganize and disarrange millions of families out of the 55,000,000 of people existing in this country.

If we are going to legislate on the temperance principle let us legislate upon a theory that the practical judgment of this world will recognize and respect, and that is if a man sells liquor he shall sell pure liquor just as the man who sells flour shall sell unpoisoned flour. [Laughter and applause.] You smiling gentlemen go down to Welcker's and drink twelve courses of liquors, commencing with a sup of brandy, then a drink of whisky, next a glass of Sauterne, after that some Johannisberg, and after you have gone through all these twelve courses you come here with a bill of this character, in the name of righteousness and godliness and decency, and preach sobriety to us. [Laughter.] Why don't you stand up with me and say that any rum-seller who sells wine or whisky or Sauterne or Johannisberg, or any other wine or liquor—and I have been acquainted with them all [laughter]—that any one who sells adulterated wines or liquors shall be sent to the penitentiary, and not quibble over a little license provision of \$100 per year and kill 100,000 men. [Laughter and applause.]

The question recurred on Mr. Cook's amendment.

The House divided; and there were—ayes 17, noes 16.

Mr. GUENTHER. No quorum has voted.

The SPEAKER *pro tempore* appointed as tellers Mr. GUENTHER and Mr. Cook.

Mr. GUENTHER. I move that the House adjourn, as there is no quorum present. We might as well adjourn now, for you will have to do so unless you get a quorum here.

The House refused to adjourn.

The question recurred on Mr. Cook's amendment.

The House again divided; and the tellers reported—ayes 17, noes 22. So the amendment was disagreed to.

The question next recurred on the amendment of Mr. SKINNER, of New York, as follows:

Insert after section 9 as a new section the following:

Mr. PRICE. I desire to offer an amendment before that to section 5.

The SPEAKER *pro tempore*. The Clerk will first read the amendment of the gentleman from Wisconsin.

The Clerk read as follows:

Strike out the following words:

Provided, however, That where during the year no complaint has been made against a license issued under this act by a majority of the property-holders and residents, such proprietor shall not be required to file every year with his application for license such written permission of persons owning real estate, and residents; but if such complaint has been made, the proprietor of such bar-room shall be required to obtain anew the written consent of such owners of real estate, and residents, as is herein required of him.

Mr. PRICE. I am satisfied the purpose of the gentlemen who framed this bill is in the interest of good government. I think they made a mistake, and it needs only to call the attention of the committee to the amendment I have offered to secure its adoption. I, too, am in favor of this bill. I want it passed in as perfect a form as it can be made. I wish simply to say this: The existing law is that a person who wishes to establish a place for the retail of liquor must secure the indorsement of two-thirds of the residents, the property-holders on the block.

Now, I am willing that that law should remain as it is. But this is a departure—this proviso to which I refer, and which I wish to strike out in this bill. It is a departure in this, that it places the community on the defensive, and unless they shall enter formal protests against the allowance of the license, then the license becomes perpetual so far as the consent of the property-owners is concerned.

If, then, it is good policy to require this exercise of industry or effort on the part of persons who wish to sell liquors, I think it good policy to continue them in that practice, and consult on each occasion when a license is required the new residents, the new occupants of adjacent property who may locate directly upon the block interested during the course of the year within which the license runs, to ascertain their wishes in the matter, and whether a continuance shall be had. That is my idea, if not the idea of the committee, who may not agree with me in this respect.

Mr. GUENTHER. Let me state to my friend that this has been inserted by the request of the commissioners themselves, who say that this renewal imposes upon them a tremendous amount of work every year. In case a person has obtained the permission of the residents of the property, and the license has been granted, and no complaint has been lodged against him during the course of the year, what objection can there be to continuing the license until the complaint is made? It is all under the discretion and direction of the commissioners themselves, and they can grant the license or not as the case may be, or revoke it if complaint is made.

Mr. PRICE. In answer to the strictures of my colleague from Wis-

consin I desire to say that perhaps I understand as much of the working of this machinery, after twenty-five or thirty active years in this fight, as the commissioners of the District of Columbia. And permit me to say, further, if there is no other objection that can be urged except the imposition of a little additional work upon the officers of this city, it does not counterbalance the importance of correcting as far as possible the evil influences arising from the traffic in which these persons are engaged, and which, if I had the power, I should stamp out of existence entirely.

Mr. GUENTHER. It imposes a great deal of unnecessary work upon the commissioners.

Mr. PRICE. I say they can well afford, those who desire to carry on the business, to ask the consent of the people once a year whether it shall be tolerated or not.

Mr. VANCE. Mr. Speaker, I think the safeguard that is in the present law ought to remain to the effect that the people living in the neighborhood where spirits are sold ought to have a voice in the matter of granting the license. The liquor dealer is protected already as far as he can be protected by the license being granted to him, and it is as little as the Congress of the United States can do for people living in the vicinity to permit them to have a voice every year in settling the matter. I think it therefore proper that this proviso should be stricken out.

Mr. YORK. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. YORK. The hour of 10 o'clock has arrived, and, as I understand, that is the hour fixed for taking the recess until to-morrow morning.

Mr. RANDALL. There was no order fixed for taking a recess.

The SPEAKER *pro tempore*. The Chair will state that the hour at which the recess was taken in the afternoon until the night session commenced is shown by the Journal, but the Journal does not show that any hour was fixed for the House to close its session to-night.

Mr. PETERS. Mr. Speaker, I think this proviso ought to go out of the bill. No objectionable party, according to this proviso, could be stopped from the sale of intoxicating liquors in any place unless some one should go around and interest himself or herself in securing a complaint against him, which of necessity must be signed by a majority of the property-holders in that block.

Mr. GUENTHER. The complaint of any person would be sufficient.

Mr. PETERS. No; not as I understand this bill. It provides—

That where during the year no complaint has been made against a license issued under this act by a majority of the property-holders and residents such proprietor shall not be required to file every year with his application for license such written permission of persons owning real estate and residents.

There is no comma or anything in that sentence as it appears herein this bill to show that less than a majority of the property-holders and residents can stop such traffic.

Mr. WILSON, of West Virginia. There is a penalty fixed, if the gentleman will observe section 9, for a violation of the provisions of this act, and the license may be revoked at the discretion of the commissioners.

Mr. SPRIGGS. For the purpose of getting along with this matter and making it as little objectionable as possible, I will accept the amendment.

Mr. GUENTHER. I can not agree to that.

Mr. PERKINS. The amendment ought to be accepted.

Mr. GUENTHER. I object.

The question being taken on the adoption of the amendment, there were—ayes 18, noes 4.

Mr. GUENTHER. No quorum. Pending that, I move the House do now adjourn.

The motion was not agreed to.

The SPEAKER *pro tempore*. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. GUENTHER and Mr. SPRIGGS were appointed tellers.

The House again divided; and the tellers reported—ayes 12, noes 18.

Mr. GUENTHER. I withdraw the point of no quorum.

So (no further count being demanded) the amendment was not agreed to.

Mr. PRICE. Before calling the question of a quorum—

Mr. GIBSON. If the gentleman from Wisconsin will allow me to call his attention to section 7 of this act I am satisfied he will withdraw his objection. In that section it is provided that—

The commissioners of the District shall have power to close all places where intoxicating liquors are sold whenever, in their opinion, the preservation of public order makes the exercise of such power necessary.

I was going on to say that the commissioners can close any place on the complaint of anybody when the dealer is found guilty of selling contrary to the license or contrary to good order and morality in that neighborhood; and I will suggest to the gentleman, therefore, and to the friends of what is known as the temperance cause, that it is evident this bill has gone as far as it can be made go to restrict the sale or traffic in intoxicating liquors. They must either pass the bill as it is or it will be all defeated; and it will leave the sale of liquor in such condition as not to bring to the District 20 per cent. of the amount this bill brings

and there will not be near the number of restrictions this bill imposes upon the traffic.

Therefore any member who desires to put restrictions upon the traffic or to increase the license derived therefrom must either make up his mind to accept this bill or let it go without the restrictions this bill imposes. I appeal to gentlemen to let the bill go as it is.

The SPEAKER *pro tempore*. There is nothing before the House. The Clerk will report the next amendment.

Mr. PRICE. I move to amend by striking out section 6, and upon that I desire to be heard for a moment; and it is in the interest of harmony only that I am induced to say anything further. The gentleman in charge of the bill and myself have come to what appeared to be a satisfactory conclusion.

Mr. ELDREDGE. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. ELDREDGE. Whenever any member calls no quorum, and on a vote by tellers a quorum does not appear, should not the Chair take cognizance of that fact?

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Michigan that the point of no quorum having voted was made; thereupon the Chair appointed tellers, as it was the duty of the Chair to do. The tellers reported the result. The point that no quorum had voted was not further insisted on and the Chair, therefore, could do nothing but announce the result of the vote.

Mr. ELDREDGE. I submit it was the duty of the Chair to take cognizance of the fact that a quorum did not vote.

The SPEAKER *pro tempore*. It is not the custom when the point of no quorum is not insisted on for the Chair to take cognizance of the fact that a quorum has not voted. It is within the power of any member to insist upon the point if he sees fit to do so. The gentleman from Michigan himself could have done so if he had been so inclined.

Mr. PRICE. I think we have come to a conclusion that is satisfactory at least to most of us, and I hope it will be satisfactory to all gentlemen present. The first proposition we made was that of increasing the license. We acquiesced in that. The next proposition we made was to add a condition to section 2, which gentlemen accepted. A third proposition was to strike out the proviso at the close of section 5 of the bill. To this gentlemen acceded, and now that goes out by unanimous consent.

Now we want to strike out section 6. To this they object. But it is proposed by some of the friends of the bill to add these words: "with the consent" or "under the direction of the District commissioners." If that is satisfactory, I believe every objection on the part of friend and foe will be obviated and we will pass the bill.

Mr. SMALLS. I desire to offer an amendment to come in after section 5.

The SPEAKER *pro tempore*. Section 5 has been passed from, and the gentleman from Wisconsin [Mr. PRICE] moves to strike out section 6.

Mr. PRICE. I withdraw the motion to strike out, understanding that it will be amended on the motion of the gentleman from North Carolina [Mr. VANCE] by the addition of certain words.

The SPEAKER *pro tempore*. The Chair recognizes the gentleman from South Carolina [Mr. SMALLS].

Mr. SMALLS. I move to amend by adding after section 5 what I send to the desk.

Mr. GUENTHER. I make the point of order that that has been passed.

Mr. SMALLS. Then I will have to move that it be added to section 6. I ask gentlemen to let the amendment be read, and I think they will all agree to it.

The SPEAKER *pro tempore*. The amendment will be read.

The Clerk read as follows:

That any restaurant keeper or proprietor, proprietors or keepers of eating-houses, ice-cream saloons, or places where soda-water is kept for sale, or the keeper or proprietor of any public place whatsoever refusing to sell or serve to any well-behaved person, without regard to race or color, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than fifty nor more than one hundred dollars for each and every such refusal: *Provided*, That the provisions of this act shall be enforced by information in the police court of the District of Columbia, filed on behalf thereof by its proper attorney or attorneys, subject to appeal by either party to the criminal court of the District of Columbia, in the same manner as is now or may be hereafter provided for the enforcement of the District fines and penalties under the ordinances and law.

Mr. GUENTHER. I make the point of order that that is the substance of a bill pending. I am not averse to this amendment personally, but it is liable to the point of order.

Mr. SMALLS. Whether or not the amendment be the substance of a bill pending, I submit that we are now engaged in considering a bill providing for licenses in the District, and I deem that this is the proper place for this amendment to come in. It is for that reason I have offered it, and I hope the gentleman from Wisconsin [Mr. GUENTHER] will withdraw the point of order. If it is not withdrawn gentlemen may as well withdraw the bill, as I will insist on a quorum.

The SPEAKER *pro tempore*. The gentleman from Wisconsin [Mr. GUENTHER] makes the point of order on the amendment that it is the substance of another bill pending before the House. That fact not being denied, the Chair sustains the point of order.

Mr. WILSON, of West Virginia. I would say to the gentleman from South Carolina [Mr. SMALLS] that that law already exists in the District of Columbia as to every party obliged to obtain a public license.

Mr. SMALLS. That law I do not think exists in the District. If it does it is constantly violated.

The SPEAKER *pro tempore*. The Chair has sustained the point of order.

Mr. SMALLS. Then we may as well stop, as it will be necessary to have a quorum.

Mr. VANCE. I move to amend by adding to section 6 these words, "and have the sanction of the commissioners."

The amendment was agreed to.

Mr. PRICE. It is understood the proviso to section 5 has, by order of the House, been eliminated?

Mr. GUENTHER. I rise to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. GUENTHER. Is it in order for me to withdraw the point of order I made to the amendment of the gentleman from South Carolina [Mr. SMALLS]? If so, I withdraw it.

The SPEAKER *pro tempore*. The section has been passed from.

Mr. SMALLS. Then I understand the Chair to say the point of order can not be withdrawn?

The SPEAKER *pro tempore*. The section had been passed. The gentleman from North Carolina [Mr. VANCE] was recognized and another amendment had been acted upon by the House.

Mr. SMALLS. If that section was passed I suppose I have a right to put this into another section?

The SPEAKER *pro tempore*. There is an amendment pending to the next section. The Clerk will read it.

The Clerk read as follows:

After section 9 insert as a new section the following:

"That all laws, or parts of laws, imposing a tax, penalty, or license upon any commercial traveler, or travelers, or manufacturers or their agents, who sell by sample in the District of Columbia, be, and the same are hereby, repealed."

Mr. SPRIGGS. Mr. Speaker, I reserved the point of order on that amendment.

Mr. SKINNER, of New York. I desire to say to the gentleman who has raised the point of order on this amendment that if he desires this bill to pass he must withdraw that point of order. This is a bill to raise revenue in the District of Columbia. It provides that by paying \$150 into somebody's treasury in the District of Columbia a man may keep a bar-room no matter what evil he may thereby do. Now, I say that a provision to wipe from the statute-book an infamous tax which has come down from old and barbarous times is germane to such a bill—a tax which applies to 150,000 or more people in the United States who are commercial travelers, who come from every section of this Union to the capital of the country, and who can not come here in a fair and honorable manner to sell their machinery, or their groceries, or their manufactured articles by sample, unless they pay a tax of \$200 into the treasury of the District of Columbia.

The gentleman from Ohio [Mr. FOLLETT] in the course of the debate this evening, in alluding to a bill in reference to real estate in Washington, said truly that there is not a city in this Union so lightly taxed as this magnificent city of Washington, and yet we refuse to allow our constituents to come here and sell their goods in a fair, honest, open manner. Many hundreds of them do evade the law by taking their sachels in through the back doors and selling on the sly, or going to certain persons who, in spite of the law, will give them a card and allow them to stay for one day by paying \$5. And what the gentleman from Ohio [Mr. FOLLETT] said in reference to the laws here relating to taxes on lands is true of several of these laws of the District, that they are relics of old laws of the States of Maryland and Virginia; yet we, as representatives of the people, have not yet had the courage to wipe them out, and these commissioners of the District of Columbia hang on with a tenacity worthy of a better cause to this particular law which the courts had declared unconstitutional.

Mr. GIBSON. Will the gentleman allow me to make a suggestion?

Mr. SKINNER, of New York. I will.

Mr. GIBSON. I suggest to the gentleman that without a provision allowing these "drummers" to sell by license in this District every sale they would make would be in violation of law, and they would be liable to a legal penalty. It has been so decided in nearly all the States in cases where licenses are required, and it was recently so decided by the United States district court in Tennessee. That decision applied expressly to the revenue laws, the court holding that wherever a license was required to carry on a business, the sale in any other place, or the sale by express to be paid for "C. O. D.," was contrary to the license law, and the party must have a license in order to make such sales.

Mr. SKINNER, of New York. Mr. Speaker, I can not now cite the page, but I can by a little investigation refer the gentleman to a decision of the highest court in this land, made, I believe, in relation to a case arising in his own State, to the effect that no State has a right to enforce a law of this character.

Mr. GIBSON. But that was not a case where a license was required.

The SPEAKER *pro tempore*. As the point of order is the matter now

up for consideration, the Chair desires to hear the gentleman from New York [Mr. SKINNER] upon that, and not upon the merits of the question.

Mr. SKINNER, of New York. Mr. Speaker, in my opening remarks I referred to all that I had to say in relation to this point of order. I said that this was a bill to regulate the granting of licenses for the sale of liquor, and for the purpose of raising revenue in the District of Columbia.

Now, the amendment which I have offered refers to the removal of a tax imposed for revenue—not raised from the same source, perhaps, but going into the same treasury, and to be expended like other taxes for general public purposes. The reason I have offered the amendment in this manner and at this time is that three years ago this month the same proposition was offered as an amendment to a bill which was then being considered. That bill went out of this Chamber, and, I believe, has never been heard of since; so that we have been unable to get any action. A year ago this same provision was added, with the consent of the gentleman now in charge of this bill, to a bill to regulate the police force of this city. That bill passed this House and went elsewhere, but we got no relief.

Now, I say that, as representatives of intelligent constituencies, we can not afford to build a Chinese wall around this capital, which we, by our votes, have rendered the most beautiful city in the country, if not in the world; we can not afford to build a Chinese wall around this capital city and say to our constituents who manufacture and sell different articles of commerce that they shall not come here and dispose of their goods. A gentleman in my own town writes to me that he dare not come here with samples of his machinery unless he pays into the District treasury a tax of \$200 a year.

A MEMBER. That is the law generally.

Mr. SKINNER, of New York. No, sir; it is not the law, except in two or three States. The States of Virginia, North Carolina, and Texas, and the District of Columbia are the places, as I understand, where such laws exist. Washington, D. C., and the States of Virginia, North Carolina, and Texas are represented to me by business men of my own city as the four places which they dare not enter for the purpose of carrying on their business until they have taken out in advance a license for a year at the rate of \$200. Now, Mr. Speaker, I do not propose to omit any effort in my power to wipe out such a provision from the statute-book.

Mr. SPRIGGS. My friend and I do not differ very much on the merits of this question. As he has stated, he proposed at the last session an amendment of this kind to a bill then pending, which was accepted substantially as offered, but in the Senate it was struck out.

But the point I raise here—it seems to me there can not be any doubt about it—is that this is a bill to regulate the manufacture and sale of spirituous and malt liquors—

Mr. SKINNER, of New York. The amendment will not hurt the bill at all.

Mr. SPRIGGS. I do not know as to that. The argument upon the merits of this question is not all on one side. The merchants of this city have to pay a license in order to carry on their business, and I am not quite ready to say that we would act justly toward these resident merchants if we permit people to come here from abroad and interfere with their business without paying a license.

Mr. SKINNER, of New York. Why should these commercial travelers pay a license to conduct their business in this city any more than in the city of New York, or Albany, or Baltimore, or Richmond, when we are pouring out from the Treasury of the United States millions of dollars annually to beautify this city and enhance the value of the property of people residing here and to help pay their taxes?

Mr. SPRIGGS. But the fact is that the law exists here and these merchants do pay a license.

Mr. SKINNER, of New York. There never has been the slightest effort on the part of the District of Columbia Committee within the last four years to correct these abuses.

Mr. LONG. If we should exempt these commercial travelers from the payment of this license fee would it not eventually result in relieving the merchants here from the payment of a license?

Mr. SPRIGGS. I think so.

Mr. LONG. And would not that be a step in the right direction?

Mr. SPRIGGS. I have made some effort to do that thing and have not succeeded. As long as this law exists with reference to merchants of this city it does not seem to me proper or fair that we should exempt others.

Mr. SKINNER, of New York. A year ago, when this bill was under consideration, I remarked on this floor that, whether by the connivance or with the knowledge of those who ought to know, this law was evaded or violated. It is true—and I can furnish the proof—that people do come here to sell their goods and are put in possession of a little ticket, given to them by somebody around this city, which entitles them to the privilege of carrying on their business here for one day, and when that day has expired they must go.

Mr. SPRIGGS. May I ask the gentleman a single question?

Mr. SKINNER, of New York. Not until I am through.

For that remark made by me last year some of the officials in this city sought to hold me responsible. The District commissioners, by a

letter through the chief of police, asked me to give my authority for the statement. I refused to do so unless I should be compelled. But I do know such to be the fact, and there are many other gentlemen on this floor who know it. I can furnish you with a sample of the cards which are supplied by people who pretend to represent the commissioners, allowing that privilege to be enjoyed.

Mr. MCCOMAS. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. MCCOMAS. I am sorry to raise this question; but it is getting late. The gentleman's discussion is not germane to the point of order.

The SPEAKER *pro tempore*. The Chair sustains the point. The gentleman will confine himself to the point of order.

Mr. SPRIGGS. The question I desired to ask my friend was whether he knows of any city in his State where the law is not violated?

Mr. SKINNER, of New York. No city in the State which I represent, which is the same represented by the gentleman—

Mr. SPRIGGS. Certainly.

Mr. SKINNER, of New York. Has such an infamous law.

Mr. SPRIGGS. That may be; I am not talking about that. But do you know of any law in your State which is not violated?

Mr. NUTTING. Is that any argument against the law?

Mr. SPRIGGS. It is not any argument why the law should not be enforced.

The CHAIRMAN. The Chair is prepared to rule on the question of order. [Cries of "Regular order!"]

Mr. BELFORD. I desire to ask one question. Is it not a fact that the Supreme Court of the United States in solemn adjudication has declared such a law as this unconstitutional?

Mr. LONG. When passed by a State.

Mr. SPRIGGS. That does not affect this District.

The SPEAKER *pro tempore*. The gentleman from New York makes the point that the amendment offered by his colleague is not germane to the bill under consideration. This is a bill to regulate the manufacture and sale of spirituous or malt liquors in the District of Columbia. It pertains to that subject and nothing else. It provides in a large measure police regulations. It fixes not only what taxes shall be imposed, but the fees, penalties, sentences to imprisonment, &c., which are to result from violations of the law.

It does not attempt to touch anything but dealing in vinous and malt liquors. The Chair is of the opinion, however meritorious the gentleman's amendment may be, it is not germane to this bill. To hold that it was would be to hold on this bill, which is entitled "A bill to regulate the manufacture and sale of spirituous and malt liquors in the District of Columbia," you might repeal all the privileged taxes comprised in the District statutes.

Mr. SKINNER, of New York. Let me make an inquiry.

Mr. ELDREDGE (at half past 10 p. m.). I move the House do now adjourn.

The motion was disagreed to.

Mr. MCCOMAS. I favored the highest license in every case. Others favored lower ones. Now I wish to make a suggestion.

Mr. GUENTHER. Some gentlemen wanted lower licenses.

Mr. MCCOMAS. So I stated, that while I favored the highest ones others favored lower ones. I make the suggestion that the gentleman who makes the point of no quorum should be allowed, by waiving the point now, to have a vote on his proposition. I myself am in favor of it.

A MEMBER. It can not be done.

Mr. MCCOMAS. Then let us take a recess until 10 o'clock to-morrow morning, when this bill which has been carefully considered may be passed upon by a quorum.

A MEMBER. It can not be done.

Mr. MCCOMAS. If you do that you can make the license higher in the District and make a general regulation of this traffic. Otherwise you go back and have none.

Mr. SPRIGGS. I demand the previous question.

The SPEAKER *pro tempore*. What was the understanding as to the proviso to section 5?

Mr. GUENTHER. That was decided against striking it out.

The Speaker announced the vote, and said the amendment of the gentleman from Wisconsin [Mr. PRICE] was voted down, and consequently that proviso remains in the bill.

Mr. PRICE. I rise for the purpose of correcting a misunderstanding which seems to exist and a misstatement of what I said, which, of course, has been made innocently. I know we were beaten as to the proposition to raise the license. I know the next proposition we made was to amend section 2, and they consented to it. I know on the next proposition, which was made to strike out the proviso, we were beaten. I know here then came in the compromise to which the chairman of the committee having charge of the bill agreed, and to which I do not know whether the gentleman from Wisconsin assented; that was that the proviso should not be stricken out and section 6 should remain in the bill with an amendment to be offered by the gentleman from North Carolina. That is the agreement as we understand it, but it seems the gentleman from Wisconsin failed to understand it as we did that section 6 should be stricken out and the proviso to section 5 be left in. That was what I said, but it seems everybody did not so understand it.

Mr. GUENTHER. That was not my understanding of it.

Mr. SPRIGGS. I demand the previous question.

Mr. SMALLS. I rise to a parliamentary inquiry. My amendment having been ruled out on a point of order, and that point of order having been withdrawn, I would like to know whether it is not proper to move my amendment again.

The SPEAKER *pro tempore*. If the previous question is voted down the gentleman can submit his amendment.

Mr. SMALLS. But the previous question has not been ordered. That is the reason why I wished to get my amendment in before the previous question was ordered. I was endeavoring to do that.

Mr. GUENTHER. I hope I may be permitted to withdraw my point of order and let the gentleman offer his amendment.

The SPEAKER *pro tempore*. The question is on ordering the demand for the previous question.

Mr. SMALLS. You must get a quorum here before you can go any further.

Mr. PRICE. What about the proviso to section 5?

The SPEAKER *pro tempore*. The Clerk informs the Chair there has been no action taken on the proviso to section 5, and that it is left in the bill.

Mr. PRICE. If that is so, will section 6 remain in the bill or not?

The SPEAKER *pro tempore*. The Clerk also informs the Chair that there has been no vote on striking out section 6.

Mr. GUENTHER. I consented to strike out section 6.

The SPEAKER *pro tempore*. The Clerk informs the Chair there has been no action striking section 6 out of the bill.

Mr. PRICE. I ask that section 6 be eliminated from the bill, and on that condition I will agree to let the proviso to section 5 stand.

The SPEAKER *pro tempore*. The Chair hears no objection, and it is so ordered.

Mr. GIBSON. I want to make a statement that might avoid delay.

The SPEAKER *pro tempore*. Debate is not in order.

Mr. SMALLS. You have allowed a motion to be made by the gentleman from Wisconsin.

The SPEAKER *pro tempore*. By unanimous consent.

Mr. SMALLS. Then I ask unanimous consent that my amendment may be added to section 5 of the bill.

The SPEAKER *pro tempore*. Without objection the amendment will be considered as pending.

There was no objection.

Mr. GIBSON. I desire to state that the gentleman from South Carolina wishes to make some little alteration in the amendment.

Mr. SMALLS. No; I offer it as it is, to come in at the end of section 5 of the bill.

The SPEAKER *pro tempore*. The question is on agreeing to the amendment of the gentleman from South Carolina, which has been read.

The amendment was adopted.

Mr. SPRIGGS. I now move the previous question upon the bill.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question recurring upon the passage of the bill, there were on a division—ayes 29, noes 2.

Mr. SKINNER, of New York. No quorum.

Mr. SPRIGGS. I wish to ask a parliamentary question. If the House adjourns now, the previous question having been ordered, will not this be the first business which will come up to-morrow as unfinished business?

The SPEAKER *pro tempore*. That is for the House to determine when it meets to-morrow.

Mr. WILLIS. We had just as well understand this matter now.

The previous question has not been ordered on the passage of the bill.

Mr. SPRIGGS. Yes; on the bill and amendment.

Mr. WILLIS. Not on the passage of the bill.

The SPEAKER *pro tempore*. The previous question was ordered on the engrossment and third reading of the bill, and was exhausted when the vote was taken upon ordering the bill to be engrossed and read the third time. It has not been ordered upon the passage of the bill.

Mr. WILSON, of West Virginia. I move that the House do now adjourn.

The motion was not agreed to.

Mr. PETERS. I move a call of the House.

Mr. SPRIGGS. I move the previous question upon the passage of the bill.

The motion for a call of the House was not agreed to.

Mr. GUENTHER. I move the previous question upon the passage of the bill and the pending amendment.

Mr. SKINNER, of New York. There is a question pending. I raised the point of order that no quorum had voted upon the passage of the bill.

The SPEAKER *pro tempore*. The gentleman is correct.

The question of a quorum having been raised, the gentleman from Kansas moved a call of the House, which was in order. That having

been refused, the question recurs upon the original motion, and the Chair appoints the gentleman from New York, Mr. SKINNER, and the gentleman from New York, Mr. SPRIGGS, as tellers. The question is upon the passage of the bill, and the tellers will take their places.

Mr. TOWNSEND. I wish to ask whether this is not upon the previous question upon the bill?

The SPEAKER *pro tempore*. No; upon the passage of the bill.

Mr. TOWNSEND. But there was a demand for the previous question.

The SPEAKER *pro tempore*. That was made when the House was dividing upon a question, and was not then in order.

Mr. WILSON, of West Virginia. I understand the gentleman from New York to make the question of a quorum upon the vote ordering the bill to be engrossed and read the third time.

The SPEAKER *pro tempore*. It was on the passage of the bill. The gentleman is in error.

Mr. SKINNER, of New York. I withdraw the point of a quorum.

Mr. SMALLS. Then, Mr. Speaker, I ask permission to correct a word in my amendment.

The SPEAKER *pro tempore*. That can only be done by unanimous consent. Is there objection?

There was no objection.

Mr. SMALLS. I ask then to strike out the words "without regard to" in the amendment and insert "on account of."

The amendment was agreed to.

The bill as amended was passed.

Mr. GUENTHER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then, on motion of Mr. SPRIGGS (at 10 o'clock and 50 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ARNOT: Petition of citizens of New York and Pennsylvania, asking the repeal of the tax on raw and manufactured tobacco, and other laws relating to tobacco—to the Committee on Ways and Means.

By Mr. BAGLEY: Petition of vinegar manufacturers, relative to the internal-revenue law—to the same committee.

Also, resolutions of the Legislature of New York, relative to the construction of a railway and passenger bridge between New Jersey and New York across Staten Island Sound—to the Committee on Commerce.

By Mr. BARKSDALE: Petition of Naomi J. Fowler, of Jefferson County, Miss., pointing out the injustice done her by the decision of the late Southern Claims Commission, and asking relief under the Bowman act—to the Committee on War Claims.

By Mr. BLANCHARD: Papers relating to the claim of J. A. McGoldrick, of Louisiana—to the Committee on Claims.

By Mr. BOUTELLE: Petition of Julia A. Ware and others, in behalf of increase of widows' pensions—to the Committee on Pensions.

By Mr. CLARDY: Petition of D. C. Taylor and 46 others, citizens of Manchester, Saint Louis County, Missouri, asking the passage of the educational bill—to the Committee on Education.

By Mr. COOK: Petition of R. H. Louis and 20 others, in favor of an increase of widows' pensions—to the Committee on Pensions.

By Mr. G. R. DAVIS: Joint resolution of the General Assembly of the State of Illinois, memorializing Congress for legislation to open the Oklahoma country to settlement—to the Committee on the Public Lands.

Also, joint resolution of the General Assembly of the State of Illinois, memorializing Congress to acquire title and ownership of the Lake Superior Canal and the Portage Lake Improved Canal for the benefit of commerce—to the Committee on Rivers and Harbors.

By Mr. DEUSTER: Joint resolutions of the Legislature of Wisconsin, in relation to increasing the pensions of one-armed and one-legged Union soldiers—to the Committee on Invalid Pensions.

Also, petition of H. Riedeburg & Co. and others, manufacturers of vinegar, of Milwaukee, Wis., referring to a petition of the New York State Cider Vinegar Association—to the Committee on Ways and Means.

By Mr. DINGLEY: Petition of George L. Snow and others, of Rockland, Me., for amendment of Constitution abolishing the Senate—to the Committee on the Judiciary.

Also, petition of George L. Snow and others, of Rockland, Me., for legislation providing for the loan of moneys in the Treasury to the people on security of landed property—to the Committee on Ways and Means.

Also, petition of George L. Snow and others, of Rockland, Me., for the passage of a law prohibiting alien ownership of land in the States—to the Committee on the Public Lands.

By Mr. ERMENETOUT: Resolutions of the senate and assembly of New York and of the Legislature of Pennsylvania, favoring the passage of an act authorizing the construction of bridges across Staten Island Sound—to the Committee on Commerce.

By Mr. FORAN: Petition of E. W. Haines and others, citizens of Cleveland, Ohio, praying for the immediate enactment by Congress of suitable legislation to suppress the evils of Mormonism—to the Committee on the Judiciary.

By Mr. HENLEY: Petition of citizens of California, for an increase of widows' pensions—to the Committee on Pensions.

By Mr. HOPKINS: Memorial of vinegar manufacturers, against the repeal of the act of March —, 1879—to the Committee on Ways and Means.

By Mr. JEFFORDS: Papers relating to the claim of the legal representatives of Abraham Bazinsky, deceased—to the Committee on War Claims.

By Mr. LEWIS: Papers relating to claim of John J. Gardiner, of Louisiana—to the same committee.

By Mr. MCCOY: Paper relating to claim of Zerina Shepperd—to the Committee on Pensions.

By Mr. MCOMAS: Petition of Eliza S. Jones, widow of John C. Jones, deceased, and of Robert C. Jones and others, children and heirs at law of said John C. Jones, for compensation for property taken and destroyed by the British forces in Charles County, Maryland, during the year 1814—to the Committee on War Claims.

By Mr. MCCORMICK: Petition of 76 members of Bloom Post, Grand Army of the Republic, Scioto County, Ohio, for an act of Congress granting one hundred and sixty acres of land to the officers, soldiers, and sailors of the Union Army of the late civil war—to the Committee on Military Affairs.

By Mr. MORRILL: Memorial of the Legislature of Kansas, asking for resurvey of certain public lands—to the Committee on the Public Lands.

By Mr. MURPHY: Petition from Bishop Isibell, of Anamosa, Iowa, and 28 others, asking action on the Mormon question—to the Committee on the Judiciary.

By Mr. MUTCHLER: Petition of citizens of Easton, Pa., for a law against Mormonism—to the same committee.

By Mr. NEECE: Resolution of the General Assembly of Illinois, requesting such legislation as will open the Oklahoma country to settlement under the homestead laws of Congress—to the Committee on the Public Lands.

Also, resolution of the General Assembly of Illinois, asking for an inquiry as to the cost of the construction of the Lake Superior Ship Canal and the Portage Lake Improvement Company Canal—to the Committee on Expenditures in the War Department.

By Mr. PARKER: Two petitions of citizens of Saint Lawrence County, New York, in relation to the Mormon question—to the Committee on the Judiciary.

By Mr. REED: Petition of John L. Emery and others, employed at Kittery navy-yard, to be paid for time lost by reason of the failure to pass the Navy appropriation bill—to the Committee on Appropriations.

By Mr. RIGGS: Recommendations of the board of commerce of Quincy, Ill., relative to the Reagan interstate-commerce bill—to the Committee on Commerce.

Also, resolutions of the General Assembly of Illinois, relative to opening Oklahoma lands to settlers—to the Committee on the Public Lands.

Also, resolutions of the General Assembly of Illinois, relative to construction of Lake Superior Ship Canal—to the Committee on Rivers and Harbors.

By Mr. ROSECRANS: Resolutions of the San Francisco Board of Trade, urging Congress to reorganize our naval powers—to the Committee on Naval Affairs.

Also, petition of B. B. Newman, praying Congress to spare the present pre-emption laws—to the Committee on the Public Lands.

By Mr. ROWELL: Petition of Rev. F. M. Smith and others, citizens of Chenoa, Ill., for the suppression of Mormonism—to the Committee on the Judiciary.

By Mr. A. HERR SMITH: Petition of 56 citizens of Lancaster County, Pennsylvania, against the reciprocity treaty with Spain—to the Committee on Ways and Means.

By Mr. SPRINGER: Resolution of the General Assembly of Illinois, asking for an inquiry as to cost of construction of the Lake Superior Ship Canal and the Portage Lake Improvement Company Canal—to the Committee on Expenditures in the War Department.

By Mr. TUCKER: Petition of Thomas R. Ware, of Virginia, for removal of political disabilities—to the Committee on the Judiciary.

By Mr. VAN ALSTYNE: Resolution of the senate and assembly of the State of New York, requesting the passage of a bill to authorize an additional appointment on the retired-list of the Army—to the Committee on Military Affairs.

By Mr. VALENTINE: Petition of C. H. Marble and 60 others, citizens of Nebraska, praying for speedy legislation on the Mormon question—to the Committee on the Judiciary.

By Mr. WASHBURN: Petition of Mrs. Mary M. Lombard and 356 others, citizens of Minnesota, for a woman-suffrage amendment—to the same committee.

By Mr. WILKINS: Petitions of E. J. E. March and 200 others, citizens of Marysville, Ohio; of H. G. O. Carey and 100 others, citizens of Zanesville, Ohio; and of James Mitchell and 90 others, citizens of Gran-

ville, Ohio, praying for the suppression of Mormonism—to the same committee.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. BAYNE: Resolutions of the Legislature of the State of Pennsylvania.

By Mr. BINGHAM: Resolutions of the Legislature of Pennsylvania.

By Mr. BRAINERD: Joint resolution of the Legislature of Pennsylvania.

By Mr. COOK: Of citizens of New Sharon, of Grinnell, of Lynnvile, of Munroe, of Keota, of Albia, and of Oskaloosa, Iowa.

By Mr. CURTIN: Resolutions of the Legislature of Pennsylvania, and petition of citizens of Aaronsburg, Centre County, Pa.

By Mr. ERMENROUT: Resolutions of the Legislature of the State of Pennsylvania.

By Mr. GUENTHER: Of B. Gerey and 56 others, soldiers of Wisconsin.

By Mr. HEPBURN: Of W. H. Christie and 75 others, citizens of Creston, Union County, Iowa.

By Mr. HOPKINS: Resolutions of the Legislature of Pennsylvania.

By Mr. LACEY: Of John S. Benham, of Union City, Mich.

By Mr. LAWRENCE: Resolutions of the Legislature of the State of Pennsylvania.

By Mr. T. B. REED: Of citizens of Mars Hill, of Chesterfield, of Rockland, and of Jay, Me.

By Mr. A. HERR SMITH: Resolutions of the Legislature of the State of Pennsylvania.

By Mr. STORM: Joint resolution of the Legislature of the State of Pennsylvania.

By Mr. WELLER: Of J. C. Darnell and 95 others, citizens of Randallia, Fayette County, Iowa.

SENATE.

TUESDAY, February 24, 1885.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a memorial of the Legislature of Wisconsin; which was read, and ordered to lie on the table, as follows:

Memorial to Congress.

To the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Legislature of the State of Wisconsin, respectfully represent:

Whereas legislation is now pending before your honorable body, the Congress of the United States, the object of which is to place the name of a revered and honored citizen of this nation, General U. S. Grant, upon the retired-list of the Army; and

Whereas, believing that gratitude and honorable appreciation is an underlying principle in the heart of every true American citizen, especially toward those who have accomplished great and glorious achievements, which have placed this nation among the foremost of the world, and united our country as one great fraternal Commonwealth, and that the Republic be saved from disruption in his vigorous manhood should not prove ungrateful in his declining years: Therefore,

Resolved, That it is the sense of this Legislature that General U. S. Grant, in view of his distinguished services to this nation, both in peace and war, should be placed upon the retired-list of the Army, and we respectfully request our Senators and Representatives in Congress to labor for the accomplishment of that end.

Be it resolved (the senate concurring). That the governor be, and he is hereby, requested to subscribe and forward this memorial to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, and to each of our Senators and Representatives in the Congress of the United States.

SAM. S. FIFIELD,
President of the Senate.
HIRAM O. FAIRCHILD,
Speaker of the Assembly.

STATE OF WISCONSIN.

Department of State, ss:

To all to whom these presents shall come:

I, Ernst G. Timme, secretary of state of the State of Wisconsin, do hereby certify that the foregoing has been compared by me with the original in this office, and that the same is a true and correct copy thereof, and of the whole of such original.

In testimony whereof, I have hereunto set my hand and affixed my official seal, at the capitol, in the city of Madison, this 20th day of February, in the year of our Lord 1885.

[SEAL.]

ERNST G. TIMME,
Secretary of State.

Mr. HOAR presented a petition of the Massachusetts Woman Suffrage Association, praying that Congress take steps so to amend the Constitution as hereafter forever to prohibit all political distinctions on account of sex; which was ordered to lie on the table.

Mr. CAMERON, of Wisconsin, presented a memorial of cigar-makers of Chippewa Falls, Wis., remonstrating against the ratification of

the proposed Spanish reciprocity treaty; which was ordered to lie on the table.

Mr. MILLER, of New York, presented a petition of the New York Naval Stores and Tobacco Exchange, praying that on all imported material manufactured in the United States and exported a drawback be allowed equal to the amount of duties paid in lieu of the 90 per cent. thereof now allowed by law; which was referred to the Committee on Finance.

Mr. MAHONEY presented a petition of the Chamber of Commerce of Lynchburg, Va., praying for the establishment of a naval station at Richmond, Va.; which was referred to the Committee on Naval Affairs.

Mr. BOWEN presented a petition of the Loyal Creek Indians, praying action of Congress with reference to the awards made to those Creeks who enlisted in the Federal Army, loyal refugees, and freedmen; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. MILLER, of California, presented a resolution of the Board of Trade of San Francisco, Cal., urging the prompt construction of a modern navy and an approved system of harbor fortifications; which was referred to the Committee on Appropriations.

SENATOR FROM IOWA.

Mr. HOAR. I am directed by the Committee on Privileges and Elections, to whom were referred two documents purporting to be the credentials of WILLIAM B. ALLISON, Senator-elect from the State of Iowa, to make a written report and to recommend that the credentials lie upon the table. The substance of the report is that Mr. ALLISON appears to be elected in either event, and it is not profitable to inquire at the present time whether the election which took place the second Tuesday after what is called the temporary organization of the Legislature of that State or a precisely similar proceeding which took place on the second Tuesday after what is called the permanent organization of the Legislature was the valid and rightful election under the act of Congress of the United States; and if it were necessary to determine that question the committee are of opinion that it should be determined by the Senate at the next session of Congress and not at present. I suppose there is no doubt whatever of the election of Mr. ALLISON.

The PRESIDENT *pro tempore*. The Senator from Massachusetts, from the Committee on Privileges and Elections, to which were referred two sets of credentials of Mr. WILLIAM B. ALLISON, Senator-elect from the State of Iowa, reports back the credentials with a written report. Does the Chair understand the Senator from Massachusetts to ask that the credentials be laid on the table or placed on file?

Mr. HOAR. What is the usual custom with credentials to which no objection is made?

The PRESIDENT *pro tempore*. They are placed on file and go to make up the list of Senators to be sworn in on the first day of the next Congress. If they be laid on the table they will not technically be before the Senate for action on the first day of the Congress.

Mr. HOAR. Then the recommendation of the committee is that the credentials be placed on file.

The PRESIDENT *pro tempore*. If there be no objection the credentials will be placed on file. The accompanying report will be printed under the rules.

REPORTS OF COMMITTEES.

Mr. MILLER, of New York, from the Committee on Finance, to whom was referred the bill (H. R. 4679) for the relief of Sarah E. Webster, administratrix, reported it without amendment.

Mr. WILSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

- A bill (S. 2153) granting a pension to Benjamin F. Brackett;
- A bill (S. 2125) granting a pension to Sarah Jane Prince;
- A bill (H. R. 7292) to increase the pension to Jacob Wiener;
- A bill (H. R. 5929) for the relief of Abigail Honey;
- A bill (H. R. 6796) to grant a pension to Lloyd W. Hixon;
- A bill (H. R. 6928) granting a pension to Leonard King;
- A bill (H. R. 5969) for the relief of Elizabeth A. Springstead; and
- A bill (H. R. 6287) for the relief of John H. Johnson.

Mr. WILSON, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

- A bill (S. 1997) to increase the pension of Louis J. Sacriste; and
- A bill (H. R. 6399) granting a pension to John H. Ivers, alias John H. Wilson.

Mr. MITCHELL, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

- A bill (H. R. 6596) granting a pension to John Hazlewood;
- A bill (H. R. 4869) for the relief of Morris Geld;
- A bill (H. R. 7373) for the relief of Sarah A. Burchfield; and
- A bill (H. R. 4263) granting a pension to Elizabeth Hood.

Mr. BLAIR. By direction of the Committee on Pensions, to whom was referred the bill (S. 2043) for the relief of Mrs. Maria L. Strong, I report it adversely with a minority report in favor of the passage of the

bill. It is the case of a naval officer of long service and distinguished gallantry whose widow applies for a pension. I ask that the bill be placed on the Calendar. I have not the report quite ready yet.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar. The Senator from New Hampshire asks that the minority of the committee have leave to submit and have printed their views. That order will be entered if there be no objection.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

- A bill (H. R. 2627) granting a pension to Noah Caton;
- A bill (H. R. 2538) granting a pension to Christiana Almier;
- A bill (H. R. 3355) for the relief of Mary Mulholland;
- A bill (H. R. 1219) granting a pension to Charles Hendrix;
- A bill (H. R. 5374) granting a pension to Phillip Wiggins; and
- A bill (H. R. 4079) granting a pension to James D. Kirk.

Mr. CULLOM, from the Committee on Pensions, to whom was referred the petition of David E. Ford, of Illinois, praying to be allowed a pension, submitted an adverse report thereon, which was agreed to; and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

- A bill (H. R. 256) granting a pension to Mary A. Land;
- A bill (H. R. 7869) granting a pension to Ameline L. Fitch;
- A bill (H. R. 1898) granting a pension to Harriet Armstrong;
- A bill (H. R. 2540) granting a pension to Priscilla J. Small;
- A bill (H. R. 7696) granting a pension to Thomas D. Fitch;
- A bill (H. R. 5925) granting a pension to Margaret A. Berry; and
- A bill (H. R. 3994) granting a pension to William Strickland.

Mr. JACKSON, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

- A bill (H. R. 391) granting a pension to Daniel H. Rose; and
- A bill (H. R. 1934) granting a pension to John C. Shacklett.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the petition of Mary Sullivan, praying to be allowed a pension; reported adversely thereon; and the committee were discharged from the further consideration of the petition.

Mr. CAMDEN, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

- A bill (H. R. 5215) granting a pension to Orlando Culver;
- A bill (H. R. 1127) granting a pension to Anson B. Sams;
- A bill (H. R. 5941) for the relief of Martha Lawson; and
- A bill (H. R. 7501) granting a pension to Hector W. Summers.

Mr. CAMDEN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

- A bill (H. R. 891) granting a pension to Robert J. Ebberman; and
- A bill (H. R. 3751) granting a pension to Francis Curran.

Mr. LAPHAM, from the Committee on Patents, to whom was referred the bill (S. 2212) for the relief of John R. Harrington, reported it with an amendment, and submitted a report thereon.

Mr. JACKSON. I am instructed by the Committee on Claims, to whom was referred the bill (H. R. 6881) for the relief of the trustees of the Christian Brothers' College, of Saint Louis, Mo., to report it adversely. The committee have heretofore reported adversely against a Senate bill of the same character, and the report in that case applies to the present House bill. I ask that it be placed on the Calendar, as there are views of the minority.

Mr. KENNA. In the same connection I desire to present the views of the minority.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar, and the views of the minority will be received and printed.

Mr. VAN WYCK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

- A bill (H. R. 7769) to grant a pension to Joseph R. Dodds;
- A bill (H. R. 7026) granting a pension to Jeremiah P. Swatzell;
- A bill (H. R. 7002) for the relief of Harriet L. Stevens;
- A bill (H. R. 6948) granting a pension to George W. Eagles;
- A bill (H. R. 4061) for the relief of William C. H. Bowman; and
- A bill (H. R. 1653) granting a pension to John R. Hurlburt.

Mr. VAN WYCK, from the same committee, to whom were referred the following bills, asked to be discharged from their further consideration, and moved their indefinite postponement; which was agreed to:

- A bill (S. 2175) granting a pension to George W. Eagles; and
- A bill (S. 2255) for the relief of Harriet L. Stevens.

Mr. MAHONEY, from the Committee on Public Buildings and Grounds, to whom was referred the joint resolution (S. R. 126) granting the right of way through Mail street in New York city to the Bleeker Street and Fulton Ferry Railroad Company, reported adversely thereon, and moved its indefinite postponement; which was agreed to.

REPORT OF COMMISSIONER OF FISH AND FISHERIES.

Mr. MANDERSON. I am directed by the Committee on Printing to report favorably a concurrent resolution providing for the printing of the report of the Commissioner of Fish and Fisheries for the year 1885, and I ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the report of the Commissioner of Fish and Fisheries for the year 1885 be printed, and that there be printed 11,000 extra copies, of which 3,000 shall be for the use of the Senate, 6,000 for the House, 1,500 for the use of the Commissioner of Fish and Fisheries, and 500 for sale by the Public Printer, under such regulations as the Joint Committee on Printing may prescribe, at a price equal to the additional cost of publication and 10 per cent. thereon added, the illustrations to be obtained by the Public Printer under the direction of the Joint Committee on Printing.

LIEUTENANT RAY'S ALASKA REPORT.

Mr. MANDERSON. I am directed by the Committee on Printing, to report favorably the joint resolution (H. Res. 335) to print 2,000 additional copies of Lieut. P. H. Ray's report of the international polar expedition to Point Barrow, Alaska, to report it favorably and without amendment. I ask for its present consideration.

By unanimous consent, the Senate proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES BEDELL, SR.

Mr. MITCHELL. The bill (S. 2327) for the relief of James Bedell, sr., was amended in the other House and was referred with the amendment to the Committee on Pensions. I am instructed by that committee to report in favor of concurring in the House amendment, and I ask that it be considered at this time.

By unanimous consent, the Senate proceeded to consider the amendment of the House of Representatives, which was to strike out all after the enacting clause and to insert:

That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll the name of James Bedell, sr., as dependent father of Samuel Umstead, subject to the provisions and limitations of the pension laws.

The amendment was concurred in.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. HARRISON. I am instructed by the Committee on Territories to report an amendment to the legislative, executive, and judicial appropriation bill. As that bill is being considered now, I ask that the amendment may be referred to the Committee on Appropriations without printing.

The PRESIDENT *pro tempore*. It will be referred without printing, if there be no objection, to the Committee on Appropriations.

Mr. PLATT, from the Committee on Patents, reported an amendment intended to be proposed to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BAYARD submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HOAR submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PRINTING OF SCIENTIFIC MEMOIRS.

Mr. MILLER, of New York, submitted the following resolutions; which were referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That Volume I of the Scientific Memoirs of the United States Department of Agriculture, being a monograph of the Noctuidæ of North America, with the necessary illustrations, be printed in quarto form, and that 5,000 additional copies be printed, of which 1,200 copies shall be for the use of the Senate, 2,800 copies for the use of the House, and 1,000 copies for the use of the Department of Agriculture.

Resolved by the Senate (the House of Representatives concurring), That Volume II of the Scientific Memoirs of the United States Department of Agriculture, being a monograph of the Sylphidæ of North America, be printed with the necessary illustrations, in quarto form, and that 5,000 additional copies be printed, of which 1,200 copies shall be for the use of the Senate, 2,800 copies for the use of the House, and 1,000 copies for the use of the Department of Agriculture.

OKLAHOMA LAND TITLES.

Mr. CULLOM. I ask leave at this time to present a preamble and joint resolution of the Legislature of Illinois.

The PRESIDENT *pro tempore*. If there be no objection the Chair will receive it. The preamble and resolution will be read.

The Chief Clerk read as follows:

Preamble and joint resolution adopted by the Thirty-fourth General Assembly of Illinois.

Whereas there is a strife and a bitter feeling that is liable to result in a conflict of arms between the cattle-men and the people in that part of the Indian nation known as Oklahoma; the cattle-men now having the possession of that country and having fenced the same into large tracts for grazing purposes on the one hand, and the people who are seeking it for settlement and homes on the other; and

Whereas the Creeks and other Indians did, by the treaty of 1866, cede the Oklahoma country to the United States in trust; Therefore,

Be it resolved by the senate (the house of representatives concurring herein), That

our Senators and Representatives in Congress be requested to use their influence for such legislation as will open that country to settlement under the homestead laws of Congress; and that the secretary of the State of Illinois be requested to have printed and mailed to each Member in Congress and each Senator from Illinois a copy of this resolution.

Introduced by Senator Streeter, February 4, 1885.

Adopted by the senate February 6, 1885.

J. C. SMITH,
President of the Senate.

Attest:

L. F. WATSON,
Secretary of the Senate.

Concurred in by the house of representatives, February 16, 1885.

Attest:

E. M. HAINES, Speaker.

R. A. D. WILBANKS,
Clerk House of Representatives.

Mr. CULLOM. I was about to move that the resolution be referred to the Committee on Public Lands, but the Senator from Massachusetts [Mr. DAWES] suggests that the resolution be referred to the Committee on Indian Affairs. I have no objection to that reference.

Mr. DAWES. Mr. President, it may not be out of place to say a word at this moment.

I get every day papers from Illinois, Kansas, and Missouri, making great complaint against Congress because Congress does not open that land to settlement. The opinion of Congress I think is pretty well settled that that land must ultimately be opened to settlement, but these papers represent to the public there that the title of the United States to the land at this moment is perfect, and that it differs in no way from the title of the United States to any public land. That is misleading the people, and it is to a great extent the cause of the excitement and anxiety among those people and their disposition to press upon that land.

If those papers which publish this declaration to the people and thus mislead them would take the trouble to examine for a moment the title to that land they would agree with the Attorney-General and the leading lawyers of the country, West as well as East, that the United States are not at liberty to open that land to public settlement, for the Indians still retain a title and interest in the land, and that it never was granted to the United States for the purpose of settlement by homestead. That it may not be wise to do it at an early period is another matter, and about that I think there may be very little question. Ultimately if that land is not needed for the purposes for which the United States obtained what interest they have in it, it ought under proper regulations and with proper outlet to the United States to be opened to settlement; but to call upon the United States now, and to complain of Congress or the Executive that they do not open it to-day to the homesteader is like calling upon them to open your land and mine to the homesteader.

Mr. CULLOM. I should like to ask the Senator from Massachusetts whether there is anything being done looking to a final opening of those lands to settlement by the people and the extinguishment of the Indian title?

Mr. DAWES. There has been a bill reported from the Committee on Indian Affairs, and is now pending in this body, which I should like to ask the action of the Senate upon at the earliest possible moment, authorizing the President to negotiate for the title of the Indians in that land for the purpose of ultimately opening it to settlement. That bill contains a clause requiring people to keep off from that land until they are authorized by law to enter upon it.

Mr. CULLOM. I desire simply to say that I hope the Senator and the committee over which he presides, as they seem to have charge of this subject, will as early as possible do whatever may be necessary to settle the question so that the people of the West and everywhere else in this country may not misunderstand the true legal situation in reference to these lands.

Mr. DAWES. It is difficult to see how the actual existence of that title and the character of it can be more settled than it is now. Committees of this body have two or three times made report to that effect. The Attorney-General of the United States has given an official opinion to that effect. Two Presidents of the United States have by proclamation declared the title actually as it exists; and the President of the United States has felt compelled to remove those who have unlawfully entered upon that land. They have entered upon it, honest people, supposing that they did have a right to enter upon it as public land; and they have been largely misled by statements like that contained in the official resolution of the Legislature of Illinois now upon the table, and by influential leading public journals, West and East, who, failing to look into the real title, failing to understand why it is that the United States do not open it like other public land, and not giving justice to the sentiment of Congress that they want to obtain fairly and honestly the title so that they may open it to public settlement, have led those people into the trouble they find themselves in.

Mr. PLUMB. Mr. President, I have not had the benefit of hearing all the statement of the Senator from Massachusetts, but I have heard enough of it to know the purpose which he has in mind.

I wish to remark that, whatever may be said about the Indian title, it is not a title which as a title the Indians can ever avail themselves of. It is not a title which the Government of the United States can not with

legal and moral propriety take away from the Indians. Whatever interest they have is an interest which can only sum itself up in the question of dollars and cents. The Indians can not resume possession of the land because the Government has failed to locate friendly Indians upon it. They can not do anything with the land. They can not sell their interest to anybody, and they have no interest unless it was reserved in the condition of the treaty of 1866, which provided that the land was ceded to the United States for the purpose of locating friendly Indians or freedmen upon it. The land is remote from the location of the Indians who are claiming a residuary interest in it. They have no purpose in connection with it except to make use of whatever remains of that interest for the purpose of getting some more money out of the Government of the United States.

That being the case, I hold that Congress may not only legally, morally, and properly remove that condition and open the land to settlement, but it seems to me manifest that it is incumbent upon Congress to do so. In other words, we can not sit here allowing the condition of things now existing, and which is going to be aggravated by time, to go on simply because the Indians will not (if they fail to do so) agree with us as to the condition on which they will relinquish the interest that they have in the lands.

It is within the legal power of Congress, as I believe. As I said, that power may properly be exercised to say what shall be done with the land, and then to say to the Indians, "We shall submit the question, as to how much damage by reason of our taking the land, this condition to the contrary notwithstanding, to the Congress of the United States itself, or to one of the courts of the United States, for the purpose of determining what that interest is worth and how much the Indians have been damaged by reason of Congress having acted contrary to a condition named in the treaty."

I do not care to enter extensively upon this question, but I want to say now, I hope once for all, that that is what I think is not only the legal right, the legal power of Congress, but is also the bounden duty of Congress to do.

Mr. DAWES. The Senator from Kansas will pardon me if I say that it is just such remarks as those he has made which have brought trouble on the people who have gone down there. While it may be true that the title is so fixed between the United States and these Indians that the Indians themselves can not use this land for any purposes of their own, it is equally true that the United States can not use it for any other purpose but the one purpose for which they acquired an interest in it. So while the Indian has put his title in such a condition that the land can be used only for one purpose, the United States have put themselves in precisely the same condition, and it is only by a release by the one to the other of the remaining interest in the land that either of them can appropriate it to its own use.

The idea that the United States can seize it and extinguish the title of the Indian in it and then pay him damages is a statement which, as between individuals in a court of law, would not be tolerated for a single moment. That a trustee for a special purpose can seize what he holds in trust and appropriate it to any other purpose, and let the *cestui que trust* get what he can in damages, would be new in a court of justice. The United States may have power to do it; the United States as between them and the Creek Indians are all powerful; but let them put themselves on an equality in the courts of the United States, and I venture to say that the doctrine announced here that either could extinguish by force or by the judgment of a court the title which the other holds to this land is a doctrine that never could be enforced in a court of justice as it never has been yet. It is a proper subject of negotiation, and I have no doubt that the Indians will listen to negotiation if it comes in the terms and in the spirit of fairness and justice; and that is the way to reach it.

Sir, there is more in this question than Oklahoma. Oklahoma is but 1,200,000 acres of land, situated in the center of a large Territory. There is a large territory of 6,000,000 acres between it and any of the States and Territories of this Union that would shut it off from all connection. That ought to go with it, and it is in some sense held by the United States by the same trust title, and it should be a part of the negotiation to open that vast country to homesteaders. When the people of Kansas and of Illinois and the western country generally understand that the United States are actuated by a purpose to procure and open to honest settlers that country upon fair terms, they will await the result; but when they are told that the United States can take it and appropriate it and are only kept back by cattle-men who are using it for their own purposes, they are misled and great wrong is done to them.

Sir, if the Senate will consent I will ask them to consider the bill which I reported to authorize the President to negotiate for the land, and the second section of which will keep it open for the honest and earnest builders of homes who desire to enter upon the public land according to law and to appropriate it, as the United States generously promised them that they might, under the forms of law, to their own use.

Mr. CULLOM. Mr. President, I only desire to say that this discussion has shown to my mind very clearly that the Legislature of the State of Illinois and the people of the West generally, if they mistake the legal situation of this land, are justified in the mistake, because it

is evident that the Senate does not agree upon the question of whether this land is in that sort of condition that the people can go upon it or not.

Mr. CAMERON, of Wisconsin. No person in the Senate has ever doubted the legal status of it.

Mr. DAWES. The Senator from Kansas stated it openly here a few days ago.

Mr. CAMERON, of Wisconsin. There is no dispute about the legal status of the land.

Mr. CULLOM. I hope that the bill of the Senator from Massachusetts will be called up and passed at the earliest possible moment, so that the people of this country will not remain in this sort of doubtful situation as to what their rights are in reference to lands that ought to be open to the public.

Mr. DAWES. I ask unanimous consent of the Senate for five minutes to put the bill on its passage.

The PRESIDENT *pro tempore*. Does the Senator from Illinois yield? Mr. CULLOM. Yes, sir.

The PRESIDENT *pro tempore*. Pending the motion that this resolution of the State of Illinois be referred to the Committee on Indian Affairs, the Senator from Massachusetts asks unanimous consent—

Mr. SHERMAN. Will the bill lead to debate?

Mr. DAWES. If it leads to debate, I shall withdraw the request; but I do not think it will.

The PRESIDENT *pro tempore*. What is the order of business?

Mr. DAWES. I will give the number in a moment.

Mr. SHERMAN. I should like to have the bill passed, but let it be passed in the regular time.

Mr. DAWES. The regular time will never come.

The PRESIDENT *pro tempore*. Debate is not in order on this request. The Senator from Massachusetts asks unanimous consent that Order of Business 1272, being the bill (S. 2648) to enable the President to negotiate for the purchase of portions of certain Indian reservations, be now considered. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to direct the President to ascertain without unnecessary delay, by communication with the authorities of the Creek, Seminole, and Cherokee Nations of Indians, in the Indian Territory, upon what terms those nations will relinquish and convey to the United States all their right, title, and interest in and to all that country described in article 3 of the treaty made between the United States and the Creek Nation on June 14, 1866, as "the west half of their entire domain," and the lands described in article 3 of the Seminole treaty of March 21, 1866, and so much of the lands described in article 16 of the treaty made between the United States and the Cherokee Nation on July 19, 1866, as has not been already purchased by the United States from the Cherokee Nation for the purpose of settling friendly Indians thereon, as provided for in the treaty, and to submit the result thereof to Congress at its next regular session.

The second section provides that every person who, without authority of law, enters and shall be found upon the lands described in the first section, with intent to occupy any such lands or reservation, or any part thereof, shall, for the first offense, upon conviction, pay a fine of not more than \$500, or be imprisoned at hard labor for not more than one year, or both, in the discretion of the court, and for every subsequent offense shall, upon conviction, pay a fine of not more than \$1,000 and be imprisoned at hard labor for not more than two years; and the wagons, teams, and outfit of such person or persons so offending are to be seized and delivered to the proper United States officer, and be proceeded against by libel in the proper court, and forfeited, one-half to the informer and the other half to the United States.

Mr. GARLAND. I should like to hear the latter part of the first section read.

The PRESIDENT *pro tempore*. The part referred to will be read.

Mr. DAWES. I will say that the last section is a copy of the Revised Statutes.

The PRESIDENT *pro tempore*. The reading requested by the Senator from Arkansas will take place.

The Chief Clerk read the first section of the bill.

Mr. GARLAND. I move to insert at the end of the first section:

With such suggestions and recommendations as he may see proper to make.

Mr. DAWES. I have no objection to that.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Arkansas, which will be read.

The CHIEF CLERK. At the end of line 23, section 1, it is proposed to add: "With such suggestions and recommendations as he may see proper to make."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the motion to refer the resolution of the Legislature of the State of Illinois to the Committee on Indian Affairs.

Mr. CULLOM. I suppose the Senator will now be content with a reference of that resolution to the Committee on Public Lands.

Mr. DAWES. I do not care where it is referred now.

Mr. CULLOM. I move that the resolution be referred to the Committee on Public Lands.

The PRESIDENT *pro tempore*. The Chair was in error. The Chair understood the Senator from Illinois to suggest a change of reference.

Mr. CULLOM. I did suggest a change, but it was with relation to the bill we have just passed.

The PRESIDENT *pro tempore*. If there be no present objection, the resolution will be referred to the Committee on Public Lands.

THE HENNEPIN CANAL.

Mr. CULLOM. I ask leave to present by consent another resolution of the Legislature of the State of Illinois, which I ask to have read, and referred to the Committee on Commerce.

The PRESIDENT *pro tempore*. The paper which the Senator sends to the Chair seems to be a telegram.

Mr. CULLOM. It is a telegram from the secretary of state of Illinois.

The PRESIDENT *pro tempore*. The Senator from Illinois asks leave to present at this time a telegram the nature of which he has stated. If there be no objection, it will be received and referred to the Committee on Commerce.

Several SENATORS. Let it be read.

The PRESIDENT *pro tempore*. It will be read.

The paper was read, and referred to the Committee on Commerce, as follows:

SPRINGFIELD, ILL., February 20, 1885.

To S. M. CULLOM, Senate:

The Legislature has unanimously passed the following joint resolution: Whereas the construction of the Hennepin Canal is now pending in Congress: Therefore,

Resolved by the Senate (the House concurring herein), That the General Assembly of the State of Illinois hereby again expresses its approval of this measure and requests our Senators and Representatives to use their earnest efforts to secure its success.

Resolved, That the secretary of state is requested to forward a copy of the foregoing to each Senator and Representative in Congress from Illinois.

HENRY D. DEMENT, Secretary State.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the amendments of the Senate to the following bills and joint resolution:

A bill (H. R. 2344) for the relief of Melissa G. Polar;

A bill (H. R. 4088) to incorporate the Luther Statue Association to erect and maintain a monument or statue in memory of Martin Luther in the District of Columbia; and

Joint resolution (H. Res. 288) authorizing the printing of 2,500 extra copies of the annual report of the health officer of the District of Columbia.

The message also announced that the House had passed the bill (S. 2551) to amend an act entitled "An act to increase the water supply of the city of Washington, and for other purposes."

The message, further, returned to the Senate the bill (S. 229) to authorize the Secretary of the Treasury to erect a public building in the city of Key West, Fla., with the amendments of the House of Representatives thereto.

The message also announced that the House had passed a bill (H. R. 8239) making appropriations for the naval service for the fiscal year ending June 30, 1886, and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. 70) for the relief of Joseph M. Cumming, Hamilton J. Miller, and William McRoberts;

A bill (S. 194) to authorize the Secretary of the Treasury to convey land in Providence, R. I., for highway purposes;

A bill (S. 357) granting a pension to William Lockhart;

A bill (S. 526) granting a pension of \$50 per month, to be paid out of the naval pension fund, to Julia T. Scott, widow of Gustavus H. Scott, late a rear-admiral in the United States Navy, and for forty-six years in active service;

A bill (S. 1117) for the erection of a public building at Macon, Ga.;

A bill (S. 1183) granting a pension to Hugh O'Neil;

A bill (S. 1268) for the relief of Sydney L. Skaggs;

A bill (S. 1473) to enlarge the United States custom-house at Richmond, Va.;

A bill (S. 1655) granting a pension to Newton J. Burris;

A bill (S. 1709) granting a pension to Leonora A. Boyden;

A bill (S. 1790) granting an increase of pension to Edgar L. Dutton;

A bill (S. 1803) granting an increase of pension to George A. Washburn;

A bill (S. 1804) granting a pension to Clarinda Hunt;

A bill (S. 1915) to remove the political disabilities of James D. Johnston, of Georgia, incurred under the fourteenth amendment of the Constitution;

A bill (S. 2272) granting a pension to Andrew Franklin, alias Andrew McKee;

A bill (S. 2350) granting a pension to Anna Ginn;

A bill (S. 2514) granting a pension to David T. Hoover;

A bill (S. 2570) granting an increase of pension to Samuel M. Thompson;

A bill (S. 2587) granting a pension to William H. H. Gilley;

A bill (S. 2610) granting a pension to Patrick Furlong;

A bill (S. 2623) to remove the political disabilities of Alexander W. Stark;

A bill (H. R. 483) for the erection of a public building at Keokuk, Iowa;

A bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia; and

A bill (H. R. 3933) to declare a forfeiture of lands granted to the Texas Pacific Railroad Company, and for other purposes.

GEORGE E. SPENCER.

Mr. JONES, of Nevada. I am instructed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred a resolution authorizing the payment to George E. Spencer, formerly a Senator from the State of Alabama, of the sum of \$7,132, to report it favorably.

The PRESIDENT *pro tempore*. The resolution will be placed on the Calendar.

Mr. JONES, of Nevada. I should like to have the resolution acted on immediately.

The PRESIDENT *pro tempore*. The Senator from Nevada asks unanimous consent that this resolution be now considered. Is there objection?

Mr. MORGAN. I object.

The PRESIDENT *pro tempore*. Objection is made, and it will be placed on the Calendar.

DEBATE ON APPROPRIATION BILLS.

Mr. ALLISON. I offer the following resolution, which relates to the business of the Senate:

Ordered, That during the remainder of the present session of the Senate it shall be in order to move at any time that debate on any amendment or all amendments to any appropriation bill then before the Senate be limited to five minutes for each Senator, and that no Senator shall speak more than once on the same amendment in form or substance. The question on such motion shall be determined without debate.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of this order?

Mr. HOAR. I object.

The PRESIDENT *pro tempore*. Objection is made, and it goes over until to-morrow.

LIBRARIAN'S REPORT.

Mr. SHERMAN. I present the annual report of the Librarian of Congress; and in connection with it submit from the Committee on the Library a resolution of which I ask the present consideration.

The Chief Clerk read the resolution, as follows:

Resolved, That the annual report of the Librarian of Congress be printed, and that 500 additional copies, with covers, be printed for distribution by the Librarian.

The PRESIDENT *pro tempore*. The request for additional copies requires a reference to the Committee on Printing.

Mr. SHERMAN. It falls slightly below the limit fixed by law.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution? The Chair hears none.

The resolution was considered by unanimous consent, and agreed to.

PENSION BILLS.

Mr. MITCHELL. I ask unanimous consent that the Senate now proceed to the consideration of private pension bills on the Calendar in the following order: First, Senate bills; next, House bills, as they stand reported upon the Calendar; and that no Senator speak more than once and not exceeding five minutes on any bill and the amendments proposed thereto; also, that no bill reported adversely shall be taken up except on call of a Senator.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks unanimous consent that the Senate now proceed to the consideration of private pension bills on the Calendar, beginning and going through with Senate bills favorably reported, and that the bills adversely reported be not taken up except on the call of a Senator, and that five minutes debate be allowed to each Senator on any bill—

Mr. HOAR. The sentence the Chair just uttered was not heard here. The Chair made some exception.

The PRESIDENT *pro tempore*. The exception stated by the Chair, as the Chair understood the Senator from Pennsylvania, was that bills adversely reported be not taken up except on the call or motion of a Senator; that without that the Senate would proceed first with the Senate bills reported favorably and then with the House bills, and that five minutes' debate be allowed to each Senator, and that each Senator speak only once. Is there objection?

Mr. INGALLS. I ask unanimous consent to make a response to the request of the Senator from Pennsylvania.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent to be heard on this question. The Chair hears no objection.

Mr. HILL. Mr. President—

The PRESIDENT *pro tempore*. The Senator from Kansas has the floor.

Mr. HILL. I rose to offer a resolution before that order was closed.

The PRESIDENT *pro tempore*. The order of resolutions is not yet closed. The Senator from Pennsylvania is asking unanimous consent; the Chair has stated what he asks. The Senator from Kansas now has leave by unanimous consent to speak upon that question, after which the Chair will recognize the Senator from Colorado.

Mr. INGALLS. How many of these bills are there? Will the chairman of the committee advise us?

Mr. MITCHELL. There are about two hundred bills altogether upon the Calendar.

Mr. INGALLS. Pension bills?

Mr. MITCHELL. Yes, sir.

Mr. INGALLS. That will consume, with the greatest rapidity that can be employed in their consideration, four or five hours. I understand that to the majority of these bills there is no objection. There are other matters of great importance that should be discussed, and that demand the consideration of the Senate. I therefore suggest that this evening or some other evening which may be convenient the Senate hold a session expressly for the purpose of considering pension bills. It appears to me that that will comport better with the dispatch of public business, and enable us to devote the time during the day to the consideration of measures of equal if not greater importance. I am very sure the Senate would be disposed, if the Senator from Pennsylvania, the chairman of the Committee on Pensions, would make the request, to agree that a session should be held this evening or to-morrow evening for the purpose of considering measures reported by that committee.

I gave notice yesterday morning that at the conclusion of morning business to-day I should ask the consideration of the bill reported yesterday from the Judiciary Committee affecting what is known as the Kidwell Meadows claim, lying along the shore of the Potomac, and involving the consideration of the expenditure of a million or two of dollars by the Government; but of course I waive that now until such time as the Senate may dispose of the suggestion made by the Senator from Pennsylvania.

Mr. MITCHELL. If I may be permitted—

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks unanimous consent to reply. Is there objection? The Chair hears none.

Mr. MITCHELL. I will state that down to this morning there were upon the Calendar one hundred and sixty-two pension bills. Of these forty-five were reported adversely and one hundred and seventeen favorably. Among the adverse reports there are eighteen fifty-dollar cases, those cases in which many Senators feel greatly interested, and which they have requested should be placed upon the Calendar for consideration. There are so many of these bills reported adversely now upon the Calendar that I feel it my duty on the solicitation of many Senators to ask that the Senate consider also the cases adversely reported. I am disposed to think the suggestion of the Senator from Kansas is not a practicable one.

Mr. JACKSON. May I ask the Senator whether he is not making a request, not on behalf of the committee, but of Senators?

Mr. MITCHELL. I do not hear the remark of the Senator from Tennessee.

Mr. JACKSON. I wish to suggest that the Senator is not making the request on behalf of the committee to take up the cases adversely reported, but that is a personal request of Senators.

Mr. MITCHELL. In this I am not representing the committee, but only a general opinion that has come to me very strongly expressed by many Senators who desire to reach those bills.

Mr. HOAR. I should like to ask the Senator from Pennsylvania if his request is to have the debate limited to five minutes without accompanying it with the provision of the Anthony rule that one objection takes a case from the consideration of the Senate?

Mr. MITCHELL. Yes, sir; that was the way I put the request.

Mr. HOAR. I wish to say that I shall resist with all my might anything which contemplates the establishment of a limitation of debate in the Senate as an overthrow of the entire constitutional field of the Senate, as I understand it. That is avoided in the Anthony rule by providing that the whole thing goes on by unanimous consent, because under that rule one objection will remove a case from the consideration of the Senate unless the Senate by majority vote take it up free from the rule. But I understand the Senator from Pennsylvania now to ask the Senate to agree that two hundred cases, some of them involving very important principles, shall be considered by the Senate under a rule which limits every Senator to speaking but once and speaking but five minutes. To that I must object.

The PRESIDENT *pro tempore*. Objection is made to the request of the Senator from Pennsylvania.

Mr. MITCHELL. Then I will modify the request in the manner the Senator from Massachusetts suggests, leaving all bills subject to objection as under the Anthony rule.

The PRESIDENT *pro tempore*. The Chair will state the modified request of the Senator from Pennsylvania.

Mr. HALE. Let me ask one question. Are these bills all private pension bills?

Mr. MITCHELL. All private pension bills.

Mr. HALE. Does not the Senator from Massachusetts think that five minutes' debate by any one Senator is sufficient to throw light on a subject of this kind? How can we ever get through with the business of the session if on every private pension bill unlimited debate such as the Senator from Massachusetts advocates is thrown in? We shall never get anything done.

Mr. HOAR. The first private pension bill taken up may involve a principle which affects the Treasury to the amount of millions and millions.

Mr. HALE. If the Senator from Massachusetts desires to spend the time of the body in talk rather than in doing business, a large proportion of the business will necessarily go over.

Mr. HOAR. Well, Mr. President—

The PRESIDENT *pro tempore*. It is the duty of the Chair to say that debate is not in order.

Mr. HOAR. I ask leave to say one word in reply.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent to be heard upon the matter now pending on the request of the Senator from Pennsylvania. Is there objection? The Chair hears none.

Mr. HOAR. It is my duty to say in reply to the gibe of the Senator from Maine that in my judgment it proceeds from a very imperfect comprehension of the Constitution of his country and the constitution of the Senate.

The PRESIDENT *pro tempore*. The Chair will now state the request as modified by the Senator from Pennsylvania.

Mr. MITCHELL. Allow me to state that I make the modification because the Senator from Massachusetts objected to the request as I made it originally.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks unanimous consent that the private pension bills on the Calendar, giving Senate bills the preference in the order of disposing of them (so that they may go to the House as the Chair supposes), be taken up under the so-called Anthony rule. Is there objection?

Mr. COCKRELL. I ask unanimous consent to say a word.

The PRESIDENT *pro tempore*. The Senator from Missouri asks unanimous consent to be heard. The Chair hears no objection.

Mr. COCKRELL. I hope the Senator from Pennsylvania will not insist upon his motion. We have an order now to go to the Calendar of House bills under Rule VIII, and under that rule we can this morning dispose of all the House bills preceding the pension bills. Then we can go on with these other cases. Now, if the Senator will modify his motion so as to include only the Senate pension bills favorably reported, and then let all the House bills come under the other order, I am willing to agree to it. We can in that way dispose of the business in a very short time. If the Senator wants simply to act on the Senate bills favorably reported, so as to get them to the House, let us act upon them now, and then let us commence under the other rule and take up all the House cases favorably reported in order. We can do business in that way. We can dispose of all these cases without any trouble to-day and to-morrow. If we undertake to go on in the other way the Senate will find on the arrival of 1 o'clock that they have not passed six bills. I hope that the modification of the request will be made in the way I have suggested.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Missouri to object to the request as now made.

Mr. COCKRELL. I object to it in its present form.

Mr. MITCHELL. I move that the Senate now proceed to consider the bill (S. 544) granting an increase of pension to Elijah W. Penny, being Order of Business 65.

The PRESIDENT *pro tempore*. That motion will not be in order until the call for resolutions is gone through. That has not been exhausted. The Senator from Colorado [Mr. HILL] rises to offer a resolution, the Chair understands.

Mr. MITCHELL. If I may be allowed, I should be willing myself to consider bills as proposed by the Senator from Missouri; but there is a large number of Senate bills that ought to go to the House immediately or they can not pass that body.

The PRESIDENT *pro tempore*. The Senator from Colorado offers a resolution.

ILLEGAL LAND ENTRIES IN CALIFORNIA.

Mr. HILL submitted the following resolution:

Resolved, That the Secretary of the Interior be directed to furnish to the Senate copies of the reports of Special Agent of the Land Department Wilson T. Smith, with accompanying affidavits and papers sent to the Commissioner of

the General Land Office in August and September, 1883, which reports, affidavits, and papers referred to the illegal timber-land entries, and fraudulent issuance of titles under the act of June 3, 1878, in the Humboldt land district, California, said entries being confined to townships 8, 9, 10, 11, and 12 north, range 1 and 2 east H. M., and townships 7 north, range 2 east, and 13 north, range 1 east H. M., and embracing over 100,000 acres of redwood timber land.

Also copies of the reports of Special Agents George D. Orner and W. H. Goucher, of the Land Department, sent to the Secretary of the Interior and Commissioner of the General Land Office, which refer to the same illegal timber-land entries in Humboldt County, California, and inform the Senate what action has been taken by the Commissioner and Secretary of the Interior, as to the cancellation of the illegal timber-land entries in the above described townships, and if any patents have been issued by the Commissioner since June 1, 1883, under the act of June 3, 1878, for timber lands in the above enumerated townships, to give the date of their issuance, name of entrymen, and description of land.

Mr. HILL. I ask for the present consideration of the resolution.

Mr. COCKRELL. I object.

The PRESIDENT *pro tempore*. The resolution will be printed and go over.

PENSION BILLS.

Mr. INGALLS. I move that a session of the Senate be held to-morrow evening, commencing at 8 o'clock, for the purpose of considering pension bills upon the Calendar.

The PRESIDENT *pro tempore*. The Chair thinks that motion is not in order. He can entertain it by unanimous consent.

Mr. INGALLS. I ask unanimous consent that I be permitted to make that motion.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent to move at this time for consideration that the Senate hold a sitting to-morrow evening, commencing at 8 o'clock, for the purpose of considering pension bills on the Calendar.

Mr. SHERMAN. I think I shall object at present.

The PRESIDENT *pro tempore*. Objection is made. Concurrent or other resolutions are now in order. If there be no further resolutions that order is closed.

Mr. MITCHELL. I now renew the motion that I made a few moments ago, that the Senate proceed to the consideration of Order of Business 65, being the bill (S. 544) granting an increase of pension to Elijah W. Penny.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Pennsylvania.

Mr. JACKSON. In that case there is an adverse report.

The PRESIDENT *pro tempore*. Debate is not in order. The question is on agreeing to the motion of the Senator from Pennsylvania.

Mr. HARRISON. I ask for a division on the question.

Mr. COCKRELL. I ask for the yeas and nays.

Mr. HARRISON. Mr. President—

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. HARRISON. I ask unanimous consent to say simply a word.

The PRESIDENT *pro tempore*. The Senator from Indiana asks unanimous consent to be heard on this question. Is there objection? The Chair hears none.

Mr. HARRISON. This is a case of a soldier who entered the Army as a private early in 1861 and served until December 1865. He lost an arm above the elbow and was also shot in the spine. He is totally paralyzed on one side, and since this adverse report he has received an increase of pension for loss of an arm up to \$36. He was reported to be entitled to \$12 for a wound in his side, and much of the time he requires an attendant. So I am sure the case has merit in it and the Senate ought to consider it.

Mr. JACKSON. I ask consent to say a word.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks unanimous consent to be heard on this question. Is there objection? The Chair hears none.

Mr. JACKSON. The claimant is now pensioned at \$36 a month. That was given by a special act of Congress in 1882, and he has shown no increased disability since that date.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Pennsylvania.

Mr. HARRISON. I desire to say one word. Since that time Congress has increased the pension for the loss of an arm to \$30, and you are giving but \$6 for the other disability.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Pennsylvania that the Senate proceed to the consideration of the bill the title of which has been stated.

The yeas and nays were taken.

Mr. CALL. My colleague [Mr. JONES, of Florida] is absent on account of illness. He is paired with the Senator from Nebraska [Mr. MANDERSON].

The result was announced—yeas 33, nays 22; as follows:

YEAS—33.

Aldrich,
Allison,
Blair,
Bowen,
Brown,
Cameron of Wis.,
Chace,
Conger,
Cullom,

Dolph,
Edmunds,
Frye,
Hale,
Harrison,
Hawley,
Hoar,
Jones of Nevada,
Lapham,

McMillan,
Mahone,
Manderson,
Mitchell,
Morgan,
Morrill,
Palmer,
Platt,
Sabin,

Sawyer,
Sewell,
Sherman,
Van Wyck,
Voorhees,
Wilson.

Bayard,
Beck,
Butler,
Call,
Camden,
Cockrell,

Coke,
Fair,
Gariand,
Gorman,
Groome,
Hampton,

NAYS—22.

Harris,
Jackson,
Jones,
McPherson,
Pugh,
Saulsbury,

Slater,
Vance,
West,
Walker.

ABSENT—21.

Cameron of Pa.,
Colquitt,
Dawes,
Farley,
George,
Gibson,

Hill,
Ingalls,
Jones of Florida,
Kenna,
Lamar,
Logan,

Maxey,
Miller of Cal.,
Miller of N. Y.,
Pendleton,
Pike,
Plumb,

Ransom,
Riddleberger,
Williams.

So the motion was agreed to.

ELIJAH W. PENNY.

The PRESIDENT *pro tempore*. The bill (S. 544) granting an increase of pension to Elijah W. Penny is before the Senate. The bill has heretofore been indefinitely postponed, and the vote indefinitely postponing the bill has been reconsidered; so the question now recurs on the motion to indefinitely postpone the bill.

Mr. COCKRELL. Let the report be read.

The PRESIDENT *pro tempore*. The report will be read, if there be no objection.

The Secretary read the following report, submitted by Mr. JACKSON January 15, 1884:

The Committee on Pensions, to whom was referred Senate bill 544, granting an increase of pension to Elijah W. Penny, have considered the same, and respectfully report:

That the claimant, Elijah W. Penny, was captain of Company A, One hundred and thirtieth Indiana Volunteer Regiment, during the late war; that he was honorably discharged December 2, 1865, being disabled by loss of right arm and gunshot wound in right side. On the 20th December, 1865, he filed his application for invalid pension, which was allowed January 2, 1867, and he was pensioned at \$20 per month from December 2, 1865, the date of his discharge. He subsequently applied for an increase, and his pension was raised to \$24 per month June 4, 1874. He made a second application for increase, which was rejected by the Pension Bureau in 1879 and 1880. He then applied to Congress, and by special act passed July 22, 1882, his pension was increased to \$28 per month on account of the aforesaid disabilities—loss of right arm above elbow and gunshot wound in right side—and he is now in receipt of said pension of \$36. The present bill proposes to increase his pension by special act to \$50 per month, and for the same disabilities which induced Congress to grant the special relief and to raise his pension to \$36 in July, 1882 (see Senate Report No. 775, first session Forty-seventh Congress). The claimant's case having once been fully considered by Congress, and such relief awarded as was deemed proper, your committee think it would be setting a bad precedent to give the case a second favorable consideration, no increased disability being shown. But aside from this consideration it appears from the certificate of the examining board of surgeons, made March 3, 1883, that the claimant is fully rated at \$36 per month. The board of surgeons make the following report:

"There is loss of right arm at junction of upper and middle third above the elbow. Gunshot wound of right side. Ball entered one inch to the right of spine opposite the twelfth dorsal vertebra, and came out forward and to the right three inches from point of entrance. It struck the twelfth rib, but did not penetrate the cavity of abdomen. We think him fully rated for gunshot wound of right side at \$12 per month. We are unable to see any increase of disability. We find the disabilities as above described to entitle him to a \$36 rating."

Being thus fully rated, your committee recommend that the bill be not passed, but be indefinitely postponed by the Senate.

Mr. HARRISON. I know that many Senators will probably take it for granted that the examination of the committee was so thorough that they ought not to reverse the action of the committee; but I am satisfied, if I can get the attention of the Senate, that those who listen to me and hear the facts will see that there is good reason why this report should be reversed.

At the time the special act was passed in 1882 fixing the pension of Colonel Penny at \$36 a month, the regular pension rate for the loss of an arm above the elbow was \$24 a month. Colonel Penny suffered that injury. He lost his arm above the elbow. Since that we have increased the general pension for the loss of an arm above the elbow to \$30 a month. There has been a general increase for that disability; and no one questions that under the general pension laws for that injury he would now be entitled to \$30 a month. He is drawing under the special act of 1882 \$36 a month; but in addition to this loss of an arm Colonel Penny received a wound in the side, the ball breaking one of his ribs and lodging against the spinal column. The result of that has been, as the surgeons certify, almost a total paralysis of the right side, leaving him at times in such a condition that an attendant to take care of him is absolutely necessary.

Mr. COCKRELL. Let me ask the Senator if the Pension Office has any authority under the law to increase the pension for such absolute disability which he says is developed, above \$36?

Mr. HARRISON. For what disability?

Mr. COCKRELL. For his disability.

Mr. HARRISON. The Committee on Pensions of the Senate added to the \$24 a month which he would have been entitled to for the loss of his arm when his special bill was passed \$12 a month for this wound in the back, making his pension \$36 a month.

Mr. COCKRELL. That is not the point. The point I want to get at is whether the Pension Office under existing law can make any increase of this rate of \$36 now allowed because of disability increased since its allowance?

Mr. HARRISON. I do not suppose they could, as he holds under this special act; he takes his pension under a special act which fixes

the amount of it. Here is a case where taking the regular pension allowed of \$30 for the loss of arm above the elbow, and adding to it the \$12 which the committee of the Senate gave him before for the wound in the back, the party would be entitled to \$42 a month instead of \$36; and this bill only proposes to make it \$50 in view of the fact that he is totally disabled, and for months at a time requires an attendant to take care of him. Upon the finding of the committee giving him \$12 for the wound in the back and the \$30 the law gives him for the loss of an arm, he would be entitled to \$42 a month; and yet the Senator from Tennessee is insisting that he shall be kept at \$36; in other words, giving him only \$6 for this injury in the back which the committee have found should be compensated at least at the rate of \$12.

This is the case of a most gallant soldier receiving two wounds in the service of his country and having served his country faithfully, beginning as a private in 1861, and being mustered out with his regiment in December, 1865, as its lieutenant-colonel.

Mr. JACKSON. The Senator from Indiana singles me out because I made the report as the one attacking the pension applied for. It was the unanimous report of the Committee on Pensions. Now what are the facts? This soldier for the loss of the right arm above the elbow and for a wound in the side was pensioned finally at \$24 per month. His pension was increased from time to time until it reached \$24 per month. He applied for an increase in 1879, and the board of examining surgeons said that he was not entitled to any increase above the \$24. He applied for an increase again in 1880, and the board of examining surgeons said again that he was not entitled to any increase; that \$24 was his proper rate. He came to Congress and asked for special relief; and because of the two wounds Congress increased his pension in 1882 from \$24 to \$36 a month, covering all his disability.

There was not an iota of evidence in the papers before the committee that his disability had increased since Congress acted upon his case specially in 1882. Since that time he has been examined again in March, 1883, by a board of examining surgeons and they say he is properly rated at \$36, and they decline to give him a further increase.

Mr. HARRISON. If the Senator from Tennessee will allow me one moment, I ask him whether it is not apparent to him under the findings of the committee when they reported his bill before that under the amended law as to pension for the loss of an arm he would be entitled to \$42 now?

Mr. JACKSON. I am coming to that in a moment. The law of 1883, passed about the time that he was last examined, raised the pension from \$24 to \$30 for the loss of an arm above the elbow; but it is now proposed to put this man on the roll at \$50 a month. All the increase that he could possibly be entitled to would be \$6. Even under the claim of the Senator from Indiana he would not be entitled to more than \$6.

But that is not the question. We are pursuing a course that is inviting every rejected claim from the Pension Office to Congress; we are pursuing a course that leads every failure to get an increase in the Pension Office to come to Congress; and every rejected case is coming here. The records of our committee show that these private pension bills are on the increase fearfully. We undertake to override and overrule the action of the examining boards of surgeons who rate these disabilities and give way to our sympathies and run rough-shod over the action both of the committee here and of the Pension Office.

Why, sir, we reported last session from the Committee on Pensions four hundred and fifty cases. We have already reached eight hundred at this session. Eight hundred cases that had been rejected in the Pension Office have been examined by the Committee on Pensions of this body since the 20th of December, 1884; 60 per cent. of them reported favorably, overruling the medical examinations of medical experts even on questions as to disease. The result of this course is that we are converting one committee of this body into a reviewing court for the entire pension business. I think there is no excuse in this case for increasing this pension, and no pretense for it under the last examination made by a board of examining surgeons in 1883.

Mr. HARRISON. I ask unanimous consent that the reconsideration may be had, and that the vote may be upon the passage of the bill.

The PRESIDING OFFICER (Mr. ALLISON in the chair). What is the request of the Senator?

Mr. HARRISON. I understood the pending question was the reconsideration of the action taken heretofore.

The PRESIDING OFFICER. No; the pending question is on the indefinite postponement of the bill.

Mr. HARRISON. I ask that that may be taken by consent, and that we may come to a vote on the bill.

The PRESIDING OFFICER. The question is on the indefinite postponement of the bill.

The Chair put the question, and declared that the yeas appeared to prevail.

Mr. JACKSON. I ask for the yeas and nays.

Mr. HARRISON. I ask the Senator from Tennessee to take the yeas and nays upon a direct vote upon the bill rather than on the postponement.

Mr. JACKSON. I am willing for that.

Mr. COCKRELL. What was the proposition about to be voted on?

The PRESIDING OFFICER. The proposition which has just been voted on is the question of indefinite postponement. Now the Senator from Indiana asks unanimous consent that the vote may be taken directly on the passage of the bill.

Mr. COCKRELL. I object to that. I believe an amendment is in order now.

Mr. HARRISON. I should think not.

The PRESIDING OFFICER. Not while the motion to indefinitely postpone is pending.

Mr. HARRISON. I hope the Senator from Missouri will let this matter stand, as the Chair has announced that the yeas have it on the motion to postpone. Then he can propose his amendment, and then we can take a vote directly on the bill. There is no use in having two roll-calls.

Mr. BLAIR. Let us hear the amendment read for information.

The PRESIDING OFFICER. The Chair will put the question again on the motion to indefinitely postpone the bill.

The motion was not agreed to.

Mr. COCKRELL. Now, I should like to hear the bill read.

The PRESIDING OFFICER. The bill will be again read.

Mr. COCKRELL. I understand the amount allowed by the bill is \$50 a month?

The PRESIDING OFFICER. The bill is now before the Senate as in Committee of the Whole and open to amendment, and will be read. The Chief Clerk read the bill.

Mr. COCKRELL. I move to strike out the word "fifty," in line 7, and insert "forty-two;" so as to read:

At the rate of \$42 per month.

Mr. SHERMAN. That is right.

Mr. HARRISON. I will not object to that amendment. It puts it exactly where the committee put it before, and gives him only the benefit of the increase in the general law.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Missouri [Mr. COCKRELL].

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. SLATER. Provided there were no question in relation to the propriety of putting this man's pension at \$42, there is great impropriety in doing it by act of Congress. We have no means ordinarily of giving a man a proper rate of pension, and it is improper in every sense of the term for Congress to undertake to do this work for which we have all the machinery in the Pension Bureau. This man has already been rated since the passage of the law of 1883, and the board say that they have already rated him at all that he should have. We are setting a precedent that will return to trouble Congress from session to session, and we ought not to enter upon such a system of legislation. We have bills year after year of this character, and they will multiply; they are multiplying. Four years ago it was seldom that a bill came to Congress asking for a rating of pension. Now they are a very large percentage of the bills that reach here. We ought not to pass any bills of the kind.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. JACKSON. On the passage of the bill I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BUTLER. Before the roll is called may I inquire whether the case is reported unanimously by the Committee on Pensions.

Mr. BLAIR. The Committee on Pensions reported \$36. On the motion of the Senator from Missouri there has been an amendment adopted increasing the pension to \$42. The question is on \$42.

Mr. COCKRELL. I beg my friend's pardon. The bill proposed \$50.

Mr. BLAIR. That is so.

Mr. COCKRELL. The Committee on Pensions reported adversely to any increase at all.

Mr. HARRISON. He has \$36 now.

Mr. COCKRELL. I then moved to strike out "fifty" and insert "thirty-six" in the original bill.

Mr. HARRISON. No, forty-two.

Mr. COCKRELL. "Forty-two" I mean. That was agreed to, but the bill still stands upon the adverse report of the committee.

Mr. BLAIR. At \$42?

Mr. COCKRELL. At \$42.

Mr. BLAIR. It stands at \$42 upon a vote of the Senate adopting an amendment. That is the way the bill now stands.

Mr. COCKRELL. In lieu of \$50.

Mr. BLAIR. In lieu of \$50, certainly.

Mr. COCKRELL. It stands now before the Senate upon the action of the Senate striking out "fifty" and inserting "forty-two."

Mr. BLAIR. The question is whether the Senate will reverse itself.

Mr. BUTLER. I inquire of the Senator from Missouri what the action of the committee was upon the allowance of \$42. Was it favorable or adverse?

Mr. COCKRELL. I presume—not being a member of the committee I can not speak for it—that that proposition was not considered.

Mr. CULLOM. It was not.

Mr. COCKRELL. The bill was reported adversely against any increase, and postponed indefinitely. Then there was a motion to reconsider, and that prevailed as a matter of course, as is usual in such cases; but the bill has not been considered by the committee at the sum of \$42 at all.

The PRESIDING OFFICER. The question is on the passage of the bill, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 28, nays 25; as follows:

YEAS—28.			
Aldrich,	Dolph,	McMillan,	Sabin,
Allison,	Frye,	Miller of Cal.,	Sawyer,
Blair,	Gorman,	Mitchell,	Sewall,
Brown,	Hale,	Morrill,	Sherman,
Cameron of Wis.,	Harrison,	Palmer,	Van Wyck,
Chace,	Hawley,	Platt,	Voorhees,
Conger,	Lapham,	Riddleberger,	Wilson.
NAYS—25.			
Bayard,	Colquitt,	Jackson,	Slater,
Beck,	Fair,	Jonas,	Vance,
Butler,	Garland,	Macey,	Vest,
Call,	Gibson,	Morgan,	Walker.
Camden,	Groome,	Pendleton,	
Cockrell,	Hampton,	Pugh,	
Coke,	Harris,	Saulsbury,	
ABSENT—23.			
Bowen,	George,	Kenna,	Miller of N. Y.,
Cameron of Pa.,	Hill,	Lamar,	Pike,
Cullom,	Hear,	Logan,	Plumb,
Dawes,	Ingalls,	McPherson,	Ransom,
Edmunds,	Jones of Florida,	Mahone,	Williams.
Farley,	Jones of Nevada,	Manderson,	

So the bill was passed.

The PRESIDING OFFICER. There is a preamble to the bill, the Chair understands.

Mr. COCKRELL. Let it be read.

The PRESIDING OFFICER. The preamble will be read.

The Secretary read the preamble.

Mr. HARRISON. I hope the Senate will just disagree to the preamble. There is no occasion for it.

The PRESIDING OFFICER. The question is on agreeing to the preamble.

The preamble was rejected.

HOUSE BILL REFERRED.

The bill (H. R. 8239) making appropriations for the naval service for the fiscal year ending June 30, 1886, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

MINA M. GWYNN.

Mr. MITCHELL. I move that the Senate do now proceed to the consideration of Order of Business 452, being the bill (S. 1360) giving a pension to Mina M. Gwynn, of Kansas City, Mo.

Mr. SHERMAN. As these bills are being taken up, I ask unanimous consent of the Senate, because this is perhaps the only day that can be devoted to pensions, that after this bill is disposed of the pension bills be taken up, both Senate and House bills, in their order on the Calendar, those that have been reported favorably, and that after they are acted on all other pension bills which have been reported adversely may then come up on the motion of any Senator.

Mr. MITCHELL. On the call of any Senator in their order?

Mr. SHERMAN. Whether in their order or not. Let any Senator then move to take up any pension bill he chooses, but let us get through first with the unobjected cases.

Mr. SEWELL. I suggest to the Senator from Ohio that bills reported adversely be taken up on call in their order. There are some cases apparently reported adversely that are really favorable reports. They are merely reported adversely for the larger sum proposed.

Mr. SHERMAN. We had better first dispose of the bills favorably reported, so that we need not be here all the time.

The PRESIDING OFFICER. The Senator from Ohio—

Mr. BLAIR. I ask unanimous consent to be allowed to say a word before the suggestion is acted on.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent to say a word before the question is put.

Mr. BLAIR. We have got started. The great thing in the pension business is to get started; and if we keep right on just as we have started, taking up the cases as we come to them, whether adversely or favorably reported, we shall get through the Calendar and everything will be off the Calendar by 5 o'clock. Now we are wasting a great deal of time in discussing how we shall do it. Most of these adversely reported cases will be settled on a single debate. There are not more than three or four different sorts of cases, and the disposition of any one will be a precedent that will control the others. If we keep right on we shall be through by 5 o'clock with the whole pension business, and probably before that hour.

The PRESIDING OFFICER. The Senator from Ohio asks unan-

imous consent that after the present bill is disposed of the Calendar of pension cases shall be taken up, and those reported favorably shall be first considered and then adverse reports shall be considered as suggested by Senators. Is there objection?

Mr. ALDRICH. I object.

Mr. JACKSON. I object to that.

The PRESIDING OFFICER. Objection is made. The question is on the motion of the Senator from Pennsylvania to proceed to the consideration of the bill (S. 1360) giving a pension to Mina M. Gwynn, of Kansas City, Mo.

Mr. JACKSON called for the yeas and nays, and they were ordered.

Mr. COCKRELL. I should like to know why the Senator passes over Order of Business 406?

The PRESIDING OFFICER. Debate is not in order except by unanimous consent.

Mr. CAMERON, of Wisconsin. I object.

Mr. BLAIR. I can state in regard to that that the man is dead.

The PRESIDING OFFICER. Debate is not in order.

The question being taken by yeas and nays, resulted—yeas 24, nays 29; as follows:

YEAS—24.			
Aldrich,	Cullom,	Jones of Nevada,	Sabin,
Allison,	Frye,	McMillan,	Sawyer,
Blair,	Hale,	Miller of Cal.,	Sewell,
Cameron of Wis.,	Harrison,	Mitchell,	Sherman,
Chace,	Hawley,	Morrill,	Van Wyck,
Conger,	Hear,	Palmer,	Voorhees.
NAYS—29.			
Bayard,	Colquitt,	Harris,	Slater,
Beck,	Fair,	Jackson,	Vance,
Brown,	Garland,	Jonas,	Vest,
Butler,	George,	McPherson,	Walker,
Call,	Gibson,	Macey,	Wilson.
Camden,	Gorman,	Pendleton,	
Cockrell,	Groome,	Pugh,	
Coke,	Hampton,	Saulsbury,	
ABSENT—23.			
Bowen,	Hill,	Logan,	Platt,
Cameron of Pa.,	Ingalls,	Mahone,	Plumb,
Dawes,	Jones of Florida,	Manderson,	Ransom,
Dolph,	Kenna,	Miller of N. Y.,	Riddleberger,
Edmunds,	Lamar,	Morgan,	Williams.
Farley,	Lapham,	Pike,	

So the motion was not agreed to.

PENSION BILLS.

Mr. MITCHELL. I now ask unanimous consent that the Senate proceed to the consideration of bills reported favorably from the Committee on Pensions.

Mr. BLAIR. I object. There is only one way to do this business, and that is to go right on.

Mr. COCKRELL. Regular order.

Mr. INGALLS. Regular order.

The PRESIDING OFFICER. The regular order is demanded.

Mr. VOORHEES. Mr. President—

The PRESIDING OFFICER. Debate is not in order.

Mr. VOORHEES. I do not rise to debate.

Mr. SHERMAN. What is the regular order?

The PRESIDING OFFICER. The next case on the Calendar.

Mr. VOORHEES. I rise to make a suggestion to the Senate.

The PRESIDING OFFICER. Is there objection to hearing the Senator from Indiana? The Chair hears none.

Mr. VOORHEES. Among the several suggestions made this morning as to the best mode of considering this important branch of public business now on our Calendar, I think the Senator from Kansas made a most valuable one; and if it would be in order I would make a motion to set aside some evening when we can take up the entire Calendar of pension business, bills reported favorably and unfavorably, and dispose of them, without breaking into a session so precious and important as the day's session is now. Am I in order in making such a motion, Mr. President? If I am, I will make the motion that the Senate—

The PRESIDING OFFICER. The motion is not in order without unanimous consent.

Mr. VOORHEES. I ask leave of the Senate to make the motion in order to test the sense of the Senate that the Senate shall meet to-morrow evening at some hour that is agreeable, say 8 o'clock, and proceed to the consideration of pension business alone, and in that way clear the Calendar.

Mr. COCKRELL. I call for the regular order.

Mr. SHERMAN. I object to the suggestion as totally impracticable. A single objection would prevent the passage of any bill whatever.

The PRESIDING OFFICER. The regular order is called for. The Chair will lay before the Senate the regular order, which is Senate bill No. 15.

Mr. COCKRELL. I beg the Chair's pardon. There is a rule which says we are to go to the consideration of unobjected House cases, as I understand.

The PRESIDING OFFICER. The Chair understands that that rule applies to the morning hour, which has already expired. The regular

order is the bill (S. 15) to provide for the further protection of citizens of the United States and others against the violation of certain rights secured to them by the Constitution of the United States.

Mr. SHERMAN. I submit a motion that is in order. I move that the Senate now proceed to the consideration of the first bill reported from the Committee on Pensions favorably. I do not know what it is, but as soon as the Chair announces it I will insert it in my motion.

The PRESIDING OFFICER. That motion is in order.

Mr. MILLER, of California. We voted that down.

Mr. SHERMAN. It is in order.

Mr. MITCHELL. The first pension bill favorably reported is Order of Business 1167, the bill (S. 1877) granting an increase of pension to John Hall.

The PRESIDING OFFICER. The Senator from Ohio moves that the Senate proceed to the consideration of the bill which will be announced.

The CHIEF CLERK. Order of Business 406, being the bill (S. 772) granting a pension to Erastus W. Babson.

Mr. BLAIR. I will suggest that the man is dead and has been dead six or eight months.

Mr. SHERMAN. Let us take up the bill.

Mr. BLAIR. The Senator from Ohio moves to take up the bill, and I will say in regard to it that the committee are waiting for some evidence so as to substitute the name of the widow of the man who is dead, and the evidence is not here.

The PRESIDING OFFICER. Debate is not in order. The Senator from Ohio moves to proceed to the consideration of the bill.

Mr. MITCHELL. There is a mistake in regard to that. That bill has been reported adversely.

Mr. SHERMAN. Then I move to take up the first bill reported favorably.

Mr. VOORHEES. Let the Chief Clerk report the first bill reported favorably from the Committee on Pensions.

The PRESIDING OFFICER. The Chair will allow that to be done. Debate is not in order.

Mr. MITCHELL. Order of Business 1167, I think, is the first bill of that kind.

Mr. VOORHEES. Is that the first favorably reported bill?

The PRESIDING OFFICER. The first bill on the Calendar favorably reported from the Committee on Pensions will be announced.

The CHIEF CLERK. Order of Business 1136; a bill (S. 1633) granting a pension to James Bond.

Mr. BLAIR. Is not that reported adversely?

Mr. CULLOM. No; there are views of the minority against the passage of the bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio to proceed to the consideration of the bill.

The motion was agreed to.

JAMES BOND.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1633) granting a pension to James Bond. It proposes to place on the pension-roll the name of James Bond, who was a private in Company B, Fifty-second Regiment of Ohio Volunteer Infantry, in the late war of the rebellion, the pension to date from November 14, 1864.

Mr. SHERMAN. The bill is debatable, and I wish now to debate it just to the extent of saying a few words. It seems to me we are wasting the time that is now due and set aside for these pension bills. I do not care in what order they are taken up. The objection I have to the proposition made by the Senator from Kansas is that if we attempt to hold a night session, unless it is a prolonged session running into the night, we shall be here without a quorum, and a single objection will prevent the passage of any bill. Now, I want to utilize the few rapidly-passing moments of the session in favor of the pension bills. I suggest to the chairman of the Committee on Pensions that the better way would be to move to take up the bills favorably reported in their order as they stand, and we shall soon get through with those; and then, as we are all more or less interested in contested cases, the bills adversely reported can be taken up on the motion of any Senator who desires to call up any particular bill.

Mr. MITCHELL. That arrangement would be agreeable to me.

Mr. BLAIR. That arrangement would result in what the Senator from Ohio does not want to accomplish. There are a great many of these bills reported adversely which under his suggestion would fail to be considered at all. The committee is known to be very closely divided upon nearly all the bills which occasion serious controversy and they come here reported adversely. Such bills as the Senator from Rhode Island is interested in, the Senator from Vermont, the Senator from California, and the Senator from New Jersey, would all be excluded by the suggestion of the Senator from Ohio. If he is not now he has been interested in bills which by his own suggestion would fail of consideration.

If the Senate had proceeded as it was proceeding, in fifteen minutes it could have disposed of all these preliminary cases, which really do not require much consideration. As to the bill which occasioned the discussion in the first place there is no other case like that on the Cal-

endar. The very next case, the one which we were in process of taking up, was one reported adversely by the same Senator, and it was reported right; nobody would contest it. The report shows that. There is no evidence upon which the bill could be passed. As soon as it could have been considered it would have been put out of the way and the report sustained. Then came the Babson case. The man has been dead six or eight months, and we have been waiting to get testimony by virtue of which we could substitute the name of his widow in the same case, and the honorable Senator from Ohio steps in and, in utter ignorance of the whole thing, wastes time enough to have passed that and twenty other bills like it, as though the Committee on Pensions did not know anything about their business at all.

So many persons undertake to help the Committee on Pensions that we waste double the time necessary to dispose of all the business which they bring before the Senate. Very soon we should have reached the controverted cases which the honorable Senator's suggestion would rule out. All know that the committee stands four to five or five to four, and, with probably no debate at all, as we debated the whole thing over at the last session, we should have wiped all those cases out of the way, and they would have been passed or rejected. Then comes again the great mass of bills not objected to, and we ought in an hour's work to dispose of the whole of them.

As I said before, all the pension bills on the Calendar, contested and uncontested, could easily be disposed of by 5 o'clock if the Pension Committee were allowed to take charge of its business and go along with it as other committees do with theirs. For the first time since I have been in the Senate, in half a dozen years, I hope the Committee on Pensions will have the privilege of doing its business as other committees do their business, without being interfered with, and that they will be supposed to know something about what they are engaged in transacting in the committee-room and about their work on the Calendar.

Mr. COCKRELL. I should like to ask the distinguished Senator if he thinks the Pension Committee has the right to come in here and monopolize absolutely and unqualifiedly all the remainder of this session, and if other committees have no rights, if other Senators have no rights, if other interests have no rights before this body?

Mr. BLAIR. I will reply to the honorable Senator that the Pension Committee has not occupied one-tenth of the amount of time in this body that any other committee has that has appreciably the same amount of legislation to propose to the Senate, and when it does come here with a matter that is contested everybody knows so much about its business, everybody has so many objections, everybody so undertakes to lead off in the direction of his own particular bill on the Calendar of pension bills that he is interested in, that the time is frittered away as it has been done every time. When the Pension Committee comes in here near the close of the session, having neglected this business, if you please, until these few remaining moments, why can it not have this afternoon, which is to be talked away at all events? Why not let us have it to do our business in?

Mr. COCKRELL. Mr. President, I am very much astonished at my good friend from New Hampshire insisting upon what has never been insisted upon in this body in the last ten years. He is insisting that the cases adversely reported by the Committee on Pensions shall receive the same consideration and attention from this body that the bills reported favorably receive. That never has been accorded to any committee of this body.

There has been proposition after proposition submitted to proceed to the unobjected pension cases, being Senate pension bills, in order that they may be passed and may go to the other House for consideration there. There has been a proposition that we proceed to the unobjected House bills reported favorably so that we may economize the time and get them out of the way. But, no; nothing shall be done, says the Senator, unless the cases reported adversely are taken up in their order. I simply desire to say, in all kindness, that if that order is insisted upon, not one-half of the pension cases upon the Calendar will be passed by 12 o'clock meridian on the 4th day of March. It will be simply a physical impossibility to do it.

We should proceed in a business way to consider these matters. If there are Senate pension bills that have been reported favorably and nobody objects to them and there is no controversy about them and they ought to be considered by the other House, why not take them up and pass them and let them go to the other House? Then, if there are numerous bills here which have passed the House and have been reported favorably by Senate committees, by the Committee on Military Affairs, the Committee on Claims, and other committees, why not take them up and let them be disposed of, and then attend to the business to which the Senator refers? The cases reported adversely can come up on the motion of the Senator and be disposed of. They are not precluded. We shall have simply removed away from them these important measures to which no one objects. But if we are compelled to consider every adverse report before we have disposed of the unobjected cases, the Senator will find at the close of the session that there will be many, both favorable and adverse, cases that will not have been considered.

It seems to me this is such a plain proposition that no one can gain-

say it or doubt it. Take up and act upon the Senate pension bills reported favorably and to which no one objects. You can do it inside of an hour or half an hour. There are not many such Senate bills. Then take up the House pension bills to which there is no objection, and dispose of them, and then take up the other cases, if you can get them up, and the Senate wants to consider them; but let us have an opportunity of disposing of this business rapidly without any discussion so as to get it out of the way; then when we get into a talking humor we can consider the bills reported adversely. I make the suggestion because I know it is in the interest of the transaction of the business of this body.

Mr. BLAIR. The Senator's suggestions are mainly wise. His last suggestion was the original effort of the committee. Objections prevented the desire of the committee from being carried out. Now, the sensible thing to do is to take up the unobjected cases and run through them without any opposition in a very short time. It is not a matter of any importance whether we take the Senate bills first and then the House bills, because there are so few Senate bills. Both may be included in the same order and we may go through the Calendar and dispose in an hour or two of every one of them.

Mr. MILLER, of California. Ask unanimous consent for that.

Mr. BLAIR. I should be very glad to do that. That is what I wanted to do; but somebody outside of the committee objected. Now, if somebody outside of the committee will ask to have that course pursued I have no doubt unanimous consent will be granted.

Mr. COCKRELL. I ask that that be the order so that we may facilitate the transaction of proper and legitimate business in a decent and orderly way.

Mr. VOORHEES. What is the proposition now?

Mr. COCKRELL. I ask that we take up the unobjected pension cases and dispose of them.

Mr. CULLOM. Both House and Senate bills?

Mr. COCKRELL. Both House and Senate pension bills.

Mr. CULLOM. I hope that will be agreed to.

Mr. COCKRELL. Simply the unobjected cases.

Mr. HARRISON. The Senator does not mean the unobjected cases. He means cases reported favorably. He does not mean to put it in the power of a single Senator to prevent the consideration of a bill.

Mr. COCKRELL. What I want is to proceed simply to consider the pension bills on the Calendar reported favorably; any Senator can move to take up a bill as a matter of course if anybody objects.

Mr. CULLOM. That is right.

Mr. COCKRELL. If any objection is made to taking up a case favorably reported, then let the Senator interested in it move to take up and consider the bill.

Mr. HARRIS. Does the Senator from Missouri mean under all the provisions of Rule VIII?

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). The Senator from Missouri asks that unanimous consent be given that pension bills favorably reported on the Calendar may be taken up in their order and disposed of. Is there objection? The Chair hears none, and that is agreed to. The bill which was under consideration when the request was made is before the Senate as in Committee of the Whole, and open to amendment.

Mr. JACKSON. I should like to hear the report read. There are views of the minority in that case. It is a case providing for arrears.

Mr. CULLOM. For the purpose of facilitating work in this case of Bond, I suggest to the Senator from Tennessee that so far as I am concerned I am willing to allow the bill to be amended by striking out the clause providing for arrears.

Mr. JACKSON. I agree to that. That is proper.

Mr. COCKRELL. That is right.

Mr. BLAIR. I want to know what the bill is first.

The PRESIDING OFFICER. It is a bill granting a pension to James Bond.

Mr. CULLOM. Let the bill be amended so as to strike out the arrears.

Mr. VOORHEES. Let me call attention to the case at the bottom of page 26.

Mr. CULLOM. Let us dispose of this first.

Mr. VOORHEES. We shall have to go back to the other case.

Mr. CULLOM. This case is up on motion. We can go back.

Mr. COCKRELL. I move to amend the bill, in line 8, after the word "from," by striking out the words "the 14th day of November, A. D. 1864," and inserting "and after the passage of this act;" so as to read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll of the United States the name of James Bond, who was a private in Company B, Fifty-second Regiment of Ohio Volunteer Infantry, in the late war of the rebellion; the pension under this act to date from and after the passage of this act.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third third, and passed.

ADALBERT STICKNEY.

The bill (H. R. 5207) granting a pension to Adalbert Stickney was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Adalbert Stickney, late a private in Company G, Eighth Regiment of Wisconsin Volunteers.

Mr. JACKSON. I ask that the views of the minority in that case may be read.

The PRESIDING OFFICER. The views of the minority will be read. Mr. CULLOM. If the Senator will allow me to make a statement, the basis of the minority report, as I recollect, is in the fact that there was a contradictory statement on the part of the claimant as to the manner in which he received the wound. That appears in the papers. I have corresponded with the soldier since the claim was passed upon by the committee, and the claimant states that the agent put that statement into the papers wrongly, and the claimant afterward found it out and tried to get him to take it out; that the agent declined to do so without being paid, and he did not have any money to pay him, and so the thing stood. He admits himself that he received the wound not strictly in the line of duty, but by accident in some way in the camp.

Mr. JACKSON. That discrepancy is referred to in the views of the minority, but that is not the point upon which the minority rest their objection. This soldier's regiment was furloughed and was absent at home. He with a detachment was left in the command of Captain King, and he left his camp without leave and went into the city of Memphis, got into a riot, a street fight, and was shot with a pistol in the knee in that fight. That is the proof in the case. He was not in the line of duty. That is referred to in the majority report, but the fact is stated by the captain under whose immediate control he was at the time, and who says he was not entitled to a pension, and refused to sign his application for a pension, knowing the fact that he was wounded in a quarrel in the streets of Memphis when away from camp without leave.

Mr. CULLOM. I think the Senator from Tennessee makes a statement as to the fact stronger than the papers show. It may be true that one witness testified that he thinks it was in a street riot; but others contradict that statement. He himself writes to me—I received a letter within a few days—that he received the wound by an accidental shot in the camp, and some of the testimony indicates that he was inside the camp or very near to it at the time he was shot.

I had the honor of making the report on behalf of the committee. The soldier had served within about three weeks, as I recollect, of the three years, and the testimony all showed that he was a good soldier. I thought, and the minority of the committee thought, in view of the contradictory statements in reference to the manner in which he got the wound, that the pension ought not to be allowed.

Mr. WILSON. While the evidence in this case, according to my recollection of it, discloses that a street riot was in progress at the time the wound was received, it does not establish the fact that the soldier was participating in that riot. There was simply a broil going on in the streets, and he was proceeding to his camp when from some cause he received the wound. The fact that he was participating in the riot was not established.

Mr. JACKSON. I shall detain the Senate but one moment. A portion of the evidence was not referred to in the majority report. The House report has adopted it. The material statement of Captain Williams is entirely overlooked in the majority report. He says:

My recollection is that he received the wound while in town, and not while in the line of duty with his company.

Then Lieutenant Doty, his lieutenant, says:

In regard to the claim of A. M. Stickney for a pension, I would say that I do not think he is entitled to it, as he was not on duty at the time and was out of camp without permission. I understood at the time that he got the wound in a street fight. I have refused several times to sign his petition for a pension on that account.

Captain King, who had charge of the soldier, says:

In reply to your favor referring to claim of Adalbert M. Stickney, will say I have no personal knowledge of the affair, as he received the wound during my absence from the command; but I was informed upon my return that he was wounded in a street broil, and not while in line of duty.

Now, it would be going entirely too far to grant a pension in that class of cases.

Mr. WILSON. My recollection of the testimony is that this soldier was in the city of Memphis by leave of his officer, and although not engaged in any military duty at the time, still under a recent decision made by the Assistant Secretary of the Interior, if absent from camp by leave he was in the line of duty. As I read it in the newspapers, the Assistant Secretary decided that the person whose case was under consideration was in the line of duty at the time of the accident; and that anyway, being a staff officer, he is always on duty. He further rules "that any soldier, whether officer or private, who engages in recreation, joins social gatherings, religious meetings, or innocent amusements, and is going to or from them with the assent of his superior officer, does not thereby place himself out of the line of duty." This case I think comes fairly within the rule of that decision.

Mr. JACKSON. I examined the papers with great care. There are two comrades who state that they think he had permission to leave the camp, but the officer immediately over him says he left the camp without permission, and was wounded in the street fight.

The bill was reported to the Senate without amendment, and ordered to a third reading.

The PRESIDING OFFICER. The question is on the passage of the bill.

The question being put, there were on a division—ayes 17, noes 12; no quorum voting.

Mr. SLATER. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 31, nays 17; as follows:

YEAS—31.

Aldrich,	Cullom,	Lapham,	Sabin,
Allison,	Dolph,	Manderson,	Sawyer,
Blair,	Frye,	Miller of Cal.,	Sewell,
Bowen,	Harrison,	Miller of N. Y.,	Sherman,
Call,	Hawley,	Mitchell,	Van Wyck,
Cameron of Wis.,	Hill,	Morrill,	Vorhees,
Chace,	Hoar,	Palmer,	Wilson.
Conger,	Jones of Nevada,	Riddleberger,	

NAYS—17.

Bayard,	Hampton,	Pugh,	Walker,
Cockrell,	Harris,	Saulsbury,	Williams.
Fair,	Jackson,	Slater,	
George,	Jones,	Vance,	
Groome,	McPherson,	Vest,	

ABSENT—24.

Beck,	Dawes,	Ingalls,	Maxey,
Brown,	Edmunds,	Jones of Florida,	Morgan,
Butler,	Farley,	Kenna,	Pendleton,
Camden,	Garland,	Lamar,	Pike,
Cameron of Pa.,	Gibson,	Logan,	Platt,
Coke,	Gorman,	McMillan,	Plumb,
Colquitt,	Hale,	Mahone,	Ransom.

So the bill was passed.

JOHN HALL.

The bill (S. 1877) granting an increase of pension to John Hall was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Hall, late a private in Company B, Tenth United States Infantry, Mexican war, at the rate of \$30 per month, in lieu of the \$8 per month heretofore allowed him.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPRESENTATIVES OF BYRAM PITNEY.

The bill (S. 1739) granting a pension to the widow and children of the late Byram Pitney was considered as in Committee of the Whole. It proposes to place on the pension-roll the names of the widow and children of Byram Pitney, late of Company K, Twenty-sixth Regiment New Jersey Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. MARY J. STOTTS.

The bill (H. R. 5069) granting a pension to Mrs. Mary J. Stotts was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Mary J. Stotts, widow of Green C. Stotts, late captain of Company D, Seventy-sixth Missouri Militia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEWIS J. BLAIR.

The bill (H. R. 7500) to restore the name of Lewis J. Blair to the pension-roll, was considered as in Committee of the Whole. It proposes to reinstate on the pension-roll the name of Lewis J. Blair, late lieutenant-colonel of the Eighty-eighth Regiment Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. JULIA HARTLEY.

The bill (H. R. 7952) granting a pension to Mrs. Julia Hartley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Julia Hartley, widow of Capt. John Hartley, late of the Twenty-second United States Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRIET A. B. CORTS.

The bill (H. R. 8038) granting a pension to Harriet A. B. Cortis was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Harriet A. B. Cortis, widow of George P. Cortis, late an assistant adjutant-general of volunteers, and to pay her a pension at the rate of \$40 per month in lieu of the pension now received by her.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADOLPH WEACH.

The bill (H. R. 2282) granting a pension to Adolph Weach was considered as in Committee of the Whole. It proposes to place on the pen-

sion-roll the name of Adolph Weach, late of Company I, Eleventh Regiment Michigan Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK NELSON AND OTHERS.

The bill (H. R. 1711) granting pensions to Frederick Nelson, T. Caine, and Henry C. Sanders was considered as in Committee of the Whole. It proposes to place on the pension-roll the names of Frederick Nelson, T. Caine, and Henry C. Sanders, of Wyoming Territory, late employees of the Quartermaster's Department of the United States Army, who were severely wounded and disabled for life while connected with Major Thornburgh's expedition, in the engagement with the Ute Indians, September 29, 1879.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. ADELINE E. CHADBOURNE.

The bill (H. R. 7673) granting a pension to Mrs. Adeline E. Chadbourne was considered as in Committee of the Whole. It proposes to place the name of Mrs. Adeline E. Chadbourne, an Army nurse, on the pension-roll at the rate of \$25 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LYDIA WETHERBEE.

The bill (H. R. 7724) granting a pension to Lydia Wetherbee was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lydia Wetherbee, dependent mother of George L. Wetherbee, deceased, formerly a private in Company B, Fourteenth Regiment New Hampshire Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERIC S. RICH.

The bill (H. R. 5969) increasing the pension of Frederic S. Rich was considered as in Committee of the Whole. It proposes to increase the pension now allowed to Frederic S. Rich, late a private in Company H, Eighth Regiment New Hampshire Volunteers, from \$8 per month to \$24 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES BRADFORD.

The bill (H. R. 3701) granting a pension to James Bradford was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James Bradford, late a volunteer in the United States Navy.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. CLARK.

The bill (H. R. 8033) granting an increase of pension to George W. Clark was considered as in Committee of the Whole. It proposes to increase the pension of George W. Clark, late a private in Company E, Twelfth Regiment New Hampshire Volunteers, to \$50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOLDEN COOK.

The bill (H. R. 7707) to pension Holden Cook was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Holden Cook, late a private in Company A, Thirty-first United States Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

POLLY YOUNG.

The bill (S. 2443) granting an increase of pension to Polly Young was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Polly Young, widow of Jesse Young, late a soldier in the war of 1812, and to pay her a pension at the rate of \$30 per month in lieu of the pension she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RACHEL SMITH.

The bill (H. R. 5813) granting a pension to Rachel Smith was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Rachel Smith, dependent mother of Andrew M. Smith, late a private in Company E, Twenty-sixth Regiment Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID T. DUDLEY.

The bill (H. R. 6965) granting a pension to David T. Dudley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of David T. Dudley, late a private in Company C, Fourth Regiment Michigan Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK P. DEARTH.

The bill (H. R. 7315) granting a pension to Frederick P. Dearth was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Frederick P. Dearth, dependent father of Edwin P. Dearth, late of the Fifty-second Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA ANGELL.

The bill (H. R. 2138) granting a pension to Martha Angell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Martha Angell, widow of Lieut. John C. Angell, late of Company B, Ninth Regiment West Virginia Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANN E. MANCHESTER.

The bill (S. 1113) granting a pension to Ann E. Manchester was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ann E. Manchester, widow of Abel W. Manchester, deceased, who was a sergeant of Company H, Seventh United States Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN LOWE.

The bill (S. 2302) granting a pension to John Lowe was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Lowe, late of Company G, Fifty-third Regiment Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

R. D. LAWRENCE.

The bill (H. R. 6196) granting a pension to R. D. Lawrence was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of R. D. Lawrence, late a private in Company E, First Regiment Michigan Light Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM ROBINSON.

The bill (H. R. 1502) granting a pension to William Robinson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Robinson, late a scout in the United States Army.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM GIBBONS.

The bill (H. R. 4096) granting a pension to William Gibbons was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Gibbons, late of Company F, Nineteenth Regiment Massachusetts Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT M. MCKINLAY.

The bill (H. R. 1984) granting a pension to Robert M. McKinlay was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Robert M. McKinlay, late of Company M, Sixth Iowa Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE F. WEST.

The bill (H. R. 7561) to allow a pension to George F. West was considered as in Committee of the Whole. It provides that George F. West, late a corporal in Company I, Fifth Regiment of Wisconsin Infantry Volunteers, now on the pension-roll at the rate of \$24 per month, shall hereafter be entitled to receive the same pension as a soldier now receives, or that may hereafter be allowed by law, who has lost one arm at or above the elbow or one leg at or above the knee.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN E. DENHAM.

The bill (H. R. 5798) granting a pension to John E. Denham was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, after the words "Marine Corps," in line 7, to strike out "and grant him a pension of \$8 a month from the passage of this act;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John E. Denham, late a sergeant of the United States Marine Corps.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MARGARET A. RINGWALT.

The bill (H. R. 4266) granting a pension to Margaret A. Ringwalt was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Margaret A. Ringwalt, sister of Lewis Ringwalt, late of Company F, Seventeenth Pennsylvania Cavalry, and to pay her the pension allowed by law to the dependent relatives of deceased soldiers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM N. MORRIS.

The bill (S. 2245) granting a pension to William N. Morris was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William N. Morris, late a private in Company F, Seventeenth Regiment Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WEALTHY H. SEAVEY.

The bill (H. R. 6966) granting a pension to Wealthy H. Seavey was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of Wealthy H. Seavey, of Erroll, N. H., as dependent foster-mother of Charles W. Seavey, late a private in Company I, Seventh Regiment Maine Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANN LUMPHREY.

The bill (H. R. 5762) for the relief of Ann Lumphrey was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ann Lumphrey, widow of Oliver Lumphrey.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAROLINE VAN NORTON.

The bill (H. R. 4189) granting a pension to Caroline Van Norton was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Caroline Van Norton, widow of Jacob Van Norton, late a private in Company K, One hundred and fifty-first Regiment New York Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES H. PHILLIPS.

The bill (H. R. 4837) granting a pension to Charles H. Phillips was considered as in Committee of the Whole. It proposes to increase the pension of Charles H. Phillips, late a teamster in the First Division, Fifteenth Army Corps, to \$15 per month, in lieu of the present pension.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BERNARD DONOHUE.

The bill (H. R. 6835) granting a pension to Bernard Donohue was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Bernard Donohue, late artificer of Company K, First New York Volunteer Engineers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM E. AYERS.

The bill (H. R. 7773) granting a pension to William E. Ayers was considered as in Committee of the Whole. It proposes to place the name of William E. Ayers, late of Company E, Twenty-fourth New York Cavalry Volunteers, on the pension-roll, under the rules and regulations of the Pension Office.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA M. BYERS.

The bill (H. R. 7386) granting a pension to Eliza M. Byers was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Eliza M. Byers, widow of Dr. William J. Byers, and to pay her the pension of the widow of a surgeon of volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM WEDDINGFIELD.

The bill (H. R. 732) granting a pension to William Weddingfield was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Weddingfield, late a private in Company E, First Regiment Potomac Home Brigade Cavalry, Maryland Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. MARY GORDON.

The bill (S. 2437) granting a pension to Mrs. Mary Gordon was

considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Mary Gordon, mother of Samuel F. Gordon, late a private in Company G, Sixteenth Regiment Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELENOR STOUGH.

The bill (H. R. 1164) to restore to the pension-roll the name of Elenor Stough was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of Elenor Stough, widow of George W. Stough, late major of the Eighty-eighth Regiment Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY HOWARD FARQUHAR.

The bill (S. 1960) for the relief of Mary Howard Farquhar was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, after the words "at the rate of," in line 9, to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, &c. That from and after the passage of this act the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mary Howard Farquhar, widow of the late Maj. and Bvt. Lieut. Col. Francis U. Farquhar, Corps of Engineers, United States Army, and daughter of the late Maj. Gen. A. S. Williams, United States Volunteers, at the rate of \$30 per month, in lieu of the pension which she now receives.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM R. MILLER.

The bill (H. R. 3000) for the relief of William R. Miller for pension was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William R. Miller, late a guide to scouts under Maj. James M. Moore, of the Fifteenth Missouri Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JANE HILTON.

The bill (H. R. 5082) granting a pension to Jane Hilton was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jane Hilton, widow of Ellis Hilton, deceased, late a private in Company E, Seventy-fourth Illinois Volunteers, and Company B, Eleventh Veteran Reserve Corps.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SEDATE P. MARTIN.

The bill (S. 2262) granting a pension to Sedate P. Martin was considered as in Committee of the Whole. It proposes to place on the pension-roll, upon the evidence on file in the office of the Commissioner of Pensions, the name of Sedate P. Martin, late a private in Company B, One hundred and forty-first Regiment Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MERLIN C. HARRIS.

The bill (H. R. 2136) granting an increase of pension to Merlin C. Harris was considered as in Committee of the Whole. It proposes to increase the pension of Merlin C. Harris, late captain of Company C, Ninety-sixth Regiment New York Volunteer Infantry, from the amount now paid him as sergeant to the amount paid a first lieutenant.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. OLIVE W. PARKER.

The bill (H. R. 3901) granting a pension to Mrs. Olive W. Parker was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Olive W. Parker, widow of Stephen N. Parker, deceased, late of the Ninth Battery Massachusetts Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT J. BALLORT.

The bill (S. 2268) for the relief of Robert J. Ballort was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Robert J. Ballort, late a private in Company F, Eighth Regiment Michigan Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JULIA A. CHAMBERS.

The bill (H. R. 4317) increasing the pension of Julia A. Chambers was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twenty" and insert "twelve;" so as to make the bill read:

Be it enacted, &c. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and

limitations of the pension laws, the name of Julia A. Chambers, widow of John Chambers, late an ordnance-sergeant in the United States Army, who died at Fort Monroe, January 30, 1879, and increase the pension paid to her to \$12 per month.

Mr. BLAIR. I should like to have the report read in that case.

The PRESIDING OFFICER. The report will be read.

The Chief Clerk read the following report, submitted by Mr. BLAIR February 13, 1885:

The Committee on Pensions, to whom was referred House bill 4317, granting a pension to Julia Chambers, have examined the same, and reports recommending its passage with an amendment reducing the amount from \$20 to \$12.

Mr. BLAIR, for the minority, opposes the amendment, and the following House report is a statement of the facts of the case:

[House Report No. 535, Forty-eighth Congress, first session.]

The Committee on Invalid Pensions of the Forty-sixth Congress recommended the passage of this bill. We think they were justified in so doing.

For the reasons set forth in their report, which is hereto annexed, and which we ask shall be made part hereof, we recommend the passage of the bill:

[House Report No. 173, Forty-sixth Congress, third session.]

The Committee on Invalid Pensions, to whom the subject was referred, submit the following report:

"Julia A. Chambers is a pensioner at the rate of \$8 per month, which she asks Congress to increase to \$20 per month.

"It appears that petitioner is the widow of Ordnance-Sergeant John Chambers, United States Army, who died in the United States military service at Fort Monroe, January 30, 1879, after having served in the Army nearly half a century. It also appears that she is the daughter of William Johnson, who was in the military service of the United States for a period of thirteen years, and who was discharged therefrom by reason of wounds contracted in battle with Indians.

"Petitioner alleges that she is 60 years of age; that the greater portion of her life has been spent in the Army with her husband and father. She states that she is infirm in addition to the disability on account of age, and that the pension now paid her is wholly inadequate to satisfy her necessities.

"In view of the fact that this is an exceptional case; that she suffered the hardships of her husband and father, in their long services in the Army, the committee think the relief asked should be granted, and they recommend that the bill herewith reported do pass."

Mr. BLAIR. The bill passed the House granting a pension of \$20. It is a woman whose husband served almost fifty years. He was only a sergeant but he rendered very meritorious service. She was with him during the whole time, and the Army got the benefit of her services largely. Her father was in the Army thirteen years. She is now old, dependent, entirely helpless, and any less amount than \$20 is insufficient for her support. It seemed to me at least, and to others of the committee, as it did to the House, that a case like this ought certainly to merit the consideration of the Senate when we are every day increasing the pensions of the widows of those of high rank who rendered lifelong and distinguished services in higher stations.

Mr. VOORHEES. I understand the Senator from New Hampshire to support the bill as it came from the House.

Mr. BLAIR. I do; giving a pension of \$20 a month.

Mr. VOORHEES. I think that is right.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. BLAIR. I hope the amendment will not be agreed to, because it proposes to reduce the amount.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS M'GILL.

The bill (H. R. 8133) granting a pension to Thomas McGill, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Thomas McGill, late first-class pilot on the steamer Sally List.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT CARY.

The bill (H. R. 6011) granting an increase of pension to Robert Casey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, after the word "Robert," in line 6, to strike out "Casey" and insert "Cary;" so as to make the bill read:

Be it enacted, &c. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Robert Cary, late a private in Company I, Ninety-ninth Regiment Ohio Volunteer Infantry, at \$45 per month, in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title of the bill was amended so as to read: "An act granting an increase of pension to Robert Cary."

SARAH HAGUE.

The bill (S. 1836) granting a pension to Sarah Hague was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah Hague, dependent mother of M. C. Hague, late of Company L, Sixth New York Heavy Artillery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CORNELIA V. BLACKMAN.

The bill (H. R. 7571) granting a pension to Cornelia V. Blackman was considered as in Committee of the Whole. It proposes to place the name of Cornelia V. Blackman, widow of Harvey C. Blackman, late a second lieutenant in the Eighth Kansas Volunteer Infantry, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES W. BALDWIN.

The bill (H. R. 7313) granting a pension to Charles W. Baldwin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Charles W. Baldwin, late a private in Company C, Nineteenth Regiment Illinois Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY C. AXLINE.

The bill (H. R. 6653) granting a pension to Mary C. Axline was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary C. Axline, widow of Jacob Axline, late a first lieutenant in Captain Hickman Mills's company of Missouri Enrolled Militia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HELEN M. HARRISON.

The bill (H. R. 2325) granting a pension to Helen M. Harrison was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Helen M. Harrison, widow of Alexander R. Harrison, late a private in Company F, Tenth Regiment Minnesota Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB J. MORNINGSTAR.

The bill (H. R. 3403) for the relief of Jacob J. Morningstar was considered as in Committee of the Whole. It proposes to increase the rate of pension now paid Jacob J. Morningstar, late a private in Company D, Seventy-sixth Regiment Pennsylvania Volunteers, from \$24 per month to \$30, as provided by the act of March 3, 1883.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC R. H. CALDWELL.

The bill (H. R. 5508) granting a pension to Isaac R. H. Caldwell was considered as in Committee of the Whole. It proposes to put the name of Isaac R. H. Caldwell, late captain of Company G, Thirteenth Kentucky Volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNA MARIA RESSLER.

The bill (H. R. 4247) granting a pension to Anna Maria Ressler was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Anna Maria Ressler, of Reading, Pa., widow of Lawrence Ressler, deceased, late a private in Company 64, Second Baltimore Veteran Reserve Corps, and of Company D, Seventh Pennsylvania Reserve Corps.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REBECCA KUPP.

The bill (H. R. 6826) granting a pension to Rebecca Kupp was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Rebecca Kupp, surviving mother of George Kupp, deceased, late a private in Company B, Fifty-third Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CORDELIA GALE.

The bill (H. R. 4548) granting a pension to Cordelia Gale was considered as in Committee of the Whole. It proposes to place the name of Cordelia Gale, widow of Ebben G. Gale, deceased, late of Company D, Second Regiment Michigan Cavalry, in the war of the rebellion, on the pension-roll as a pensioner of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 2084) to amend chapter 464 of the acts of the first session of the Forty-seventh Congress, entitled "An act to provide for a public building at the city of Fort Wayne, in the State of Indiana;" and

A bill (S. 2375) to authorize the increase of the capital stock of the Commercial National Bank of Chicago.

The message also announced that the House had passed the bill (S. 66) providing for allotment of lands in severalty to the Indians resid-

ing upon the Umatilla reservation in the State of Oregon, and granting patents therefor, and for other purposes, with amendments; in which it requested the concurrence of the Senate.

The message further announced that the House insisted on its amendment to the bill (S. 1609) to provide for the purchase of a site, and the erection of a public building thereon, at Detroit, Mich., agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. STROTHER M. STOCKSLAGER of Indiana, Mr. JAMES H. HOPKINS of Pennsylvania, and Mr. EDWARD BREITUNG of Michigan managers at the conference on the part of the House.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 5828) for the relief of Saint Mark's Protestant Episcopal church in the District of Columbia;

A bill (H. R. 7556) to regulate the manufacture and sale of spirituous and malt liquors in the District of Columbia;

A bill (H. R. 7557) to provide for the sale of certain real property in the District of Columbia, and for other purposes;

A bill (H. R. 7935) for the relief of the Church of the Ascension, in the District of Columbia; and

A bill (H. R. 8236) relating to sales for taxes in the District of Columbia.

The message further announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 8030) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1886, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GEORGE G. DIBRELL of Tennessee, Mr. LEWIS BEACH of New York, and Mr. WILLIAM CULLEN of Illinois the managers at the conference on the part of the House.

SARAH A. SCOTT.

The bill (H. R. 2670) granting a pension to Sarah A. Scott was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah A. Scott, widow of John D. Scott, deceased, late first lieutenant of Company H, First Regiment Pennsylvania Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHARINE S. EDMONDSON.

The bill (H. R. 6205) granting a pension to Catharine S. Edmondson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Catharine S. Edmondson, dependent mother of William C. Edmondson, deceased, late a private in Company I, Eighty-second Regiment Pennsylvania Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM L. SLOAN.

The bill (H. R. 3681) granting a pension to William L. Sloan was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William L. Sloan, late a corporal of Company B, Third Regiment Minnesota Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH SMITH.

The bill (H. R. 7302) granting a pension to Elizabeth Smith was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth Smith, foster-mother of Albert Shaffer, late a private in Company B, Thirteenth Ohio Volunteer Cavalry, at the rate of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. ANN E. GRIDLEY.

The bill (H. R. 7617) granting a pension to Mrs. Ann E. Gridley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the words "sum of," to strike out "twenty-five" and insert "twenty;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Ann E. Gridley, a volunteer nurse in the late war, and pay her the sum of \$20 per month from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

H. D. PRIOR.

The bill (H. R. 3467) granting a pension to H. D. Prior was considered as in Committee of the Whole. It proposes to place on the pen-

ension-roll the name of H. D. Prior, late a private in Company B, Fourteenth Regiment Wisconsin Infantry Volunteers.

Mr. BLAIR. I offer the following amendment to be added as a new section:

SEC. 2. That the act entitled "An act to restore pensions in certain cases," approved June 9, 1880, shall be construed so as to include within its provisions all officers and enlisted men of the Army and their widows and minor children.

That is to relieve a hardship which extends to some four or five widows who were originally pensioned, being the widows of officers of distinguished merit, at \$25. By a mistake or misconstruction of the law the Pension Office reduced the amount to \$20. An act has already been passed which relieves all widows of naval officers by restoring them to the old rate of \$25. This is designed to reach some four or five, possibly six, of the older widows of Army officers who originally were pensioned at \$25. It includes the widow of the quartermaster who took our Army from Vera Cruz to Mexico and some four others. There is a great hardship which ought to be remedied.

Mr. WILSON. What bill is under consideration?

Mr. COCKRELL. Let the whole bill be read as it is proposed to be amended.

Mr. BLAIR. It is simply a private bill to which this additional section is proposed.

The PRESIDING OFFICER. The amendment has no connection with the bill, but the bill will be read with the amendment.

The Chief Clerk read the bill and the amendment.

Mr. COCKRELL. I wish the Senator from New Hampshire would explain and have read the act which is proposed to be extended.

Mr. BLAIR. The Senator's attention was not attracted to what I said before, and perhaps I had better state the matter more fully. The act of June 9, 1880, provides—

That section 3 of an act entitled "An act increasing the pensions of widows and orphans, and for other purposes," approved July 25, 1866, and section 13 of an act entitled "An act relating to pensions," approved July 27, 1868, and section 412 of the Revised Statutes, shall not operate to reduce the rate of any pension which had actually been allowed to the commissioned, non-commissioned, or petty officers of the Navy or their widows or minor children, prior to the 25th day of July, 1866; and the Secretary of the Interior is hereby directed to restore all such pensions as have already been so reduced to the rate originally granted and allowed, to take effect from the date of such reduction.

The amount of the reduction which had been previously ordered, by what was thought to be a misconstruction of the law relating to some of the more elderly pensioners, was \$5 a month—from \$25 to \$20. That hardship was observed; and by the act which I have just read the hardship was relieved so far as the widows of officers of the Navy were concerned. Now there are, as I am informed, from four to six—I do not know the number actually, but I am informed it is not in excess of six—of the aged widows of these older Army officers whose pensions have never been restored as has been done in the case of the widows of Navy officers. It only puts them back to the rate at which they were originally pensioned in any case.

My attention was attracted to this application by the case of the widow of the quartermaster of General Scott's army. She was pensioned originally at the rate of \$25. In 1873 I think it was—it may have been 1871—her pension was reduced to the extent of \$5 a month, from \$25 to \$20 a month. She told me her story, and it was one of the most pitiful I have ever listened to in these cases. She is evidently a woman of aristocratic birth and of the very highest associations, and she on the \$20 a month has barely existed in utter poverty and without sufficient means to rely upon for her living, so that the little piece of land she owns down in Virginia, fifteen or twenty miles out of the city, has become encumbered, and she is about to be turned from her home unless she can have some relief. She told me her case, and it is one of those which, if the evidence was offered, Congress would not hesitate a moment in pensioning the woman at \$50 a month; but it is altogether too late to think of giving her any relief of that kind at this session. Meanwhile she is likely to lose her home.

This hardship was called to the attention of the Pension Committee at the last session, and in a general bill a section was inserted to relieve the case, which section is that I now move as an amendment to a House bill that it may be sent back to the House for concurrence, precisely as the other day we annexed to a House bill a provision which increased the pensions of all widows of soldiers who served in the late war from \$8 to \$12, and of all dependent parents from \$8 to \$12. This is not far-reaching; it can not affect more than five or six at the most, and this \$5 a month during these years will save this woman's home to her and enable her to live. She is now over 70, and I assure the Senate that I do not think as much good can be done with so little effort in any other direction whatever. It seems to me gross injustice that the pension was reduced originally. We have restored it so far as the widows of naval officers are concerned, and now it seems to me we ought to do this slight act of justice for which this woman can not wait.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Hampshire.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill giving a pension to H. D. Prior, and for other purposes."

ROBERT SHERIDAN.

The bill (S. 2527) granting a pension to Robert Sheridan was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Robert Sheridan, late a private in Company D, First Rhode Island Light Artillery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZA J. NORRIS.

The bill (H. R. 6235) granting a pension to Eliza J. Norris was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Eliza J. Norris, widow of Dudley F. Norris, late a private in Company I, Twelfth Regiment New Hampshire Volunteers, in the late war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN P. LOWELL.

The bill (H. R. 6310) granting a pension to Benjamin P. Lowell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Benjamin P. Lowell, late of Company I, First Regiment Maine Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JEREMIAH M'CARTY.

The bill (H. R. 6029) for the relief of Jeremiah McCarty was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "pension," to strike out the words "of twenty dollars per month" and to insert "at the rate to which a private soldier is and shall be entitled by law for like disabilities;" so that the bill as amended will read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Jeremiah McCarty, of Newport, R. I., on the roll of pensioners, and to pay him a pension at the rate to which a private soldier is and shall be entitled by law for like disabilities from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

HENRY RODENBACK.

The bill (H. R. 2894) granting a pension to Henry Rodenback was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Henry Rodenback, late a private in Company K of the Twenty-fourth Regiment Wisconsin Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SHERMAN C. PERRY.

The bill (H. R. 3336) for the relief of Sherman C. Perry was considered as in Committee of the Whole. It proposes to pay to Sherman C. Perry, late of Company B, Sixteenth New York Volunteers, a pension at the rate of \$25 per month, in lieu of the pension now paid to him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANTHONY BEYER.

The bill (H. R. 7092) for the relief of Anthony Beyer was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Anthony Beyer, late a private in Company E, Fifth Regiment of Iowa Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD P. QUINN.

The bill (H. R. 7732) granting an increase of pension to Edward P. Quinn was considered as in Committee of the Whole. It provides for increasing the pension of Edward P. Quinn, of the city of Albany, late a lieutenant of Company D, One hundred and twenty-third New York Volunteers, to the sum of \$40 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEWIS L. CANADY.

The bill (S. 2279) granting a pension to Lewis L. Canady was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lewis L. Canady, late a private in the war of 1812.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES O. McKENNA.

The bill (H. R. 7175) granting a pension to James O. McKenna was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of James O. McKenna, late of Company B, Sixth Iowa Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA PIGEON.

The bill (H. R. 6044) granting a pension to Eliza Pigeon was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Eliza Pigeon, widow of Joseph Pigeon, late a private in Company B, Third Regiment New York Artillery Volunteers, in the war of the rebellion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. WHITCOMB.

The bill (H. R. 5364) granting a pension to William H. Whitcomb was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, which was, in line 7, after the word "cavalry," to strike out the words "and pay him a pension of \$8 a month;" so that the bill as amended will read:

) That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William H. Whitcomb, late a private in Company M, Fifth New York Cavalry.

) The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MARIA G. DUNBAR.

Mr. HOAR. I ask unanimous consent that the vote of the Senate indefinitely postponing the bill (S. 993) for the relief of Maria G. Dunbar be reconsidered and the bill recommitted to the Committee on Pensions. This is a case where there was an adverse report, and I have the consent of the Senator from West Virginia [Mr. CAMDEN] who made the report to make the motion.

The PRESIDING OFFICER. The Senator from Massachusetts asks that there may be unanimous consent to reconsider the vote by which the bill indicated by him was indefinitely postponed, and that the bill be recommitted to the Committee on Pensions. Is there objection? The Chair hears none, and that order is made.

FREDERICK BRAUNWALD.

The bill (H. R. 5123) granting a pension to Frederick Braunwald was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Frederick Braunwald, late a private in Company E, Thirty-seventh Regiment of Illinois Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. ANN W. MULVEY.

The bill (H. R. 2398) granting an increase of pension to Mrs. Ann W. Mulvey was considered as in Committee of the Whole.

The bill was reported by the Committee on Pensions with an amendment, in line 11, after the words "amount of," to strike out "twenty-four" and insert "sixteen;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and conditions of the pension laws, the name of Mrs. Ann W. Mulvey, mother of Francis S. Mulvey, late of Company D, Fifth New Jersey Volunteers; James W. Mulvey, late of Company D, Eleventh New Jersey Volunteers, and August J. Mulvey, late of Company D, Eleventh New Jersey Volunteers, all of whom died in the Army, and pay her an increase of pension to the amount of \$16 per month, in lieu of \$6 that she now receives; but nothing in this act shall entitle the said Mrs. Ann W. Mulvey to arrears of pensions.

Mr. SEWELL. I trust the amendment of the committee will not be adopted in this case. This woman is very old, between 70 and 80 years of age, the mother of three sons who were killed in the Army. I speak advisedly of this, as one of them was killed in my own command at Chancellorsville. I think a woman who has given three sons to the Army in this way is entitled to the small pittance of \$24 per month for the remainder of her life.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Pensions.

The question being put, there were on a division—ayes 7, noes 10; no quorum voting.

Mr. COCKRELL. I think when the Senate undertakes to overrule a unanimous report of the Committee on Pensions we had better have the yeas and nays and have the report read and let us understand the case. If the report of the Committee on Pensions is not to be observed and we are simply to put our hands into the pockets of the tax-payers of the United States and give to whomsoever asks, let us know.

Mr. FRYE. Mr. President, when a poor woman has lost her sole three sons in the Army, I am ready to put my hands into the pocket of the United States Treasury and pay her \$8 a month in excess of what the committee recommended.

The PRESIDING OFFICER. The yeas and nays are called for on the question of the adoption of the amendment.

Mr. COCKRELL. Nobody called for the yeas and nays; but if the Chair knows how to pass a bill without a quorum, I should like to see it done.

Mr. SEWELL. I shall ask for the yeas and nays if it becomes necessary to call them.

The PRESIDING OFFICER. It is the duty of the Chair to call the Senate.

Mr. SEWELL. One reason why I do not want an amendment made is that the bill will go back to the House if it is amended, and it will be almost impossible to get action there.

The PRESIDING OFFICER. There will be a call of the Senate.

The Chief Clerk called the roll and 48 Senators answered to their names.

Mr. HAWLEY. I was requested by the Senator from Ohio [Mr. SHERMAN] and the Senator from North Carolina [Mr. RANSOM] to say that they are necessarily absent on the committee to provide for the inauguration ceremonies, and to ask for that committee leave to sit during the sessions of the Senate.

The PRESIDING OFFICER. Pending a call of the Senate the motion is not in order. Forty-eight Senators have answered to their names. There is a quorum present. The question is on agreeing to the amendment reported by the Committee on Pensions.

Mr. SEWELL. For the information of members of the Senate who were not here when I made my statement, I will say that this woman lost three sons in the Army. She has been pensioned at \$8 a month. The bill as it came from the House gives her an increase to \$24. The Committee on Pensions have limited it to \$16. There is great danger in amending a bill of this character at this late day of the session. Besides that, I take it that a woman who has given three sons to the country is entitled to \$24 a month in her old age.

Mr. JACKSON. The general law now places a dependent mother upon the same footing as a widow, and allows her to make her election as to which son she will ask a pension for. The present bill proposes to increase that threefold. The committee recommend, in view of the old lady's age, that her pension be made \$16. This is a special case. This is to give her two dependencies; and the Senator from New Jersey asks for three. The committee recommended two in view of the old lady's age, and whenever you go beyond that you open the way for an immense number of claims beyond the general law.

The PRESIDING OFFICER. The Chair will again put the question. The question is on the amendment reported by the Committee on Pensions.

The question being put, a division was called for; and there were—ayes 19—

Mr. BLAIR. Is it in order to say a word while the Senate is dividing?

The PRESIDING OFFICER. Not now.

The division being concluded, there were in the negative 17.

The PRESIDING OFFICER. There is not a quorum voting.

Mr. BLAIR. I want to say a word about the question.

Mr. SEWELL. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BLAIR. I wish to ask the Senator from New Jersey a question, as he seems to have personal knowledge about the case, and that is whether this old lady can be supported comfortably upon the \$16 a month?

Mr. SEWELL. I should think not.

Mr. BLAIR. Has she any means of support or livelihood?

Mr. SEWELL. She is entirely dependent.

Mr. BLAIR. I remember this case as it was discussed in committee, and I favored the bill as it came from the House; but it was finally after discussion compromised in the committee on \$16. For one I should be very glad to have the bill passed as it originally came from the House, especially since the statement of the Senator, which was not before the committee, to my knowledge at least, that on account of her age and her dependence upon the sons she can not live comfortably on a less sum than \$24. It seems to me that \$5.33 for each boy is not quite enough. If you give \$8 per month for each of these boys I think it will be cheap enough, and we ought to do it.

Mr. PLATT. As I shall vote in favor of this amendment I would like in a word to give my reason for doing so. It is one of those cases where our sympathies are appealed to and where if we do not follow our sympathies we are supposed to be hard-hearted and illiberal; but it looks to me like favoritism. This is not the only mother who lost more than one son in the war; she is not the only mother who has lost three sons in the war and who is now old and poor. I know mothers in my own town who have lost more than one son in the war and who are old and very poor, but they receive only \$8 per month.

Now, what I object to is the favoritism. If we are going to do anything of this sort, we ought to put on this bill an amendment which shall say that whenever a dependent mother has lost more than one son in the war she shall be pensioned at the rate of \$8 per month for each son that she has lost. That would be fair. There would be no unjust discrimination about that.

As I dislike in all these cases where an appeal is made to our sym-

pathies to vote against that appeal, I wanted to put the reason why I should sustain the committee on record before my vote was cast.

Mr. INGALLS. Mr. President, having been out of the Chamber while this discussion has been going on, I rise to ask if this is a question whether an aged and dependent woman who has given three sons for her country shall receive \$16 or \$24 per month?

Several SENATORS. That is the question.

Mr. INGALLS. And I am advised that the House of Representatives passed a bill allowing her \$24 a month, and that the Senate committee for some reason reduced it to \$16 a month, and the question now recurs whether the Senate committee shall be sustained or whether we shall act upon the bill as it came from the House. I should like to vote so as to give this woman \$24 a month, and if I can be instructed whether a vote "yea" or "nay" will enable me to do this I shall so vote.

In regard to the suggestion of the Senator from Connecticut that there is any unjust favoritism by this action that is now invited from the Senate against any woman who gave one, two, or three sons to the service of the country, I have only to say that I shall hail with pleasure as one of the inestimable privileges of my life the opportunity to vote to increase the pension of any such woman to the sum of \$24 or more per month whenever I can have that opportunity. It is no discrimination; it is no injustice, because these people have not applied for the increase. The Senator from Connecticut is not just in attempting to place upon those who are willing to give this poor widow this increased sum of money the stigma of favoritism, that we are acting in this way in favor of one to the exclusion of others. I believe there should be a general bill passed that would increase the pensions in all such cases; but no general bill being presented, I vote with pleasure for the act that enables me to do justice in a private case.

Mr. PLATT. I differ with the Senator from Kansas entirely in relation to this whole matter. I believe that this business which the Senate of the United States is engaged in giving to those persons who apply, and whose claims happen to be pressed here by influential Senators, a larger sum of money than is given by general law to persons in precisely the same circumstances, is all wrong, and, whatever the Senator from Kansas may think about it, it savors to me of discrimination and injustice.

I would vote, I think, for a general bill which should make a pension of each dependent mother \$8 per month for each son she has lost; but the dependent mothers of this country are not instructed about the way to get these special acts; they have no diligent attorneys to present them here, and if they did their claims would be numbered not by the hundred but by the thousand. They do not know how to engage the sympathies of Senators to present their claims and get them through the Senate of the United States, and they never will be pensioned at any more than \$8 a month unless some general bill is prepared and presented here for that purpose. If it be not done, and Senators I think will agree with me that it is not likely to be done immediately, as nobody seems to have as much consideration for the whole number of dependent mothers of this country who have lost one or more sons as Senators have for some particular individual mother of this country, we shall have just this state of affairs, that one mother who has lost three sons in the Army is pensioned at the rate of \$24 per month, and that hundreds of mothers (for there are hundreds of mothers in this country who have lost three sons in the war, all their sons in the war, and who are now old and dependent) will be pensioned at \$8 per month. If that is not favoritism and discrimination I do not know what it is.

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on Pensions, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 21, nays 30; as follows:

YEAS—21.			
Camden,	Gibson,	Mitchell,	Walker,
Cockrell,	Gorman,	Platt,	Williams,
Coke,	Hampton,	Pugh,	Wilson.
Colquitt,	Harris,	Saulsbury,	
Fair,	Jackson,	Sister,	
George,	Maxey,	Vance,	
NAYS—30.			
Bayard,	Dolph,	Lapham,	Fike,
Blair,	Edmonds,	McMillan,	Riddleberger,
Brown,	Frye,	Manderson,	Sabin,
Call,	Harrison,	Miller of Cal.,	Sawyer,
Cameron of Wis.,	Hoar,	Miller of N. Y.,	Sewell,
Chace,	Inglis,	Morgan,	Voorhees.
Conger,	Jones,	Morrill,	
	Jones of Nevada,	Palmer,	
ABSENT—25.			
Aldrich,	Parley,	Kenna,	Ransom,
Allison,	Garland,	Lamar,	Sherman,
Beck,	Groome,	Logan,	Van Wyck,
Bulder,	Hale,	McPherson,	Vest.
Cameron of Pa.,	Hawley,	Mahone,	
Calahan,	Hill,	Pendleton,	
Dawson,	Jones of Florida,	Plumb,	

So the amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT PATTERSON.

The bill (H. R. 1759) granting a pension to Robert Patterson was con-

sidered as in Committee of the Whole. It proposes to place on the pension-roll the name of Robert Patterson, late a private in Company F, Thirty-seventh Regiment Wisconsin Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAVISA HETH.

The bill (H. R. 7524) for the relief of Lavisa Heth was considered as in Committee of the Whole. It proposes to place the name of Lavisa Heth, widow of Wilford S. Heth, late a private in Company F, Fortyninth Regiment Indiana Volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAROLINE LEWIS.

The bill (H. R. 6663) restoring to the pension-roll the name of Caroline Lewis was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of Caroline Lewis, widow of John Lewis, late of the United States colored troops (certificate numbered 140665), who was killed near Louisville, Ky., about the 6th day of November, 1864, in the line of duty.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL M. BARTLETT.

The bill (H. R. 7094) granting a pension to Samuel M. Bartlett was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Samuel M. Bartlett, late a private in Company K, Thirty-fourth Regiment Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELBERT HEWITT.

The bill (H. R. 7672) granting an increase of pension to Elbert Hewitt was considered as in Committee of the Whole. It proposes to increase the pension heretofore allowed to Elbert Hewitt, late a private in Company C, Sixth Regiment Vermont Volunteers, from \$24 to \$40 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALMIRA K. PARKER.

The bill (H. R. 7722) granting a pension to Almira K. Parker was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Almira K. Parker, dependent mother of Ira J. Adams, deceased, formerly a private in Company A, Third Regiment of New Hampshire Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID FRIED.

The bill (H. R. 7308) for the relief of David Fried was considered as in Committee of the Whole. It proposes to place the name of David Fried, late a private in Company F, Fifty-ninth Regiment Indiana Volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE S. HAWLEY.

The bill (H. R. 8104) granting an increase of pension to George S. Hawley was considered as in Committee of the Whole. It declares that George S. Hawley, late a first lieutenant in the Twenty-third Regiment United States Colored Troops, now on the pension-roll at the rate of \$24 per month, shall hereafter be entitled to receive a pension at the rate of \$50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH A. WHITE.

The bill (S. 2367) granting a pension to Sarah A. White was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah A. White, of Abington, Mass., widow of Ebenezer White, late a lieutenant in the Kansas Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES FRAZIER.

The bill (H. R. 5555) granting a pension to James Frazier was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James Frazier, late a private in Company B, Fiftieth Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES H. REID.

The bill (H. R. 2068) granting a pension to James H. Reid was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James H. Reid, of Dorsey's regiment of Illinois volunteers in the Black Hawk war, at the rate of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH FOWLER.

The bill (H. R. 2284) granting a pension to Elizabeth Fowler was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth Fowler, the widow of Philo Fowler, late of Company A, Second Battalion, Seventeenth United States Infantry Volunteers of Maine.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JASPER J. HENRY.

The bill (H. R. 3074) to grant a pension to Jasper J. Henry on account of wounds received while acting as guide for the First Arkansas Cavalry Volunteers in the war of the rebellion was considered as in Committee of the Whole. It provides that the name of Jasper J. Henry shall be placed on the pension-roll of invalid persons, on account of wounds received while acting as guide and pilot for the First Arkansas Cavalry Volunteers, in the war of the rebellion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRYSON R. MCCARTNEY.

The bill (S. 1612) granting a pension to Bryson R. McCartney was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Bryson R. McCartney, late of Company K, Ninth Regiment, Illinois Infantry.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

JULIA A. MARCUM.

The bill (H. R. 5938) to pension Julia A. Marcum was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CORDELIA BRAINERD THOMAS.

The bill (S. 2316) granting a pension to Mrs. Cordelia Brainerd Thomas was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 11, after the word "of," to fill the blank by inserting "fifty;" so as to make the bill read:

That the Secretary of the Interior be, and he hereby is, authorized to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Cordelia Brainerd Thomas, widow of the late Rev. E. Thomas, who was killed by the Modoc Indians in 1873, while acting as a member of a peace commission sent by the United States Government to treat with the said Indians, and to pay her, from and after the passage of this act, during her widowhood, the sum of \$50 a month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HARRIET M. BAILY.

The bill (H. R. 7602) to grant a pension to Harriet M. Baily was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Harriet M. Baily, widow of William P. Baily, late a colonel in the service of the United States, of the Second Regiment of Delaware Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOIS B. SMITH.

The bill (H. R. 7731) granting a pension to Lois B. Smith was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lois B. Smith, mother of Theodore H. Jameson, late of Company K, Thirteenth New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM BOLWORK.

The bill (H. R. 3749) granting a pension to William Bolwork was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Bolwork, late a private in Company K, Thirteenth Regiment Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HUGH RYAN.

The bill (H. R. 2537) granting a pension to Hugh Ryan was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Hugh Ryan, late assistant surgeon of the Thirty-fourth Regiment of Kentucky Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. KISER.

The bill (H. R. 2539) granting a pension to George W. Kiser was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George W. Kiser, late a private in Company A, Twenty-Sixth Regiment Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY A. GRIFFIN.

The bill (H. R. 1046) granting a pension to Mary A. Griffin was considered as in Committee of the Whole. It proposes to place the name of Mrs. Mary A. Griffin, mother of William D. Griffin, late a private in Company F, One hundred and fifty-first Regiment New York Volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

T. A. MORTON.

The bill (H. R. 7336) granting a pension to T. A. Morton was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of T. A. Morton, late of Company E, Sixteenth Regiment New York Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHLOE A. WHIPPLE.

The bill (H. R. 7338) granting a pension to Chloe A. Whipple was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Chloe A. Whipple, of Batavia, N. Y., mother of Charles A. Whipple, late of Company L, Eighth New York Heavy Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELMINA P. SPENCER.

The bill (H. R. 7262) increasing the pension of Elmina P. Spencer was considered as in Committee of the Whole. It proposes to increase the pension of Mrs. Elmina P. Spencer to \$20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES P. MAHAN.

The bill (H. R. 3728) granting a pension to Charles P. Mahan was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Charles P. Mahan, late of Company G, One hundred and forty-sixth Regiment, New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA SLUSS.

The bill (H. R. 3605) granting a pension to Eliza Sluss was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Eliza Sluss, widow of John M. Sluss, late captain of Company A, Third Indiana Volunteers in the war with Mexico.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN A. VANDERHOFF.

The bill (H. R. 7256) granting a pension to John A. Vanderhoff was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of John A. Vanderhoff, late a private in Company A, Eighth Regiment United States Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARK SPENCER VAN LOAN.

The bill (H. R. 7822) granting a pension to Mark Spencer Van Loan was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mark Spencer Van Loan, of Catskill, N. Y., late a private in Company K, Eightieth New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE TAPP.

The bill (H. R. 6018) increasing the pension of George Tapp was considered as in Committee of the Whole. It proposes to increase the pension of George Tapp, late a lieutenant of Company B, Eleventh Regiment Pennsylvania Infantry Volunteers, to \$45 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUISA A. ESTES.

The bill (H. R. 7709) granting a pension to Louisa A. Estes was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Louisa A. Estes, widow of John Estes, late of Company E, Seventy-third Regiment of Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUISA EARLE.

The bill (H. R. 4833) granting a pension to Louisa Earle was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Louisa Earle, widow of Harry B. Earle, late of Company K, Fourth Regiment Minnesota Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WARREN SAMS.

The bill (H. R. 3352) to restore the name of Warren Sams to the pension-roll was considered as in Committee of the Whole. It proposes to

restore the name of Warren Sams, late a private in Company K, First Regiment North Carolina Volunteers, in the war with Mexico, to the pension-roll, to take effect from the time the soldier was dropped from the rolls, on the 16th of May, 1877.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL Z. COOPER.

The bill (H. R. 5124) granting a pension to Samuel Z. Cooper was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Samuel Z. Cooper, late a private in Company H, Twenty-second Regiment Pennsylvania Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAJOR THORNBURGH'S WIDOW.

The bill (H. R. 7655) granting an increase of pension to the widow of Maj. Thomas T. Thornburgh, late of the United States Army, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Eliza W. Thornburgh, widow of Maj. Thomas T. Thornburgh, late of the Fourth Regiment of Infantry, United States Army, at the rate of \$50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Order of Business 1328, being the bill (S. 2043) for the relief of Maria L. Strong, has not yet been returned from the Printer.

Mr. COCKRELL. Has Order of Business 1321, being the bill (H. R. 7655) granting an increase of pension to the widow of Thomas T. Thornburgh, late of the United States Army, been acted on by the committee?

The PRESIDING OFFICER. It does not appear from the Calendar.

Mr. JACKSON. There was an adverse report.

Mr. COCKRELL. What action has been taken in that case?

The PRESIDING OFFICER. The bill has been passed, House bill 7655.

Mr. COCKRELL. That was certainly a misunderstanding. I move to reconsider the vote by which it was passed.

Mr. WILSON. If the Senator will yield to me, I desire to ask unanimous consent to proceed with the cases reported favorably to-day so that we can finish them.

Mr. COCKRELL. I do not want a bill passed that was reported adversely without attention being called to it. Let it be reconsidered.

The PRESIDING OFFICER. If there be no objection, there will be a reconsideration of the vote by which the last bill was passed.

Mr. MANDERSON. We are not able to hear on this side of the Chamber what action was taken on Order of Business 1331.

Mr. COCKRELL. Without anybody knowing it, that bill was passed, and I simply ask that it may be placed where it was before. Then it will be up for reconsideration.

Mr. MANDERSON. The Senator from Missouri asks for the reconsideration of the vote by which the bill was passed?

Mr. COCKRELL. Certainly.

Mr. MANDERSON. I make no objection to that.

Mr. COCKRELL. There was really no vote taken upon it.

Mr. MANDERSON. I have no objection to that, but I desire to move after the unobjected cases are disposed of that the Senate consider the House bill which is Order of Business 1331, being the same matter that was reported adversely as Order of Business 1283, being the bill (S. 2400) granting an increase of pension to Eliza Willson Thornburgh.

I propose at the proper time to move to substitute the House bill for the Senate bill and ask for its consideration.

The PRESIDING OFFICER. There being no objection, the vote by which Order of Business 1331, being House bill 7655, was declared passed is reconsidered and the bill is placed in the position that it was before action was taken upon it.

Mr. COCKRELL. Now I have no objection to the request of the Senator from Iowa. I think it is proper and just.

MARIA L. STRONG.

Mr. WILSON. I ask unanimous consent to proceed with the cases reported favorably to-day.

The PRESIDING OFFICER. There is one bill that was passed over which is now in the hands of the Secretary. If there be no objection, that will be considered.

The bill (S. 2043) for the relief of Maria L. Strong was read. It provides for the payment, out of the Navy pension fund, to Maria L. Strong, widow of the late Rear-Admiral James H. Strong, of the United States Navy, of \$50 per month during her widowhood, in lieu of her present pension.

The PRESIDING OFFICER. The report on this bill it seems was adverse, so that the Calendar of unobjected cases is disposed of.

Mr. WILSON. Now I renew the request that the Senate proceed to the consideration of the pension bills reported favorably to-day.

The PRESIDING OFFICER. The Senator from Iowa asks that unanimous consent be given to proceed to the consideration of pension bills reported favorably to-day. Is there objection? The Chair hears none, and those bills will be proceeded with.

BENJAMIN F. BROCKETT.

The bill (S. 2153) granting a pension to Benjamin F. Brockett was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Benjamin F. Brockett, late a captain of Company I, Eighty-seventh Illinois Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SARAH JANE PRINCE.

The bill (S. 2125) granting a pension to Sarah Jane Prince was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah Jane Prince, widow of the late Capt. Albert Prince, of the Fifteenth Regiment of Massachusetts Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JACOB WIENER.

The bill (H. R. 7292) to increase the pension of Jacob Wiener was considered as in Committee of the Whole. It proposes to increase the pension of Jacob Wiener, late a private in Company I, Forty-first Regiment of New York Volunteers, to \$40 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABIGAIL HONEY.

The bill (H. R. 5929) for the relief of Abigail Honey was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Abigail Honey, widow of Joseph W. Honey, late a private in Company H, Twenty-sixth Regiment Iowa Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LLOYD W. HIXON.

The bill (H. R. 6798) to grant a pension to Lloyd W. Hixon was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lloyd W. Hixon, late an assistant surgeon in the service of the United States, of the Thirteenth Regiment of Massachusetts Volunteers.

The bill was reported to the Senate without amendment ordered to a third reading, read the third time, and passed.

LEONARD KING.

The bill (H. R. 6928) granting a pension to Leonard King was considered as in Committee of the Whole. It proposes to place the name of Leonard King, of Farmington, Van Buren County, Iowa, upon the pension-roll, as dependent father of Miles King, late of Company B, Third Iowa Cavalry Volunteers, in the late war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH A. SPRINGSTEED.

The bill (H. R. 5989) for the relief of Elizabeth A. Springsteed was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth A. Springsteed, widow of David A. Springsteed, of Albany, N. Y., late a private in Company B, Seventh Heavy Artillery, New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN H. JOHNSON.

The bill (H. R. 6287) for the relief of John H. Johnson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John H. Johnson, late a private in Company E, Fourteenth Kentucky Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN HAZLEWOOD.

The bill (H. R. 6596) granting a pension to John Hazlewood was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Hazlewood, late a private in Company F, Seventh Regiment West Virginia Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MORRIS GELD.

The bill (H. R. 4869) for the relief of Morris Geld was considered as in Committee of the Whole. It directs that Morris Geld, late of the general mounted service, United States Army, be placed on the pension-roll of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH A. BURCHFIELD.

The bill (H. R. 7373) for the relief of Sarah A. Burchfield was considered as in Committee of the Whole. It provides for adjudicating the pension claim of Sarah A. Burchfield, widow of Robert L. D. Burchfield, who was a lieutenant of Company D, Third North Carolina

Mounted Infantry, as though he had been regularly mustered into the service of the United States at the time of his being wounded.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH HOOD.

The bill (H. R. 4263) granting a pension to Elizabeth Hood was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth Hood, mother of Rowland J. Hood, late a private in Company —, Eighty-third Regiment Pennsylvania Volunteers, and of Morebird Bradley Hood, late of the United States Navy.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NOAH CATON.

The bill (H. R. 2627) granting a pension to Noah Caton was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Noah Caton, late of Company H, Eighty-fifth Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHRISTIANA ALMIER.

The bill (H. R. 2538) granting a pension to Christiana Almier was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Christiana Almier, mother of Frederick Almier, deceased, late a member of Company I, Forty-ninth Regiment Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY MULHOLLAND.

The bill (H. R. 3355) for the relief of Mary Mulholland was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of Mary Mulholland, under certificate numbered 193403.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES HENDRIX.

The bill (H. R. 1219) granting a pension to Charles Hendrix was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of Charles Hendrix, late a private in Company H, Second Regiment Michigan Volunteers, and Company B, same regiment, the restoration to commence from the date when his name was dropped from the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHILLIP WIGGINS.

The bill (H. R. 5374) granting a pension to Phillip Wiggins, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Phillip Wiggins, late a private in Company F, Thirty-fifth United States Colored Troops, and wounded at the battle of Olustee, on the 20th of February, 1864.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES D. KIRK.

The bill (H. R. 4079) granting a pension to James D. Kirk was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James D. Kirk, of Inez, Martin County, late of Company B, One hundred and sixty-seventh Regiment West Virginia Militia, at the rate allowed by law to private soldiers for disabilities incurred while in the service of the United States in the late war of the rebellion, for wounds and injuries sustained by Kirk while in the line of his duty.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY A. LAND.

The bill (H. R. 256) granting a pension to Mary A. Land was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary A. Land, widow of Reason M. Land, deceased, late a private in the First Illinois Heavy Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMELINE L. FITCH.

The bill (H. R. 7869) granting a pension to Emeline L. Fitch was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Emeline L. Fitch, widow of John T. Fitch, late of Company D, Seventh Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRIET ARMSTRONG.

The bill (H. R. 1898) granting a pension to Harriet Armstrong was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Harriet Armstrong, widow of Levi Armstrong,

late a private in Company E, One hundred and third Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRISCILLA J. SMALL.

The bill (H. R. 2540) granting a pension to Priscilla J. Small was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of Priscilla J. Small, widow of Andrew L. Small, late a lieutenant of Company H, First Regiment Ohio Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS D. FITCH.

The bill (H. R. 7696) granting a pension to Thomas D. Fitch was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Thomas D. Fitch, late surgeon of the Forty-second Regiment Illinois Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. COCKRELL. Is that all.

The PRESIDING OFFICER. There are more, but they are not at the desk at this moment. They will be here soon.

Mr. COCKRELL. Are they sending for them?

The PRESIDING OFFICER. They have been sent for.

ORDER OF BUSINESS.

Mr. COCKRELL. I wish to make a statement and appeal to the Senate. There are two House bills of a general nature, very important, about which I think there will be no controversy, the passage of which will be a relief to all the Senators and a relief to Congress, and I think they can be passed inside of ten minutes.

Mr. ALDRICH. What are they?

Mr. COCKRELL. One of them is Order of Business 976, which was reported from the Committee on Military Affairs unanimously by myself, being the bill (H. R. 5713) to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States, which will take out of Congress twenty or thirty cases and prevent them bothering us hereafter. The other is Order of Business 1045, reported by the chairman of the Committee on Claims, now the Presiding Officer [Mr. CAMERON, of Wisconsin], being the bill (H. R. 5849) limiting the time for the presentation and payment of claims against the United States.

They are both very short bills, and I am sure they can be disposed of in a very few minutes. I hope they will be taken up and disposed of. I think no one can object to them. I ask that the first one be taken up now.

The PRESIDING OFFICER. The pension bills are now in the hands of the Secretary.

Mr. CULLOM. If the Senator will wait a few minutes I think he will have an opportunity of getting his bills before the Senate.

Mr. COCKRELL. Very well.

Mr. CULLOM. I ask to call up—

The PRESIDING OFFICER. There are pension bills on the table reported to-day, and they will be proceeded with in their order.

HARRIET L. STEVENS.

The bill (H. R. 7002) for the relief of Harriet L. Stevens was considered as in Committee of the Whole. It proposes to restore to the pension-roll, at the same rate of pension received by her prior to having been dropped, the name of Harriet L. Stevens, widow of George H. Stevens, a lieutenant-colonel of the Second Wisconsin Volunteer Infantry, in the military service of the United States in the war of the rebellion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JEREMIAH P. SWATZELL.

The bill (H. R. 7026) granting a pension to Jeremiah P. Swatzell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jeremiah P. Swatzell, late first sergeant of Company I, Seventeenth Regiment Kentucky Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH R. DODDS.

The bill (H. R. 7769) to grant a pension to Joseph R. Dodds was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Joseph R. Dodds, late a private in Company K, Seventh Regiment of Iowa Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET A. BERRY.

The bill (H. R. 5925) granting a pension to Margaret A. Berry was considered as in Committee of the Whole. It proposes to place on the

pension-roll the name of Margaret A. Berry, widow of William M. Berry, late private in Company I, Tenth Indiana Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN R. HURLBURT.

The bill (H. R. 1653) granting a pension to John R. Hurlburt was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John R. Hurlburt, late a private in Company G, Twenty-fifth Regiment Wisconsin Volunteers, and Company G, Fourteenth Regiment Veteran Reserve Corps.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM STRICKLAND.

The bill (H. R. 3994) granting a pension to William Strickland was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Strickland, late second lieutenant of Company G, Third Regiment Illinois Volunteers, in the Mexican war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REUBEN J. EBBERMAN.

The bill (H. R. 891) granting a pension to Reuben J. Ebberman was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Reuben J. Ebberman, of Macon, Mo., late colonel of the Sixty-second Missouri Regiment Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS CURRAN.

The bill (H. R. 3751) granting a pension to Francis Curran was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Francis Curran, late a sergeant of Company E, Thirteenth Regiment of Indiana Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. EAGLES.

The bill (H. R. 6948) granting a pension to George W. Eagles was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George W. Eagles, late a private in Company D, Eightieth Regiment Illinois Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM C. H. BOWMAN.

The bill (H. R. 4061) granting a pension to William C. H. Bowman was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William C. H. Bowman, late a private in Company D, Second Regiment Missouri Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. CULLOM. Does that conclude the pension bills?

The PRESIDING OFFICER. The pension bills reported to-day are concluded.

LOSSES OF PROPERTY BY TROOPS.

Mr. CULLOM. Now I hope the Senator from Missouri will have an opportunity to pass the two bills he has referred to, with the understanding that we go back to the consideration of pension bills.

Mr. COCKRELL. I have no objection to that, but these are two public measures which ought to be passed. I ask that Order of Business 976 be taken up. Let it be read. It will explain itself. It is only what we have been doing for the last fifty years.

The PRESIDING OFFICER. Is there objection to the consideration of the bill indicated by the Senator from Missouri? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5713) to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States.

Mr. COCKRELL. Let the amendments of the committee be acted on as they are reached in the reading.

The PRESIDING OFFICER. That course will be pursued if there be no objection.

The Secretary proceeded to read the bill.

The first amendment reported by the Committee on Military Affairs was, in line 6, after the word "officers," to insert the word "and," and in the same line, after the word "men," to strike out "and duly authorized landresses;" so as to read:

That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to examine into, ascertain, and determine the value of the private property belonging to officers and enlisted men in the military service of the United States which has been, or may hereafter be, lost or destroyed in the military service under the following circumstances:

The amendment was agreed to.

The next amendment was, in line 27, after the word "war," to insert "or hostilities with Indians;" so as to read:

And provided further, That this act shall not apply to losses sustained in time of war or hostilities with Indians.

Mr. HAWLEY. I ask the attention of the Senator from Missouri. Of course it is perfectly correct. The committee ordered that amendment; but I have some doubt about the wisdom of it. I have no recollection of acting on it.

Mr. COCKRELL. The amendment was expressly agreed on and has always been the universal rule of Congress in all such cases. The committee simply made the bill conform to what has been the rule of Congress in regard to compensation for such losses.

Mr. HAWLEY. I know compensation is not allowed in war between this country and a foreign country, but we have not treated hostilities with Indians as war.

Mr. COCKRELL. We have not considered hostilities with Indians as war, so far as giving brevets is concerned, but we have never paid for such losses in troubles with the Indians.

Mr. HAWLEY. I will simply make a remark on the equity of the case and leave it. I think if an officer and his squad of men are suddenly ordered to march against Indians and they lose their clothing and arms, compensation to them is quite as reasonable as it is in the case of an officer who properly enough stores his trunk in a railway station and has it burned up journeying in New York State. I think the equity is rather with the man who has lost private property fighting the Indians. I do not like that amendment myself.

Mr. VOORHEES. Do I understand the Senator from Missouri to say that it has never been the policy of the Government to pay for losses incurred in Indian wars?

Mr. COCKRELL. In Indian wars or in any other wars.

Mr. VOORHEES. I understood the Senator to draw the line on Indian wars.

Mr. COCKRELL. Oh, no; it is not done in any war. This bill simply conforms, and the Senate Committee on Military Affairs made it conform, to what has been the uniform rule adopted by Congress in allowing compensation in these cases.

Mr. DOLPH. Before I vote on the bill, as I have not had time to examine it, I should like to know something more about it. I inquire of the Senator from Missouri if I understand the provision of the bill to be that in all cases where property of officers or enlisted men in the service of the United States is accidentally destroyed, as in the case of an accidental fire, while they are in service, the claim may be presented to the War Department, allowed, and paid?

Mr. COCKRELL. Let the amendment be read as proposed and the bill with it, and then the Senator will get the idea. As I stated, there is no new principle in this. It is simply to take out of Congress a large number of cases that are pending here every year and that always pass when reached. It establishes no new principle of liability at all, and the Senator will discover exactly what it is if he listens to its being read as proposed to be amended.

The PRESIDING OFFICER. The whole bill?

Mr. COCKRELL. The part in regard to liability.

Mr. DOLPH. I thought I caught the reading of the bill. I should like the Senator from Missouri to inform me if it is proposed by this bill, which is certainly new, although it may be a general law in conformity to the practice of the committee, to provide that any officer or enlisted man who has lost property by an accidental fire without his negligence may present his claim to the War Department and have it allowed and paid?

Mr. COCKRELL. Under certain conditions therein stated.

Mr. DOLPH. It seems to me that it is based on a wrong principle.

Mr. COCKRELL. The question has been debated fifty times in the Senate, and always decided one way; and the committee, in order to get rid of the personal investigation of all these cases, reported this general bill which has been passed by the House, and we limited it, did not make it as wide as it was when it passed the House. We restricted it more narrowly than the House bill.

Mr. FRYE. And the payment in case of a loss by fire is limited, is it not?

Mr. COCKRELL. It is.

Mr. FRYE. Where an officer or soldier in taking charge of Government property sacrifices his own.

Mr. SEWELL. The limitation extends to the articles necessary for the position of the officers or men, not to watches, trinkets, or anything of that kind, but to the necessary equipment of the soldier or officer.

Mr. COCKRELL. The bill as proposed to be amended reads:

That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to examine into, ascertain, and determine the value of the private property belonging to officers and enlisted men in the military service of the United States which has been, or may hereafter be, lost or destroyed in the military service under the following circumstances:

First. When such fault or destruction was without fault or negligence on the part of the claimant.

Second. Where the private property so lost or destroyed was shipped on board an unseaworthy vessel by order of any officer authorized to give such order or direct such shipment.

Third. Where it appears that the loss or destruction of the private property of the claimant was in consequence of his having given his attention to the saving of the property belonging to the United States which was in danger at the same time and under similar circumstances. And the amount of such loss so ascertained and determined shall be paid out of any money in the Treasury not otherwise appropriated, and shall be in full for all such loss or damage: *Provided*, That any claim which shall be presented and acted on under authority of this

act shall be held as finally determined, and shall never thereafter be reopened or considered: *And provided further*, That this act shall not apply to losses sustained in time of war or hostilities with Indians: *And provided further*, That the liability of the Government under this act shall be limited to such article of personal property as the Secretary of War, in his discretion, shall decide to be reasonable, useful, necessary, and proper for such officer or soldier while in quarters, engaged in the public service, in the line of duty.

Mr. DOLPH. Now I think I understand the bill. In the first place it proposes to pay for the loss of all property of persons in the military service of the United States where the property was lost without the fault of the party losing the property. In the second place it proposes to pay for the loss of all property shipped on unseaworthy vessels by order of the Government. In the next place it proposes to pay for the loss of property of the claimant, notwithstanding he may be negligent himself, if his negligence arose from the fact that he was engaged at the time in saving Government property instead of saving his own. The very first provision there is that the United States invites claims for payment for all property lost while in the military service except in time of war and during hostilities, without the fault or negligence of the party losing the property. I think that is a very broad and very important measure to be brought up on the spur of the moment.

Mr. SHERMAN. I should like to have a reasonable period of limitation provided so that these claims shall not be allowed to slumber, but that all claims made under this act shall be presented within three years from the time of the loss.

Mr. COCKRELL. That is right. I have no objection to that, and I suggest the amendment in this form:

Provided further, That all claims under this act shall be presented within three years from and after the passage of this act, or from and after the occurrence of the loss in cases hereafter occurring.

Mr. SHERMAN. I think the rule of three years ought to apply to the past cases.

Mr. COCKRELL. I say three years ought to apply to all past claims, and three years to all future claims. That is the amendment I propose.

Mr. SHERMAN. All right.

Mr. COCKRELL. This does not cover anything in the shape of carpets, or pianos, or gold watches, or silk dresses, or things of that kind. The committee has never allowed compensation for them, and this is the most restrictive language ever proposed. I propose the amendment, as follows:

And provided further, That all claims heretofore existing shall be presented within three years from and after the passage of this act, and all claims hereafter arising shall be presented within two years of their occurrence.

Mr. HARRISON. May I ask the Senator whether he proposes to give three years from the passage of the act for claims already in existence and only two for those hereafter occurring?

Mr. COCKRELL. A good many of these claims of officers have been scattered around, and they may not know about the passage of the bill. I will move to make it two years for each.

Mr. HARRISON. Very well; that will do.

Mr. COCKRELL. I will put it in this form:

Provided, That all such claims now existing shall be presented within two years from the passage of this act, and all such claims hereafter arising shall be presented within two years from the occurrence of the loss or destruction.

Mr. CONGER. I suggest to the Senator from Missouri that that language is no limitation on the presentation or consideration of claims by the Secretary of War. It should be provided that the Department have no authority to consider any claim unless presented within a certain time.

Mr. COCKRELL. Let the amendment be reported.

The PRESIDING OFFICER. The proposed amendment will be read.

The CHIEF CLERK. It is proposed to add:

And provided further, That all such claims now existing shall be presented within two years from the passage of this act, and all such claims hereafter arising shall be presented within two years from the occurrence of the loss or destruction.

Mr. COCKRELL. That will be sufficient. The Secretary of War will not act on any claim after that.

The PRESIDING OFFICER. At what point in the bill is this proviso to be inserted?

Mr. COCKRELL. At the end of the bill, after the provisos already in.

The PRESIDING OFFICER. There is an amendment already pending not disposed of.

The CHIEF CLERK. In line 30, after the word "reasonable," the Committee on Military Affairs proposed to insert "useful, necessary, and proper for such officer or soldier while in quarters, engaged in public service, in the line of duty;" so as to read:

And provided further, That the liability of the Government under this act shall be limited to such articles of personal property as the Secretary of War, in his discretion, shall decide to be reasonable, useful, necessary, and proper for such officer or soldier while in quarters, engaged in the public service, in the line of duty.

The amendment was agreed to.

Mr. MAXEY. The first proviso of the Senator from Missouri providing for claims within two years should say, "and not afterward."

Mr. COCKRELL. I have no objection to that.

The PRESIDING OFFICER. The Senator from Texas proposes to amend the amendment of the Senator from Missouri so as to read:

And provided further, That all such claims now existing shall be presented within two years from the passage of this act, and not after; and all such claims

hereafter arising shall be presented within two years, and not after, from the occurrence of the loss or destruction.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. HAWLEY. It occurs to me that there is some unnecessary verbiage. "Within two years from the occurrence of the loss or destruction" is sufficient. "Within two years, and not after, from the occurrence of the loss or destruction," is not a very elegant sentence, and the words "not after" are superfluous, it seems to me. "Within two years after the occurrence of the loss or destruction," I submit, is sufficient.

Mr. COCKRELL. The addition of those words can not hurt; and the Senator from Texas thinks it better. I have no objection to it, though I do not think it makes it stronger.

Mr. HAWLEY. I do not object, only on general principles. I like our bills to read as well as possible.

Mr. MAXEY. I say that those words in my view of the law are necessary to prevent the presentation of a claim after the time limited. The Senator from Connecticut, having a very much better knowledge of language than I have, I am perfectly willing to withdraw it if he insists on my doing so.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. COCKRELL. I move that the bill be printed as amended by the Senate.

The motion was agreed to.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MAHONEY, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FRYE and Mr. HOAR submitted amendments intended to be proposed by them respectively to the legislative, executive, and judicial appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. CALL submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; which were thereupon signed by the President *pro tempore*:

A bill (S. 2551) to amend an act entitled "An act to increase the water supply of the city of Washington, and for other purposes;"

A bill (H. R. 2344) for the relief of Melissa G. Polar;

Joint resolution (H. Res. 288) authorizing the printing of 2,500 extra copies of the annual report of the health officer of the District of Columbia; and

A bill (H. R. 4088) to incorporate the Luther Statue Association to erect and maintain a monument or statue in memory of Martin Luther in the District of Columbia.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HOAR, it was

Ordered, That the papers in the case of Maria G. Dunbar, now on the files of the Senate, be withdrawn and referred to the Committee on Pensions.

AGRICULTURAL APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. 8030) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1886, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist on its amendments and agree to the conference asked for by the House of Representatives.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. HALE, Mr. PLUMB, and Mr. CALL were appointed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 5828) for the relief of Saint Mark's Protestant Episcopal church in the District of Columbia;

A bill (H. R. 7556) to regulate the manufacture and sale of spirituous and malt liquors in the District of Columbia;

A bill (H. R. 7557) to provide for the sale of certain real property in the District of Columbia, and for other purposes;

A bill (H. R. 7935) for the relief of the Church of the Ascension, in the District of Columbia; and

A bill (H. R. 8236) relating to sales for taxes in the District of Columbia.

PUBLIC BUILDING AT KEY WEST.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 229) to authorize the Secretary of the Treasury to erect a public building in the City of Key West, Fla.

The amendments of the House were read, as follows:

In line 2 of the bill strike out all following the word "directed," down to and including the word "necessary," in line 4, and insert the words "to select, of the lands owned by the United States in the city of Key West, Fla., a suitable building site."

In line 8, strike out the words "including the purchase of land."

In line 10, strike out the word "fifty" and insert the word "forty."

The PRESIDENT *pro tempore*. The amendments proposed by the House of Representatives are before the Senate for its action.

Mr. CALL. I hope the amendments will be concurred in.

Mr. MORRILL. I move that the Senate concur in the amendments proposed by the House of Representatives to the bill.

The amendments were concurred in.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 20th instant, approved and signed the following acts:

An act (S. 1365) granting an increase of pension to Eugene O'Sullivan, late a sergeant of Company K, Eighteenth Missouri Volunteer Infantry;

An act (S. 1571) granting a pension to James McCallen;

An act (S. 2547) granting an increase of pension to Mrs. Frances L. Thomas, widow of Maj. Gen. George H. Thomas;

An act (S. 2549) granting a pension to Isabella Higgins;

An act (S. 2246) to provide for the purchase of additional land for the uses of the public building in the city of New Bedford, State of Massachusetts; and

An act (S. 2594) to change the name of the Manufacturers' National Bank of New York to the Manufacturers' National Bank of Brooklyn, N. Y.

CONFIRMATION OF LAND TITLES.

Mr. COCKRELL. Now I ask the Senate to take up Order of Business 1045, being House bill 5849.

Mr. CONGER. Will not the Senator give way until I give a notice?

Mr. COCKRELL. I want to pass another general bill that is much shorter than the one just passed, and to which there is no amendment.

Mr. CONGER. I only want to give a notice, as I am going away.

Mr. COCKRELL. Very well.

Mr. CONGER. I give notice that to-morrow, after the ordinary morning business, I shall desire to call up Order of Business 1026, being the bill (S. 2509) to confirm titles to lands in certain cases, for the purpose of making some remarks thereon.

LIMITATION OF CLAIMS.

Mr. COCKRELL. Now I call for Order of Business 1045. It is a very important measure reported by the Senator from Wisconsin [Mr. CAMERON].

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5849) limiting the time for the presentation and payment of claims against the United States.

Mr. CAMERON, of Wisconsin. I offer an amendment to the bill.

The PRESIDING OFFICER (Mr. COCKRELL in the chair). The Senator from Wisconsin offers an amendment which will be read.

The CHIEF CLERK. It is proposed to add to the bill:

Nor to extend the jurisdiction of the Court of Claims to any claim or class of claims over which it has not already jurisdiction, nor to authorize the accounting officers of the Treasury to consider and pass upon any claim or class of claims which they are not already empowered to consider and adjust by existing law.

Mr. McMILLAN. I should like to inquire in regard to this bill whether it expressly or impliedly removes the bar of the statute of limitations from any claim against which the statute now runs.

Mr. CAMERON, of Wisconsin. The understanding of the committee was that it does not, but to guard against any possibility of its doing so I have proposed the amendment which I have just sent up and which has been read by the Secretary.

Mr. INGALLS. Let us hear the amendment read again.

The PRESIDING OFFICER. The amendment will be read again.

The Chief Clerk read the amendment.

Mr. McMILLAN. Wherever a provision of law recognizes the existence of any class of claims, whether barred by the statute of limitations or not, they are all recognized as existing claims, and unless the proposed statute expressly prohibits the repeal of the statute of limitations as to those claims, it would be impliedly repealed. I want to have the proviso express, so that it will guard all classes of that kind, as if it were:

Provided, That it shall not remove the bar of the statute of limitations where the statute of limitations now runs.

Mr. SHERMAN. That is in now.

Mr. McMILLAN. I did not hear it.

The PRESIDING OFFICER. If the Senator from Minnesota will hear one provision of the bill read—

Mr. McMILLAN. I want to hear it.

Mr. SHERMAN. This is a bill of great importance, and I should like to have it read over again.

The PRESIDING OFFICER. The bill will be again read for information.

The Chief Clerk read the bill.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on the amendment proposed by the Senator from Wisconsin.

Mr. PLATT. I should like to make an inquiry of the Senator from Missouri. Claims for back pay and bounty are barred, as I understand, by a charge of desertion standing on the record.

Mr. COCKRELL. That does not bar any claim.

Mr. PLATT. The officers will not settle the claim of a soldier where the charge of desertion stands on the record.

Mr. COCKRELL. Not for bounty.

Mr. PLATT. Not for bounty or back pay. Now, we are continually removing by degrees, passing statutes to remove, the charge of desertion, and the charge of desertion under those statutes is being removed from time to time. The inquiry I want to make is this: Suppose that some soldier who is entitled to have the charge of desertion removed should not accomplish that within three years from the passage of this bill, when would the statute of limitations begin to run in that case? From the passage of the bill, or from the time when he got the charge of desertion removed?

Mr. COCKRELL. I do not think there would be any doubt about that.

Mr. BLAIR. There is another class that has not been suggested. There is not one bounty as yet paid where there are ten due to the colored soldiers of the country. As I understand this bill, unless their claims are presented within three years they are barred.

Mr. COCKRELL. My understanding is that nearly all those claims have been presented, but they have not been acted on because the proof has not been furnished.

Mr. BLAIR. I do not understand that to be so.

Mr. COCKRELL. I think so.

Mr. BLAIR. Great numbers of them as yet are unrepresented.

Mr. COCKRELL. They will have three years to present them.

Mr. BLAIR. It has been more than three years since their service, and they may find their rights out after a while. I do not see any object in presenting any statute of limitations against this class of claims or any other class, indeed, as long as the United States is careful not to allow the statute to run against itself. It seems to me that the entire bill is one that will be likely to provoke a great deal of discussion if it were properly considered.

Mr. INGALLS. Mr. President, this bill is an absolute innovation upon the long-existing practices of the Government, and it involves very momentous and far-reaching consequences. It is a bill that deserves, I think, a great deal more consideration than it will be apt to get in the way in which it appears before the Senate in the temporary hiatus that is invited in the discussion of other bills.

I observe by casual examination that it not only applies the statute of limitations to all existing claims, but in one section provides that it shall exist against all claims that may originate hereafter. I believe I am correct. Upon all claims hereafter originating the limitation of six years is prescribed by this bill—that is to say, no man hereafter shall have any right to prefer his demand against the Government if he permits six years to elapse from the time of its initiation.

There is an old saying that what is sauce for the goose is sauce for the gander, an ornithological maxim that perhaps might be properly applied to national affairs. Time does not run against the king. I believe the Government of the United States does not permit the statute of limitations ever to operate against any demand it may have against any of its citizens, no matter when the default or deficit of the surety upon an undertaking occurs. It may enforce it whenever the fact is discovered. I doubt very much whether it is wise for us to permit an unlimited time to the Government in which to enforce its claim against the citizen, and say that the citizen shall be debarred by an absolute period of six years from interposing any claim against the Government.

I suppose this is intended as a relief to the committees of both Houses of Congress. The chairman of the committee says it is not.

Mr. CAMERON, of Wisconsin. Of course it is not, because we can not by any statute of limitations prevent a citizen from presenting his claim to Congress.

Mr. INGALLS. That is what I was about to say.

Mr. CAMERON, of Wisconsin. It is not intended for that at all.

Mr. INGALLS. If it was not intended for that, for what can it have been intended?

Mr. CAMERON, of Wisconsin. For the relief of the accounting officers of the Treasury and the other accounting officers of the Government.

Mr. INGALLS. That is precisely what I was about to suggest. The Senator from Wisconsin says this is intended to relieve the accounting

officers of the Government. Why should we be permitted to relieve the accounting officers of the Government by refusing to pay our honest debts? It certainly would be a novel principle to apply in private affairs that because it was annoying and vexatious to a citizen to have any account taken of his estate or of his obligation, therefore he should be permitted to go scot-free. This will not in any way whatever interfere with the enforcement of claims against the Government except in this, that it will relieve the accounting officers of the Treasury and will precipitate every claim that is declared by them to be barred by prescription, upon the committees in both Houses of Congress.

I doubt the wisdom or the propriety of that species of legislation. I doubt very much whether we ought to consider a matter of this gravity and of this moment without further deliberation. In most statutes of limitations or repose there are saving clauses for minors, for women under coverture, for persons *non compos*. The Senator from Tennessee [Mr. HARRIS] whispers to me that the same saving clause exists in this bill. I regret that I did not hear the clause when it was read. If it is there, it escaped my attention and some of the neighboring Senators who sit by me. One of them says to me—

Mr. COCKRELL. Will the Senator let me read the sentence?

Mr. INGALLS. I shall be glad to hear it.

Mr. COCKRELL. It reads:

In computing the years of limitation herein fixed no time shall be included when the person entitled to present the claim shall be a lunatic, a minor, or under any other legal disability.

Mr. INGALLS. Then I am relieved in that particular, but until this moment, although I casually read the bill, I did not know that was admitted. The Senator from Minnesota had called attention to another provision that he did not know was in this bill. I am not complaining that the bill does not contain proper provision, but that we are not advised and can not be advised in a question of this gravity and importance whether or not all particulars have been properly guarded.

Of course if the Senator from Wisconsin and the Senator from Missouri insist upon the discussion of this bill and its consideration now, I have no right to object; but inasmuch as it involves a complete innovation upon our practice, I submit that it ought to be subjected to deliberate discussion.

Mr. COCKRELL. I wish to say to my friend from Kansas that this is no innovation. A large number of claims are now barred. For example, under the act of 1849 compensation was allowed to those who lost their horses in the Mexican war and to civilians whose property was impressed by the Army. After a while there was a limitation put upon the soldiers who lost their horses in the war of the rebellion, but no limitation upon those in the Mexican war or on private citizens. We removed that limitation once, and still it left no limitation upon the others. Some years ago a bill was passed providing a bar to all that class of claims originating in any war prior to the passage of that act. So all claims of that character are now barred.

There are about 54,000 claims for quartermaster's stores and supplies under the act of July 4, 1864, which were filed with the Quartermaster-General and the Commissary-General. They were allowed to be filed from year to year. In 1878 or 1879 we passed a limitation on them requiring all those claims to be filed prior to the 1st day of January, 1880. A large number of my constituents are barred because they did not get their claims in prior to the 1st day of January, 1880. There is an immense number of claims there. They are barred.

So you find it has been the policy from year to year to place limitations upon claims, and there is no safety to the tax-payers of this country outside of some limitation. You let the persons who transacted this business with the Government pass from the stage of action. Their books are gone; their accounts are gone; the persons who transacted the business can not be found, and the individual comes and presents his claim with an *ex parte* affidavit. You have nothing to rebut it, and it is allowed.

It only illustrates an instance that the senior Senator from Illinois [Mr. LOGAN] related to me some years ago. A claim was presented to the Committee on Military Affairs for allowance. He examined the papers. The claim was established beyond any reasonable doubt. It was so clearly proved that it created a suspicion. He referred it to the proper Department and there could get no information against its justice or correctness. He finally went to the Department, and in examining among some old papers he happened to find a bundle of unmarked, unbriefed papers, and on examining them found that they were the original papers in that claim which had been presented to the War Department and paid at the time of the occurrence of the claim. And then on further examination he found that a previous bill had passed Congress, and it had been paid the second time, and it was then pending for the third time.

I say that we must have a limitation upon the presentation of claims in the Departments here. They are flooded. They are liable to be called up at any time. Only last night I wrote to the Third Auditor to know what he was doing with a claim for a horse lost in the Mexican war in 1848. The claims are still pending and until we pass a law they are liable to be presented at any time. It is not just to the

tax-payers of this country, who are the Government, that opportunities of robbing them in such a way should be allowed.

This bill was fully discussed in the other House. It was discussed by the leading members on both sides of the Chamber there. It was amended, and it was passed in the form in which it has come here. The Senator from Kansas [Mr. INGALLS] shakes his head. I do not know whether he does so with reference to what I have been saying or not. If he will look at the RECORD he will see that I state the truth, because I was noticing the bill, having been in favor of such a measure for a long time.

Mr. INGALLS. I was merely thinking of the fact that we have been frequently admonished that allusions to what occurred in the other House are not in order.

Mr. COCKRELL. I did not say that it was at this session. It may have been at a former session. It was discussed very fully, however. I think the provisions of the bill are just and proper. I have taken some pains in examining it, although not a member of the committee, and I noted the fact that it had been reported. I think it is only such a limitation as is absolutely necessary for the protection of the Government against fraudulent claims.

Mr. INGALLS. "A new way to pay old debts."

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Wisconsin.

Mr. SHERMAN. I offer an amendment to come in as an additional section.

The PRESIDENT *pro tempore*. There is one amendment now pending.

Mr. SHERMAN. I ask to have mine read. I think no one will object to it. It was probably omitted by mistake.

The PRESIDENT *pro tempore*. Pending the pending question the Senator from Ohio presents an amendment intended to be proposed to the bill. It will be read for information.

The CHIEF CLERK. It is proposed to add as a new section:

SEC. —. This act shall not apply to the bonds or other public securities of the United States, or coupons or interest thereon.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Wisconsin.

Mr. DOLPH. I move that the Senate proceed to the consideration of executive business. ["No!" "No!"]

Mr. ALLISON and others. Let us finish this bill first.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Oregon that the Senate proceed to the consideration of executive business.

The motion was not agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Senator from Wisconsin.

Mr. CAMERON, of Wisconsin. Let the amendment be read.

The PRESIDENT *pro tempore*. The pending amendment will be again read.

The CHIEF CLERK. It is proposed to add to the bill the following words:

Nor to extend the jurisdiction of the Court of Claims to any claims or classes of claims over which it has not already jurisdiction, nor to authorize the accounting officers of the Treasury to consider and pass upon any claims or classes of claims which they are not already empowered to consider and adjust by existing law.

Mr. CAMERON, of Wisconsin. I was informed that there are certain classes of claims which are not now and never have been cognizable either before the Court of Claims or before the accounting officers of the Treasury, and it was feared that without some provision similar to the one just reported those claims might be presented to the accounting officers of the Treasury. It is for the purpose of guarding against that danger that I have proposed the amendment.

Mr. HAWLEY. Where, then, would the Senator have those claims presented, if there is no tribunal for them now?

Mr. CAMERON, of Wisconsin. There is no tribunal. They can come to Congress after the passage of this bill as they always have done heretofore.

Mr. HAWLEY. I ask the question simply because I intend, if I remember it, always to record my protest on appropriate occasions, and this seems to be one, against the conduct of this Government in relation to private citizens. It is the only civilized government that does not permit itself to be sued. It stands here and compels private citizens by the thousand and the ten thousand to come to Congress for one, five, ten, fifteen, twenty, and in a late famous case nearly eighty years, and present their claims at our doors, and we provide no tribunal to hear them, and refuse to hear them ourselves.

The conduct of this Government is not creditable to an enlightened people.

We are here barring men after three years or six years from the presentation of claims when the accounting officers of the Treasury have not yet completed the statement of account. I say we are now here barring private citizens against the presentation of their claims to such limited tribunals as they have when at the same time our accounting officers have not yet made a statement of account between the Govern-

ment and officers of the Army and Navy who were in the war, and indeed quartermasters, contractors, and others.

It is within a short time that a citizen of my State had a suit brought against him, or against his bondsmen, when it was sixteen or seventeen years after he had closed his accounts and filed his papers and resigned his office before he had the statement of account upon which there was an alleged balance against him, when I firmly believe he could clearly have shown the account had he been notified within a reasonable time. The Government attempted to locate the balance against him in a particular place in the account, and he showed that it was utterly impossible there. Gentlemen familiar with this question know that suits are brought against bondsmen ten, fifteen, twenty years after the alleged occurrence of the liability. All these things are wrong.

I have no special sympathy with a bill of this kind while we are so guilty ourselves.

Mr. BLAIR. This bill is evidently one that requires a great deal of careful consideration. Senators are thinking of a new point every moment, and an important one, and new amendments are now being suggested touching the securities of the United States. No Senator knows what might be thought of if a little time and attention were given to the bill. I find in reading the very first portion of it that it discriminates against the soldiers and the officers who have defended our institutions in war. For instance, it says that they shall be cut off by a limitation of only three years, while all other claimants whatever, no matter whether the claim may have originated from the foundation of the Government, are entitled to six years from the passage of the bill within which to present their claims, whatever they may be.

The bill in the first clause, which applies to the officers and soldiers of the country, is, I think, very unjust and very dangerous. It will cut off a great many honest claims. Only a few days ago I received a letter from my own State, from a New Hampshire soldier, an intelligent man, and it turned out that he never had even presented his claim for bounty to the present time. That is not an unusual thing at all. It is twenty-odd years since the war. Such claims are likely to arise from time to time for the next fifteen or twenty years.

It is a matter that every one is informed of that the colored soldiers of the country, some 200,000 in number, have neither in the matter of pensions nor of bounty received anything like their rights up to the present time. They are ignorant, but they are gradually becoming informed, and their claims are coming in from time to time, and it is only fair to suppose that in future a great many more of those claims will be presented against the Government than ever have been as yet. But the bill proposes to take those people and discriminate against them; to give them only half as much time in which to present their claims as the ordinary claimant who has nothing but a civil source of claim against the country. I think that that is reprehensible and discreditable, and it is a shame to find it in a bill before the American Congress. Why should not they stand as well as anybody else?

Mr. CAMERON, of Wisconsin, rose.

Mr. BLAIR. It is all very true, as the Senator is about to say, probably, that they can come to Congress, but there is trouble enough with claims in Congress to-day. This bill came in here under the assurance that it would not cause any debate; that it was a thing everybody would agree to, and was all right and nobody could object to it, and two bills were to be passed in ten minutes; and now for over an hour men are here talking against the bill when there is a stress upon us to get the pension bills before Congress, which perhaps will not be considered unless they are considered to-day.

I believe this is a bad bill, a wicked bill, and it ought not to be here for discussion under the circumstances.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment was agreed to.

Mr. SHERMAN. I now offer the amendment of which I gave notice.

The PRESIDENT *pro tempore*. The amendment of the Senator from Ohio will be read.

The CHIEF CLERK. It is proposed to add a new section, as follows:

Sec. —. This act shall not apply to the bonds or other public securities of the United States, or coupons or interest thereon.

Mr. HOAR. I move to amend the amendment by adding the words "or to the claim of any State."

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Massachusetts to the amendment will be read.

The CHIEF CLERK. It is proposed to add to the amendment the following words: "or to the claim of any State;" so as to read:

This act shall not apply to the bonds or other public securities of the United States, or coupons or interest thereon, or to the claim of any State.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment to the amendment.

Mr. HOAR. The mover accepts it.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. McMILLAN. I move to amend the bill by inserting, after the

word "construed," in line 23, the words "to remove any limitation now existing against the presentation of any claim, nor;" so as to read:

Provided, That nothing herein contained shall be construed to remove any limitation now existing against the presentation of any claim, nor to revive any claim now barred by the statute of limitations.

Mr. CAMERON, of Wisconsin. I have no objection to that amendment.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Minnesota.

The amendment was agreed to.

Mr. HARRISON. I thought the Senator from New Hampshire made a very convincing argument to the Senate a few moments ago against the discrimination which is made in the bill against claims for bounty and back pay. The limitation as to such claims is for three years in the bill and as to all other claims it is six years. I do not think there is any class of claims where it is easier for the Government to meet and defeat a demand than these bounty and back-pay claims. The rolls of the regiment, all of the records make it easy for the Government. I therefore move to strike out "three" and insert "six," in line 7, before "years," so that the limitation shall be the same in all cases.

Mr. CAMERON, of Wisconsin. All those claims have existed —

The PRESIDENT *pro tempore*. The Senator from Wisconsin will suspend. The Chair will state the question. The amendment proposed by the Senator from Indiana will be reported.

The CHIEF CLERK. In line 7, before the word "years," it is proposed to strike out "three" and insert "six;" so as to read:

That all claims for back pay or bounty due to officers, soldiers, or to any other person for services in the late civil war, or any previous war, shall be presented to the accounting officers of the Treasury Department, or other proper tribunal, for adjustment and payment, within six years after the passage of this act.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Indiana.

Mr. HOAR. Mr. President —

The PRESIDENT *pro tempore*. The Senator from Wisconsin was recognized, but suspended until the Chair stated the question.

Mr. CAMERON, of Wisconsin. I yield to the Senator from Massachusetts.

Mr. HOAR. I merely wish to state the reason for limiting this class to three years while others are generally limited to six. In regard to other cases the bill will take effect ordinarily on a future claim, one arising in the future; but these are claims which from the nature of the case must have been existing at least twenty years, a time which under the jurisprudence of probably every State in the Union bars all claims whatever. So it is not necessary to add six years to claims which already must have existed twenty years, and in regard to claims of the Mexican war they would have existed nearly forty years, and so on.

Mr. BLAIR. But it applies to all claims which have not been presented. There are many claims fifteen, twenty, thirty, forty years old which have not been presented, where the ground of the claim is simply a civil service, a civil debt, a civil obligation. Is there any reason for discrimination where the claim has not been actually presented? Where claims have been presented the bill does not apply to them at all. The Senator's point is no point, because it only applies to a claim which has been presented; and he says most of the claims have been presented, and therefore the law does not reach them in any way whatever.

Mr. HOAR. I did not say any such thing.

Mr. DOLPH. I think the bill can not be disposed of to-night, and I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

After fifty-five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 43 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 24, 1885.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

Mr. RANDALL. I call for the regular order.

ENROLLED BILLS SIGNED.

Mr. PETERS, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 2623) to remove the political disabilities of Alexander W. Stark;

A bill (S. 2610) granting a pension to Patrick Furlong;

A bill (S. 2587) granting a pension to William H. H. Gilley;

A bill (S. 2570) granting an increase of pension to Col. Samuel F. Thompson;

A bill (S. 2514) granting a pension to David T. Hoover;

A bill (S. 2350) granting a pension to Anna Ginn;
A bill (S. 2272) granting a pension to Andrew Franklin, alias Andrew McKee;

A bill (S. 1915) to remove the disabilities of James D. Johnston, of Georgia, incurred under the fourteenth amendment to the Constitution;
A bill (S. 357) granting a pension to William Lockhart;

A bill (S. 526) granting a pension of \$50 per month, to be paid out of the naval pension fund, to Julia T. Scott, widow of Gustavus H. Scott, late a rear-admiral in the United States Navy and for forty-six years in active service;

A bill (S. 1117) for the erection of a public building at Macon, Ga.;

A bill (S. 1183) granting a pension to Hugh O'Neil;

A bill (S. 1268) for the relief of Sydney L. Skaggs;

A bill (S. 1473) to enlarge the United States custom-house at Richmond, Va.;

A bill (S. 1655) granting a pension to Newton J. Buttriss;

A bill (S. 1709) granting a pension to Leonora A. Boyden;

A bill (S. 1790) granting an increase of pension to Edgar L. Dutton;

A bill (S. 1803) granting an increase of pension to George A. Washburn; and

A bill (S. 1804) granting a pension to Clarinda Hunt.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 70) for the relief of Joseph M. Cumming, Hamilton J. Miller, and William McRoberts;

A bill (S. 194) to authorize the Secretary of the Treasury to convey land in Providence, R. I., for highway purposes; and

A bill (H. R. 483) for the erection of a public building at Keokuk, Iowa.

Mr. YAPLE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 3933) to declare a forfeiture of lands granted to the Texas Pacific Railroad Company, and for other purposes; and

A bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes.

RETURN OF BILL TO SENATE.

The SPEAKER. By order of the House a bill, the title of which the Clerk will read, was withdrawn from the Senate for the purpose of making a correction in the enrollment. That correction has now been made, and if there be no objection the Clerk will return the bill to the Senate.

The Clerk read the title of the bill, as follows:

A bill (S. 229) to authorize the Secretary of the Treasury to erect a public building in the city of Key West, Fla.

The SPEAKER. If there be no objection the order will be made. There was no objection.

PUBLIC BUILDING AT DETROIT, MICH.

Mr. STOCKSLAGER. I rise to a privileged motion. I move that the House insist on its amendments to the bill (S. 1609) to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich., and agree to the conference asked by the Senate on the disagreeing votes of the two Houses.

Mr. PAYSON. Is that a report of a conference committee?

The SPEAKER. It is not. The gentleman from Indiana [Mr. STOCKSLAGER] moves that the House insist on its amendments and agree to the conference asked by the Senate.

Mr. PAYSON. If it requires unanimous consent to take the bill from the Speaker's table, I object.

The SPEAKER. It is a privileged matter.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. STOCKSLAGER, Mr. HOPKINS, and Mr. BREITUNG.

UMATILLA RESERVATION, OREGON.

The SPEAKER. The regular order is demanded, which is the recognition of members under the special rule. The hour begins at twenty-five minutes past 11 o'clock. When the hour expired yesterday there was pending a bill called up by the gentleman from Oregon [Mr. GEORGE], the Senate bill No. 66, providing for allotment of lands in severalty to the Indians residing upon the Umatilla reservation, in the State of Oregon, and granting patents therefor, and for other purposes.

Mr. GEORGE. Is there any time left?

The SPEAKER. The time expired during the reading of the report. The bill was read yesterday. Is there objection to its consideration?

Mr. WELLER. I object.

Further objections being called for, three members rose—not a sufficient number.

The SPEAKER. The question is on the third reading of the bill. Mr. WELLBORN. There are some amendments to be offered.

Mr. PAYSON. I move to amend by striking out the proviso on page 7 of the printed bill, in line 68 down to line 72.

The Clerk read the proposed amendment, as follows:

Strike out the following proviso:

"Provided further, That after three years from the date when such lands shall be declared open for settlement and subject to sale, the lands which shall remain unsold may be purchased, without settlement, at the appraised value thereof."

Mr. PAYSON. I will say that is satisfactory to the gentleman from Oregon having the bill in charge.

The amendment was agreed to.

Mr. GEORGE. I ask the Clerk to read the amendment which I sent to the desk yesterday. I will state that this is part of the House bill which has been approved by the House committee.

The Clerk read the proposed amendment, as follows:

Add to section 2 the following:

"Provided further, That the water-right across a portion of said reservation through the town of Pendleton, granted by the Interior Department July 7, 1870, on the application of George A. La Dow, Lot Livermore, and other citizens of Pendleton, for manufacturing, irrigating, and other purposes, be confirmed and continued to W. S. Byers & Co., their successors."

Mr. GEORGE. This matter has been investigated by the Department. It is all right.

The question being taken, there were—ayes 79, noes 4.

So (further count not being called for) the amendment was agreed to.

Mr. STEVENS. I offer the amendments which I send to the desk. I will state that when a similar bill was before the Committee on Indian Affairs these amendments were recommended by the committee. There are several amendments.

The Clerk read the first amendment, as follows:

At the end of line 43, in section 1, insert the words "by the Secretary of the Interior."

The SPEAKER. Does the amendment apply to the line 43 of the printed bill? The House is acting not upon the printed bill but upon the engrossed bill of the Senate.

Mr. GEORGE. By reference to the printed bill it can be ascertained just where the amendment comes in. Let the amendments be adopted with reference to the printed bill.

The SPEAKER. The end of line 43 in the printed bill is not the end of a sentence. That line ends with a comma.

Mr. STEVENS. That is where the amendment is intended to come in, after the word "approved."

The amendment was agreed to.

The Clerk read the next amendment, as follows:

In line 64 of section 1, after the word "reservation," insert the words "hereafter provided for them."

The amendment was agreed to.

The Clerk read the next amendment, as follows:

In line 12 of section 2, after the word "money," strike out the words "or in other improvements upon his allotment, as shall be determined by the Department."

The amendment was agreed to.

The Clerk read the next amendment, as follows:

In section 4, line 2, strike out the word "forty" and insert the word "thirty."

Mr. ANDERSON. Mr. Speaker, I would like to know where these amendments are coming from.

Mr. GEORGE. From the committee.

Mr. ANDERSON. What committee?

Mr. GEORGE. The Committee on Indian Affairs.

Mr. PAYSON. Mr. Speaker, ought not the bill to be read as it will stand when amended?

The SPEAKER. The gentleman has a right to have the bill read if he desires.

Mr. PAYSON. I ask that it be read as it will stand amended.

The SPEAKER. The Clerk will read the section of the bill as it will stand amended.

The Clerk read as follows:

It is proposed in section 4, line 2, to strike out the word "forty" and insert the word "thirty;" so that if amended as proposed the section will read:

"That for the purpose of carrying into effect the provisions of this act the sum of \$30,000, or so much thereof as may be necessary," &c.

Mr. WELLER. Mr. Speaker, I desire to inquire if reading from the printed bill in this way will make the amendment conform to what it would be in the engrossed bill?

The SPEAKER. The bills are the same.

The amendment was agreed to.

The Clerk read the next amendment, as follows:

In section 5, line 5, after the word "reservation," insert the words "and by a majority of their chiefs in council assembled for that purpose;" so that the section will read: "That before this act shall be executed in any part the consent of said Indians shall be obtained to the disposition of their lands as provided herein, which consent shall be expressed in writing and signed by a majority of the male adults upon said reservation, and by a majority of their chiefs in council assembled for that purpose," and so on.

The amendment was agreed to.

The question was taken on ordering the bill to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question was on the passage of the bill; and on a division there were—ayes 104, noes 11.

So the bill was passed.

Mr. GEORGE moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

COMMERCIAL NATIONAL BANK, CHICAGO.

Mr. BUCKNER. Mr. Speaker, I desire to call up the bill (S. 2375) to authorize the increase of the capital stock of the Commercial National Bank of Chicago.

The bill was read, as follows:

Be it enacted, &c., That the Commercial National Bank of Chicago, in the State of Illinois, is hereby authorized to increase its capital stock, in accordance with existing laws, to any sum not exceeding \$2,000,000, notwithstanding the limit heretofore fixed in its original articles of association and determined by the Comptroller of the Currency; and the Comptroller of the Currency is hereby authorized to fix the limit of the increase of the capital stock of the Commercial National Bank of Chicago at the amount of \$2,000,000: *Provided,* That two-thirds of the stockholders shall consent thereto.

The SPEAKER. Under the rule ten minutes are allowed for debate.

Mr. BUCKNER. Mr. Speaker, I do not suppose there is any necessity for explaining this bill. Its object is to obviate the effect of an opinion of the Attorney-General, which was to the point that where a bank had originally started with a certain amount of capital stock the capital could not be increased except by law, the Comptroller having no power to authorize its increase. Several such bills have already been passed by Congress, and I trust there will be no opposition to this one.

Mr. WELLER. Mr. Speaker, I would like to inquire what is the necessity for passing a law to increase the capital stock of this national bank, if it be true, as stated by the advocates of the national-bank system, that the business does not pay? [Laughter.]

Mr. BUCKNER. That is a matter for the stockholders of the bank to consider.

Mr. WELLER. Well, Mr. Speaker, I rise to oppose the bill, and present briefly reasons why these national banks and their advocates are and have been deceiving as to the profits to them and thus from the people—the business interest on which they feed. For they can prosper by their loans, discounts, and exchange only as they so do out of the creations and productions of labor and business. The surplus of this single institution, as shown by the report of the committee, as also admitted by the advocates of this bill, from these sources amounts to a very large sum, and yet it is true that not a single thing in the matter of actual creation of wealth can be shown as the product of their manipulations. They are absorbers of wealth, but never creators of wealth.

I believe it to be the bounden duty of every patriot to principle and justice to do what he can on all occasions to strike a death-blow at the national-bank system. I know that the system is not only undemocratic, unrepudican, but altogether inimical to the interests of the people.

Who is it that comes here seeking to pass a bill permitting an aggregation of profits achieved in this way to be put into a new deal with which to reap richer harvest from the same source? Why do they ask Congress for a permit if the only object is to enlarge their capital as a basis of credit? I do not understand from the statements of the gentleman having the bill in charge that there is any proposition in this bill to increase the capital as a basis for an increase in the volume of circulating notes; and, if not, then why seek in this way to secure this increase? It is true that this institution would have but little if any difficulty in organizing under the laws of the State in which this bank is situated, with a capital as large as they can find cash or some substitute for it to put up, or, in short, as large as they may desire. Then why come here if there is no underlying substratum that only will be developed in the future, when too late to remedy the evil hereby proposed to be created?

If the system does not pay; if the object is not for purposes of an increase of the national-bank circulating notes, then in the very nature of things there must be some undeveloped purpose that ought to be brought out fully before this bill is further considered.

I believe there is an underlying purpose here to perpetuate the national-bank system in so far as that object may be promoted by increasing the capital stock of this one institution. I am radically and emphatically opposed to any step in that direction; and I hope there will be not only ten but a hundred patriotic Democrats, who are really statesmen, looking earnestly and wisely to the best interests of the people, and who will stand up with me to object to the consideration of this bill.

Mr. JOHN S. WISE. May I ask the gentleman a question? Would he not be satisfied to print these remarks, and allow us to go on with business?

Mr. WELLER. Not by any means. [Laughter.] I propose to call the attention of members and of the country to the methods employed to perpetuate a system that does not pay.

Mr. Speaker, I ask for the reading of the report as part of my remarks; and I do this for the reason that only yesterday I found the report, presented with the bill then under consideration, contained in it that which, being understood by the House, caused a large number to rise up in opposition to the consideration of the bill, and it was thereby defeated for the present at least. I think probably this report may show a similar state of facts.

The Clerk read as follows:

The Committee on Banking and Currency, to whom was referred the bill of the Senate (S. 2375) to authorize the increase of the capital stock of the Commercial National Bank of Chicago, having had the same under consideration, report that the bill is identical with House bill (H. R. 4378) reported from the Committee on Banking and Currency on the 20th of February, 1884, and referred to the House Calendar. The report accompanying said bill fully explains the bill and is herewith adopted and made a part of this report. Said report is as follows:

"That since the organization of this bank its business has increased so much as to demand an increase of its capital stock beyond the limit fixed in its original articles of incorporation; that under existing laws there is no warrant for such increase; that the new limit asked for in the bill is, under all the circumstances, just and reasonable.

"Hence your committee find that the legislation asked for in the bill is unobjectionable, just, and necessary, and they therefore recommend that the bill pass."

The SPEAKER. The time allowed for debate in opposition to this motion has expired.

Mr. BEACH. As the gentleman from Missouri [Mr. BUCKNER] has reserved four minutes of his time, I would like to ask him why, instead of asking the House to take up this special bill, he does not ask the consideration and passage of the general bill on this subject, which has been reported favorably by the Committee on Banking and Currency? Why should we adopt this special legislation? Why not, by passing the general bill, cover in a single measure the numerous cases of similar character now before the House?

Mr. BUCKNER. I will state the reason. The committee thought, and rightly thought, the House would not have time to consider the general bill, inasmuch as it involves several questions in addition to that here presented. I yield the remainder of my time to the gentleman from Illinois [Mr. DUNHAM].

Mr. DUNHAM. Mr. Speaker, it is unnecessary to consume any considerable time in explaining this matter. We have here a simple business proposition. The Commercial National Bank of Chicago desires to increase its capital. A large portion of this increase is now in the bank in the form of surplus. In order that this surplus may become a part of the capital stock of the bank this bill, to which, in my judgment, there can be no objection, is presented. I hope it will be passed.

Mr. WELLER. I wish to ask the gentleman whether it is not true that this bank has acquired its increased capital by percentages levied upon the people and business of the country to the extent of many thousands of dollars. In other words, is it not from profits derived from the people that this bank proposes now to add to its capital stock, and thus give it greater power in the same direction?

Mr. DUNHAM. The answer to that would bring us into a general discussion of the national banking system, for which the gentleman from Iowa is anxious, but which I do not care about; and I think the House is not anxious to go into that question this morning.

Mr. SPRINGER. Did I understand the gentleman from Iowa to say that this bank is losing money upon its business?

Mr. WELLER. I understand that by reason of profits there is an accretion of capital to the extent of many thousands of dollars, and that from the real business interests of the country. I do not think the institution should have any further advantages in that direction.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. WELLER. I object.

The SPEAKER. All members objecting will rise. [Five members rose.] Not a sufficient number; and the bill is before the House for consideration.

The question being taken on ordering the bill to a third reading, there were—ayes 119, noes 8.

Mr. WELLER. No quorum.

The SPEAKER. The gentleman from Iowa makes the point that no quorum has voted. The Chair appoints as tellers the gentleman from Iowa, Mr. WELLER, and the gentleman from Missouri, Mr. BUCKNER.

Mr. WELLER. At the solicitation of many personal friends I withdraw the point of no quorum.

So the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. BUCKNER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT PORT TOWNSEND, WASH.

Mr. BRENTS. I desire to call up for present consideration the bill (H. R. 2949) for the erection of a public building at Port Townsend, Washington Territory.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a

suitable building, with fire-proof vaults therein, for the accommodation of the custom-house, bonded warehouse, post-office, and other Government offices, at the city of Port Townsend, Wash. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of \$57,000; *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States.

The SPEAKER. Under the rule five minutes are now allowed for debate in support of this bill and five minutes in opposition to it.

Mr. BRENTS. Mr. Speaker, in the short time allowed me I shall not attempt more than a partial statement of the facts in this case. Port Townsend is the port of entry of the Puget Sound customs district. Puget Sound, with its 1,594 miles of shore line and over 2,000 square miles of surface, navigable throughout its whole extent for the largest deep-sea vessels, is one of the grandest harbors in the world. Its commerce is very great and is rapidly expanding. During the last fiscal year a greater number of American steam vessels engaged in the foreign trade entered and cleared at this port than at any other port in the United States; and their tonnage was only exceeded by the tonnage of the same class of vessels that entered and cleared at the port of New York. The number entered was 570, with a tonnage of 264,655 tons, against 239 at New York, with a tonnage of 351,873 tons; 165 at San Francisco, with a tonnage of 239,769 tons; 149 at Boston and Charlestown, with a tonnage of 108,414 tons, and 123 at New Orleans, with a tonnage of but 55,735 tons. The number cleared was 563, with an aggregate tonnage of 236,751 tons, against 227 at New York, with a tonnage of 338,815 tons; 162 at San Francisco, with a tonnage of 231,935 tons; 145 at Boston and Charleston, with a tonnage of 105,007 tons, and only 95 at New Orleans, with a tonnage of but 35,798 tons.

Of American vessels, both sailing and steam, the number was only exceeded by the port of New York, and the tonnage by the two ports of New York and San Francisco. The number entered was 675, with a tonnage of 312,090 tons, against 1,869 at New York, with a tonnage of 1,006,556; 654 at Boston and Charlestown, with a tonnage of 304,376 tons; 452 at Philadelphia, with a tonnage of 222,258 tons; 416 at San Francisco, with a tonnage of 425,529 tons; 210 at New Orleans, with a tonnage of 81,670 tons; 187 at Baltimore, with a tonnage of 69,557, and all others still less both in number and tonnage. There were cleared 700 of this class of vessels, with a tonnage of 333,694 tons, against 1,442 at New York, with a tonnage of 839,762 tons; 421 at San Francisco, with a tonnage of 430,667 tons; 322 at Philadelphia, with a tonnage of 183,438 tons; 185 at Baltimore, with a tonnage of but 61,686, and all the others of the one hundred and thirty-one ports in the United States still less in number and tonnage. I grant you that this class of vessels predominates largely in our shipping, but when we take into calculation all classes of vessels, steam and sail, American and foreign, the number that entered and cleared in the foreign trade during the last year is only exceeded by seven other ports in the United States, New York, Boston and Charlestown, San Francisco, Philadelphia, New Orleans, Huron, and Oswego, and in tonnage by only nine other ports in the United States, those just named and the ports of Baltimore and Superior added.

The amount of commerce has doubled for the last five or six years every two years. In 1880 the number of vessels entered and cleared was 592, with a tonnage of 305,420 tons; in 1881, 628, with a tonnage of 318,459 tons; in 1882, 766, with a tonnage of 457,844 tons; in 1883, 1,062, with a tonnage of 534,824 tons; in 1884, 1,437 with a tonnage of 687,035 tons; and in the first half of the present year over 1,000 vessels entered and cleared at this port, with an aggregate tonnage of about 400,000 tons.

Mr. STEELE. Is there a United States court held at this place?

Mr. BRENTS. Yes; there is a United States court held there, and of course a large amount of admiralty and other business is transacted, as will be apparent from the amount of commerce there.

Mr. WELLBORN. What is the population of Port Townsend?

Mr. BRENTS. Perhaps about 10,000. Here, also, is the post-office through which all the mail to and from Alaska and to and from British Columbia must pass, and in which they must be examined, inspected, and rated up, and, in large part, be distributed.

Mr. WELLBORN. What is the revenue?

Mr. BRENTS. The revenue in 1880 was about \$18,000; in 1881, over \$26,000; in 1882, over \$45,000; in 1883, over \$56,000; in 1884, over \$67,000; and for the present fiscal year, beginning last July, the fees collected will amount to more than the cost of this building, and during the whole year, as I am assured by the collector of the port, will go up to ninety or one hundred thousand dollars, while only \$57,000 is provided for in the bill.

Mr. STORM. I will ask for the reading of the report.

The report was read, as follows:

Mr. REESE, from the Committee on Public Buildings and Grounds, submitted the following report:

The Committee on Public Buildings and Grounds, having considered the bill (H. R. 2949) for the construction of a public building at Port Townsend, Wash., beg leave to report as follows:

In its relation to commerce, Port Townsend, the port of entry of the Puget Sound customs district, occupies a place of considerable importance. Its location is such that all vessels from sea to any and all ports on Puget Sound must

pass said port; its harbor is easy of access at all times, is commodious, and large enough to float all the vessels of the world, with good anchorage from five to fifteen fathoms, free from bar, rocks, or reef. The shipping of this district already exceeds that of four-fifths of all the custom districts in the United States. During the quarter ending September 30, 1883, there were one hundred and ninety-three vessels documented in this district, fifty-eight steam and ninety-five sail, with an aggregate tonnage of 40,565.41 tons. During the year ending June 30, 1883, the number of vessels entered and cleared at the custom-house in this district was 1,314 vessels, aggregating 813,962 tons.

During the last fiscal year the tonnage of American vessels in the foreign trade which entered and cleared at this port was exceeded by only four of all the ports of entry in the United States, and the tonnage of foreign vessels in that trade was exceeded at but six of said ports. Only one port in the United States exceeds Port Townsend in American ocean steam vessels in foreign trade, and the tonnage of foreign ocean steamers in said trade is exceeded by only seven of said ports. A large number of vessels engaged in the coasting trade are also entered and cleared at this port. Over 500,000,000 feet of lumber, 200,000 tons of coal, 10,000,000 cans of salmon, large quantities of produce, and various domestic commodities are annually exported from this district. The value of these exports for the last year is estimated at not less than \$12,000,000. The amount of duties and fees collected at this port for the year 1880 was \$18,448.94, and for the year of 1883 it was \$75,921.65. The amount of rents paid annually by the United States for custom-house is \$1,800, not including the buildings used for the United States court-room and clerk's office or post-office. These statistics, derived from official sources, mark this as a port of no small importance to the commerce and revenues of the country.

Constituting the entrepôt of the "Mediterranean of the Pacific," with its numerous bays, estuaries, and islands, with its 1,984 miles of inland shore-line, its unexcelled timber, its extensive fisheries, and other fast-expanding industries, with the rapid development of the mineral, agricultural, and manufacturing industries and resources of its adjacent country, and with the completion of the Northern Pacific Railroad that terminates on its shores, it has taken its rank among the first ports of the nation. It now is the third in importance on the Pacific coast. The ports of San Francisco, Portland, Astoria, and others have received munificent appropriations for the construction of public buildings, while this port has received none. In view of these facts your committee recommend the passage of bill H. R. 2949.

Mr. BRENTS. I desire to say, Mr. Speaker, that this report was made over a year ago, during which time the commerce of the district and the business of the custom-house have greatly increased. The building in which this business is done is a mere wooden shanty, wholly inadequate in size, unsafe, and unfit for the purpose. The documents of one hundred and sixty-four vessels—and seventy-eight of them ocean steam vessels—and all the valuable records of the office are deposited here, exposed, and liable to be destroyed at any time.

Mr. Speaker, I wish to say one thing more. Port Townsend is in a Territory, represented on this floor by a mere Delegate—and a lame one at that—an unenfranchised member in this House, and unrepresented in the Senate, with no political power or influence to trade upon in any co-operative arrangement or log-rolling combination, had there been one—which I am sure there was not—to secure the passage of bills of this character. The bill has been favorably reported by three Committees on Public Buildings and Grounds to three successive Congresses unanimously and on its merits alone, and now unanimously and on its merits alone I confidently hope to see it passed.

There was no objection to the consideration of the bill.

Mr. STEELE. I offer the following amendment.

The Clerk read as follows:

In lines 11 and 12, strike out "57" and insert "70;" and after the word "dollars," in line 12, insert "which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated."

Mr. BEACH. What is the effect of that amendment?

Mr. STORM. To increase the appropriation from \$57,000 to \$70,000.

Mr. STEELE. It is recommended by the Secretary of the Treasury.

Mr. STOCKSLAGER. I hope that will not be done.

Mr. STEELE. The Secretary of the Treasury recommends it.

The House divided; and there were—ayes 71, noes 22.

Mr. STORM. I shall raise the question of a quorum if they attempt to raise this appropriation.

The SPEAKER. As the point of no quorum has been made, the Chair will appoint as tellers Mr. STORM and Mr. STEELE.

The House again divided; and the tellers reported—ayes 140, noes 30.

So the amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. STEELE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING, FORT WAYNE, IND.

Mr. WILLIAMS. I move, under the rule, to take up for present consideration the bill (S. 2084) to amend chapter 464 of the acts of the first session of the Forty-seventh Congress, entitled "An act to provide for a public building at the city of Fort Wayne, in the State of Indiana."

The bill was read, as follows:

Be it enacted, &c., That in the fifteenth line of the first section of the above recited act the same be, and is hereby, amended to read "one hundred and seventy-five" instead of "one hundred," so that the limitation therein contained will be in the sum of \$175,000 instead of the sum of \$100,000.

SEC. 2. That it being necessary in order to secure the proper commencement and construction of a building adapted to the varied uses for which the structure therein contemplated is required, the sum of \$50,000 is hereby appropriated therefor out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury.

The SPEAKER. Ten minutes, under the rule, are allowed for debate—five minutes on either side.

Mr. WILLIAMS. I will yield my time to the gentleman from Indiana [Mr. LOWRY].

Mr. LOWRY. Mr. Speaker, I now move that this bill be ordered engrossed and read a third time. This Senate bill is identical with House bill 6412. The House bill passed the Committee on Public Buildings and Grounds unanimously after the amount in the original bill was reduced by them from \$100,000 to \$75,000. The present bill passed the Senate committee by a unanimous vote, and also passed the Senate unanimously.

I hold in my hand, Mr. Speaker, a communication from the Supervising Architect of the Treasury, a communication reading as follows:

THE TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
February 9, 1881.

SIR: I have the honor to acknowledge the receipt of yours of the 8th instant, asking my opinion as to the adequacy or inadequacy of the limit fixed by the act of August 8, 1882, for the erection of a public building at Fort Wayne, Ind., namely, \$100,000, including cost of site.

The site for this building has already been purchased at a cost of \$25,000, leaving but \$75,000 for the erection of the building, which, in my opinion, is not sufficient for the erection of a building of suitable materials for the accommodation of all the Government officials in that city.

In my judgment the amount specified in bill H. R. 368, extending the limit to \$200,000, is no more than necessary for the erection of a suitable building for the purposes for which it is required.

Very respectfully,

M. E. BELL,
Supervising Architect.

Hon. ROBERT LOWRY,
House of Representatives.

The same officer in his last annual report expresses himself on the same subject in these words:

The present limit of cost is insufficient to give more than a two-story building without fire-proof construction, which is totally inadequate to accommodate the Government officials in that city.

The following is a communication addressed at my request during the present session to the Secretary of the Treasury:

THE TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
January 29, 1885.

SIR: In reply to a letter of this date from Hon. ROBERT LOWRY, I have the honor to advise you that the present amount of limit for the public building at Fort Wayne, Ind., now in process of construction, is in my opinion quite inadequate for the erection of a building with fire-proof construction, such as the needs of that locality and the best interests of the public service imperatively demand. In order that the work may be proceeded with advantageously and economically the limitation should be in my judgment enlarged at the present session of Congress in the sum of at least \$75,000.

I request that this matter be called to the attention of the Senate and House of Representatives.

Very respectfully,

M. E. BELL, Supervising Architect.

Hon. HUGH McCULLOCH,
Secretary of the Treasury.

The Secretary of the Treasury thereupon addressed the Speaker of this House as follows:

THE TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., January 29, 1885.

SIR: I have the honor to transmit herewith copy of a communication of this date from the Supervising Architect of this Department recommending that the limit of cost of the public building to be erected at Fort Wayne, Ind., be increased to \$175,000, as the present limit, \$100,000, will not admit of a building adequate to the needs of the public, and of fire-proof construction.

I concur in the opinion expressed by the Supervising Architect, and in my judgment the limit of cost for this building should be extended to \$175,000, and this extension should be made at the present session of Congress.

I have already in several cases expressed the opinion of the Department as to the wisdom of making all public buildings fire-proof.

Very respectfully,

H. McCULLOCH, Secretary.

To the SPEAKER of the House of Representatives,
Washington, D. C.

In the bill originally passed authorizing the construction of this building the limitation was \$100,000. Twenty-five thousand dollars has already been expended outside of this for a site out of amounts heretofore appropriated. It will be observed the architect repeatedly states it to be imperatively necessary, in order to accommodate the wants of the public and to construct a fire-proof building such as is demanded there, to have an increase of the limitation. The Secretary of the Treasury concurs in this in strong and emphatic terms. Fort Wayne, sir, is the third city in population in the State of Indiana, and her population is only exceeded in numbers by the city second in size by a few hundred.

A MEMBER. What is the population?

Mr. LOWRY. The population by the census of 1880, in round numbers, was 27,000, and according to the best available data is at this time 35,000.

Fort Wayne is a focal point, from which diverge railways extending in ten different directions, connecting with every adjacent county-seat, and having direct railway communication with some thirty-two county-seats in the same State.

We had there for some years past three State courts of general jurisdiction, and now have two, which, owing to the importance of the place and the amount of the business done, are limited in their jurisdiction

to the single county. The United States courts are also located there, and the late Postmaster-General, subsequently the Secretary of the Treasury, was compelled to hold his court when on the bench in that State in a room not larger than the Speaker's room of this House, for the accommodation of the jurors, witnesses, and all the officials, the bar, and parties having business in the court.

The post-office of this city is a distributing office. There are on an average some three million of pieces handled in the post-office per annum. The receipts in 1880 on money-order account were, according to the tabulated statement furnished by the Post-Office Department, \$334,872.79. The receipts on general postal account were \$104,286, and the net profit that year was \$21,532.94. It is estimated by the officials of the Post-Office Department that there has been an increase since that year of 25 per cent., which would make the gross receipts of the office \$535,230.99, while the net annual profit would be \$30,532.94.

Even if the increase is but 20 per cent. the gross receipts would be still \$513,772.97, while the net profits arising from the business would still be in excess of \$30,000. The city of Fort Wayne has three national and two private banks, five daily and eight weekly newspapers, a number of wholesale mercantile establishments, several iron foundries, hub and spoke and wagon factories, furniture manufactories, manufactories of railroad cars, organs, woolen goods, steam-engines and boilers, electric lights, railway-car wheels, a paper-mill, four grist-mills, a number of large machine-shops, and the extensive manufacturing or repair shops of four of the railway lines centering there, including those of the two great trunk lines stretching through from the Southeast and the Northeast to the great Southwest and Northwest.

Other salient features are, some twelve hotels, ten brick public school buildings, besides several sectarian and private schools; three colleges, one of which, the Concordia, is the leading Lutheran institution of that character in the West, another the Methodist Episcopal, and a medical college; also an academy of music and opera house. Here also are large hospitals—one Catholic and the other Protestant—the episcopal residence of the Catholic bishop of the diocese of Fort Wayne, and the finest cathedral in the State. A crowning and conspicuous fact, which will be especially gratifying to the entire membership of this House, is the presence there, as stated in Lippincott's Gazetteer, from which I quote in order to avoid exaggeration, of no less than twenty-seven churches—one of which is of colored people—and with these churches, as with the population itself, increase is the order of the day. With all these advantages it may be asked why no more was provided for this building in the first place. With similar and characteristic modesty no more than is absolutely needed to make the building of fire-proof construction and meet the actual needs of the locality as to dimensions is now asked for by this bill.

Mr. WARNER, of Ohio. I rise for the purpose of asking the gentleman from Indiana a question, and I may have a few words to say on this subject on hearing his reply. In the first place I wish to ask him how many officials are to be accommodated with offices in this building?

Mr. LOWRY. Well, Mr. Speaker, I rely upon the judgment of the Supervising Architect in reference to that matter. He has made his estimates in reference to it, and they are before the House and can be examined.

Mr. WARNER, of Ohio. I must confess I have very little confidence in the estimates and recommendations of the Supervising Architect of the Treasury in reference to this matter; for if he thought he could get an appropriation of \$100,000 for the construction of a public building in a town containing 1,000 inhabitants I think he would recommend it. These architects seem to like to display their architectural talents.

Mr. LOWRY. The increase is not so much sought on account of size as it is to make the building fire-proof. With the present appropriation it would not be suitable for the storage of records, and of course it is desired to extend it as far as can be permitted by the appropriation.

Mr. WARNER, of Ohio. If one hundred officials are to be accommodated in this building, and I am satisfied that is twice as many as will actually be accommodated, it would still be an expenditure of about \$1,750 per man for office-room alone. Now I venture the assertion that within one hundred miles of that place the people, those who pay the taxes, live in dwellings that on the average have not cost more than \$1,000 each, and in these, their homes, they rear and educate their families. And yet it is proposed to appropriate money out of the public Treasury to supply room to officials of the Government at an annual expenditure of over \$1,700 each, supposing, as I have said, that there are one hundred to be accommodated in this building, which is doubtless largely in excess of the real number who will thus be accommodated.

Mr. STEELE. Let me ask the gentleman from Ohio how many offices are there in your court-house?

Mr. WARNER, of Ohio. We have been building good court-houses in the counties of the State of Ohio for \$50,000, \$75,000 to \$100,000.

Mr. STEELE. But I ask how much for each officer accommodated with quarters in them?

Mr. WARNER, of Ohio. Certainly less than the amount specified here. I do not oppose the construction of a building at this place; but I speak with reference to the general system of paying out money for the

erection of monumental buildings—monuments of folly most of them—all over the country, at an expenditure of four or five times as much for office-room for public officials as the homes of the people cost who must pay the taxes out of which those buildings are constructed. To these large expenditures for buildings I am unalterably opposed. This morning hour seems to be devoted mainly to the consideration of bills for the construction of public buildings. I think, indeed, it ought to be called the "public-building rule." The purpose of it seems to be to put through public buildings alone, and in fact little else is done. Everybody seems to want a public building. There are any number of other important bills on the Calendar which deserve consideration.

Private bills—

A MEMBER. That is what we are here for.

Mr. WARNER, of Ohio. That is what we are here for! I do not understand we are here for the sole purpose of appropriating money for the erection of public buildings all over the country. I do not know how many of such bills have gone through already or how many will yet go through. The difference between appropriating money for the construction of a public building and the improvement of a river, making navigable a stream that was not before navigable, is the difference between an expenditure and an investment; between the rearing of an elephant and constructing a locomotive. The one is a constant source of expenditure, while the other is an economic force which, when constructed, goes to work, becoming itself an earning power. Public buildings are huge elephants that involve constant outlay. They necessitate expenditures for watchmen, for maintenance and care; and the annual expenditure for these purposes will be larger in most cases than would be the rent of a suitable building.

I shall offer an amendment when it is in order, if this bill shall be considered by the House.

[Here the hammer fell.]

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. WARNER, of Ohio. I now move to strike out "75,000" in this bill and insert "50,000."

Mr. LOWRY. Twenty-five thousand has been already expended on the site.

The question being taken on the amendment, the Speaker stated that in the judgment of the Chair the "noes" had it.

Mr. WARNER, of Ohio. I call for a division.

The House divided; and there were—ayes 15, noes 90.

Mr. WARNER, of Ohio. That is not a quorum, is it?

The SPEAKER. Does the gentleman make the point of no quorum?

Mr. WARNER, of Ohio. I desire to make a parliamentary inquiry. When does the hour expire?

The SPEAKER. In five minutes.

Mr. WARNER, of Ohio. I do not make the point as to a quorum. So the amendment was not agreed to.

The bill was ordered to a third reading; and it was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. WARNER, of Ohio. Let us have a vote on that.

The question being taken, it was decided in the affirmative.

So the bill was passed.

Mr. LOWRY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DR. W. LEIGH BURTON.

Mr. JOHN S. WISE. I call up for consideration the bill (H. R. 8021) authorizing the Commissioner of Patents to grant an extension of letters patent to Dr. W. Leigh Burton.

The bill was read, as follows:

Be it enacted, etc. That the Commissioner of Patents be, and he is hereby, authorized to hear and determine the application of Dr. W. Leigh Burton, of the city of Richmond, in the State of Virginia, for the extension for the further term of seven years of the letters patent for the improvement in electro-heating, numbered 89008, dated March 23, 1899, and antedated March 12, 1899; and he is hereby authorized to grant the same if he deem it just and proper to do so: *Provided*, That no one shall be held responsible for infringement of said letters patent, if extended, between the date of expiration and date of extension.

Mr. JOHN S. WISE. That bill is as near nothing as a bill could well be. I hope it will be passed without objection.

Mr. COOK. If it is of so little value as that, why should we pass it?

Mr. WELLER. I desire to make an inquiry for information. As the hour has almost expired, will the gentleman from Virginia allow his remarks to be printed for the information of the House, to save time?

Mr. JOHN S. WISE. Wait till I make them.

The SPEAKER. The Chair asks the attention of the gentleman from Virginia. The bill seems to be still in the hands of the Committee on Patents.

Mr. JOHN S. WISE. No, sir. The bill was duly reported by the chairman of the Committee on Patents, the gentleman from North Carolina [Mr. VANCE]. There is a report in the case, and the bill is on the Calendar.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ANDERSON. I object.

The SPEAKER. The hour has expired, and the bill goes over.

ORDER OF BUSINESS.

Mr. SPRINGER. I ask unanimous consent to pass a little resolution for the distribution of books to members who are not members of the next House.

Mr. RANDALL. I call for the regular order.

Mr. SPRINGER. Let this be read.

The SPEAKER. The gentleman from Pennsylvania insists on the regular order.

INSANE UNITED STATES PRISON AT AUBURN, N. Y.

The SPEAKER, by unanimous consent, laid before the House a letter from the Attorney-General, transmitting a letter from the medical superintendent of the insane asylum at Auburn, N. Y., and asking an appropriation for the completion of an insane United States prison; which was referred to the Committee on Appropriations.

ORDER OF BUSINESS.

The SPEAKER. Does the gentleman from Pennsylvania [Mr. RANDALL] insist on the call for the regular order?

Mr. RANDALL. I yield to my colleague on the Committee on Appropriations [Mr. TOWNSHEND], who desires to call up the Post-Office appropriation bill.

Mr. TOWNSHEND. I ask unanimous consent to take up the Post-Office appropriation bill, and to move that the House non-concur in the Senate amendments and ask for a committee of conference.

Mr. HISCOCK. I object to that. I prefer that the bill should go to the Committee on Appropriations.

The SPEAKER. The gentleman from New York objects, and asks that the bill be referred to the Committee on Appropriations.

Mr. TOWNSHEND. Does the gentleman from New York [Mr. HISCOCK] object?

Mr. HISCOCK. I do.

Mr. TOWNSHEND. I thought the gentleman from New York wanted to have the appropriation bills disposed of.

The SPEAKER. Does the gentleman from Illinois [Mr. TOWNSHEND] desire to have the bill referred to the Committee on Appropriations?

Mr. TOWNSHEND. I prefer that it shall stay where it is.

Mr. HISCOCK. Is it not in order to have the bill referred to the Committee on Appropriations?

The SPEAKER. It is not in order to take the bill from the Speaker's table except by unanimous consent, and objection is made.

Mr. REED, of Maine. If the gentleman from Illinois [Mr. TOWNSHEND] will only persist in that objection he can force the House to go to the Speaker's table, where the first bill is the Mexican pension bill. If he wants to pass that bill, that is the way to do it.

DISTRIBUTION OF DOCUMENTS.

The SPEAKER. The Clerk will report the resolution sent up by the gentleman from Illinois [Mr. SPRINGER], after which the Chair will ask for objections.

The resolution was read, as follows:

Resolved, That all documents and books ordered to be published by the present Congress and which are actually printed prior to the first Monday of December next, together with documents and books heretofore ordered printed, which have not been actually furnished, to which members of present Congress are or would have been entitled if published prior to the 4th of March next, and which are actually printed prior to first Monday of next December, shall be allotted as heretofore to members of the present Congress and transmitted to their residences as fast as printed, unless otherwise ordered by the members themselves.

Mr. SPRINGER. This is the usual resolution.

The SPEAKER. Is there objection to the present consideration of the resolution? The Chair hears none.

The resolution was adopted.

Mr. SPRINGER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AGRICULTURAL APPROPRIATION BILL.

Mr. DIBRELL. I desire to take from the Speaker's table the bill (H. R. 8030) making appropriations for the Agricultural Department for the fiscal year ending June 30, 1898, and for other purposes, and to move that the House non-concur in the Senate amendments and ask for a committee of conference.

There was no objection, and the motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. DIBRELL, Mr. BEACH, and Mr. CULLEN.

ORDER OF BUSINESS.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole House on the state of the Union, my object being to reach the deficiency appropriation bill.

Mr. WILLIS. I suggest that the morning hour has not been dispensed with. I move to dispense with the morning hour.

Mr. DUNN. I hope that will not be done.
The question being taken on the motion of Mr. WILLIS, there were—
ayes 151, noes 19.

So the morning hour was dispensed with (two-thirds voting in favor thereof).

Mr. RANDALL. I now renew my motion.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] moves that the House do now resolve itself into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

Mr. WILLIS. For the purpose of saving time I will ask at once that the yeas and nays be taken on that motion.

Mr. RANDALL. Let the yeas and nays be ordered by consent.

The SPEAKER. If there be no objection the yeas and nays will be considered as ordered.

There was no objection.

The question was taken; and there were—yeas 121, nays 139, not voting 64; as follows:

YEAS—121.

Aiken,	Dorshelmer,	Kelley,	Seymour,
Alexander,	Dowd,	Ketcham,	Skinner, T. G.
Anderson,	Eaton,	Lamb,	Spooner,
Arnot,	Eldredge,	Lanham,	Spriggs,
Atkinson,	Elliott,	Lawrence,	Steele,
Barr,	English,	Le Fevre,	Stockslager,
Bayne,	Ermentrout,	Long,	Storm,
Beach,	Everhart,	McCormack,	Strait,
Belmont,	Ferrell,	McComas,	Sumner, D. H.
Blount,	Follett,	McCormick,	Swope,
Boyle,	Funston,	Millard,	Talbot,
Brewer, F. B.	Glascok,	Mitchell,	Townsend,
Brewer, J. H.	Graves,	Morse,	Tully,
Brown, W. W.	Hammond,	Moulton,	Turner, Oscar
Browne, T. M.	Hancock,	Murray,	Valentine,
Buchanan,	Hardeman,	Mutchler,	Wadsworth,
Buckner,	Hardy,	O'Neill, Charles	Wait,
Burnes,	Harmer,	Patton,	Wakefield,
Campbell, J. E.	Haynes,	Poland,	Warner, A. J.
Campbell, J. M.	Hepburn,	Post,	Warner, Richard
Cannon,	Hewitt, A. S.	Potter,	Washburn,
Cassidy,	Hill,	Randall,	White, J. D.
Cobb,	Hiscock,	Ranney,	Whiting,
Collins,	Holman,	Ray, Osalan	Wilkins,
Connolly,	Holton,	Reed, T. B.	Winans, E. B.
Converse,	Hopkins,	Reese,	Winans, John
Cosgrove,	Howey,	Riggs,	Worthington,
Curtin,	James,	Rockwell,	York.
Deuster,	Jones, B. W.	Rosecrans,	
Dixon,	Kean,	Russell,	
Dockery,	Keifer,	Seney,	

NAYS—139.

Adams, G. E.	Dunham,	Lacey,	Skinner, C. R.
Bagley,	Dunn,	Lewis,	Smalls,
Barbour,	Ellwood,	Libbey,	Smith, H. Y.
Bennett,	Findlay,	Lore,	Snyder,
Biabe,	Finerty,	McCoid,	Springer,
Blanchard,	Foran,	McMillin,	Stephenson,
Bland,	Forney,	Maybury,	Stewart, Charles
Brainerd,	Garrison,	Miller, S. H.	Stone,
Bratton,	George,	Mills,	Struble,
Breckinridge,	Gibson,	Morrill,	Taylor, J. M.
Breitung,	Goff,	Muldrow,	Thomas,
Broadhead,	Green,	Murphy,	Thompson,
Budd,	Greenleaf,	Neece,	Tillman,
Burleigh,	Guenther,	Nelson,	Tucker,
Cabell,	Halsell,	Nicholls,	Turner, H. G.
Caldwell,	Hanback,	Nutting,	Vance,
Carleton,	Hatch, H. H.	Oates,	Van Eaton,
Clardy,	Hatch, W. H.	Ochiltree,	Wallace,
Clements,	Henderson, T. J.	O'Ferrall,	Ward,
Cook,	Henley,	O'Hara,	Weaver,
Covington,	Herbert,	Parker,	Wellborn,
Cox, S. S.	Hewitt, G. W.	Payne,	Weller,
Cox, W. R.	Hill,	Payson,	Wemple,
Craig,	Hoblitzell,	Pierce,	White, Milo
Crisp,	Holmes,	Perkins,	Williams,
Culbertson, D. B.	Hooper,	Peters,	Willis,
Culbertson, W. W.	Houssman,	Pettibone,	Wilson, James
Cullen,	Hunt,	Price,	Wilson, W. L.
Dargan,	Jeffords,	Pryor,	Wise, G. D.
Davidson,	Jones, J. H.	Reagan,	Wise, J. S.
Davis, G. E.	Jones, J. K.	Reid, J. W.	Wolford,
Davis, L. H.	Jones, J. T.	Rogers, J. H.	Wood,
Davis, R. T.	Kellogg,	Rogers, W. F.	Woodward,
Dibble,	King,	Shively,	Yaple.
Dibrell,	Kleiner,	Singleton,	

NOT VOTING—64.

Adams, J. J.	Evans,	McAdoo,	Robertson,
Balleutine,	Fiedler,	Matson,	Robinson, J. S.
Barksdale,	Fyan,	Miller, J. F.	Robinson, W. E.
Belford,	Geddes,	Milliken,	Rowell,
Bingham,	Hart,	Money,	Ryan,
Blackburn,	Hemphill,	Morgan,	Shaw,
Boutelle,	Henderson, D. B.	Morrison,	Slocum,
Bowen,	Horr,	Muller,	Smith, A. Herr
Brannan,	Houk,	O'Neill, J. J.	Stevens,
Candler,	Hurd,	Paige,	Stewart, J. W.
Campbell, Felix	Hutchins,	Peel,	Sumner, C. A.
Chalmers,	Johnson,	Phelps,	Taylor, E. B.
Clay,	Jordan,	Pusey,	Taylor, J. D.
Cutcheon,	Laird,	Rankin,	Throckmorton,
Dingley,	Lovering,	Ray, G. W.	Van Alstyne,
Ellis,	Lowry,	Rice,	Young.

So the motion was not agreed to.

Mr. WEMPLE. Mr. Speaker, I ask unanimous consent that the reading of the names be dispensed with.

There was no objection.

The following-named pairs were announced until further notice:

Mr. MORRISON with Mr. JOHN S. WISE.

Mr. SHAW with Mr. LAIRD.

Mr. RANKIN with Mr. KELLOGG.

Mr. THROCKMORTON with Mr. EZRA B. TAYLOR.

Mr. JORDAN with Mr. HENDERSON, of Iowa.

Mr. HURD with Mr. RICE.

The following were announced as paired on this vote:

Mr. FIEDLER with Mr. BOWEN.

Mr. SUMNER, of California, with Mr. BINGHAM.

Mr. PAIGE with Mr. SMITH, of Pennsylvania.

Mr. O'NEILL, of Missouri, with Mr. BELFORD.

Mr. MULLER with Mr. FUNSTON.

Mr. AIKEN with Mr. HERR.

The following were announced as paired for this day:

Mr. YOUNG with Mr. JOHNSON.

Mr. ADAMS, of New York, with Mr. HOUK.

Mr. GEDDES with Mr. CUTCHEON.

Mr. BLACKBURN with Mr. CHALMERS.

Mr. CANDLER with Mr. BRUMM.

Mr. ELLIS with Mr. RYAN.

The result of the vote was then announced as above stated.

ENROLLED BILLS SIGNED.

Mr. SNYDER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 2344) for the relief of Melissa G. Polar;

A bill (H. R. 4088) to incorporate the Luther Statue Association, to erect and maintain a monument or statue in memory of Martin Luther in the District of Columbia; and

Joint resolution (H. Res. 288) authorizing the printing of 2,500 extra copies of the annual report of the health officer of the District of Columbia.

ORDER OF BUSINESS.

Mr. WILLIS. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union; and, pending that motion, I move that debate upon the pending appeal be limited to thirty-five minutes on each side.

Mr. RANDALL. Does the Chair entertain that motion?

Mr. KEIFER. The provision in the rules for limiting debate does not apply to an appeal.

The SPEAKER. No point of order was made, and the Chair supposed that the motion was entertained by unanimous consent. Is the point of order made?

Mr. KEIFER. It is.

Mr. WILLIS. Too late.

The SPEAKER. The Chair thinks the gentleman rose in time. The Chair is not aware of any decision that has ever been made on this question. The rule of the House seems to confine the power of the House in limiting debate in Committee of the Whole to amendments, to paragraphs, and sections of a measure pending before the committee, and unless the gentleman from Kentucky [Mr. WILLIS] knows of some decision on the subject the Chair will be obliged to hold that the point of order is well taken.

Mr. WILLIS. Mr. Speaker, I think it quite clear, as all debate on this section has by a special order of the House been limited to a certain time, which time—

The SPEAKER. That is a different proposition entirely. The Chair is not called upon to rule on that.

Mr. KEIFER. If the gentleman from Kentucky [Mr. WILLIS] will permit I think I can suggest a way out of the difficulty. It is possible that the presiding officer has a right to determine when debate has gone far enough—

The SPEAKER. The Chair thinks the motion to limit debate on the appeal can not be entertained. The question is on the motion of the gentleman from Kentucky [Mr. WILLIS] that the House now resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HAMMOND in the chair.

The CHAIRMAN. The committee is in session for the consideration of the river and harbor appropriation bill, and the pending question is whether the opinion of the Chair ruling out the Hennepin Canal provision was correct—an appeal having been taken. The gentleman from Illinois [Mr. HENDERSON] has the floor.

Mr. WHITE, of Kentucky. Mr. Chairman, I raise the question of consideration.

Mr. HENDERSON, of Illinois. I believe I am entitled to the floor.

Mr. WHITE, of Kentucky. The motion was made that we should go into Committee of the Whole, but it was not stated that we should go into committee for the consideration of the river and harbor bill; and I now raise the question of consideration, and move that we take up the

appropriation bill designated by the gentleman from Pennsylvania [Mr. RANDALL].

Mr. KING. I insist upon the regular order, Mr. Chairman.

The CHAIRMAN. The point made by the gentleman from Kentucky [Mr. WHITE] is not in order. This bill is in order under a former instruction of the House, and the House has already declined to take up the regular appropriation bill referred to by the gentleman from Kentucky. The gentleman from Illinois [Mr. HENDERSON] has the floor.

Mr. WHITE, of Kentucky. Mr. Chairman, it was not stated by the Speaker that we were going into Committee of the Whole to take up the river and harbor bill.

Mr. WILLIS. I hope that we shall have order, so that the gentleman from Illinois [Mr. HENDERSON] can be heard.

Mr. HEPBURN. Mr. Chairman, I want to call the attention of the Chair to this point: When the motion was made that the House resolve itself into Committee of the Whole it was precisely as that motion is usually made; there was no designation of any particular business to be considered in the committee. It seems to me, therefore, that it was entirely competent for the committee to choose between any of the different matters that may be considered in Committee of the Whole. Nothing was said to indicate that it was the will of the House that we should consider this particular measure; there was nothing in the nature of instructions to the committee as to what it should take up. I know there were gentlemen who refrained from voting negatively upon that proposition because they were under the impression that when we did go into Committee of the Whole the usual rule would be observed, and we would then have an opportunity of raising the question of consideration and determine what matter should be considered.

Mr. WILLIS. The Chair has ruled upon this question, and there has been no appeal. I submit that the question has been settled by the decision of the Chair.

The CHAIRMAN. The point made by the gentleman from Iowa [Mr. HEPBURN] is identical with the one raised a few moments ago by the gentleman from Kentucky [Mr. WHITE], which the Chair has decided. The gentleman from Illinois [Mr. HENDERSON] will proceed.

Mr. HEWITT, of Alabama. I rise to a parliamentary inquiry. I desire to know whether the gentleman from Illinois can proceed to debate without unanimous consent. I am perfectly willing, so far as I am concerned, that there should be unanimous consent; but as all debate on this section has been closed without making any exception with regard to any appeal, I submit that debate is not in order except by unanimous consent.

The CHAIRMAN. All appeals are debatable.

Mr. HEWITT, of Alabama. All debate has been closed upon this section.

The CHAIRMAN. The House limited debate on the section to one hour and a half and to three-minute speeches in favor of amendments. But the Chair expressly held that all the arguments which were had upon this question of order did not come out of that time. The uniform practice has been that debate on questions of order shall not be considered as affected by any limitation placed on debate.

Mr. HEWITT, of Alabama. That is a very different question from an appeal.

The CHAIRMAN. The gentleman from Alabama [Mr. HEWITT] is not in order in arguing this proposition. He propounded a parliamentary inquiry, which the Chair has answered.

Mr. HEWITT, of Alabama. Then I make the point of order that all debate upon this section and all amendments thereto has been closed and debate upon this appeal can not be had except by unanimous consent.

The CHAIRMAN. The Chair overrules the point.

Mr. HEWITT, of Alabama. Now I appeal from that decision; and I ask for one moment—

The CHAIRMAN. The gentleman has just said that such appeals are not debatable. [Laughter.] The question is, Shall the decision of the Chair upon this point of order stand as the judgment of the committee? Does the gentleman from Alabama desire to be heard?

Mr. HEWITT, of Alabama. All I wish to state is this: If the decision of the Chair is correct, then there may be unlimited debate upon this appeal, because in Committee of the Whole no motion to lay the appeal on the table is in order.

The CHAIRMAN. The question is, Shall the opinion of the Chair on this point of order—

Mr. HEWITT, of Alabama. I withdraw the appeal.

The CHAIRMAN. The gentleman from Illinois [Mr. HENDERSON] will proceed.

Mr. HENDERSON, of Illinois. Mr. Chairman, I shall endeavor to be as brief as possible in discussing this appeal, as I want the friends of this bill to understand that so far as I am concerned I have taken the appeal in good faith and not for the purpose of obstructing the passage of the bill.

I believe the decision of the Chair to be an erroneous one; and so believing, I have taken an appeal, and, with all due deference to the Chair, I desire to present my views upon the appeal.

It is held by the Chair that the Committee on Rivers and Harbors

has no jurisdiction of the subject of the Hennepin Canal, and that therefore the proposition relating to it is not properly incorporated in the bill. Now, in order to reach this conclusion, the Chair refers to a rule, which is a rule of the House—not a rule of the Committee of the Whole—a rule which is in no manner applicable to the Committee of the Whole when engaged in the consideration of a bill which has been committed to it by the House itself. Rule XI provides that certain proposed legislation relating to certain subjects shall be referred to the committees respectively designated. But I desire the attention of the Chair and of the committee to the fact that this is a rule for the government of the House in the disposition of its business as it is presented by members from time to time, and can not possibly be applicable to the Committee of the Whole.

I claim that the Committee on Rivers and Harbors had jurisdiction of this question first, because there were petitions on this subject presented by a member of the House in the way provided by the House itself and referred to the Committee on Rivers and Harbors. The reference of these petitions to the committee gave the committee, I contend, jurisdiction of this subject. I call attention to Rule XXII, which is as follows:

Members having petitions or memorials to present may deliver them to the Clerk, indorsing their names and the reference or disposition to be made thereof; and said petitions and memorials, except such as, in the judgment of the Speaker, are of an obscene or insulting character, shall be entered on the Journal.

The language of this bill shows that these petitions and memorials are to come under the observation of the Speaker of the House, and if of a proper character—not obscene or insulting—they are to be referred; otherwise not.

But the point I make is this: This rule authorizes petitions to be presented and referred in this way, and it is the only rule of the House for the government of members of the House in regard to getting petitions before committees of the House; and I claim the gentleman from Indiana is in error when he says this is a mere clerical duty. This is the way the House itself has provided under the rules that we shall reach committees of the House by the presentation of petitions.

I insist that the petitions were properly presented; but, admitting that they were improperly presented, they were nevertheless referred to a committee of the House. They were so entered upon the Journal as having been referred to this Committee on Rivers and Harbors. Furthermore, they were printed in the RECORD as petitions referred to the Committee on Rivers and Harbors. That committee, if they thought they were improperly presented to it, might have reported them back to the House for reference to some other committee. The committee, however, held otherwise, and believed they had jurisdiction over this subject, and so there was incorporated in this bill this provision in reference to the Hennepin Canal.

I say with reference to these petitions in the absence of any action on the part of the House whatever that they conferred jurisdiction on the Committee on Rivers and Harbors, and that the only way any member could have avoided that committee's taking jurisdiction of the subject-matter of the petitions was by moving for the discharge of the Committee on Rivers and Harbors from the consideration of these petitions which had been referred to it by the House under the rule of the House.

Mr. Chairman, I could rest this whole case, in my opinion, upon the position alone that these petitions, having been referred under the rule of the House, and therefore referred by the House itself, were before that committee, and that committee was authorized to take jurisdiction of the subject even if it had not otherwise jurisdiction under the powers conferred upon it.

Now let me say further: The chairman has said it is claimed that the Committee on Rivers and Harbors had jurisdiction because the report of the Chief of Engineers, with accompanying papers from officers in charge of rivers and harbors, was laid before the House by the Speaker and referred to the Committee on Rivers and Harbors. The Chair says that does not refer to this provision, because if we claim that it claims too much, as "that construction would have given jurisdiction to that committee over the seacoast and lake-frontier defenses, the surveys of the Territories, the improvement and care of public buildings and grounds in and around Washington, the water supply of this District, the fishways at the Great Falls of the Potomac, the control of the Washington Aqueduct, &c.; for all these things are covered in that report."

In my opinion, Mr. Chairman, with all due respect to the opinion of the Chair, that is erroneous, for the simple reason that these subjects do not in any way relate to the improvement of rivers and harbors, and would not be germane in a river and harbor bill, and under the ordinary parliamentary usage would be subject to the point of order which might be raised against it both in committee and anywhere else that it was not germane to the bill. The Hennepin Canal is germane to the bill, I claim. It does relate, in the language of Rule XI, to the improvement of rivers and harbors.

I know it has been said in the discussion of this subject this canal could be constructed without removing a shovelful of earth from a river, but this canal will be as useless as the fifth wheel of a wagon without rivers. It connects rivers. You could not connect them without lift-

ing a shovelful, and many shovelfuls, from the beds of the rivers it connects. It is intended to improve rivers, because it gives you, instead of going five or six hundred miles, a short cut and connects you with the lakes. The commerce which comes down the Mississippi River may take this canal and by the Illinois River go to the lakes, and so connect with the Atlantic seaboard. Therefore it is germane, and does relate to the improvement of rivers and harbors in the language of Rule XI itself.

I wish to give a little history, showing that everything that has been done in connection with this measure has been done on river and harbor bills. In 1870 there was a provision inserted in the river and harbor bill of that year authorizing a survey of this canal, and I have the statute here to show it. In 1870 there was a committee appointed on transportation routes to the seaboard, of which Senator Windom of Minnesota, Senator Conkling of New York, and Senator BECK of Kentucky, and other distinguished members of the Senate were members.

That committee examined this Hennepin Canal in connection with other transportation routes and they made a favorable report, recommending that this canal should be constructed in the interest of the commerce of this country and to give the people of this country cheaper transportation, and accordingly in 1875 this very provision, word for word, letter for letter, except as to the amount appropriated, was incorporated by the Senate of the United States in the river and harbor bill. It passed the Senate in that condition by a vote of 29 to 16, as I remember. I have the vote here, but will not stop to give it in detail, but by a decided majority it was incorporated into the river and harbor bill.

I want to say further, Mr. Chairman, that in the Forty-sixth Congress the Committee on Commerce of the Senate reported this same provision again, word for word, differing only in the amount of appropriation, as an amendment to the river and harbor bill. Points of order were made against the amendment, first, because it was new legislation; and second, because it was not relevant or germane to the bill; and after long discussion both points of order were overruled on a ye-and-nay vote of 33 to 18 on the first objection and by a vote of 33 to 17 on the second objection. The points of order were therefore overruled by a decided vote of the Senate, after an extended discussion, as any one will see by referring to the RECORD containing the same.

Senator MORGAN, of Alabama, raised the points of order, which were discussed by Senator ALLISON, Senator CONGER, and other Senators before the vote was taken; and it was held to be germane or relevant to a river and harbor bill. In that discussion Senator MORGAN used this language:

Those who framed this rule never gave to it that interpretation. On the contrary, the rule was established for the purpose of excluding that interpretation. If the rule means anything at all, it is that whatever appropriations shall come in upon a general appropriation bill shall be germane to the subject of that bill. The subject of this bill is not commerce or commercial facilities.

That is a great mistake. If the subject of this bill is anything at all it does relate to commercial facilities. It is but carrying out in its provisions the great object we have in view in improving rivers by the appropriations provided in this bill. It is for the purpose of giving increased facilities to commerce that we are here in this bill improving rivers and harbors, constructing canals, and carrying on the work on internal improvements as far as we can.

Senator MORGAN went on to say:

Therefore the amendment is not germane.

Now Mr. CONGER said in that debate:

Now, sir, as I say, there are propositions in this bill where the improvement proposed consists in opening a channel from one river by a canal into another or into a bayou. Why, sir, we have a proposition in this bill not only to dig a canal, but to make a lock in Louisiana—if Senators will look they will find it—to make and construct a lock through a marsh where there is no navigation at all. This bill bristles all over with propositions to dig artificial channels either through land above water or through land under water which is unnavigable; it is so all over the South, and I tell the gentleman that if this point of order can be raised upon this proposition it will stop the progress of dozens and dozens of works provided for in the bill at the South in the marshy region, in the bayou region, and all over that country. It does not affect the Hennepin Canal alone, but it stops with a jerk dozens of these improvements at the South.

What is the object of this bill that you call this improvement "general legislation" on it? The whole bill is to improve the means of transportation by water, whether it be by building canals to connect navigable waters in one place with navigable waters in another, or whether it be with dredges to dig a canal where there has been a channel of some kind where water has flowed. Where is the legislation in this amendment? I do not speak to the merits of the work at all, but I do say that almost half of the appropriations in this bill have been made to dig canals through the earth under water or over water for navigation. There is not one of the improvements, from New York Harbor clear around the Gulf to Corpus Christi, but what has for its object the making an artificial canal from the mouths of rivers and bays out into the ocean that are filled with earth or sand. The object is to provide for transportation, that vessels may go and come, that they may carry freight, that they may be useful to the people.

Apply this rule, and who shall say whether the channel through a sand bank or through other ground is excluded under such a rule as this? Is it relevant? Is it relevant to the object? The object is to make communication along water-courses or between water-courses. Where would the Louisville Canal have been if this rule had been applied, or the Keokuk Canal with its eight or ten or twelve miles of channel dug out upon the river, outside of its banks in many cases, or the Sault Ste. Marie Canal, dug through dry ground from the bed in the lake below to the river above, connecting Lake Superior and Lake Huron? They are all canals. It is a mere question of degree whether they are longer or shorter, and the question of degree can not control any such case as this.

This work takes the improvements which have already been made from Lake

Michigan down to Hennepin, a distance of some seventy miles, and there, instead of following the Illinois River two or three hundred miles to the Mississippi, makes a short cut across the land to the Mississippi of sixty-five miles, shortening navigation the whole distance.

Any one familiar with the appropriations made in the river and harbor bills for the last thirteen years will know that in a great many cases, in a majority of cases for improving harbors and improving streams, the engineers have recommended new cuts out of harbors by a shorter passage to the ocean or to the lake, a canal where there was no stream at all, and Congress has approved it. Why? Because the object was an outlet for the navigation of those waters to the greater waters beyond by the shortest, most expeditious, most convenient, most economical route.

Now, sir, after having investigated this subject, I will say that at one time jurisdiction over this subject was given to the Committee on Roads and Canals. That committee had jurisdiction over the improvement of the navigable rivers of the country; and it seems that some bills were reported by the Committee on Roads and Canals and some by the Committee on Commerce; but the Committee on Commerce has most generally exercised jurisdiction over the improvement of rivers and harbors. It has done so for many years. The Committee on Commerce has reported these bills not because I can find any rule imposing upon them the duty of doing so, but undoubtedly under the general powers conferred upon the committee to report matters relating to the commerce of the country.

And, as I said before, we find we may deal with the subject in relation to river and harbor improvements under the power to regulate commerce conferred by the Constitution upon Congress. It is under that provision that we are doing all this work, digging out channels where they are insufficient for transportation, enlarging them, improving them in many ways as a means for regulating, facilitating, and improving the commerce of the country, and giving to the people cheaper transportation.

I want to say a word in regard to the decision of the gentleman from Texas, Mr. WELLBORN, made as chairman of the Committee of the Whole on the state of the Union at the last session of Congress, when these same points of order were made as to this canal provision. The chairman in his decision the other day sustaining the point of order said that the committee might not have understood the questions which were presented to the committee.

I do not think it just to indulge in presumptions that members of the committee did not understand their duties when they were voting upon any question presented to them. I think the presumption should be that every member votes understandingly; and I do not think the point well taken, as was suggested, that the House may not have understood how they were voting. But I have here the decision of the Chair to which I refer, and I want to read it:

The CHAIRMAN. The Chair will remark simply in reference to this, that the paragraph objected to is not an amendment, but is a part of the original bill, and therefore obviously not obnoxious to the clause of the rule which has just been read.

With reference to the third ground, the want of original jurisdiction in the Committee on Rivers and Harbors, the Chair will say this: the chairman of the Committee of the Whole on the state of the Union is asked to withhold from the consideration of the committee a particular clause in an original bill on the ground that the Committee on Rivers and Harbors reporting the bill to the House did not have jurisdiction over the subject-matter of the particular clause. In the view in which the chairman of this Committee of the Whole takes of the question it is not necessary to decide whether the Committee on Rivers and Harbors has jurisdiction over the subject-matter of this particular clause or not. Whether it originally possessed that jurisdiction it is not necessary for the Chair to decide in the view which he takes of this question. Hence the Chair will not take the time to express any opinion in reference to it.

The view of the Chair is this: The action of the House in submitting this bill to the Committee of the Whole on the state of the Union for consideration does not leave it within the province of the Chair to pass upon the question of original jurisdiction in the Committee on Rivers and Harbors. The bill has been committed to the Committee of the Whole for the purpose of consideration, and the chairman of this committee believes that he is but executing the order of the House when he decides that the bill shall be considered. The commitment of the bill to the Committee of the Whole House on the state of the Union the Chair thinks was not a submission to the committee of the question whether or not the bill should be considered, but an express direction to the committee to consider the bill. To hold that the chairman of the Committee of the Whole on a point of order could go back and inquire into asserted irregularities and errors in the stages of the bill which preceded its reference to the Committee of the Whole would be either to clothe the chairman of the Committee of the Whole with power to review and reverse the order of the House in the matter of the reference or place the House in the anomalous position of having expressly directed the Committee of the Whole to do a particular thing and at the same time left the committee to determine whether the thing directed should be done or not.

Now there is a plain declaration from the chairman in making that decision that in the view which he took of it it was not necessary to consider whether the Committee on Rivers and Harbors had jurisdiction over that subject or not; and why? I answer simply because, in the view which the Chair took of the question, it was not competent for the Committee of the Whole to inquire into the jurisdiction of another committee. I believe that decision will stand in the opinion of men who investigate it thoroughly as a sound decision; that is, that the House having received that bill from the hands of the Committee on Rivers and Harbors, and having referred it to the Committee of the Whole for the purpose of considering it, the Chair had no right to go back and inquire as to the processes of legislation by which the subject-matter reached the River and Harbor Committee, was acted upon by the River and Harbor Committee, and ultimately reported by that committee to the House of Representatives, and by the House was referred to the Committee of the Whole.

If you adopt that rule, you involve the Committee of the Whole in endless investigation and examination, going outside of the legitimate duties of the Committee of the Whole, because the Committee of the Whole is a creature of the House; it is a committee of the House as well as a standing committee, as I said once before. It is a committee of a little higher dignity, but it has no powers except such as are conferred upon it by the House and by the rules of the House. And unless you can find some rule which authorizes the Committee of the Whole to go back and investigate everything connected with a bill—whether it was properly referred to a committee, whether the committee properly acted upon it or not—you involve us in endless confusion and in the investigations of questions and subjects which do not come legitimately before the Committee of the Whole.

What was said by the chairman [Mr. WELLBORN] about the decision of the Chair being based on a presumption that points of order were not reserved was a mere verbal declaration, made after he had pronounced the decision of the Chair, in answer to an inquiry by the gentleman from Indiana [Mr. HOLMAN]. Therefore it is no part of the decision; it is a mere dictum outside of the decision of the Chair, and can not have any force whatever.

Now let us go to the last declaration which the chairman referred to. Here are the utterances of the Chair at that time, and the very last utterances ever made on that subject. They were quoted by the chairman in his opinion, and are as follows:

The Chair will further state that on yesterday he refrained from giving expression to his opinion touching the original jurisdiction of the Committee on Rivers and Harbors over the proposition for the Hennepin Canal, for the reason that the bill in its entirety having been referred by the House to the Committee of the Whole, it was not competent for the Committee of the Whole to go behind the reference and pass upon the question of original jurisdiction—

In another committee, to wit—
in the Committee on Rivers and Harbors.

These, as I have said, were the last utterances of the Chair. The Chair also said, in addition to what I have just quoted, that—

Had the point been presented before the House at the proper time and in the proper way, the Chair thinks the clause should have been stricken from the bill.

The decision was then clearly based upon the ground that the Committee of the Whole had no power to inquire into the jurisdiction of another committee, even though points of order were reserved.

The chairman [Mr. WELLBORN] also said in the decision last referred to that if the Hennepin Canal clause had been out of the bill he should have ruled the amendment of Mr. O'NEILL out of order, it not in that case being germane to the bill.

I think in making that statement the Chair probably had not investigated the whole subject of the river and harbor bill, because the Committee on Commerce, exercising the power to report bills relating to commerce, and therefore to the improvement of rivers and harbors, while it took from the Committee on Roads and Canals, which at one time had the power of originating bills for the improvement of navigable rivers, began to absorb the duty of the Committee on Canals, and to include in river and harbor bills the construction of canals; and they entered on the construction of the Des Moines Rapids Canal, costing millions of dollars, which was originally reported in a river and harbor bill, as will be seen by reference to volume 14 of the Statutes at Large, page 420.

There will be found in a river and harbor bill the original provision to commence the construction of this Des Moines Rapids Canal. So with the canal around the Cascades; and so also with the Sault Ste. Marie Canal; it was in a river and harbor bill that the General Government received that work from the State of Michigan and went on to enlarge and improve it. And I hold there is no difference for the purpose of this argument between canals. A canal is a canal wherever it is situated, whether to connect two navigable parts of the same river or to connect two navigable rivers; it is all in the interest of navigation; it is all in the interest of improving rivers and harbors; it is all in the interest of enlarging the facilities of commerce for our people. And therefore this provision is germane to this river and harbor bill, as was held by the Senate by a vote of 33 to 17, and as much so as any other provision of the bill.

I want to call the attention of the committee to what Cushing in his Law and Practice of Legislative Assemblies says as to the authority of a committee of the whole house. He says:

A committee of the whole like other committees derives its authority solely from the resolutions and votes of the house; is in like manner confined within the powers delegated to it, and can not consider any other matters than those which have been regularly committed to it, or in any other manner than it is authorized by the house.

"Than it is authorized by the House." Now, if this Committee of the Whole has any power whatever to consider the jurisdiction of another committee of this House in its action upon any bill, I care not what, it must be under some rule of the House. And I say there is no rule of the House that justifies this committee in striking this provision out of the bill upon a question of order, because Rule XI, as I have said, only defines the jurisdiction of committees, and says all proposed legislation relating to certain subjects, that is, standing in some relation, having some bearing or connection, which is the meaning of the

words "relating to," shall be referred to such and such committees; and that, as I said before, is a complete answer to everything that can be said as to that rule. It is a rule of the House for the government of the House itself in its reference of petitions or of bills and other subjects which are referred to committees. And the Committee of the Whole, I repeat, had no authority to call in question proceedings under that rule.

Now the Chair referred to the Digest and read paragraph 7 of Rule XI, which not only defines the jurisdiction of the committee as I have stated it, but adds this matter of privilege to that committee. The Chair says Rule XXIII requires that "all motions or propositions involving a tax or charge upon the people, all proceedings touching appropriations of money, or bills making appropriations of money or property shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced."

But that, I submit to the Chair, refers to action in the House. If a bill is called up in the House for consideration and the point of order is made that it is a bill appropriating money or imposing a tax upon the people, then it has to be referred to the Committee of the Whole House, where it must be first considered. But even in the House, if the discussion has been entered upon, it is then too late to make the point, and I can not see that that rule has any bearing whatever in this case.

But the chairman goes on to say: "Paragraph 8 of the same rule (XXIII) declares that the rules of proceeding in the House shall be observed in Committees of the Whole House so far as they are applicable." That is the only authority that is given to the Committee of the Whole to act under the rules of the House when in Committee of the Whole. The House itself expressly declares that the rules of proceeding in the House shall be observed in Committee of the Whole—not all of them, but only so far as they are applicable. In that case only they are binding on the Committee of the Whole.

Now in answer to that I say: If you turn to the rules and find any rule there applicable to the Committee of the Whole which justifies the committee in striking out this provision upon a question of order, then I concede you may do so; but I ask gentlemen to point out the rule. There is no such rule from the beginning to the end. On a general appropriation bill I might offer an amendment, or the Committee on Appropriations might bring in a bill here with provisions changing existing law and making new appropriations from the Treasury, and they would be in order except for a certain rule of this House, to wit: Rule XXI, clause 3, which provides that no appropriation shall be included in a general appropriation bill which changes existing law, unless it at the same time reduces expenditures.

That is a rule of the House which is applicable to the Committee of the Whole, and when the point of order is reserved in the House it means that if there should be any such provision found in the general appropriation bill a member shall have the right to take advantage of that rule. But you find no such rule relating to river and harbor bills, none whatever.

Now let me read from the Digest, page 268. The Chair also alludes to the Digest, and says: "Our Digest of Rules, when it states that the chairman of the Committee of the Whole can not rule a proposition in an appropriation bill committed to it out of order, says, 'Of course it is otherwise where the point was reserved before commitment.'" Now I want to read what is said in the Digest, and I ask members to pay particular attention to it, because, instead of being an authority against the position I take, it is an authority directly in favor of it, as I contend by every fair construction of language. I read from the Digest, page 268:

In the case of an appropriation reported by the Committee on Appropriations in conflict with Rule XXI, clause 3, and committed with the bill, it is incompetent for the Committee of the Whole, or its chairman, to rule it out of order—

Now, let us go on—
because the House, having committed the bills, are presumed to have received, as in order, the report in its entirety; but of course it is otherwise where the point was reserved.

Where what point is reserved? Why, where the point is reserved, on a general appropriation bill, that the provision changes existing law without reducing expenditures—in other words, that it is new legislation, which, under the rules, can not be incorporated in a general appropriation bill.

But I submit that that relates only to the proceedings of the Committee of the Whole in the discussion of general appropriation bills which are always to be first considered in Committee of the Whole. Therefore I claim that this is an authority in my favor. Suppose that had been left out as I read it in the first place—"and committed with the bill it is incompetent for the Committee of the Whole or its chairman to rule it out of order, because, the House having committed the bills, are presumed to have received, as in order, the report in its entirety."

I say that in this case the House is presumed to have received as in order this bill in its entirety. The House referred it to the Committee of the Whole not to strike out its provisions upon questions of order, unless they were questions of order which might be legitimately raised,

and such as are raised in the consideration of a bill in Committee of the Whole upon all amendments which are not germane, upon amendments which are forbidden by some rule of the House that may be applicable to Committees of the Whole. I submit that that is an authority against the decision of the Chair and against the position of the gentleman who took these points of order; and, in my opinion, the point of order was not properly sustained by any fair view of the question.

Mr. Chairman, how much time have I left?

Mr. TURNER, of Georgia. Does the gentleman from Illinois yield the floor?

Mr. HENDERSON, of Illinois. No, sir; I do not. I want to yield five minutes to my colleague from Illinois [Mr. SPRINGER]. I reserve the balance of my time.

Mr. HENLEY. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HENLEY. I desire to know how much time the gentleman from Illinois has on this appeal from the decision of the chairman of the Committee of the Whole? My question is, whether the gentleman from Illinois [Mr. HENDERSON], having obtained the floor as he did on this appeal, is entitled to a full hour?

The CHAIRMAN. The Chair knows no limit excepting an hour.

Mr. TUCKER. Mr. Chairman, is there no way of limiting the debate upon this bill?

The CHAIRMAN. The Chair is not called upon to answer that question. The House can limit the debate when it sees fit. The gentleman from Illinois [Mr. SPRINGER] is recognized for five minutes.

Mr. SPRINGER. Mr. Chairman, if I can have the attention of the committee, I can say what I have to say on this subject in less than five minutes.

Mr. Chairman, I should hesitate under any circumstances to vote to overrule the decision of any chairman of the Committee of the Whole, and especially the present occupant of the chair. I was very much interested in the very able argument that the Chair submitted in ruling upon this point of order; and that argument, if it had been presented to the House at the proper time when this matter was before it, would have had deservedly great weight. The only error that the Chair committed was in assuming that a question of jurisdiction was one addressed to the Chair as a question of order. If the honorable chairman had been more of a parliamentarian than he is a lawyer, he would have realized the fact that all questions of the jurisdiction of committees in this House are addressed to the House and to the committees of the House, and have never been determined by the Chair as questions of order.

It is true that frequently, when the title of a bill presented is read, the Chair states that it should go to this or that committee. But that is merely an opinion; it is not a decision from which an appeal can be taken. It is merely *obiter dictum*. Any gentleman in the House could immediately rise and move a different reference; and that would be the proper course rather than to take an appeal from the decision of the Chair, because it is always in the province of the House to determine what reference of a matter shall be made by the House.

These petitions which are sent to committees through the petition-box have indicated upon them by the person introducing them the reference he desires. That reference is published in the RECORD the next morning, and is open to the investigation and scrutiny of every member of the House. Unless some member then objects to that reference, moves to discharge the committee and bring the matter back to the House for proper reference, the question becomes by that reference adjudicated by the House, and the reference as made is final.

It is within the province of this House to send a bill granting a pension to the Committee on Ways and Means; and if that committee gets such a bill by direction of the House it has jurisdiction of the subject-matter, because it has been referred to it by the House. So a tariff bill might, by a majority of the House, be referred to the Committee on Pensions; and if so referred that committee would have jurisdiction to pass upon the bill and report it back. These committees are simply agents of the House for the convenient transaction of its business. The House is to determine what bills shall be referred to particular committees; and when a committee gets a bill in that way it has to act upon it.

Now the Committee of the Whole stands in the same relation as any other committee of the House; and when any matter is referred to it by the action of the House it is a proper subject for the Committee of the Whole to act upon, and should not be suppressed from consideration on a point of order decided by the Chair.

Mr. HENDERSON, of Illinois. I yield fifteen minutes to the gentleman from Massachusetts [Mr. STONE].

Mr. STONE. Mr. Chairman, the question of order now pending in this case is before this House for the second time. During the first session of this Congress the same point of order substantially was raised, and the decision of the Chair at that time overruled the point of order. In this case the objection taken to the consideration of this particular item of the bill has been sustained by the Chair. But while substantially this same question has already been before the House, it is not now presented under the same conditions as heretofore. When the question arose at the last session there existed a fact which, in the judgment

of the chairman, was decisive; and that was that points of order had not been reserved. Upon that fact the opinion of the Chair in that instance was based.

Now, I do not claim that that decision is to be received as conclusive in the case. There is here a fact which did not exist in the other case. In this case there were petitions referred, and properly referred, to the committee; and this circumstance distinguishes this case from that which arose a year ago. While I do not claim that the decision in the first case is to be accepted in any sense as conclusive in this case, I shall, perhaps, have occasion to allude to the doctrine of the former decision as having some bearing upon the question under consideration.

Mr. Chairman, it will be observed that when the present question was first argued the objection to the provision of the bill was put substantially on the ground that the Committee on Rivers and Harbors had no jurisdiction on this subject, because in attempting to deal with it they were violating Rule XXIII. That position, as I understand, is now abandoned; and it is now maintained by the Chair and by those gentlemen who agree with the decision that the Committee on Rivers and Harbors had no authority to deal with this matter because of Rule XI, which limits the authority of this committee to matters which may be strictly defined as rivers and harbors. Now I have two answers to make to the claim that this committee had no jurisdiction. My first, which I think is decisive, is that the submission of petitions on the subject to that committee is conclusive upon this question of order. I make that point, because when this question was argued a few days ago I observed that the gentleman from Indiana [Mr. HOLMAN] and the gentlemen from Georgia (and I think the Chair inclined to adopt the same idea) admitted that if these petitions had been referred to that committee by a vote of the House the committee would have had jurisdiction; but it was contended that a reference of the petitions through the petition-box did not give the committee jurisdiction.

Now, I ask these gentlemen to reflect for a moment and tell me, if they can, how a petition can go to any committee of this House except through the petition-box? If their construction is to stand, then they deny the right of petition to the people, because there is no other mode of referring petitions provided in your rules. No man can rise here in the House on any day in the week and offer a petition to be referred to a committee unless he obtains unanimous consent. I ask attention to that fact. Under our rules in no other way than through the petition-box can a petition go to a committee. It is expressly declared that on Monday only bills and resolutions shall be presented. Now, reflect a moment. How are your rules established? What do they mean? You are so pressed here with business that you can give but one day in the week to the presentation of bills and resolutions; and you can not give a single day to the presentation of petitions. Yet you do not mean to deny the right of petition to the people. So you provide by your rules that every day in the week the people may, through their Representatives, come here with their petitions, and that these petitions, through the petition-box and in no other way, may be referred to appropriate committees; because by reason of the stress and pressure of business it is impossible to deal with petitions in any other way. That is the meaning of our rules.

Why, Mr. Chairman, look at your RECORD to-day. You will find that yesterday fifty petitions were presented. Could you receive these numerous petitions every day in the week and in the same manner that you receive bills? These petitions have to be presented and referred; and by the very necessity of the case they go to your committees through the petition-box because they can go in no other mode.

Then will any gentleman of this committee, when he reflects upon that, undertake to say that when a petition goes to a committee in regular form in the mode prescribed by the rule, that when it gets there that committee has no jurisdiction? Is that to be maintained?

Again, that rule not only provides it should go in that way to the committee, but that invests the committee with authority to decide whether it is a proper submission. If this House authorizes the committee to make that decision it must stand upon it and accept it as final.

I mean to qualify, and am willing to qualify, this remark by this observation: It was suggested here this rule may be abused. I grant it; but is it to be objected to a rule that it is not the rule because it may be abused?

Again, if that rule is to be abused in any gross, in any flagrant way, it has been decided by this House that it is a question of privilege on the part of the House to take cognizance of the fact and discharge the committee on the subject in controversy, and refer it to the committee which in its opinion has jurisdiction of it. So that if your committee, or any member of the House, attempts grossly to misapply a rule, the House can vindicate itself by exerting its privilege to discharge the committee and refer the matter to wherever it thinks proper.

But I repeat, and ask the attention of the committee to the fact, that you deny the right of petition to the people under the rules if you say this mode is not just as valid and just as conclusive on any point of order as if made by the House itself. It is the action of the House itself. That conformity to the rule observed by the members of the House in that way is known to the House. That is one point I hope I have succeeded in making clear to this committee. Therefore I sub-

mit it is impossible to maintain the position that reference under this rule through the petition-box does not give jurisdiction to the committee.

It may be consistent with Rule XII; but observe what Rule XII is. Let me say that Rule XII is not a rule in any satisfactory sense as compared with other rules. As has been said on the floor, if a wrong reference has been made by the Speaker does it not compel the asking consent that rule shall be suspended every day when any gentleman moves for a reference?

A MEMBER. What rule?

Mr. STONE. That which applies to the reference of different subjects to different committees. That which provides that all subjects relating to railways and canals should go to the Committee on Railways and Canals, and all subjects relating to naval affairs should go to the Committee on Naval Affairs, and so on. That is not in any satisfactory sense a rule compared with other rules of the House, for it is suspended every day in the week, while every other rule can only be suspended twice a month by a two-thirds vote. That we know is practically suspended by any gentleman getting up and moving to have any reference he may choose. Only yesterday the gentleman from Kansas [Mr. PERKINS] tried to refer a matter to the Committee on Indian Affairs, and the gentleman from Illinois [Mr. PAYSON] stated that in his judgment it ought to go more properly to the Committee on Public Lands. Can there be any question the Speaker was right in referring that matter to a majority vote of the House? That can not be denied.

Again, not to take too much time on this point, there is another I wish to submit, and that is this: My experience has taught me this practice of the House authorizing the Committee of the Whole to deal with the question of order is a vicious practice, and one which can not be defended. And for this reason, as suggested by the gentleman from Alabama: what power have you to-day in committee in limiting debate? How can you limit debate on a question of appeal? You can not move to lay the appeal upon the table; you can not call the previous question, and the only way of limiting debate is to move that the committee rise. That is the only way you can get out of the difficulty. You have to move that the committee rise for the purpose of limiting debate. In my opinion, the proper way is in accordance with the English practice: to move the committee rise at once, so that the House may decide the matter as soon as it is presented. I say in my judgment this thing is indefensible and inconsistent with the idea of the Committee of the Whole—this attempt to deal with questions of order.

But, to pass from that for a moment, assuming under our practice it may be proper to deal with the point in committee, I maintain it can not be competent for the Committee of the Whole to undertake to define the jurisdiction of another committee, such as is attempted here. Upon no theory of construction can you find authority in a committee such as this, constituted as any other committee is, to define the jurisdiction of any other committee unless specially required to do it.

I understand the chairman to say, although on that point I did not quite understand him, that by reserving the point of order the committee was virtually instructed to decide upon the point of order. I submit it is not possible to interpret the reservation of the point of order as an instruction to the committee to decide that point of order. On the contrary, the reservation made is a reservation of the House itself, and it can not properly or successfully be maintained such reservation is an instruction to the committee to decide such a point of order.

And if the committee was not instructed to decide the point of order, I submit it is impossible to hold satisfactorily, upon any construction of the power and authority of the committee, that the Committee of the Whole has by virtue of its general authority the right to deal with the question of order which relates to the subject-matter submitted to them.

[Here the hammer fell.]

Mr. HENDERSON, of Illinois. I reserve the remainder of my time. [Cries of "Vote!" "Vote!"]

Mr. TURNER, of Georgia. Mr. Chairman, I have but two objects in view: the first is to maintain the rules of the House; and the next is to prevent what I regard as a mischievous innovation upon the river and harbor bill. These, I think, are important public objects which may well engage the attention of members.

The gentleman from Illinois who entered this appeal seems to lay his chief stress on the proposition that the reference of this bill by the House to the Committee of the Whole concluded all inquiry as to the question of jurisdiction. I respectfully dissent. When a bill appropriating money comes from the Committee on Appropriations, or when the Committee on Rivers and Harbors report their bill, the only thing that can be done then under the rules of the House is to refer such bills to the Committee of the Whole, because they can not receive their first consideration in the House; and it is on account of this rule that the practice has grown up of reserving points of order before the bills are so referred. It is well understood that by "points of order" objections are raised to such parts of a bill as violate the rules. And the reference of the bill after the points of order are reserved carries with the bill these objections into the Committee of the Whole.

After we have come into Committee of the Whole on a bill so referred, after the points of order had been reserved, shall we be told that

we have no standing on the points of order? We have no standing on these questions in the House, because, under the rules, the first consideration of such a bill can not be had in the House. The result of the gentleman's position would be to preclude altogether points of order on such a bill, and to invest the committee reporting it to the House with the power to create its own jurisdiction. Under that view also the practice long established of reserving points of order on all appropriations would be nullified—a practice under which millions are annually saved to the Treasury. Why, no longer ago than yesterday a clause of the naval appropriation bill, involving an expenditure for new ships of war, was stricken out on a point of order reserved.

The gentleman from Illinois insists that the reference of a petition on the subject of the Hennepin Canal to the Committee on Rivers and Harbors through the petition-box confers upon that committee jurisdiction over that subject. After the exhaustive opinion of the chairman on this point I would not have referred to the matter had not the honorable gentleman from Illinois given it the weight of his great authority. The rule which directs the reference of a petition in this way on its very face provides that it shall be done by a clerk under the indication of a single member.

Mr. HENDERSON, of Illinois. That is done by the House.

Mr. TURNER, of Georgia. I deny that it is done by the House. In no sense of the word can it be claimed that this is the action of the House. It is done by the action of a single member.

Mr. HENDERSON, of Illinois. But if the gentleman from Georgia will allow me, I say subject to the approval of the Speaker of the House.

Mr. TURNER, of Georgia. Mr. Chairman, if the gentleman is right, I can, by the presentation of a petition through this box without the Clerk having the power to say yea or nay to me—I can have referred to the Committee on Elections, of which I am a member, memorials which will confer on that committee the jurisdiction of every other committee of this House.

Mr. SPRINGER. And that is frequently done, too.

Mr. TURNER, of Georgia. The gentleman from Illinois says it is frequently done. The gentleman has seen a longer service in this Hall than I; but I believe no such thing, and he can not demonstrate any such absurd assertion against the practice of the House.

Mr. SPRINGER. I did not mean—

Mr. TURNER, of Georgia. I hope the gentleman will allow me to proceed.

Mr. SPRINGER. I beg pardon for interrupting the gentleman.

Mr. TURNER, of Georgia. This reference of matters through the petition-box to committees the gentleman from Illinois [Mr. HENDERSON] says is under the supervision of the Speaker. That is a limited supervision, which any gentleman will find by examining the twenty-second rule is confined simply to the question as to whether the petition contains any obscene or insulting matter. When the Speaker finds any such matter as that he can exclude it; but in no other case has he the power to change the destination of the petition. And hence all that argument of the gentleman from Illinois falls to the ground.

The general business that comes into the House goes to committees by the reference of the House or by the reference of the Speaker (which is the same thing), but petitions and memorials are sent to committees through the petition-box under the other rule to which I have adverted. When these petitions or memorials reach a committee the question comes up there whether or not the petitions and memorials have been referred to the appropriate committee. The first question is, has the memorial or petition gone to the committee through the petition-box by the action of the Clerk; the next question is, has it gone to the proper or appropriate committee? When these two things concur then the committee has jurisdiction over the subject-matter; otherwise under the rule (XXII) the petition or memorial has to come back to the box.

The gentleman from Illinois [Mr. HENDERSON] relies upon the decision of the chairman of the Committee of the Whole during the last session, when a similar bill was presented having this clause in it. He seemed in the first part of his argument to rely greatly on the authority of that opinion. But before he had taken leave of it, as I understood him, he himself impeached the decision—I use the word in no offensive sense—he questioned the accuracy of the opinion of that same chairman when he said he would have ruled the Hennepin clause out of the bill if points of order had been reserved on it.

Mr. HENDERSON, of Illinois. If the gentleman from Georgia will allow me only a word—

Mr. TURNER, of Georgia. I yield to the gentleman for a correction, not for a speech.

Mr. HENDERSON, of Illinois. The correction I desire to make is this: The Chair said that he would have ruled the Hennepin clause as not germane; but there were other canal clauses in the bill, and I took it for granted that had been overlooked.

Mr. TURNER, of Georgia. I have a high respect for the opinion of the chairman of that Committee of the Whole, and I think it is due to him that his precise position should be stated. It was done by the chairman of this Committee of the Whole in the opinion delivered on this question. The opinion of the chairman cited from the RECORD of the last session was based upon the fact that no points of order were reserved against the bill then pending. The points of order have been

reserved in this case, and, therefore, as has been candidly stated by the gentleman from Massachusetts [Mr. STONE], that opinion is authority for the decision of the present chairman. The Committee on Rivers and Harbors have a certain defined jurisdiction which is expressed in these words:

The improving of rivers and harbors.

Can a committee having only the power to report an appropriation for the improvement of rivers and harbors go to the extent of making a river?

Mr. STONE rose.

Mr. TURNER, of Georgia. I have no desire to pursue the question of germaneness, because that is not involved in the appeal. What does the gentleman from Massachusetts [Mr. STONE] desire?

Mr. STONE. Will the gentleman give us the words of that rule which he has just attempted to repeat, in which he says the committee is limited to the improvement of rivers and harbors?

Mr. TURNER, of Georgia. The gentleman knows that rule as well as I do.

Mr. STONE. I insist the rule says:

Subjects relating to the improvement of rivers and harbors.

Mr. TURNER, of Georgia. I ask the gentleman in reply whether the making of a new river is included in "the subjects relating to the improvement of rivers and harbors?"

The main ground of this contention, Mr. Chairman, is involved in another clause of the rule to which neither of the three gentlemen who have preceded me has given even the respect of a passing glance. Nor was it noticed in the arguments against the point of order when it was raised. I refer to clause 8 of Rule XI, which not only defines the jurisdiction of the committee as I have stated it and not as the gentleman from Massachusetts [Mr. STONE] would state it, but adds this:

And the Committee on Rivers and Harbors shall have the same privilege in reporting bills making appropriations for the improvement of rivers and harbors as is accorded to the Committee on Appropriations in reporting general appropriation bills.

Here is a special parliamentary privilege conferred for reporting bills for the improvement of rivers and harbors; but no possible construction can extend this privilege to embrace a canal. The Committee on Rivers and Harbors have, therefore, plainly exceeded their privilege.

This point, Mr. Chairman, was not made in the case which was tried before the Committee of the Whole during the last session.

No gentleman who has challenged the decision of the Chair has said a single word in reply to it. I insist that this view of the rule concludes every question of order involved in this case. It is the first time the point has ever been made, and no gentleman has ventured to reply to it. I insist, therefore, that the judgment of the Chair on the main point stands unchallenged and uncontradicted.

Mr. HENDERSON, of Illinois. Mr. Chairman—

The CHAIRMAN. The gentleman from Illinois [Mr. HENDERSON] has five minutes remaining.

Mr. WILLIS. Mr. Chairman, I regret to make the point, but under the rule I think the Chair will find that the gentleman's time is exhausted.

Mr. HENDERSON, of Illinois. Mr. Chairman, I insist upon my right to occupy the remaining five minutes. In the first place, in regard to the petitions having been referred to the Committee on Rivers and Harbors I have only this to say, that if the gentleman [Mr. TURNER] is correct, and the Committee on Rivers and Harbors received those petitions and hold that they did have jurisdiction of this matter, then I want to know what right this Committee of the Whole has now to go back and inquire into that question of jurisdiction and decide that the Committee on Rivers and Harbors did not have jurisdiction. I submit that this committee has no right to do anything of that kind.

No, sir; as to the objection which I omitted to note, I desire, with all due respect to the gentleman from Georgia [Mr. TURNER] and the Chair, to submit this consideration: That was a matter which might properly have been interposed against the consideration of this bill; but by no rule, by no twisting or squirming or torturing of any rule, can you now divide up the bill after you have entered upon the consideration of it, and say that you will not consider all that part of it because you are giving precedence to one part over another. If the gentleman [Mr. TURNER, of Georgia] had at the proper time made the point that this was not a river and harbor bill because it contained provisions that did not relate to the improvements of rivers and harbors, that might have been a good point—though I do not admit it—but now, after the Committee of the Whole has entered upon the consideration of the bill, it is too late to attempt to divide it up into parts and consider some parts and reject others. I yield the balance of my time to the gentleman from Iowa [Mr. MURPHY].

Mr. MURPHY. No question has come before this House in which I have felt so deep an interest as I feel in this, but I am not unmindful of the fact that our time is very limited, and that therefore it may be as well for the interests I represent that the House should not be delayed in reaching a vote. For that reason, sir, I will not longer occupy the time of the House.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the House?

Mr. WHITE, of Kentucky. Mr. Chairman, I rise to a question of order.

The question being taken, there were—ayes 107, noes 62.

Mr. HENDERSON, of Illinois. I call for tellers.

Tellers were ordered; and Mr. HENDERSON, of Illinois, and Mr. TURNER, of Georgia, were appointed.

The committee again divided; and the tellers reported—ayes 108, noes 85.

So the decision of the Chair was sustained.

The Clerk read as follows:

SEC. 2. That the Secretary of War is hereby directed to ascertain which and how many, if any, of the navigable streams within the jurisdiction of the United States have been and are now improved by locks and dams, or by either, or by other improvements, either by States or by corporations in pursuance of State authority, and upon which streams and for the use of which improvement toll is now charged, and whether said improvements can be purchased or condemned by the United States, and the probable cost of each of said improvements, together with the probable benefit to navigation and commerce of such purchase or condemnation when made with the view of making the navigation of such streams free; and that he report to the next Congress.

Mr. BROWN, of Pennsylvania. There was an amendment to the first section which I sent to the Clerk's desk when we were last considering this bill. It has not been read.

Mr. WILLIS. I suggest to the gentleman that it will come in at the end of the bill just as well as here.

Mr. BROWN, of Pennsylvania. I am not particular about the place where it is inserted, so that I have the opportunity to present it.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BROWN], as the Chair understands, does not insist on his amendment now.

Mr. WELLER. There was an amendment placed in the hands of the Clerk which I desire to have read. It was intended to come in as section 2. I have submitted that amendment to the chairman of the Committee on Rivers and Harbors, and as I understand he will make no objection to it, I desire to have it read and acted on now.

Mr. WILLIS. I suggest to my friend from Iowa that it be offered hereafter as a separate section.

Mr. McMILLIN. Let it come up at once.

The Clerk read Mr. WELLER's amendment, as follows:

Add to section 1, at the end of line 985, the following words:

"SEC. 2. That each particular appropriation in section 1 of this act contained or mentioned shall be paid as nearly as may be only in the following moneys and currency of the United States of America, and the same, and no part thereof, shall be paid in any representative of the currency or moneys in said section mentioned, namely: one-third part of each particular sum of the aforesaid appropriation shall be paid only in standard silver dollars; one-third part in silver certificates, and one-third part in Treasury notes; and each sum of said appropriations shall be, at the expense of the Government, in said moneys and currency as herein mentioned, actually transferred to and disbursed at the locality where the appropriation is to be expended."

The question being taken on the amendment of Mr. WELLER, it was not agreed to.

Mr. WELLER. I understand that if I do not insist upon a division on this question I shall be permitted to have a vote on the amendment in the House.

The CHAIRMAN. No division being called for, the Chair could not do otherwise than pronounce the decision. Any arrangement the gentleman may make with regard to a vote in the House is a matter with which the Chair can have nothing to do.

Mr. BROWNE, of Indiana. I move *pro forma* to amend by striking out the second section.

Mr. BROWNE, of Indiana, addressed the committee. [See Appendix.]

Mr. HEPBURN. I offer the amendment which I send to the desk. The Clerk read as follows:

Insert after the word "directed," in line 1, section 2, "to detail such a number of officers from the Army, of the rank of captain and lieutenant, as will be sufficient to take the places of the civilian engineers now employed in the improvement of rivers and harbors. And hereafter no civil engineers shall be employed on such works, except in extraordinary cases, and when so employed he shall report his reasons for such employment to the next session of Congress; and also, &c."

Mr. WILLIS. I make the point that this amendment is not germane to the section.

Mr. HEPBURN. I desire to be heard on the question of order. A number of days ago substantially this same amendment was offered and the same question of order raised. At that time, after discussion, the Chair held the proposition to be in order, but later, for the convenience of the committee—

Mr. WILLIS. I recognize the correctness of the gentleman's statement, and withdraw the point of order.

Mr. HEPBURN. Mr. Chairman, the other day when this amendment was pending I suggested to the House that a late report from the Secretary of War had informed us there were about two hundred and two civil engineers now in the employ of the United States upon these works; that the amount paid in salaries to these engineers was something like \$500,000 a year, or at that rate by monthly payments. Now we have 1,468 officers of the line who are captains and lieutenants. Every one of these gentlemen has been educated as an engineer, and is at least the equal of the average of the civilians who are employed by the Government. A great majority of these officers of our Army have

comparatively little to do, and it seems to me it would be eminently proper that they should be put upon this work.

It was suggested by the gentleman from Arkansas the other day the art of military engineering was entirely distinct from that of hydrographic engineering, and by imposing this new duty on the officers of the Army their fitness for their legitimate duties would be destroyed. I desire to remind him as military engineers there is no occupation for them. We are not engaged in constructing defensive works. We have refused Congress after Congress to make appropriations for purposes of that kind, and the probabilities are we will never have a war where land forces will be needed. We are so situated we can be entirely independent of fear of attack here on our own soil. No European army in numbers sufficiently formidable could land on our shores. Our neighbors on the north and south are much more formidable it seems to me. If there should be difficulty between ourselves and them we would be compelled to act on the defensive rather than on the offensive, so that there may be little necessity for continuing the large number of engineers we now have simply for military engineering.

It was also suggested by another gentleman that the instructions received at the Military Academy were not of a character to fit them for this work. I am not willing to believe that is entirely so, and if it is so, and if we adopt the plan of putting the work into the hands of the officers of the Army, the line of instructions at the Military Academy will have to be reformed. New studies will be imposed upon them, and they will pursue them, and we will in a short time have the best educated men of the country to carry on these works.

Mr. HERR. Army engineers do the work now.

Mr. HEPBURN. That is a mistake. There is an idea abroad Army engineers do this work. As a matter of fact they are not doing it.

Mr. ROSECRANS. I wish to say that the statement to which the gentleman refers, namely, that officers educated at West Point are not taught civil engineering is a mistake. They are well trained in it.

Mr. HEPBURN. I thank the gentleman for his correction. I was simply quoting an objection put the other day, and I was about to say there was a popular error that these works are being carried on by the Army, but as a matter of fact the Mississippi River Commission now have in their employ sixty-seven civil engineers in addition to the details made from the Army, and we are now paying an excess of \$100,000 to the civil engineers employed upon that one work.

[Here the hammer fell.]

Mr. WILLIS. I move that the debate on the pending section and amendments thereto be limited to one minute.

Mr. ANDERSON. I object.

Mr. WILLIS. I move the committee rise to close debate.

The committee divided; and there were—ayes 98, noes 14.

Mr. WHITE, of Kentucky. No quorum; we can not be gagged in this way.

The CHAIRMAN. A quorum is not required to rise.

So the motion was agreed to.

The committee accordingly rose; and Mr. BAGLEY having taken the chair as Speaker *pro tempore*, Mr. HATCH, of Missouri, reported that the Committee of the Whole House on the state of the Union having had under consideration the river and harbor bill had come to no resolution thereon.

Mr. WILLIS. Well, Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union, to continue the consideration of the river and harbor bill, and upon that motion I move that all debate on the pending bill and amendments thereto be limited to one minute.

Mr. WHITE, of Kentucky (at 3 o'clock p. m.) moved the House adjourn.

Mr. ANDERSON. I move to limit debate to one hour.

Mr. WHITE, of Kentucky. I demand a division on my motion to adjourn.

The House divided; and there were—ayes 7, noes 114.

So the House refused to adjourn.

Mr. WHITE, of Kentucky. I move the House take a recess until 4 o'clock this afternoon. If we are to continue this bill we should have some kind of discussion.

Mr. KING. Regular order.

The House divided; and there were—ayes 10, noes 130.

Mr. WHITE, of Kentucky. No quorum.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced the passage of the following bills:

- A bill (H. R. 5207) granting a pension to Albert Stickney;
- A bill (H. R. 7302) granting a pension to Elizabeth Smith;
- A bill (H. R. 7500) to restore the name of Lewis J. Blair to the pension-roll;
- A bill (H. R. 7952) granting a pension to Mrs. Julia Hartley;
- A bill (H. R. 8038) granting a pension to Harriet A. B. Cortis;
- A bill (H. R. 2282) granting a pension to Adolph Weach;
- A bill (H. R. 711) granting pensions to Frederick Nelson, T. Caine, and Henry C. Sanders;
- A bill (H. R. 7673) granting a pension to Mrs. Adeline E. Chadbourne;

- A bill (H. R. 7724) granting a pension to Lydia Wetherbee;
- A bill (H. R. 5969) increasing the pension of Frederic S. Rich;
- A bill (H. R. 3701) granting a pension to James Bradford;
- A bill (H. R. 8033) granting an increase of pension to George W. Clark;
- A bill (H. R. 7707) granting a pension to Holden Cook;
- A bill (H. R. 5813) granting a pension to Rachel Smith;
- A bill (H. R. 6965) granting a pension to David T. Dudley;
- A bill (H. R. 7315) granting a pension to Frederick P. Dearth;
- A bill (H. R. 2138) granting a pension to Martha Angell;
- A bill (H. R. 6196) granting a pension to R. D. Lawrence;
- A bill (H. R. 1502) granting a pension to William Robinson;
- A bill (H. R. 4098) granting a pension to William Gibbons;
- A bill (H. R. 1984) granting a pension to Robert M. McKinlay;
- A bill (H. R. 7561) to allow a pension to George F. West;
- A bill (H. R. 4266) granting a pension to Margaret A. Ringwalt;
- A bill (H. R. 6996) granting a pension to Wealthy H. Seavey;
- A bill (H. R. 4189) granting a pension to Caroline Van Norton;
- A bill (H. R. 4837) granting a pension to Charles H. Phillips;
- A bill (H. R. 6835) granting a pension to Bernard Donohue;
- A bill (H. R. 7773) granting a pension to William E. Ayres;
- A bill (H. R. 7386) granting a pension to Eliza M. Byers;
- A bill (H. R. 732) granting a pension to William Weddington;
- A bill (H. R. 1164) to restore to the pension-roll the name of Elenor

Stough;

- A bill (H. R. 3000) for the relief of William R. Miller, for pension;
- A bill (H. R. 5082) granting a pension to Jane Hilton;
- A bill (H. R. 2136) granting an increase of pension to Merlin C. Harris;

- A bill (H. R. 3901) granting a pension to Mrs. Olive W. Parker;
- A bill (H. R. 4317) increasing the pension of Julia A. Chambers;
- A bill (H. R. 8133) granting a pension to Thomas McGill;
- A bill (H. R. 7571) granting a pension to Cornelia V. Blackman;
- A bill (H. R. 7313) granting a pension to Charles W. Baldwin;
- A bill (H. R. 6653) granting a pension to Mary C. Axline;
- A bill (H. R. 2325) granting a pension to Helen M. Harrison;
- A bill (H. R. 5762) for the relief of Ann Lumphrey;
- A bill (H. R. 6826) granting a pension to Rebecca Kupp;
- A bill (H. R. 4548) granting a pension to Cordelia Gale;
- A bill (H. R. 2670) granting a pension to Sarah A. Scott, widow of John D. Scott, deceased, late first lieutenant of Company H, First Regiment Pennsylvania Volunteer Cavalry;
- A bill (H. R. 4247) granting a pension to Ann Maria Ressler;
- A bill (H. R. 5508) granting a pension to Isaac R. H. Caldwell;
- A bill (H. R. 3403) for the relief of Jacob J. Morningstar;
- A bill (H. R. 7302) granting a pension to Elizabeth Smith;
- A bill (H. R. 6205) granting a pension to Catherine S. Edmundson;

and

- A bill (H. R. 3681) granting a pension to William L. Sloan.

ORDER OF BUSINESS.

The SPEAKER *pro tempore* (Mr. BAGLEY in the chair). The point of order being made that no quorum has voted, the Chair will appoint as tellers the gentleman from Kentucky, Mr. WHITE, and the gentleman from Arkansas, Mr. BRECKINRIDGE.

Mr. WHITE, of Kentucky. I understand that the chairman of the Committee on Appropriations is ready to call up one of the regular appropriation bills; and, if so, I am ready to withdraw the point of order for that purpose. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The tellers will take their places.

The House again divided; and the tellers reported—ayes 2, noes 167.

So the motion was not agreed to.

Mr. WILLIS. I now call up again my motion to limit debate upon the section under consideration to one minute.

Mr. ANDERSON. And I insist upon the amendment to make it one hour.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Kentucky.

Mr. ANDERSON. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. ANDERSON. When the gentleman from Kentucky made his motion to limit debate to one minute I immediately offered an amendment to limit debate to one hour. My point of order is that the vote must first be taken upon my amendment.

The SPEAKER. The present occupant of the chair was not in the chair at that time. The Chair is informed that a motion to adjourn was pending, however, at the time the gentleman from Kansas interposed his motion, which, of course, would exclude the motion.

Mr. DORSHEIMER. The motion to adjourn was pending.

Mr. ANDERSON. I now renew the motion to limit debate to one hour.

Mr. WILLIS. That can not be done, for I have demanded the previous question.

Mr. ANDERSON. The previous question has not been demanded yet.

The SPEAKER. The gentleman from Kentucky rose in his place, and, as the Chair understood, stated that he renewed his motion to limit debate to one minute.

Mr. WILLIS. And on that I demanded the previous question.

The SPEAKER. The Chair did not hear that demand.

Mr. ANDERSON. I made my motion when the gentleman made his first motion to limit debate and before any demand for the previous question was made.

The SPEAKER. The Chair will state to the gentleman from Kentucky that if he made any demand for the previous question it was not heard by the Chair or the Journal Clerk or by the Official Reporters.

Mr. WHITE, of Kentucky. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. WHITE, of Kentucky. I desire to call the attention of the Chair to the fact that by unanimous consent earlier in the consideration of this bill three minutes were allowed to explain any amendment that might be offered.

The SPEAKER. That is not a question of order now.

Mr. WHITE, of Kentucky. I desire to know whether this motion can be made if that agreement was entered into, allowing three minutes? This proposes to cut off all debate within a limited time.

The SPEAKER. That is a matter for the chairman of the Committee of the Whole to determine under the order of the House heretofore made and which the Speaker has not examined.

The question is on the motion of the gentleman from Kansas to limit debate to one hour.

Mr. WILLIS. I understand from statements made by gentlemen around me that thirty minutes will be acceptable to those opposing this bill; and with a view to settling the matter harmoniously I will accept that, and modify my motion accordingly.

Mr. ANDERSON. That is satisfactory to me.

The motion to limit debate to thirty minutes on the section was agreed to.

Mr. WILLIS. I now renew the motion that the House resolve itself into Committee of the Whole House on the state of the Union.

ENROLLED BILLS SIGNED.

Mr. PERKINS, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 2327) for the relief of James Bedell, sr.; and

A bill (H. R. 2551) to amend an act entitled "An act to increase the water supply of the city of Washington, and for other purposes."

RIVER AND HARBOR APPROPRIATION BILL.

The motion of Mr. WILLIS was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HAMMOND in the chair.

The CHAIRMAN. Under instructions of the House all debate on the second section is limited to thirty minutes. The Chair will allot fifteen minutes to each side of the House.

Mr. ANDERSON. Mr. Chairman, it seems to me that the amendment proposed by the gentleman from Iowa is so perfectly fair on its face and so directly within the line of economy and good government, that there should be no hesitation on the part of this committee in adopting it. At a very large expenditure annually this Government is educating, in the best possible method and to the highest point of efficiency, these officers at West Point and at Annapolis. The proposition that these gentlemen are not competent to supervise the improvement of rivers and harbors is to my mind simply preposterous. The reverse of that proposition, that civilians are more competent, is the severest criticism which can be made upon our military educational institutions. Now, it has been the boast of the Democratic party from time immemorial that it was in favor of avoiding extravagance. This river and harbor bill is one always large and in which there are items always extravagant. The simple proposition is here presented: instead of expending half a million a year in employing civilian engineers to utilize the Army officers, and saving thereby the expenditure of this half million dollars; and the question is what, upon the principles advocated by the Democratic party, is there on the face of the amendment that does not warrant its adoption?

Why will you expend half a million for civilians when you have Army officers more competent, to-day practically without employment, and you can use them? That is the whole question presented here. It has become a custom that we shall employ as many men as possible, so it seems, under this Mississippi River Commission and otherwise, for the prosecution of this work; and yet here stand a body of men, than whom none are better educated or better qualified, whom you are paying year by year, whom you have educated, and whom you refuse to detail to perform this duty, being the more willing to increase the bulk of your river and harbor bill not for the purpose of developing channels, not for giving increased facilities for commerce, but simply to provide for outsiders. It seems to me that that is about the proposition submitted here.

When it comes, Mr. Chairman, to the question of developing our great channels, the rivers which shall become highways of commerce, there is no one who will go further in right appropriations than will I. But I am not, because of the earnestness of my belief in that proposition, willing that it shall be used as a veil under which to carry other things to which I am opposed.

There has been eliminated from this bill a measure which had it been included in it might have been the beginning of a water way over which the grain of the West might have obtained cheaper rates than by the present method of transportation by rail; and in eliminating that—in virtually depriving us in the West of any possibility of any further water communications with the East—you simply relegate us to the merciless, iron, granitic cupidity of the railroad corporations.

The CHAIRMAN. The Chair would inquire of the gentleman from Kansas [Mr. ANDERSON] how much of the time he proposes to occupy himself.

Mr. ANDERSON. Five minutes.

The CHAIRMAN. The gentleman has already spoken five and a half minutes.

Mr. ANDERSON. I yield five minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. The Mississippi River Commission furnishes, it seems to me, a very fair illustration of the necessity of some such measure as this. I have already stated the large number of civil engineers that were employed on the work of that commission. One of the objections to the improvement of our rivers and harbors is the wanton extravagance that is indulged in. If economy were used, if we utilized cheaply the force that we have, the people of this country would not object to these burdensome river and harbor bills. That commission I was able to show on a previous occasion had upon its rolls such a number of servants as required the expenditure of more than half a million dollars each year. They had been so lavish in their expenditures in their efforts to provide themselves with plant that they had expended of the appropriation nearly one and a half million dollars simply in purchasing the tools with which they were to carry on the improvement.

I venture the assertion that of all the immense sums that have been appropriated for the improvement of that river since the organization of that commission nearly one-half have been expended in plant and in salaries—nearly one-half of it. Now this ought not to be. If we can save with reference to that improvement alone \$115,000 we certainly ought to do it. If we can save in connection with the other improvements \$385,000 a year we certainly ought to do it. It will not do to say that these gentlemen that are named in the amendment I have offered have not the education to fit them for this work. That is to denounce as a failure the Military Academy and all of the efforts of this nation to properly educate our engineers. After the appropriations we make each year for the maintenance of that institution it will not do for us to stultify ourselves by declaring that all of our efforts are non-effective. I have here a partial list of some of the distinguished engineers that have been educated at that institution. I find on it the names of Beauregard, Foster, Franklin, Gillmore, Halleck, and Humphreys. These men we have educated at West Point and they have graduated there as engineers and served in that capacity. The list is long. And I want to call attention to the fact that there is no difference in the line of the studies pursued by these gentlemen who have graduated as engineers or been assigned to that corps and the others. They all study the same text-books.

The CHAIRMAN. The Chair wishes to inquire of the gentleman from Iowa whether he desires to speak longer than five minutes?

Mr. HEPBURN. Five minutes were yielded to me.

The CHAIRMAN. And that time has expired.

Mr. ANDERSON. I yield two minutes to the gentleman from Pennsylvania [Mr. BAYNE].

Mr. BAYNE. I am in favor of this amendment. I think it ought to be adopted. If there be a service in this country which has the confidence of the people so far as its integrity is concerned it is the Corps of Engineers of the United States Army. They are above reproach. And if they be employed to superintend this work and to disburse the moneys the people of the country will have confidence that, though they may sometimes be mistaken in their judgments and opinions, yet the money will be honestly disbursed.

I think it is a dangerous thing to employ civilian engineers in this work; to take them from their particular localities, to bring influences to bear in favor of particular localities, and thus to have recommendations to Congress influenced to some extent by considerations that should not enter into the conclusions arrived at. And I think that if the engineer service were devoted wholly to the improvement of our rivers and harbors in this country this would free it from perhaps some suspicions that attach to the management of that service, and it would be a guarantee at once to the people and to the Government that the moneys expended for these improvements would be honorably and honestly expended for the purposes to which they were applied.

Mr. ANDERSON. I yield the remainder of my time to the gentleman from Kentucky [Mr. WHITE].

The CHAIRMAN. The gentleman from Kentucky [Mr. WHITE] has three minutes.

Mr. WHITE, of Kentucky. Mr. Chairman, the amendment offered by the gentleman from Iowa [Mr. HEPBURN] is evidently in the interest of retrenching expenditures. It is more: it is a compliment to the United States Military Academy. After having expended \$500 per annum upon each of the cadets who go at the Government's expense to

same point of order. I expected that, but I wanted to lay before the committee—

The CHAIRMAN. The Chair submits if the gentleman concedes the ruling against him is correct that no further time should be occupied in debate on the bill.

Mr. WHITE, of Kentucky. I did not say it was correct.

The CHAIRMAN. The Chair desires to state that the gentleman conceded it would be pronounced out of order by the committee, and it would be an unnecessary consumption of the time to debate it further. [Cries of "Vote!" "Vote!"]

Mr. WHITE, of Kentucky. I beg the Chair to indulge me in stating my opinions on this matter. If it is a waste of time or not is for me to decide and not for the Chair. If he decides I am not entitled to the floor then I will yield, but if the Chair says I am entitled to the floor I will not allow the Chair to tell me that it is a waste of time.

The CHAIRMAN. The Chair took the gentleman's own remark that he was not arguing the question before the committee. The question is whether the decision of the Chair shall stand as the judgment of the committee.

The decision of the Chair was sustained; and the amendment was ruled out.

Mr. HEPBURN. I have an amendment to offer to section 2.

Mr. WILLIS. I rise to a question of order.

Mr. HEPBURN. Then I will move it to section 3.

The CHAIRMAN. Section 3 will now be read, and then the amendment can be offered.

The Clerk read as follows:

SEC. 3. That the Secretary of War shall prescribe such rules and regulations as may be necessary to secure a judicious and economical expenditure of said sums, and shall cause to be made and submitted to Congress annual reports, including the report of the Mississippi River Commission, on or before December 1, giving detailed statements of the work done, contracts made, and expenditures thereunder or otherwise up to November 1, and the effect of such work, together with such recommendations as he may deem it proper to lay before Congress. He shall also, at the same time, report to Congress at its next session all the instances in the United States in which piers, breakwaters, or other structures or works built or made by the United States in aid of commerce or navigation are used, occupied, or injured by a corporation or an individual, and the extent and mode of such use, occupation, or injury, and the facts touching the same. He shall report annually, at the same time, whether any bridges, causeways, or structures now erected or in process of erection do or will interfere with free and safe navigation.

Mr. HEPBURN. I move the following amendment:

The Clerk read as follows:

Provided, That jurisdiction is hereby given to the circuits courts of the United States to condemn any such real estate or material needed in any improvement, and in all such proceedings for such condemnation the practice of said court shall be as near as may be to that prescribed by the law of the State in which the improvement and material is situated.

Mr. WILLIS. I hope that amendment will be accepted; it seems to be perfectly proper.

The amendment was adopted.

The Clerk read as follows:

SEC. 4. That it shall be the duty of the Secretary of War to apply the money herein appropriated—

Mr. WHITE, of Kentucky. Before passing to section 4, I wish to offer an amendment to this section.

Mr. DUNN. I make the point of order that the reading can not be arrested in that way after being deliberately commenced, and I insist that the Clerk proceed with the reading. The rule is clear on the subject, and I hope it will be strictly enforced hereafter.

Mr. HEPBURN. Allow me to make this suggestion, that there is very extraordinary rapidity indulged in, and perhaps properly so, by the Clerk in reading this bill. But it occurs frequently that the last word from the chairman's mouth has scarcely escaped his lips directing the reading when the Clerk is at work on the instant speeding through the bill; and it seems in that manner the Clerk has succeeded in reading several lines of this section before any one rose to make an amendment.

Mr. WHITE, of Kentucky. It has been the custom, Mr. Chairman, for the Clerk to read amendments on the desk which had been sent up; and I did not know until he had read a short distance in this section that he was not going to read an amendment to the preceding section. As soon as I found out what he was reading I immediately rose to offer an amendment.

The CHAIRMAN. The Chair can not be governed by anything else than the regular rules of the House, which provide that when a section has been passed over and the reading of another has been begun it is then too late to go back to make an amendment to the section which has been passed.

Mr. REED, of Maine. But, Mr. Chairman, when a member of the House announces that it was his intention to offer an amendment, and rose promptly for that purpose, he certainly can not be precluded from offering it by the mere reading of the Clerk, or because the Clerk may have begun the reading of the section before the amendment was offered.

The CHAIRMAN. The Chair understood the gentleman from Kentucky to state himself his impression that somebody else had an amendment at the desk which the Clerk was proceeding to read, and that he waited to see if somebody else did not want to offer an amendment.

Mr. REED, of Maine. No, Mr. Chairman; but that he thought the Clerk was reading an amendment which was at the desk. As soon as he discovered that the Clerk was reading the bill, or another section of the bill, the gentleman immediately rose, as he claims, to offer the amendment.

The CHAIRMAN. The Chair will state exactly what the Chair understands the gentleman from Kentucky to have said.

Mr. WHITE, of Kentucky. Evidently the Chair misunderstood me, from the statement just made.

The CHAIRMAN. The Chair understood the gentleman to say he supposed there were other amendments on the desk, and that the Clerk would read them, and that therefore he waited, and did not offer his amendment at once.

Mr. WHITE, of Kentucky. I said that I was waiting for the Clerk to read. The Chair will remember that it has been the custom during the past week to read amendments which had been sent to the Clerk's desk, and which were read properly in their order.

Mr. KING. I demand the regular order.

The CHAIRMAN. The Chair thinks the gentleman from Kentucky is too late to offer an amendment.

Mr. WHITE, of Kentucky. Then I appeal from the decision of the Chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. WHITE, of Kentucky. I desire to be heard on the appeal.

Mr. HOUK. I insist the gentleman from Kentucky should be heard, since he has not been heard here this session. [Laughter.]

Mr. WHITE, of Kentucky. I will leave the House to judge as to the pertinence of that remark.

Mr. HOUK. The House can certainly judge as to the propriety of it.

Mr. WHITE, of Kentucky. The whole business here in connection with this bill is an impropriety.

I have appealed from the decision of the Chair because I believe it is our right to offer amendments as the paragraphs are being read. It would have been almost impossible to have taken the floor sooner than I did—almost impossible. The amendment offered by the gentleman from Iowa was accepted so suddenly, and the Clerk was directed to read so suddenly, and proceeded with the reading of paragraph 4 of the bill so suddenly, that it was almost impossible for any man to offer an amendment sooner than I did. And I ask that the reporter may give to the Clerk a memorandum showing how far he had proceeded with the reading when I rose. I know there is a disposition here to hurry the bill through. I know there is a disposition on the part of the chairman of the Committee on Appropriations to help this bill through.

Mr. HEWITT, of Alabama. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HEWITT, of Alabama. The gentleman from Kentucky is not discussing the appeal from the decision of the Chair.

The CHAIRMAN. The Chair thinks the point is well taken.

Mr. HEWITT, of Alabama. I hope the Chair will enforce the rule.

Mr. WHITE, of Kentucky. I did not hear at first what the gentleman from Alabama rose for; but what he has said leads me to remark that it is very difficult to tell what his point of order will cover. It is difficult to tell how any gentleman can address himself to a point of order so that it will be understood by the intellect of the gentleman from Alabama. I am not surprised that he raises the question of order.

But the question, coming back to this committee again, is, can a member of this House be cheated—not cheated; I will say deprived of his right to offer an amendment because forsooth the Clerk may read too rapidly? I do not make any charge against the Clerk. He was doing his duty as he understands it. I was doing mine as I understand it. I rose to ask the adoption of an amendment. My amendment is material. It is one affecting the levees of the Mississippi River. In this bill the word "levee" does not occur.

want to put it in the bill that we shall have a report on the separate item of levees; because if the decision of the Chair made on Friday on the Hennepin Canal stands good, and if the decision of the Chair on the canal from the Kentucky River to Savannah, Ga., stands good, then when the chairman of the committee or a member of the committee undertakes to put the Mississippi River back into the bill whether with Eads or without Eads, I propose to raise the point of order on the Mississippi River, and I want to put it right here.

The CHAIRMAN. The Chair asks the gentleman from Kentucky to confine himself to the subject under debate.

Mr. WHITE, of Kentucky. I think I am doing so. [Cries of "Vote!" "Vote!"]

Mr. WHITE, of Kentucky, here turned and walked up the aisle toward his desk.

The CHAIRMAN. The question is: Shall the decision of the Chair stand as the judgment of the committee?

The question being taken, it was decided in the affirmative.

The CHAIRMAN. The "ayes" have it, and the decision of the Chair is sustained.

Mr. WHITE, of Kentucky. Mr. Chairman, you can not take me off the floor in that way.

The CHAIRMAN. The Chair understood the gentleman from Kentucky to go back to his desk.

Mr. WHITE, of Kentucky. I went to get my copy of the bill to read from it. That will not do. I have not been heard.

Mr. ANDERSON. I move to strike out the last word.

Mr. DUNN. I make the same point of order, that the reading of the section must be completed before any motion to amend can be made. The reading of the section has not been completed.

The CHAIRMAN. The Chair thinks nothing is in order but reading the balance of the section.

Mr. WHITE, of Kentucky. I appealed from the decision of the Chair.

The CHAIRMAN. And the committee has sustained the decision of the Chair.

Mr. WHITE, of Kentucky. The committee can not vote while I have the floor.

The CHAIRMAN. The committee voted while the gentleman had not the floor.

Mr. WHITE, of Kentucky. I have not yielded the floor, as the whole House knows. [Cries of "Regular order."]

Mr. BROWNE, of Indiana. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. BROWNE, of Indiana. I want to know if in the argument of a question of order a member can occupy the floor any longer than at the pleasure of the chairman.

The CHAIRMAN. It is the opinion of the Chair he can not. There is no settled rule in regard to debate on appeals.

Mr. COX, of New York. The rule is invariable. No member can speak except during the pleasure of the Chair on a point of order.

Mr. WHITE, of Kentucky. This is not a point of order; it is an appeal.

Mr. COX, of New York. Or an appeal. That is in the same category.

Mr. HEPBURN. If that doctrine be correct, the Chair can in every case of appeal prevent the exposition of his own errors.

The CHAIRMAN. The Chair desires to do what is exactly right. The Chair can have no interest in doing otherwise. The Chair knows of no rule that forbids debate on an appeal; but the gentleman from Kentucky was not arguing the question of order, but was discussing the question of the Mississippi levees at the time the Chair put the question, even if it be considered that he was on the floor at that time.

But he had removed himself from the position where he was speaking and had gone back to his desk. The Chair thereupon put the question and the committee voted. The Chair thinks he has been exceedingly liberal to that gentleman and all others in this committee, and he has no disposition to cut off any one. But the rule must be observed that when a particular question is under discussion debate must be confined to that; otherwise there will be no end to our work at all.

Mr. WHITE, of Kentucky. I am sorry the Chair should have made the mistake; but I had not yielded the floor.

Mr. HISCOCK. I desire, with the permission of the Chair, to make a single suggestion. I do not want to antagonize the decision of the Chair as made on this question, but I make this inquiry: When a member has been recognized to speak, is not the only limitation of time he is entitled to the hour under the rule, whether the subject-matter be an appeal on points of order or whatever it is?

Mr. HENLEY. I rise to a question of order. I demand the regular order.

A MEMBER. What is it?

Mr. HENLEY. Whatever it is we shall have it. I want to stop this filibustering.

The CHAIRMAN. The Chair asks the gentleman from Kentucky whether his proposed amendment can be as well offered to the next section—the reading of which had begun?

Mr. WHITE, of Kentucky. It can not; and that was what I proposed to show when the Chair thought I was going to my seat. I was going to my desk to get my copy of the bill and to call the attention of the Chair to the very line where I had intended my amendment should come in.

The CHAIRMAN. The gentleman having made that statement, the Chair will hear him on the point of order only.

Mr. WHITE, of Kentucky. In section 3, which has been read by the Clerk—

Mr. GIBSON. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. GIBSON. The Chair has submitted the question on the appeal to the vote of the House, and the House has voted upon it by an aye-and-no vote.

Mr. WHITE, of Kentucky. I do not yield the floor.

Mr. GIBSON. And the result of that vote has been announced by the Chair. Now, I do not know by what right when the judgment of the Chair has been sustained on an appeal that question can be reopened.

The CHAIRMAN. The Chair states that the announcement of the result of the vote was predicated on the fact that the gentleman from Kentucky had ceased speaking and had gone back to his desk. He

asserts now he had not yielded the floor, but had simply gone to his desk to get a copy of the bill, intending further to illustrate that his proposition was in order.

Mr. GIBSON. Then is the Chair bound to show equities of decision to a member who is openly and apparently consuming time in a debate that does not apply to the question before the committee?

The CHAIRMAN. The Chair can not pronounce that judgment. The gentleman from Kentucky [Mr. WHITE] will be heard further upon the question of order.

Mr. WHITE, of Kentucky. Mr. Chairman, as I have already stated, I had gone to take up my bill (which was not in my hand at the time I was speaking) to show the Chair how the word "levees" inserted in this bill would be of considerable consequence, and it was my intention to offer that amendment. In section 3 of the bill it is provided that the Secretary of War shall prescribe such rules and regulations as may be necessary to secure a judicious and economical expenditure of said sums—

Mr. DUNN. Mr. Chairman, I call the gentleman to order, and I make this distinct statement: The point of order I made was that the committee had concluded the consideration of section 3 and had passed from it—

Mr. WHITE, of Kentucky. I do not yield the floor, Mr. Chairman.

Mr. DUNN (continuing). And the Clerk had commenced the reading of section 4 when the gentleman from Kentucky [Mr. WHITE] offered or proposed to offer his amendment to section 3. Upon that I made the point that it was out of order because the reading of the next section, section 4, had been commenced, and that point of order the Chair sustained. From the ruling sustaining that point of order the gentleman from Kentucky [Mr. WHITE] appeals, and that is the question he rose to debate. There can be no controversy as to the fact that the reading of the next section had commenced. Now, the rule is the only thing that can govern that question, and the gentleman is not discussing the rules. Therefore I call him to order.

Mr. WHITE, of Kentucky. Mr. Chairman, in reply to the gentleman from Arkansas [Mr. DUNN] I will repeat again what I said before. Perhaps he was in the cloak-room when I made my statement and did not hear it. [Laughter.]

Mr. DUNN. The gentleman is mistaken; I was in my seat, and heard him.

Mr. WHITE, of Kentucky. Mr. Chairman, he seems to be here now, and I desire to say again that the Clerk had barely commenced the reading of section 4, and had commenced it, so far as I was concerned, under a misapprehension, and as soon as I discovered that he had left section 3, I rose to offer my amendment, and the reporter's notes will show that although I spoke several times before I caught the Speaker's eye—

Mr. DUNN. Mr. Chairman, I call the gentleman to order. What the gentleman is saying relates to a fact and is not the discussion of the point of order. Now, if the Chair will entertain a controversy as to a fact upon this appeal it can not be helped.

Several MEMBERS. Regular order.

Mr. WHITE, of Kentucky. Now, Mr. Chairman, if the gentleman from Arkansas will permit me, I will state again that, in good faith, I had risen to offer what I understood to be a substantial amendment—

Mr. DUNN. But the good faith does not relieve the gentleman from the operation of the rule.

Several members addressed the Chair.

The CHAIRMAN. The gentleman from Kentucky [Mr. WHITE] has the floor upon the point of order.

Mr. WHITE, of Kentucky. Mr. Chairman, I do not yield the floor to these gentlemen, and the Chair will oblige me very much by keeping them quiet. [Laughter.]

The CHAIRMAN. The Chair will hear the gentleman if he desires to discuss the question of order on the appeal; if he does not, the Chair must put the question.

Mr. WHITE, of Kentucky. Mr. Chairman, as I have already stated, I believe I had the right, as any member would have the right, to offer an amendment to section 3 of this bill under the circumstances. It has been customary for the Clerk to read amendments from his desk; but a gentleman can offer an amendment from his seat. When the gentleman from Iowa [Mr. HEPBURN] offered his amendment it was almost instantly accepted, and the Clerk was directed to read, and as soon as I perceived that the Clerk was reading a different section I said that I desired to offer an amendment to section 3. And now, to satisfy the Chair, I will tell the Chair what the amendment was.

The CHAIRMAN. It is wholly immaterial what it was.

Mr. WHITE, of Kentucky. Does the Chair now rule that I have not the right to offer an amendment in line 66?

The CHAIRMAN. The Chair has so ruled; and the pending question is on the appeal taken from that decision.

Mr. WHITE, of Kentucky. Well, I am willing to submit it to a vote.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the House?

The question was taken; and the decision of the Chair was sustained.

The CHAIRMAN. The Clerk will proceed to finish the reading of the section.

The Clerk read the fourth section, as follows:

SEC. 4. That it shall be the duty of the Secretary of War to apply the money herein appropriated for improvements other than surveys and estimates in carrying on the various works, by contract or otherwise, as may be most economical and advantageous to the Government. Where said works are done by contract, such contract shall be made after sufficient public advertisement for proposals, in such manner and form as the Secretary of War shall prescribe; and such contracts shall be made with the lowest responsible bidders, accompanied by such securities as the Secretary of War shall require, conditioned for the faithful prosecution and completion of the work according to such contract, and for the prompt payment of all liabilities incurred in the prosecution thereof for labor and material.

Mr. JAMES. Mr. Chairman, I desire to offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amend section 4, line 7, after the word "proposals," by inserting "and shall fully describe the work to be done."

Mr. WILLIS. Mr. Chairman, I hope that amendment will be accepted.

The amendment was agreed to.

Mr. ROWELL. Mr. Chairman, I desire to offer an amendment to come in at the end of the section.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add to the section the following:

"Provided, however, That the Secretary of War may decline to expend any portion of the money appropriated by this bill if, in his judgment, the improvement for which such appropriation is made will not be a public benefit."

Mr. WILLIS. That is the existing law, and I see no objection to it.

Mr. ROWELL. Then, if there is no objection to it, let it be adopted.

The amendment was agreed to.

Mr. HOLMAN. Mr. Chairman, at the close of the text and immediately preceding the provision just adopted I desire to offer an amendment, which I send to the Clerk's desk to be read.

The Clerk read as follows:

After the word "material," in line 14, insert the following:

"Provided, however, That any money appropriated by this act for the improvement of the Mississippi River below Cairo, except so much thereof as it shall be necessary to expend in preventing the works in progress on other portions of the river from waste and injury, shall be expended in the continuation and completion of the works on the Plum Point and Lake Providence reaches of the river, now in progress of improvement as established by the commission, to the end that the proposed improvement of said two reaches of the river on which works are in progress shall be completed at an early day and the plan of said commission for the improvement of the navigation of the river fully tested."

Mr. WILLIS. Mr. Chairman, I make the point of order that that portion of the bill has been stricken out.

Mr. HOLMAN. Mr. Chairman, I wish to be heard upon the point of order. The bill contains at this time no appropriation for the improvement of the Mississippi River below Cairo. That is conceded. Of course it is not for the Chair to anticipate whether or no the bill will contain such a provision.

The proposition is simply that, if any appropriation be made by this bill for the purpose designated, it shall be applied in a specific manner. Such a provision, it seems to me, can not possibly be subject to a point of order upon the mere ground that the bill in its present form contains no such appropriation; for I submit that it is not for the Chair to anticipate what may ultimately be the provisions of this bill. The amendment simply provides that if there should be in this bill any provision for the expenditure of money on the Mississippi River below Cairo such money shall be expended in a specific manner.

It can not be said that this is subject to the point of order commonly made upon propositions to amend a general appropriation bill; and I believe the Chair has so decided. This is simply a provision limiting appropriations in the bill, if such shall be made, for a particular improvement which is within the scope of the bill. It must be conceded that appropriations may be made by the bill for the improvement of the Mississippi River below Cairo; and a provision that an appropriation of a given character shall be expended in a specific mode is clearly in order.

Mr. BRECKINRIDGE. I wish to make a point of order upon the gentleman from Indiana.

The CHAIRMAN. The gentleman from Indiana is stating a point of order.

Mr. BRECKINRIDGE. Well, I will make a parliamentary inquiry. Can the gentleman offer an amendment having reference to legislation which he thinks may be introduced into the bill?

Mr. HOLMAN. Certainly that is hardly a parliamentary inquiry. It is admitted that such legislation as that upon which the amendment is designed to be a limit may possibly be introduced into this bill. It is not to be assumed that the bill will not contain such legislation. I think the gentleman from Kentucky makes a mistake in attempting to make a point of order upon such a proposition. This bill stands on a very different footing from a general appropriation bill.

Mr. REED, of Maine. I suggest to the Chair that there are still left in the bill appropriations for the Mississippi River. There is one for the harbor of New Orleans, which is only a part of the Mississippi River. I think there is also one for Memphis Harbor, although I am not sure about that.

The CHAIRMAN. The amendment which the gentleman from In-

diana presents would be a mere modification, applicable in case the appropriation for the Mississippi River should be voted back into the bill. The Chair therefore suggests that perhaps an arrangement may be made to have a vote upon the amendment of the gentleman from Indiana if the other proposition should be voted upon.

Mr. HOLMAN. I modify my amendment so as to read "That no appropriation made or which shall be made for the improvement of the Mississippi River," &c.

The CHAIRMAN. The gentleman from Indiana does not take the idea of the Chair.

Mr. KING. I make the point of order that this proposition in substance was voted upon several days ago and voted down.

Mr. HOLMAN. No such proposition has been voted on.

The CHAIRMAN. The gentleman from Louisiana will please cite the proposition of which he speaks, with the action thereon. It is impossible for the Chair to remember everything done in the Committee of the Whole.

Mr. KING. I feel confident that there was such action.

Mr. WILLIS. The point of order has been made, first, that there is no matter now in the bill to which this amendment has any application, and to place in the bill a restriction upon legislation which the bill does not contain is an absurdity. In the second place, the point is made that this identical proposition was presented a few days ago by the gentleman from New York [Mr. HISCOCK] and voted down.

Mr. HOLMAN. The gentleman from Kentucky is mistaken.

The CHAIRMAN. The fact that the amendment if adopted would make the bill absurd is no reason it should be ruled out on a point of order. It may be the very purpose of the gentleman from Indiana to make the bill absurd. Whether the amendment shall have that effect is a question for the Committee of the Whole to vote upon. But the Chair was endeavoring to suggest, in order to avoid difficulty, that the committee might agree that if by a vote the Mississippi River provision should be brought back into the bill there should also be a vote in the House upon the proposition of the gentleman from Indiana.

Mr. HOLMAN. I should be perfectly satisfied with that arrangement. I hope gentlemen will agree to that fair proposition. Otherwise those who are anxious to limit this expenditure must press this amendment.

Mr. DUNN. I hope the proposition will not be agreed to. There has never been anything fair coming from the opponents of this bill during this contest, and it is with poor grace that they ask for excessive fairness on our side. If we pass this bill we must do it against all the efforts of its enemies.

The CHAIRMAN. The Chair directs the Clerk to read a paragraph from Jefferson's Manual, page 124.

The Clerk read as follows:

If an amendment be proposed inconsistent with one already agreed to, it is a fit ground for its rejection by the House, but not within the competence of the Speaker to suppress as if it were against order; for were he permitted to draw questions of consistency within the vortex of order, he might usurp a negative on important modifications, and suppress instead of subserving the legislative will.

The CHAIRMAN. Now the Chair desires to state that by amendment the Mississippi River Commission has been stricken out. The only point of order would be that this amendment would be inconsistent with that amendment. The Chair thinks that is not a good reason for refusing to submit to the committee the proposed amendment.

Mr. HOLMAN. I wish to make a single remark in behalf of this proposition.

Mr. BRECKINRIDGE. I desire to make an additional point of order against the gentleman's amendment, and that is that the amendment is not germane to the section upon which we are engaged.

Mr. HOLMAN. Why it is especially so by its very provisions.

The CHAIRMAN. There is no rule requiring an amendment shall be germane to the section provided it is germane to the bill.

Mr. HOLMAN. It is certainly the opinion of some of our engineers as well as of a large body of our people that the plan of improvement of the Mississippi River below Cairo is purely experimental, and up to this time a large portion of the money appropriated from time to time has been employed in repairs of work already done. I am not able to say what percentage, but if gentlemen will examine carefully the reports of the Mississippi River Commission and their subordinates it will be found a large percentage of the money you are appropriating year after year is employed in a great number of repairs.

The two important reaches of the Mississippi River are Plum Point and Lake Providence, one forty and the other sixty miles in length, which require every dollar of the \$2,800,000 to complete them. Let us have them completed. Let us see what is to be the effect of this experiment. If successful, then of course the House can with safety proceed to make further appropriation. If, on the contrary, the plan be radically defective, then Congress should have the information upon which to act with intelligence. I trust therefore in the interest of common fairness to the country; in the interest of the integrity of our affairs and good administration in the expenditure of public money, those two great reaches of that river shall be completed, to the end that Congress shall not appropriate money year after year for a plan which may prove in the end an utter failure.

Mr. ANDERSON. I wish to speak on this amendment, and for the reason—

Mr. KING. I object.

The CHAIRMAN. What is the gentleman's objection?

Mr. KING. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KING. I understand the rule under which we are acting requires only three minutes of debate on each side.

The CHAIRMAN. That was applicable entirely to the first section of the bill.

Mr. KING. Under what rule are we now acting?

The CHAIRMAN. Under the general rules of the House. The special rule to which the gentleman refers was applicable only by common consent to the first section of this bill.

Mr. ANDERSON. It has been claimed as one of the chief reasons why this river and harbor bill should pass that the improvement of the Mississippi River does have such an influence on present and future competitive freight-rates that any bill embracing it should receive the approval of this House. When you analyze the proposition of developing water ways you mean by it simply to provide a channel through which vessels can safely pass. If I understand the amendment of the gentleman from Indiana, he proposes that the shoals shall be improved, and he proposes in that part of the river where navigation is to-day impeded the channel shall be opened. Then he proposes as to the rest of it that a brake shall be put upon the expenditure of public money.

There has not been for one hundred years any lack of water for vessels in the lower Mississippi. There is none to-day. You can take any steamer you please and run it through those channels where the snags have been removed and where possibly an occasional bar has been cleaned out. In my judgment, the proposition to expend one, two, three, four, five, or one hundred millions of dollars for deepening a channel already dug is simply pouring water into a rat-hole, which seems to be a type of Democratic economy.

For that reason I wish a remedy that will give us a free channel for practical navigation of that river, and will stop the expenditure of public money for the protection of private property in the lower region.

It seems to me if you look into the amount of money which must be expended in the future, if you maintain the present policy, it will run into hundreds of thousands of millions of dollars. The amendment of the gentleman from Indiana proposes you shall to-day, as to that part of the Mississippi River which needs improvement, improve it. But as to that part which does not need it you shall cease to throw the people's money away. That precisely, in my opinion, is what is being done in part of this bill, and especially in reference to the Mississippi River.

Mr. HOLMAN. I wish to ask the gentleman from Kentucky if this proposition is not pressed at this moment whether he will permit a vote on it in the House if the Mississippi River Commission be admitted?

Mr. WILLIS. I have no objection to that.

Mr. HOLMAN. With that understanding, that an opportunity will be offered before the previous question is called in the House, I shall withdraw it for the present.

Mr. HEPBURN. What is the gentleman's understanding?

Mr. HISCOCK. Do I understand the gentleman from Indiana assumes to withdraw the amendment?

The CHAIRMAN. The Chair understands the gentleman from Indiana as simply stating that the gentleman from Kentucky [Mr. WILLIS] will help to get a vote on his amendment in the House if the other amendment is put in the bill.

Mr. HISCOCK. How would such an arrangement be possible when one single objection would prevent such action in the House?

The CHAIRMAN. If it be an amendment, it would have to be carried here so as to make it in order in the House. It would have to be reported, in other words, from the committee to the House.

Mr. DUNN. But if the gentleman from Kentucky allows it to be offered in the House, would not that meet the difficulty?

Mr. HISCOCK. Here is the difficulty: Suppose we go into the House, and whether the proposition in reference to the Mississippi River which was stricken out is voted in or out, a single objection prevents a vote on this proposition of the gentleman from Indiana.

Mr. HOLMAN. On what ground?

Mr. HISCOCK. Because it is not offered by the committee.

Mr. HOLMAN. But if it is offered before the previous question is called upon the bill, why is it not in order?

Mr. WHITE, of Kentucky. Let us have a vote on it now; that is the way to settle it. [Cries of "Regular order!"]

Mr. HISCOCK. I shall insist upon a vote now.

The CHAIRMAN. The question is on the motion of the gentleman from Indiana—

Mr. HOLMAN. Mr. Chairman, I prefer a vote in the House, and I understand that I have the right, under the consent given by the chairman of the committee, to offer this amendment before the previous question is called. The committee agree that it shall be admitted.

Mr. BRECKINRIDGE. Not that it shall be admitted.

Mr. HOLMAN. That it shall be admitted to a vote, I mean, as an

amendment. It is to be offered as an amendment and voted upon in the House.

Mr. WILLIS. There is no objection to that.

Mr. BRECKINRIDGE. But I do not want it to be understood that the committee accept it. I do not want any misunderstanding about it.

Mr. HOLMAN. Not that the committee accept it, but that they agree that a vote may be taken in the House upon it. With that understanding I withdraw the amendment.

Mr. WHITE, of Kentucky. Then I renew it. We had just as well settle this question here and now. This proposition of the gentleman from Indiana is so clearly just and proper that there is no use in waiting to see whether the Mississippi part of this bill, which on my motion some days ago was stricken out and agreed to by the chairman of the committee, is to go in or not. It is unnecessary to wait to see what is to be done with that before the amendment of the gentleman from Indiana is voted upon to this bill. It ought to be in the bill whether the chairman of the committee accepts it or not.

Mr. BAYNE. Let me ask the gentleman a question.

Mr. WHITE, of Kentucky. Yes, sir.

Mr. BAYNE. Would it not be far better to have the proposition voted on by a yeas-and-nays vote in the House than to allow it to undergo peril here in the committee?

Mr. WHITE, of Kentucky. It does not undergo peril.

Mr. BAYNE. I think it is better to have a vote in the House.

Mr. WHITE, of Kentucky. That is a question of opinion.

Mr. HISCOCK. I wish to make this suggestion, and I ask the attention of the gentleman from Indiana to it. Suppose we get through the bill, and a motion is made that the committee rise and report the bill to the House with the recommendation that the enacting clause be stricken out, and suppose that motion is carried. As the bill stands now I would probably vote for that motion. If Judge HOLMAN's amendment is incorporated in the bill it would very decidedly change my opinion as to whether it should become a law or not, or whether that motion should be carried or not.

I think it quite likely that this bill may be passed through here in such form that a motion to strike out the enacting clause would carry. I desire the bill to be bettered, so that I can support it. I am very much in favor of a river and harbor bill and a liberal bill, if properly prepared. But I want this bill very much amended, so that I can support it. This amendment I regard as very important.

Mr. WILLIS. I ask a vote.

The CHAIRMAN. The time of the gentleman from Kentucky has not expired.

Mr. WILLIS. I thought it had.

Mr. WHITE, of Kentucky. I want to get this idea before the committee: that one very important part of the bill is in the background for a purpose—

Mr. KING. Regular order.

The CHAIRMAN. The regular order is the right of the gentleman from Kentucky to finish his remarks.

Mr. KING. How long will you allow him?

The CHAIRMAN. One minute.

Mr. WHITE, of Kentucky. I do not wish my time occupied in this way.

The CHAIRMAN. The time thus occupied will not be deducted from the time of the gentleman.

Mr. WHITE, of Kentucky. Now, I want the committee to bear in mind that the most outrageous proposition in this bill is yet in the background; and the committee can well afford to say to the gentleman from Indiana, "You just wait," "Wait for the proper time, and you shall have a vote on your proposition." In response to that I say we will not wait. We will settle it here and now. If you want to bring back here a proposition in this abominable Mississippi appropriation to drive a peg in which will allow you to expend a hundred or two hundred millions of dollars and throw it away to destruction, I shall not help to drive that peg in. Let us settle the question now. Let us have a vote. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment of the gentleman from Indiana [Mr. HOLMAN].

Mr. WASHBURN. I ask that it be reported.

Mr. WILLIS and other members objected.

Mr. REED, of Maine. I think the objection comes too late. This is a new amendment, and has not been read. It is an amendment of the gentleman from Kentucky [Mr. WHITE].

The CHAIRMAN. The gentleman from Kentucky said he renewed the amendment.

Mr. REED, of Maine. Does not that entitle us to a rereading of it?

Mr. HISCOCK. I move to strike out the last clause of the amendment.

The CHAIRMAN. The gentleman from New York [Mr. HISCOCK] is recognized.

Mr. HISCOCK. Now I ask to have that amendment read in my time.

Mr. REAGAN. The gentleman from New York asks to have the amendment read in his time. How did he get the floor?

The CHAIRMAN. The gentleman from New York obtained the floor by moving to strike out the last clause of the amendment.

Mr. WILLIS. But the committee was dividing. The Chair had put the question.

The CHAIRMAN. The Chair thinks it will save time to have the amendment read. The Clerk will read the amendment.

The amendment was again read.

Mr. HISCOCK. I withdraw my amendment.

Mr. HEPBURN. I renew the amendment.

I want to remind the House before we vote on this question that up to this time there has been no settled plan that any one is now at work upon; that there was a scheme for the improvement of the Mississippi River which the gentleman from Arkansas [Mr. BRECKINRIDGE] the other day told us had been departed from to such an extent as to destroy the possibility of good results following appropriations.

I want to further remind the House that these improvements by every engineer so far as I know, and at least in every report of the commission, have been declared to be experimental; that no man has yet said that satisfactory results will follow their efforts. We are constantly reminded that they are experimenting. We are constantly told that there are doubts of success. We know that the commission itself has no power, or at least has not exercised it, of informing the country and Congress what sums would indeed be expended.

The first estimates for the initial work told us that one million and a quarter dollars would be needed to complete two of the reaches in their initial work. Finally they told us that two and a half million dollars would be needed to accomplish the work entirely. Now one of the commission (Colonel Comstock) tells the country that three times that sum would be needed. And the gentleman from Arkansas [Mr. BRECKINRIDGE] told us the other day that although there had been these large expenditures more than the original estimates, still there had been nothing satisfactorily accomplished, and there was no hope of ultimate success if the policy of the commission should be continued.

Now, in view of these facts, in view of the absence of earnest declaration that good results shall certainly follow, and in view of the repeated declarations that the efforts of the commission are simply in the nature of experiments, is it not wiser to confine expenditures to 63 miles of the river than to make them extend over 1,085 miles of the river?

[Here the hammer fell.]

Mr. BRECKINRIDGE. I shall make no formal reply to the remarks of the gentleman from Iowa [Mr. HEPBURN]. But I want to put on record that the reason I do not is to economize time. I want to get through this bill. The gentleman's statements are full of errors as far as I have been able to hear them, but it would take a great deal of time to reply to them.

Mr. HEPBURN. I hope the gentleman will point out the errors he refers to.

Mr. BRECKINRIDGE. They have already been pointed out.

Mr. HEPBURN. I beg to say that I have made no misstatements as to this matter. I have simply quoted the reports of the commission and declarations of members of the commission.

The CHAIRMAN. The gentleman from Iowa is out of order. His time has expired. Does the gentleman from Iowa desire a vote on his amendment?

Mr. HEPBURN. I withdraw it.

Mr. REED, of Maine. I renew it.

The CHAIRMAN. The gentleman from Maine [Mr. REED] is recognized.

Mr. BRECKINRIDGE. I had the recognition of the Chair.

The CHAIRMAN. The Chair begs pardon.

Mr. BRECKINRIDGE. I make the motion that the committee rise for the purpose of limiting debate.

Mr. REED, of Maine. The gentleman had not the floor for that motion. I was recognized.

The CHAIRMAN. The gentleman from Arkansas had the floor, and stated he did not wish to debate the amendment. He states now he moved that the committee rise.

Mr. REED, of Maine. The gentleman did not have the floor for that purpose, but for the purpose of debate.

The CHAIRMAN. If the gentleman from Arkansas desires to make that motion the Chair recognizes him.

Mr. BRECKINRIDGE. I make that motion.

Mr. REED, of Maine. I do not think that that is a wise course.

Mr. WILLIS. I ask my friend from Arkansas [Mr. BRECKINRIDGE] not to insist on that. I have endeavored to take charge of the bill and I ask him now, upon the understanding that after the speech of the gentleman from Maine [Mr. REED] we shall have a vote, to withdraw the motion that the committee rise. After that let us have a vote. The House understands that the vote was actually being taken when the gentleman from New York [Mr. HISCOCK] took the floor and had the amendment read in his time. There have been two speeches on that side, which with that of the gentleman from Maine should be considered enough; and I ask that at the conclusion of his remarks we shall have a vote as a matter of fair play.

Mr. BRECKINRIDGE. There is no fair play extended to the bill,

and I do not want the Chair to put the request suggested by my friend from Kentucky [Mr. WILLIS].

The CHAIRMAN. Does the gentleman from Arkansas insist on his motion being put?

Mr. BRECKINRIDGE. I do.

The question being put on the motion that the committee rise, it was decided in the negative.

Mr. REED, of Maine. I renew the amendment.

I hope the House fully understands that this amendment which is now pending is the amendment offered by the gentleman from Indiana [Mr. HOLMAN]. It seems to be a plain business proposition, which this House ought to concur in.

The great point of my opposition, as an individual, to this bill has been that it was still further involving this country in expenditure upon an experiment the nature of which we have not been permitted to prove. I have objected to it because we were going on to spend an immense sum of money, to wit, the sum of \$150,000,000, for an improvement which may turn out to be no improvement at all. I have always believed that we ought to confine the expenditure in the first instance to an experiment; and surely the experiment proposed here is large enough, for it embraces a length of river the equal of sixty-three miles, which is a large proportion of the entire length of the Mississippi River.

Now, if gentlemen really desire to pass this river and harbor bill, the course that will give it the most strength will be to show to the House and to the country that we are governed by sound business principles, looking to the navigation of a river and not to a wholesale expenditure of a wholesale appropriation. Of the parts of the river and harbor bill to which alone I have had objection (if I may be allowed to give my own personal views on the subject) one has been already stricken out, the others were lower Mississippi improvement and the proposed Galveston expenditure. With those out I think the bill would have met the approval of the House long ago.

I think it is not too late for us now to take the right course with regard to this measure. It is a plain proposition I repeat again, not a proposition to launch this country into boundless expenditure, but a proposition to fairly try the claim which has been made by engineers that they can harness this mighty river. There are a great many people who believe that it can not be done, who believe that all these experiments will result in failure. Is it right, then, to go ahead in defiance of sound sense, in defiance of reasonable skepticism, and commit ourselves year after year more and more to expenditures which even the conservative member of the committee [Mr. BRECKINRIDGE] says will be \$150,000,000? [Cries of "Vote!" "Vote!"]

Mr. WILLIS. I hope we shall now have a vote.

Mr. THOMAS rose and addressed the Chair.

Mr. BRECKINRIDGE. Mr. Chairman, I will yield only for a vote.

The CHAIRMAN. Does the gentleman from Arkansas [Mr. BRECKINRIDGE] claim the floor to reply?

Mr. BRECKINRIDGE. I have the floor, I believe.

The CHAIRMAN. The Chair will hear the gentleman from Arkansas.

Mr. BRECKINRIDGE. I will yield the floor for a vote.

The CHAIRMAN. The gentleman from Arkansas [Mr. BRECKINRIDGE] can not cut off other gentlemen from debate by yielding the floor for a vote. If he desires to speak the Chair will hear him for five minutes.

Mr. BRECKINRIDGE. Mr. Chairman, the gentleman from Maine would perform the operation, of which I have sometimes heard mention, of extracting from a body its spinal column and all its bones, and then letting it march through this House in mucilaginous majesty. [Laughter.] That is the condition into which he proposes to put this bill.

Mr. THOMAS. Mr. Chairman, in reply to the statements repeatedly made on this floor that the works of improvement on the Mississippi River are simply and purely experimental, I want to say, after a most thorough investigation of the matter, not only by means of the reports of the commission, but by personal investigation, by traveling from Cairo to the Gulf and examining the works of the commission, that those statements are unfounded. I want to deny most emphatically the assertions which the gentleman from Maine [Mr. REED] and the gentleman from Iowa [Mr. HEPBURN] have made here, that those works are merely experimental.

Mr. HEPBURN. Will you allow me to interrupt you for a moment?

Mr. THOMAS. No; not when I have only five minutes.

Mr. HEPBURN. I simply want to suggest—

Mr. THOMAS. I decline to be interrupted.

Mr. Chairman, the work at Plum Point has changed the channel of the river from five feet deep at low water to fifteen feet of water throughout the whole length of thirty-two miles, and what was a broad and almost barren bar when this work began has been brought down to the legitimate width of the river, with water of sufficient depth for the passage of the largest boats from one end of that reach to the other. With reference to the Lake Providence reach, the report of the commission shows that the work there is well-nigh done, and that instead

of six feet throughout that thirty miles, there are to-day from fifteen to seventeen feet of water; that the works are stable, that they have not been destroyed, and that they are proving a complete success. Instead of having only six feet of water, the largest steamer that floats from New Orleans to Cairo or Saint Louis can pass unobstructed through the whole length of that reach. Yet, in the face of these facts, which the report of the commission shows, in the face of the facts which the current newspapers of the day show, in the face of the facts which the commerce of the country shows, gentlemen stand up here and persistently and repeatedly assert that these works have been a failure, although every fact before us shows that they have been a success wherever the original plan of the Mississippi River Commission has been adhered to. At Plum Point, at Lake Providence reach, at Horsetail bar, and at several other places along the river, the original plan has been adhered to, and the most perfect success has followed. [Cries of "Vote!" "Vote!"]

Mr. HEPBURN. I move to strike out the last word. I do that simply to call attention to the disagreement between the doctors. I have a great deal of confidence in the opinions of my friend from Illinois [Mr. THOMAS]. I know that he has devoted his attention to the science of hydraulic navigation as well as to the construction of a navy. I know that he has been all over the country filling his mind with valuable information upon these varied subjects [laughter], but I undertake to say that he can not find one report of the commission in which they themselves do not declare their work to be experimental. And, as bearing upon that question, let me call attention to the language of the gentleman from Arkansas [Mr. BRECKINRIDGE], uttered only a half dozen days ago in this House. He says:

At the very inception of the great marine works of America, some ten years ago, the gentlemen in charge of those works, instead of sitting like Paul at the feet of Gamaliel to learn of those who had made a special study of this business, got into an unfortunate wrangle—our military engineers upon the one hand, and the civil and hydraulic engineers and the balance of mankind and the laws of Almighty God upon the other hand. The result has never been shrouded in a particle of doubt.

There is not on earth, with all the magnificent sea-works that exist, some of them over a century old, a single one embracing any one of the essential features of these submerged facade works in salt water, where there is no mud or silt-bearing stream. There is nothing to countenance such a system. I have seen it mentioned but once in the annals of high foreign authority, and then with ridicule. Having gone into this line of experiments, they have brought the work on the Mississippi River to-day to a point where, as I can show by turning to their reports and as I briefly outlined in my remarks the other day, and as I will show in my printed remarks, as promised, by clear citations of the text, they propose and practice a plan of work which is a complete and radical abandonment of the original plan for improving that great river, and their wretched experiments are attended only with failure. They forced an eminent civil engineer off the commission; and they have now a plan of operations sketched out to spend, as stated by the gentleman from Maine [Mr. REED], \$150,000,000. The calculation is a very plain one; and there is not in any of their work a guarantee that it will last twelve months.

This incubus of untrained engineers—
Mr. REED, of Maine. I am glad to hear the gentleman say that. I hope his statement will receive the attention of the House.

Mr. BRECKINRIDGE. Your statement is correct.
A MEMBER. In what?

Mr. BRECKINRIDGE. I will show you in what. They have put the cart before the horse, and brought it to a point where they propose to carry on a systematic course of revetment to prevent caving, instead of contracting, as a condition precedent, the shoal places in order to bring about uniformity of width, uniformity of depth, uniformity of velocity, thereby minimizing excessive depth and excessive velocity, the causes of the caving. And their calculations are, in round numbers, that the system will cost \$150,000 a mile, and there are nearly a thousand miles of the Mississippi River in this condition, and it has two sides to it, and one side is always caving in where the other is forming a bar: you have, I say, a thousand miles at \$150,000 a mile, making an aggregate of \$150,000,000; and yet they can not point us to any experiment in this departure from the original plan and from reason showing that it will stand twelve months after a single rise.

Therefore I have agreed with those who have urged that this incubus of mediocrity of untrained engineering talent in this line be taken off that river, or in some way subordinated, and it be put back to the original plan adopted by Congress which Captain Eads formulated, and which, clear in reason and sustained in practice, has never failed. That is in strict accordance with the safe, ascertained laws of hydraulics throughout the world, as indorsed by the most eminent hydraulic engineers, as both in harmony with science and common sense. In no place where it has been carried on has it been a failure, while in no locality where these experiments have been carried on have they been a success. They have brought that grand river and its improvements to the verge of collapse. We have got to that point at which this school of untrained men in this specialty, who in this and other important works have abandoned the beaten track in this regard, have shown, that in their wretched quarrels pique has been stronger than reason, and they have brought the public interest into this direful state of suffering.

That is the language of the gentleman from Arkansas [Mr. BRECKINRIDGE]. That is his opinion in regard to these experimental works. Now, who is to decide? Here is one gentleman of the committee urging that there is no experiment about it, urging that the works are a success, urging that all the improvement needed in certain places has been accomplished. Then, on the other hand, here is another member of the committee, a gentleman living in a State bordering upon the Mississippi River, who tells us that the operations of the commission have resulted in wretched failure. Whom are we to believe? And yet, with this evidence before the House, to say nothing of the reports of the commission themselves, these gentlemen are not willing that one of these experiments shall be tried to its conclusion before this vast expenditure is incurred. Why does the gentleman from Illinois [Mr. THOMAS] demand that along the whole course of this great river the efforts of the commission shall be spread out? Why not concentrate

them at some one point? If success attend the effort there, then all the House will be glad to join hands in voting appropriations to carry the whole work to a conclusion. But let us not go on in this way. There was an attempt made in the last Congress to limit this work to the two reaches. The opinion of many gentlemen was given—

[Here the hammer fell.]

Mr. BRECKINRIDGE. I yield to the gentleman from Illinois [Mr. THOMAS].

Mr. WILLIS. I appeal to the friends of the bill—

Mr. THOMAS. I take the floor simply to call attention to the fact—

Mr. WILLIS. We want to finish this bill this evening, and I appeal to the friends to let us vote.

Mr. THOMAS. I believe I have the floor.

The CHAIRMAN. The gentleman has the floor and will not be interrupted without his consent.

Mr. THOMAS. I take the floor simply for the purpose of saying that instead of there being a disagreement between "the doctors," as the gentleman ironically called the members of the Committee on Rivers and Harbors, there is no disagreement between the gentleman from Arkansas and myself. His remarks applied to other sections of the river than Plum Point reach and Providence reach. He has so stated time and again. I confined my remarks to the improvements which have been made at Plum Point reach, Providence reach, and another point on the upper Mississippi where the same plan has been pursued with similar success. As to other points on the river, I did not discuss the policy pursued at present by the Mississippi River Commission, but agreed that at many points they had made mistakes. Therefore it was that I urged the amendment providing that the work done on the Mississippi River should be confined to the original plan of the Mississippi River Commission, which was to remove the bars instead of revetting the banks.

Mr. HEPBURN. Do you not advocate in your minority report the building of the levees—

Mr. THOMAS. Yes, sir; I do.

Mr. HEPBURN. And everything that the extremists have insisted upon?

Mr. THOMAS. I advocate the building of the levees, if necessary to improve the low-water navigation; and if it reclaims as a consequence the 45,000 square miles of alluvial lands in the Mississippi Valley I shall not object on that account; for I am willing to take a double blessing, if it brings us free navigation of the Mississippi River and at the same time reclaims a section of country which has capacities for supporting an empire—the most magnificent stretch of country in the world. But primarily I am in favor of this improvement for the purpose of improving the navigation and benefiting the commerce of the Mississippi River.

Mr. REED, of Maine. If this was a success, why did you call in Captain Eads?

Mr. THOMAS. I did not call him in.

Mr. REED, of Maine. The committee did.

The CHAIRMAN. The question is upon the *pro forma* amendment of the gentleman from Iowa [Mr. HEPBURN]. Does he desire a vote on that proposition?

Mr. HEPBURN. I withdraw the *pro forma* amendment.

The question recurring on the amendment of Mr. WHITE, of Kentucky, there were—ayes 131, noes 64.

Mr. KING. Tellers.

Mr. BRECKINRIDGE. Oh no; we will take a vote in the House.

The CHAIRMAN. There need be no reservation for that purpose. Does the gentleman from Louisiana insist on tellers?

Mr. KING. I withdraw the demand, with the understanding that a separate vote be taken on this amendment in the House.

The CHAIRMAN. That can be had in the House without the necessity of any reservation. The amendment is agreed to.

Mr. HEPBURN. I have another amendment.

Mr. WILLIS. Now I hope my friend will let us pass this bill at once.

Mr. HEPBURN. I ask that my amendment be read by the Clerk. The Clerk read as follows:

Insert the following, preceding the amendment just adopted: "And the Secretary of War shall withhold such portion of the contract price as will pay all sums due for the labor performed on any improvement until it be satisfactorily shown that all laborers are fully paid."

Mr. WHITE, of Kentucky. There ought to be no objection to that. The question being taken, the amendment was agreed to, there being—ayes 126, noes 11.

MESSAGE FROM THE SENATE.

The committee rose informally; and Mr. BEACH, having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had agreed to the amendments of the House to the bill (S. 229) to authorize the Secretary of the Treasury to erect a public building in the city of Key West, Fla.

The message also announced that the Senate insisted on its amendments disagreed to by the House to the bill (H. R. 8030) making appropriation for the Agricultural Department for the fiscal year ending

June 30, 1886, and for other purposes, agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. HALE, Mr. PLUMB, and Mr. CALL.

RIVER AND HARBOR APPROPRIATION BILL.

The Committee of the Whole resumed its session.

The Clerk began the reading of section 5.

Mr. WHITE, of Kentucky. Section 4 has not yet been read.

The CHAIRMAN. The gentleman from Kentucky is mistaken. Section 4 was read and three amendments to it were adopted.

Mr. WHITE, of Kentucky. I sent my amendment to the Clerk's desk—

Mr. REAGAN. I protest against the rules being violated all the time. The reading of a new section had commenced—

The CHAIRMAN. The gentleman from Texas [Mr. REAGAN] will understand that the Clerk had possession of an amendment from the gentleman from Kentucky—

Mr. WHITE, of Kentucky. The identical amendment—

The CHAIRMAN. The Chair will state the matter. The gentleman from Kentucky placed in the hands of the Clerk an amendment—

Mr. REAGAN. He now places it in the hands of the Clerk.

The CHAIRMAN. He had done so before.

Mr. REAGAN. Where is it?

The CHAIRMAN. The Clerk has it in his hand.

Mr. THOMAS. I rise to a point of order. I submit that placing an amendment in the hands of the Clerk is not the offering of an amendment under the rules. The modified rule authorizing the sending of amendments to the Clerk's desk applied only to section 1. As to these other sections the ordinary rules apply. An amendment must be offered while the section to which it applies is before the committee. I submit that, this amendment not having been offered until the Clerk was proceeding to read the subsequent section, it comes too late.

The CHAIRMAN. The Chair is simply trying to arrive at the facts.

Mr. WHITE, of Kentucky. I desire to say I sent up an amendment when the fourth section was read, but the Clerk, mistaking, said that section had not been read, and I have been waiting to have it read so I may offer an amendment.

The CHAIRMAN. The fourth section was read long ago. The amendment of the gentleman from Indiana was offered and discussed, and there was finally an agreement about it, when it was withdrawn. The gentleman from Kentucky renewed it, when it was adopted. Other amendments were also added to the section. The Chair is informed the gentleman from Kentucky merely told the Clerk he had an amendment to offer at the right time.

Mr. WHITE, of Kentucky. I sent it to the desk.

The CHAIRMAN. The Chair sustains the point of order on the ground that the mere sending to the desk of amendments is not controlled by the prior order of the House as to section 1.

Mr. WHITE, of Kentucky. I offer it now as a new amendment.

Mr. WILLIS. I ask that section 5 be finished.

The Clerk read as follows:

SEC. 5. That a board, to be called the United States harbor board, is hereby temporarily created, to consist of seven members, to be appointed by the President, by and with the advice and consent of the Senate. Two members of said board shall be appointed from the Engineer Corps of the Army, one from the Coast Survey, and four from civil life, all of which latter number shall be civil engineers, eminent in their profession; and the President shall designate one of said board to act as its president; and the Chief of Engineers is hereby recommended as one of the two members to be selected from the Engineer Corps, if consistent with the discharge of his present duties. It shall be the duty of the said board to visit all works now being constructed by the Government for the improvement of outlets to the sea by means of what is known as the jetty system, and it shall thoroughly examine into all such plans now being prosecuted at said works, and it shall report upon the same to the Secretary of War, which report shall be transmitted to Congress at its next regular meeting in December; and it shall embrace such remarks and recommendations relative to the correctness of the plans and methods by which said improvements are being prosecuted, together with such plans, modifications, and estimates for the proper improvement of said outlets and harbors, as said board may deem necessary to secure permanent and substantial relief to commerce.

Mr. HISCOCK. Has the section been read?

The CHAIRMAN. Only the first paragraph has been read.

Mr. WHITE, of Kentucky. I move to strike it out.

Mr. HISCOCK. Having reached this section, are we not proceeding under the general practice of considering the bill by paragraphs?

The CHAIRMAN. That is true.

Mr. HISCOCK. Very well; then I move to strike out that paragraph.

Mr. ANDERSON. I make the point of order on that paragraph.

Mr. WILLIS. This whole section relates to one single subject, and I suggest it be read, and then you can make amendments to it.

Mr. HISCOCK. It is understood points of order are reserved to each paragraph?

Mr. WILLIS. Certainly.

Mr. HISCOCK. And each paragraph can be considered after the section has been read through?

Mr. WILLIS. Certainly.

Mr. ANDERSON. I object.

Mr. BAYNE. Amendments are to be offered to each paragraph.

The CHAIRMAN. The whole section is to be read, and then amendments to each paragraph or any part of it, and all points of order to the whole section or any part of it will be in order. Is there objection?

Mr. WHITE, of Kentucky. I object. I find this section not only relates to the Mississippi River, but to Galveston Harbor.

Mr. HISCOCK. It is understood we can go back to any paragraph when we get through the section, and I hope the gentleman will withdraw his objection.

Mr. WHITE, of Kentucky. I ask the Chair to state what the understanding is.

The CHAIRMAN. It is that the whole section shall be read, and then all points of order or amendments which would be in order to either paragraph shall be in order to the whole section or to either paragraph.

There was no objection; and it was ordered accordingly.

The Clerk read the remaining part of the section, as follows:

The members of said board shall be paid at the rate of \$5,000 per annum, except that those members appointed from the permanent service of the Government shall receive no other salary or compensation than is now allowed by law; and the existence of this board shall expire at the end of one year from the date of its appointment and organization.

The Secretary of War is hereby authorized and instructed to detail an officer of the Engineer Corps of the Army to act as secretary of said board, upon being requested by it so to do, and likewise to extend to it all facilities in the way of maps, charts, instruments, books, reports, &c., that it may require and that may be at his disposal; and said board shall complete all necessary examinations, observations, and inquiries upon which to base plans for the proper and permanent improvement of said river and harbor outlets.

The sum of \$50,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, which shall be expended by said board under the direction and control of the Secretary of War.

Nothing in this act shall be construed to relate to the harbor at Galveston, in the State of Texas.

The CHAIRMAN. The Chair will hear gentlemen on the points of order.

Mr. WILLIS. I ask the gentleman to let me move an amendment to have three from civil life and three from the Army.

There was no objection, and it was ordered accordingly.

Mr. BRECKINRIDGE. I move to correct a misprint. That is, to strike out lines 47 and 48, which are in the bill by mistake.

There was no objection, and it was ordered accordingly.

Mr. HOLMAN. There is also pending, I understand, a motion to strike out the paragraph?

The CHAIRMAN. There is.

Mr. HOLMAN. While that amendment is pending I move to strike out all after the word "members," in the third line, down to the word "provision," in the eighth line.

Mr. HISCOCK. I desire to be heard a moment on the point of order.

The CHAIRMAN. No point of order has yet been made.

Mr. HISCOCK. I understood one to be made by the gentleman from Kansas [Mr. ANDERSON].

Mr. WHITE, of Kentucky. I move to strike out the first paragraph.

The CHAIRMAN. The Chair will state the situation. Several gentlemen said they wished to make points of order upon the section. Then the agreement was entered into, but no gentleman has stated a point of order.

Mr. DUNN. But points of order were reserved.

Mr. HISCOCK. Yes, sir; distinctly reserved.

The CHAIRMAN. The Chair knows that fact, and desires now if anybody has a point of order that it may be stated.

Mr. HISCOCK. I will make the point of order, then, that the Committee on Rivers and Harbors have no jurisdiction of this legislation.

Mr. WILLIS. I ask if the point of order can now be made? Had we not passed to the consideration of the section?

The CHAIRMAN. The Chair hardly thinks so. By unanimous consent lines 47 and 48 were stricken out, not by way of amendment, but because they had been improperly printed in the bill. The Chair will hear the gentleman from New York on the point of order.

Mr. HISCOCK. I desire to call the attention of the Chair to paragraph 8 of Rule XI:

To the improvement of rivers and harbors: to the Committee on Rivers and Harbors.

Now, sir, I suppose that means such appropriations as are to be expended according to and under the ordinary machinery of the Government. If it does not mean that what does it mean?

Mr. DUNN. If the gentleman will read the first part of the rule he will see what it means.

Mr. HISCOCK. But here we have formulated a code of laws, permanent legislation, looking to the creation of a new board, and all that sort of thing, by this provision of the bill.

Hence it seems to me to be clear that legislation upon those subjects is not contemplated by this rule, and is subject to the point of order.

The CHAIRMAN. The Chair will hear from any gentleman who thinks that this is proper on the bill.

Mr. WILLIS. We submit to the Chair without discussion.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HOLMAN. That point of order extends, I presume, to line 46?

The CHAIRMAN. It strikes out all of section 5.

Mr. WHITE, of Kentucky. I now offer the amendment which I have tried twice before to offer.

The Clerk read as follows:

That it shall be the duty of the Secretary of War to give a detailed statement of how much money has heretofore during each of the fiscal years been expended by the Government for the repair or construction of any levees on the Mississippi River, either directly or indirectly, from the head of the passes to the mouth of the Ohio River.

Mr. WILLIS. I make the point of order on that amendment, and ask a ruling of the Chair upon it.

Mr. WHITE, of Kentucky. I desire to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. WHITE, of Kentucky. Mr. Chairman, on the point of order I wish to say that already in section 3 and in section 4 of this bill I have found places where I think the amendment would have been proper, and where I tried to offer it. It is the same amendment, with a verbal change, that I tried to offer at section 3 and also section 4 of the bill.

In the third section, in line 7, you will see that it is the duty of the Secretary of War to give a detailed statement of the work done, which is very general in its terms. He shall also report the contracts made, the expenditure incurred, &c. Now, my amendment, if I could have offered it there, would have made it requisite for him to furnish a detailed statement of how much money was expended for levees. I could show by reports that a reference is made to the money expended for levees, but no detailed statements are furnished, it being connected with other matters. This amendment, therefore, proposes that he shall show just how much has been spent or may be expended on the levees in future.

Again, in the fourth section I could have offered the same amendment, and I am sure no point of order could have been sustained against it. It is in the same spirit that the third section is placed in the bill that I offer this. The reason I offer it as an additional section is because I failed to get the floor to offer it as a verbal amendment to these paragraphs. I think it is in order. If the third or fourth sections of the bill are in order, this is undoubtedly so.

The CHAIRMAN. The proposed amendment has no relation to the expenditure of money for the improvement of the rivers and harbors, but simply seeks information as to what has been expended in past years. It is out of order.

Mr. WHITE, of Kentucky. Not only past years, Mr. Chairman, but what may be expended under the application of this bill in the future.

The CHAIRMAN. The further seeking for information is out of order on this bill. The Clerk will read.

The Clerk read as follows:

SEC. 6. That the proviso contained in section 4 of the act of July 5, 1884, in regard to the improvement of the Yadkin River, North Carolina, and the acquiring of the right of way, &c., is hereby repealed.

SEC. 7. That whenever the Secretary of War shall have good reason to believe that any railroad or other bridge now or hereafter to be constructed over any of the navigable waters of the United States, under authority of the United States or of any State or Territory, is an obstruction to the free navigation of such waters, by reason of insufficient height, width of span, or otherwise, or of difficulty in passing the draw-opening or the raft-span of said bridge by rafts, steamboats, or other water craft, it shall be the duty of the said Secretary, on the presentation to him of a complaint, under oath, by any citizen of the United States, in such form as he may prescribe, to report the case to the United States district attorney for the district in which said bridge or other obstruction is situated; and it shall be the duty of said district attorney immediately to require the party responsible for such obstruction, or his agent, to remove it within a reasonable time, and in the event of the continuance of said obstruction to institute proceedings at once, by information or complaint, in the United States district or circuit court for such district, for the condemnation of such bridge or other obstruction to navigation, jurisdiction in the premises being hereby expressly given to such United States district or circuit courts; and if said court shall find and adjudge said bridge to be an obstruction, said judgment shall be certified at once to the Secretary of War, who shall, without delay, order the same to be altered or rebuilt of sufficient height and to have sufficient width of span so as not to obstruct free navigation, with such aids to the passage of said draw-opening, or of said raft-span, or of both, to be constructed, placed, and maintained, at the cost and expense of the owner of such bridge or other obstruction, in the form of booms, dikes, piers, or other suitable and proper structures for the guiding of said rafts, steamboats, and other water craft safely through said opening or span, or both said opening or span, as shall be specified in his order in that behalf; and on completion of said work he shall refer the matter without delay to the Attorney-General of the United States, whose duty it shall be to institute a suit for indemnity in the name of the United States, in any circuit or district court of the United States in which such bridge, or any part thereof, is located, against the party in default, who shall be liable for double the damages and costs recovered therein, for the recovery of the cost thereof; and all moneys accruing from such proceedings shall be covered into the Treasury of the United States: *Provided*, That such sum of money as may be necessary to execute the provisions of this act is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to be paid on the requisition of the Secretary of War: *Provided further*, That no greater sum than \$15,000 shall be required to be expended upon any one bridge in a single year.

Mr. KEAN. I desire to make a point of order on this section 7. My point of order is that the Committee on Rivers and Harbors have no jurisdiction of this subject. It is a subject that has been already referred to the Committee on Commerce, and the Committee on Commerce have reported a bill in the same terms as this section, which bill is on the Calendar. I therefore make the further point of order that this is the substance of a pending bill.

Mr. WOODWARD. I wish to make one remark on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. WOODWARD. The bill to which the gentleman from New Jersey [Mr. KEAN] has alluded was referred to the Committee on Commerce at the last session of Congress and was reported to this House by that committee favorably. But subsequently, when the river and harbor bill went to the Senate, the Senate placed that bill, or the substance of that bill, which had previously been passed by that body, on the river and harbor bill as an amendment, and it is now section 8 of the river and harbor bill of last session. The gentleman from New Jersey is mistaken in referring to the bill as being now on one of the Calendars of this House. It was enacted into law as section 8 of the river and harbor bill at the last session. This is a modification of that section as now proposed by the Committee on Rivers and Harbors.

Mr. O'NEILL, of Pennsylvania. There can be no doubt that this section is not in order, and that it should be ruled out on the point of order made by the gentleman from New Jersey.

Mr. HISCOCK. I would like to inquire of some gentleman who knows all about it—

The CHAIRMAN. The gentleman from Pennsylvania [Mr. O'NEILL] holds the floor. The gentleman from New York can make his inquiry after the gentleman from Pennsylvania shall have yielded the floor.

Mr. O'NEILL, of Pennsylvania. The jurisdiction over the subject embraced in this section belongs to the Committee on Commerce, and always has belonged to it.

The CHAIRMAN. Will the gentleman from Pennsylvania allow the Chair to ask him a question?

Mr. O'NEILL, of Pennsylvania. Yes, sir.

The CHAIRMAN. The jurisdiction of the Committee on Commerce, as stated in clause 7 of Rule XI, applies—

To commerce, life-saving service, and light-houses, other than appropriations for life-saving service and light-houses.

Is the subject embraced in this section included in that jurisdiction?

Mr. O'NEILL, of Pennsylvania. Whatever may be included in the language which the Chair has just read, I beg to state that legislation with regard to bridges has always been referred during this session to the Committee on Commerce; and it was the same during last session. And that committee has reported one bill and has other bills before it now in which the very same provisions as are embraced in this section are included—almost word for word.

Mr. KEAN. I hold in my hand a bill which is the substance of the pending section. It is almost identical in language.

The CHAIRMAN. The rule is that no bill or resolution shall be amended by incorporating therewith the substance of any other bill or resolution pending. But this is not an amendment; it is a part of the bill.

Mr. STONE. I wish to say a word on the point of order. I submit that the fact that the Committee on Commerce has jurisdiction of this same subject is in no sense decisive of the point of order; inasmuch as there are very many matters under the jurisdiction of two committees. And I submit that if it be competent for the Committee on Rivers and Harbors to deal with rivers and harbors, it is competent for them to deal with legislation which provides for the proper administration of rivers and harbors.

Mr. GIBSON. If you look at the first line of the rule which has been referred to you will find it says:

All proposed legislation shall be referred to the committee named in the preceding rule as follows.

Then it says:

Subjects relating—

And then follows in clause 8 the words:

To the improvement of rivers and harbors: to the Committee on Rivers and Harbors.

Now I submit if this is legislation relative to the improvement of the navigation of rivers or the navigation of harbors either by increasing their depth or by removing any obstruction, it is referable under the rule to the Committee on Rivers and Harbors.

The CHAIRMAN. The Chair is ready to rule. The Chair thinks it would be in order for the committee to report in a river and harbor bill a provision for cutting down an overhanging tree or to remove any structure over a river which was navigable. And it appears to the Chair this simply provides a legal means of getting rid of the bridge which is a permanent obstruction to navigation. The point of order is overruled.

Mr. O'NEILL, of Pennsylvania. Will the Chair permit me to say this: That there is involved here a question of law, and the Judiciary Committee ought to have charge of this legislation. It is not a question of the navigation or the improvement of rivers.

The CHAIRMAN. The Chair has ruled upon the question.

Mr. DUNHAM. I move to strike out the section.

Mr. WASHBURN. I desire to call the attention of the committee to the fact that in the last river and harbor bill there was placed section 8, which as I supposed carried precisely the same idea as this section 7 of the present bill. But I find on examination that it is entirely different, and the application of what is here proposed would, I am satisfied, be very disastrous to certain sections of the country. I can not see that there is any necessity for any legislation on this sub-

ject. If there be none, this section 8 will remain permanent law, and that is precisely as it should be.

The question being taken on Mr. DUNHAM's motion to strike out the section, it was agreed to—ayes 104, noes 38.

Mr. HOLMAN. I desire to offer an independent section to come in at this point.

The Clerk read the proposed section, as follows:

The money which shall be appropriated by this act for the improvement of the Mississippi River below the mouth of the Ohio River shall be expended under the direction of the Secretary of War and in accordance with plans approved by him.

Mr. REAGAN. I make the point that that is not in order. It changes existing law and does not retrench expenditures.

The CHAIRMAN. This is not a general appropriation bill, as was shown by the opinion of the present Speaker of the House, quoted in the decision delivered the other day; which opinion was pronounced after an argument by the gentleman from Texas [Mr. REAGAN] and Mr. Robtson, of New Jersey, urging that view.

Mr. HOLMAN. It seems to me of the highest importance, Mr. Chairman, that these large sums of money should be expended under the control of a responsible Department of the Government. This board is not responsible in any proper sense of the word. It is a body that is not responsible to any Department of the Government; and I repeat, that where we are expending these vast sums in my judgment the expenditure ought to be made in such a manner that some regular Department of the Government should be responsible for both the expenditure and for the work. I think one of the principal objections, perhaps the leading objection, to the system of expenditure adopted of late years is that nobody has been responsible.

Mr. WHITE, of Kentucky. Is not that the main proposition that strengthens the bill? [Laughter.]

Mr. HOLMAN. All I desire is that some regular Department of the Government shall be responsible for the expenditure of this money. It is anomalous and without precedent in your Government, the creation of these irresponsible boards and giving them control of these vast sums of money; and I assure gentlemen who are interested in the improvement of the navigation of the Mississippi River—and I am sure that no one can be more interested in it than the district I represent—that they will strengthen this measure if they will consent to place this work under the supervision of a responsible head. I trust gentlemen will bear in mind that the Mississippi River is not being improved for any particular locality. I think my own constituency is as much interested in that work as any district bordering upon the great river.

Vast interests on the Ohio are involved in this improvement. All I ask of you is that when you determine to spend these great sums upon the work of improvement you shall have some Department of the Government that you can hold responsible; and I defy you, gentlemen, to point out any body of men more competent to take charge of this work and administer it wisely, prudently, economically, and safely for the Government, or capable of securing more of the public confidence than your Corps of Engineers, a body of men whose integrity and capacity, as I have had occasion to say once before upon this floor, no gentleman has ever called in question. That is all I desire to say. [Cries of "Vote!" "Vote!"]

Mr. BLANCHARD, Mr. HUNT, and Mr. KING addressed the Chair. The CHAIRMAN. The gentleman from Louisiana [Mr. BLANCHARD], upon the Committee on Rivers and Harbors, is recognized. The Chair will recognize other gentlemen later.

Mr. BLANCHARD. Mr. Chairman, I desire to say a word in reply to the remarks of the gentleman from Indiana [Mr. HOLMAN]. I call the House to witness that the proposition which he has submitted virtually repeals the act of Congress creating the Mississippi River Commission. That act was passed after years of arduous effort and labor on the part of the friends of the river. It was passed some seven years ago; and under it a commission was organized consisting of three members of the Engineer Corps of the Army, one member of the Geodetic Survey, two civil engineers, and one civilian not an engineer. They have had in charge the improvement of the river since their organization. They have adopted and matured a systematic plan for its improvement, and for years they have been engaged in the prosecution of that work. Now this commission has charge of the improvement of the river, not merely from the mouth of the Ohio River to the Gulf, but, by an amendment adopted a few days ago, from the mouth of the Illinois River to the Gulf. In the bill of last year their jurisdiction extended as high up as the Des Moines Rapids, the commission having nothing to do with handling the money appropriated by Congress for the improvement of the river. That is in the hands of the Secretary of War. The disbursements are made under the direction of that functionary. The duties of the commission are confined to preparing the plans for the improvement of the river and prosecuting the work.

This amendment of the gentleman from Indiana [Mr. HOLMAN] provides that from the mouth of the Ohio to the Gulf the river shall be improved under the direction of the Secretary of the War—that is to say, pursuant to plans to be approved by him—thus striking down the commission so far as that reach of the river is concerned, but leaving the commission entirely unfettered as to that portion of the river be-

tween the mouth of the Illinois and the mouth of the Ohio. That shows the consistency of the gentleman from Indiana. He would leave this commission with all its machinery and all its annual expenses in existence to prosecute the work on one reach of the river, to wit, between the mouth of the Illinois and the mouth of the Ohio, but he would handicap it, emasculate it, so far as the reach from the mouth of the Ohio to the Gulf is concerned. That is what his amendment proposes. I do not think that this House is prepared to adopt any such amendment, even though it be offered by the gentleman from Indiana [Mr. HOLMAN]. [Cries of "Vote!" "Vote!"]

Mr. HUNT. Mr. Chairman, I move to amend the amendment by striking out the last word.

Mr. KING. Mr. Chairman—

The CHAIRMAN. The Chair stated to the gentleman from Louisiana [Mr. KING] a while ago that if he had a motion to make the Chair would hear him next, and he now has the floor.

Mr. KING. Mr. Chairman, the proposition of the gentleman from Indiana [Mr. HOLMAN] is to undo all of this great work which Congress has performed in the last seven years. For fifty years the Mississippi River was in charge of the Engineer Corps of the Army. At the first session of the Forty-sixth Congress a law was passed creating a commission to devise a plan for the improvement of that great river—not to levee it, not to carry out or serve any particular interest, not for the purpose of protecting private property or anything of that kind, but to improve the navigation of the Mississippi River. That commission was appointed by the President of the United States. Its appointment was advocated on this floor with matchless eloquence by Garfield and by the other great lights of that Congress; and it is left for the gentleman from Indiana [Mr. HOLMAN] to come in at this late hour and propose the annihilation of this commission.

I hear the charge on all sides that the work of this commission is a failure. I state here on my responsibility as a member of this House that these allegations are not true. The work of that commission has been a success. It is shown by their reports that not 10 per cent. of their works have failed. I call the attention of the House to a report made by a committee of the Senate, sent down that river to examine this work. The report is signed by Senator LOGAN, of Illinois, and it recommends that every dollar asked for by the commission be granted by Congress. While it says it is not competent to judge of the plan so far, yet it adds:

In view, however, of the good work already done by them (the commission) and the manifest results achieved and the reasonable hope of further benefits to the general navigation, commerce, and trade to be derived, it is recommended that the sum, &c.

Then the report goes on to recommend that the whole sum asked by the commission be appropriated. If you follow the lead of the gentleman from Indiana [Mr. HOLMAN] you will not only destroy the commission, but you will set back this great work a century.

Mr. WILLIS. I hope now we shall have a vote.

Mr. HISCOCK. I desire to offer an amendment to the proposition of the gentleman from Indiana [Mr. HOLMAN], to strike out the words "below the mouth of the Ohio River."

Mr. HOLMAN. I accept that.

Mr. HISCOCK. I desire to say, Mr. Chairman, that I am in favor of placing the responsibility of the expenditure of this money somewhere. Whenever a commission is created by law to do a particular work, there is a want of responsibility. This Mississippi River Commission is without any responsibility.

Mr. WILLIS. Under the existing law creating the Mississippi River Commission the money appropriated is expended under the direction of the Secretary of War.

Mr. HISCOCK. But I like this amendment much better. I say to my friends on the other side, if you joined in the creation of one of these commissions because the Republican party was in power, a Democratic administration is now about to come in; you will have the Secretary of War; and you should let these improvements be matters for which an administration shall be responsible. Then, in my judgment, the people will be satisfied with the expenditure of the money. You can not afford to deny to your own administration power over this question; you can not afford to take from it responsibility upon this question. When an estimate or a report comes in here in reference to a work of this kind the President of the United States or the Secretary of War should be responsible for it.

I congratulate the gentleman from Indiana that he has taken this step in the direction of fixing upon a branch of the Government chosen by the people the responsibility for the expenditures of these large sums of money.

Mr. KING. I wish to ask the gentleman— [Cries of "Vote!" "Vote!"]

Mr. HISCOCK. I understand that my amendment has been accepted by the gentleman from Indiana, and his proposition modified accordingly.

Mr. KING. If the gentleman from New York [Mr. HISCOCK] will yield for a question—

Mr. HISCOCK. Certainly.

Mr. KING. I want to ask him if he is not aware of the fact that

the law now places the expenditure of every dollar of these appropriations under the Secretary of War?

Mr. HISCOCK. Then why object to this proposition?

[Here the hammer fell.]

Mr. HUNT. Mr. Chairman, the consistency of the gentleman from Indiana [Mr. HOLMAN] and of the gentleman from New York [Mr. HISCOCK] is well exhibited in the condition of the bill now under consideration and as sought to be further amended by them. It was first of all urged upon the Committee of the Whole that nothing was so desirable to be tried as a business-like experiment upon the two great reaches of the river known as Plum Point and Providence reaches; and the first amendment of the gentleman from Indiana was introduced accordingly into the bill confining experiments upon those two reaches.

But no sooner had the gentlemen and those acting with them succeeded in fixing the experiments only upon the reaches of the river referred to, than the sole means by which the consistent scientific work now going on upon those reaches can be proceeded with correctly is sought to be taken away. This, then, is what the friendship of the gentlemen to the bill amounts to. They wish in good faith, as is protested, to confine all work and experiments to the two reaches; but they have no sooner succeeded in arresting the operations elsewhere and in settling them upon the reaches than they would proceed to remove the skilled professional direction and control under which the improvements ought to be, and have hitherto been, conducted!

So much for that point. "But," says the gentleman from Iowa [Mr. HEPBURN] who has taken such a stalwart part against the Mississippi in the debate upon this measure, "I defy anybody to show this improvement has resulted in any success or passed beyond the experimental stage." How dares the gentleman to defy the truth?

Let me read from the report of the Mississippi River Commission:

The marked improvement of low-water depth where works are being carried on, alluded to in the last year's report, was again exemplified at the recent low water. Wherever the contraction works had been even approximately completed, the depths were nearly double those found on the unimproved portions of the river in their vicinity. It seems as if this fact should settle all doubts as to the possibility of so improving the navigation of the river by the methods adopted by the commission as to meet any reasonable requirement. The minor difficulties incident to the inception of any new work are fast disappearing as experience is acquired, and all that now seems necessary to make the work successful is that funds shall be supplied liberally and promptly.

Here then, I say, is the best evidence to show that contraction works are fully and decidedly successful wherever they have gone forward.

Now, Mr. Chairman, allow me one word in conclusion to show gentlemen the necessity of prosecuting work beyond these two reaches. The evidence is already before you that it has been successful in the reaches. Now both above and below Plum Point reach lie unimproved parts of the river, and to make real progress in this great national undertaking that which is at present unimproved ought to be added as speedily as practicable to the improved. Let me read further from the report of the Mississippi River Commission:

During the low-water season of 1883 not more than six feet of water was found through the New Madrid and Memphis reaches, which lie, respectively, above and below that of Plum Point. The case this year was but little better. It would seem, therefore, advisable to extend the work to these reaches as soon as possible, as such a course would open to an improved navigation about two hundred and fifty miles of river from Cairo down, or about one-fourth of the distance to New Orleans, and nearly one-half the total distance which requires extensive improvement. That such a result would be of great value to navigation can not be doubted. The commission have prepared plans for beginning work on these reaches and will take them in hand as soon as the funds placed at their disposal will justify such action.

[Here the hammer fell.]

Mr. WILLIS. I ask for a vote. [Cries of "Vote!"]

Mr. REED, of Maine. I desire to strike out the last word.

The CHAIRMAN. Does the gentleman from Louisiana withdraw his formal amendment?

Mr. HUNT. I do.

Mr. REED, of Maine. Mr. Chairman, I desire to reply not so much to the words of the gentleman from Louisiana [Mr. HUNT] as to the idea which he has expressed to this House. The House has taken one step in the right direction, that of limiting this improvement to this experimental stage and not spreading it all over the river. There is one other step the House ought to take, and that is the one suggested by the gentleman from Indiana [Mr. HOLMAN]. It is to put the responsibility upon the proper Department of the Government to carry out that experiment. The gentleman from Louisiana [Mr. HUNT] says that it is removing the "intelligent direction." How "dares he defy truth," and above all of the Committee on Rivers and Harbors? [Laughter.]

The Committee on Rivers and Harbors have divulged the facts about that "intelligent direction," and they told us it was necessary to enact an amendment to make that commission conform to the original plan. That is the intelligent direction that submits itself, and has to, to the Committee on Rivers and Harbors of this House.

Why, the gentleman from Arkansas [Mr. BRECKINRIDGE] has given us facts and figures enough to refute everything that can be said about intelligent direction on the part of this commission. They were throwing away, according to him, \$150,000,000.

And again, the whole system of having commissions to do this kind

of work is necessarily wrong, because a commission that comes in and admits its experiment is a failure admits itself out of a job.

Mr. BRECKINRIDGE. It does not do that at all.

Mr. REED, of Maine. And human nature is too weak and frail in a world as sinful as this yet is. [Laughter.]

Now, we ought to have this done by responsible officers of the Government, and if it turns out to be a failure I want an honest report to that effect. We want to know it, and we want to know it at the hands of unprejudiced men. This commission has been dallying with the business. The report of the Committee on Rivers and Harbors shows that. They felt it necessary to confine them to the original plan, from which it seems their "intelligent direction" had vibrated. Surely this House can not hesitate to go on with the good work to give us not only a good business proposition but also a wise supervision and sound responsibility. [Cries of "Vote!" "Vote!"]

Mr. WHITE, of Kentucky. I desire to call the attention— [Cries of "Vote!" "Vote!"] Mr. Chairman, I hope this will not come out of my time. [Laughter.] I desire to call the attention of the other gentleman from Louisiana [Mr. KING], who stated in reference to the appropriation of \$4,000,000 that they did not wish this money for the improvement of levees—that it was not for the improvement of levees—

Mr. KING. I say so emphatically, that this appropriation is asked for no other purpose than for the improvement of that river.

Mr. WHITE, of Kentucky. I do not wish this to come out of my time. I call attention of the committee to the fact that of the \$4,000,000 voted by the act of Congress in 1882 \$1,350,000 was expended for building levees. Here it is:

Without stopping to discuss the merits of this theory about which there is much conflict of opinion and no certainty of beneficial results, your committee do not believe that the advantages to navigation to be derived from the construction of levees will be at all commensurate with their enormous cost. The probable expense of a system of levees of sufficient strength to hold the flood-waters of the river within a channel, as is proposed by the commission, of 5,000 feet is variously estimated from \$50,000,000 to \$100,000,000; while many witnesses are not presumptuous enough to even venture upon an estimate of their ultimate expense. If the results sought to be reached could be attained by the repair only of existing levees, of course the cost would be very much below this estimate, but the plan of the commission contemplates, ultimately, the erection of a continuous line of levees conformable to, and substantially upon, the crest of the natural banks. The estimated cost of such works your committee submit is not extravagant.

It may be suggested, too, in this connection, as an additional reason why such new levee works should not be undertaken at present, that their permanency depends entirely upon the ability to hold the caving banks, and until it is demonstrated beyond all controversy that the banks can be held such work should not be entered upon. But further than this, it seems to your committee that before such an undertaking is entered upon, involving such an enormous expenditure, it should be made to appear beyond all controversy that such works are absolutely essential to the improvement of the low-water navigation. So far from this being established, there is not only great diversity of opinion among those who have made the improvement of the Mississippi a study, but even the members of the Mississippi River Commission do not agree upon this portion of the plan. General Comstock, president of the commission, testified before your committee as follows:

Q. Your view as to the building of levees on banks is, that it is not essential to mere low-water navigation of the river?

A. No, sir.

Q. You think they are of a great deal more service for protection of land than for the improvement of the channel for navigation?

A. Yes, sir.

Q. If you were the sole member of the commission would you have expended the money in that way?

A. No, sir.

No portion of the first appropriation of \$1,000,000 was used for the repair or construction of levees, but out of the four millions one hundred and twenty-three thousand appropriated August 2, 1882, for the improvement of the Mississippi, under the direction of the commission, \$1,550,000 were allotted for the construction and repair of levees, one million of which had been expended on the 1st of October, 1882. In the allotment by the commission out of the current appropriation for levee work a considerable sum was set apart for the rebuilding of levees below the mouth of the Red River.

Mr. KING. That may be so, but—

Mr. WHITE, of Kentucky. I do not yield.

Mr. KING. That may be so—

Mr. WHITE, of Kentucky. I decline to yield. Now, the gentleman will find this information in report 1985, Forty-seventh Congress, second session, pages viii and ix, Roman letters. [Laughter.]

Now, a word more. I want to call the attention of the committee to the original plan, the plan as it was adopted by Gillmore, by Suter, by Mitchell, by your immaculate James B. Eads, and by B. W. Harrod, your commission, as shown by Executive Document No. 58, second session Forty-sixth Congress:

A levee system aids and facilitates the postal service by protecting from injury and destruction by freshets and floods the various common roads and railways upon which that service is conducted to and from the river bank, and generally within that portion of the alluvial region subject to overflow.

I want to remind the gentleman from Louisiana that the work done at the Bonnet Carré crevasse was more for the benefit of the railroad which crosses the outlet at that point than for the improvement of the navigation of the Mississippi River; just as the improvement of the Potomac flats here at Washington is more for the benefit of the Virginia Midland Railroad than to prevent malaria in the District of Columbia.

In so far as this appropriation is for the Mississippi River, under that harbor commission without responsibility, which calls on the Secretary

of War to perform the duty of signing checks and giving them the money, but he has no responsibility devolving upon him as Secretary of War, I say it is simply a continuance of the same old plan by which already more than two millions of money that has been appropriated for the Mississippi River has gone for the improvement of the levees, and more than two millions of the amount appropriated for the river has gone to the repair of your fruitless works.

No, sir. I claim that we ought not to do anything in this bill for the Mississippi River until they can show at the Plum Point and Lake Providence reaches the grand success claimed, and not what has been shown by the argument of the gentleman from Arkansas is a mere experimental work that may lead to the expenditure, and the wasteful expenditure, of \$150,000,000.

The CHAIRMAN. Does the gentleman from Maine withdraw the *pro forma* amendment?

Mr. REED, of Maine. I do.

Mr. KING. I renew it. [Cries of "Vote!" "Vote!"]

Mr. WILLIS. Let us have a vote.

Mr. KING. I wish to respond for a moment to the gentleman from Kentucky—

Mr. WILLIS. I ask my friend from Louisiana not to occupy further time, but let us have a vote.

Mr. KING. I will respond to him, and will not be stopped. I do not wish the inference he makes to go unquestioned.

Mr. WILLIS. I appeal to the gentleman from Louisiana to let us have a vote.

Mr. KING. I want to call his attention to one fact. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The gentleman from Louisiana is entitled to the floor.

Mr. KING. I wish to say, and the gentleman from Kentucky knows it, that no one work of any character whatever has been put upon the Mississippi River by the commission except under the law creating that commission. That law strictly confines them to the improvement of the river. If it be by dikes, by spur-dams, by the protection of its banks, or by levees, all well and good. There is nothing in the law confining them to the protection of private property. On the contrary, it strictly forbids their doing so.

Mr. WHITE, of Kentucky. Mr. Chairman, I desire to call the attention of my friend from Louisiana— [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The committee will be in order. [Renewed cries of "Vote!"]

Mr. MILLER, of Pennsylvania. I hope we will have order. We are only losing time. Let the gentleman speak.

The CHAIRMAN. The gentleman from Pennsylvania is out of order. [Laughter.]

Mr. WHITE, of Kentucky. Mr. Chairman, I hope this will not come out of my time. I do not desire to speak unless we have order.

The CHAIRMAN. The Chair will not charge the time against the gentleman from Kentucky when he is so much interrupted that he can not be heard. After order is restored the gentleman will proceed.

Mr. WHITE, of Kentucky. In response to the gentleman from Louisiana who has just taken his seat, I desire to call his attention to page 19 of this same Executive Document No. 58, Forty-sixth Congress, second session, in which it says:

Works for contracting the channel and protecting the banks, \$776,000 for New Madrid reach.

For Plum Point reach, works for contracting the channel and protecting the banks, \$392,000; Memphis reach, works for contracting the channel and protecting the banks, \$282,000.

For Helena reach, works for contracting the channel and protecting the banks, \$613,000. For the Chocaw bend, works for contracting the channel and protecting the banks, \$464,000; and for Lake Providence reach, works for contracting the channel and protecting the banks, \$507,000.

And so on I could quote at length. Now the gentleman says that none of this is to be given for the levees. Is this protecting the banks or for the levees? I ask him the question. And I have shown already that of the \$4,000,000 appropriated for this river in 1882 \$1,350,000 went for the levees alone. I want to call his attention again to this report. On page ix, Roman letters, of the same report he will find this:

Your committee are satisfied, from the evidence, that the people along the banks of the Mississippi are chiefly and naturally interested in the building of levees not so much in the interest of navigation as to secure their lands from overflow, and thereby enhance their value. If the building of levees was essential to the improvement of navigation, the fact that they afforded protection to the riparian owners would be no reason for discontinuing them. On the contrary, such a result would be extremely gratifying. Your committee, however, do not believe that they are essential to the improvement of the low-water navigation of the Mississippi, and that their construction for such a purpose can not be justified. It may be further suggested that if the views of your committee are concurred in, and the work of channel improvement restricted to one or two reaches, a system of levees will hardly be necessary while this experimental work is being tested. Certainly the superstructure should not be constructed until the permanency of the foundation is established.

There is where the pork lies. There is where lie the backbone and ribs of this bill framed by this select committee to which the gentleman from Arkansas alluded. It is in your Mississippi River Commission, which has no responsibility but a limitless amount of cash at its fingers' ends to be spent for levees for the benefit of private property.

Do you not remember how it was when the appropriation for Algiers, just across the river from New Orleans, was about to be struck out? We then found that the vertebral column of this bill was about to be broken and the equanimity of the committee was only restored by keeping that in the bill. If you fail to put the Mississippi River Commission in this bill you will kill the bill. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. Does the gentleman from Louisiana withdraw the *pro forma* amendment?

Mr. KING. I do.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Indiana [Mr. HOLMAN].

The question being taken, there were—ayes 133, noes 57.

So the amendment was adopted.

Mr. BRECKINRIDGE. Mr. Chairman, I offer what I send to the desk to be inserted in the bill as a new section.

Mr. WILLIS. I hope the gentleman will not insist on offering that.

Mr. BRECKINRIDGE. I do. It is very important and very much urged.

The Clerk read as follows:

Insert as a new section the following:

"SEC. — That a board to be called the United States harbor board is hereby temporarily created, to consist of seven members, to be appointed by the President, by and with the advice and consent of the Senate. Three members of said board shall be appointed from the Engineer Corps of the Army, one from the Coast Survey, and three from civil life, all of which latter number shall be civil engineers, eminent in their profession. It shall be the duty of the said board to visit all works to be constructed by the Government for the improvement of outlets to the sea, as provided for in this bill, by means of what is known as the jetty system, and it shall thoroughly examine into all such plans to be prosecuted at said works, and it shall report upon the same to the Secretary of War, which report shall be transmitted to Congress at its next regular meeting in December; and it shall embrace such remarks and recommendations relative to the correctness of the plans and methods of said improvements prosecuted, together with estimates for the proper improvement of said outlets and harbors, as said board may deem necessary to secure permanent and substantial relief to commerce. The members of said board shall be paid at the rate of \$5,000 per annum, except that those members appointed from the permanent service of the Government shall receive no other salary or compensation than is now allowed by law; and the existence of this board shall expire at the end of one year from the date of its appointment and organization.

"The Secretary of War is hereby authorized and instructed to detail an officer of the Engineer Corps of the Army to act as secretary of said board, upon being requested by it so to do, and likewise to extend to it all facilities in the way of maps, charts, instruments, books, reports, and so forth, that it may require and that may be at his disposal; and said board shall complete all necessary examinations, observations, and inquiries upon which to base plans for the proper and permanent improvement of said river and harbor outlets.

"The sum of \$50,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, which shall be expended by said board under the direction and control of the Secretary of War."

Mr. HISCOCK. I make the point of order on that amendment.

Mr. WARNER, of Ohio. I desire to offer a substitute.

The CHAIRMAN. A substitute is not in order at this time, the point of order having been made on the amendment. The gentleman from New York will state the point of order.

Mr. HISCOCK. This is substantially the same provision which has been once ruled out of the bill.

Mr. CANNON. I rise to a privileged motion. I move that the committee do now rise.

Mr. WILLIS. I hope the gentleman from Illinois will not insist upon that. I think we can finish the bill in ten minutes. I ask the gentleman from Arkansas [Mr. BRECKINRIDGE] to withdraw his amendment.

Mr. BRECKINRIDGE. I do not withdraw it.

Mr. WILLIS. I hope the motion that the committee rise may be voted down.

The question being taken on Mr. CANNON's motion, there were—ayes 71, noes 117.

So the committee refused to rise.

Mr. BRECKINRIDGE addressed the Chair.

The CHAIRMAN. The gentleman from New York [Mr. HISCOCK] has the floor on the point of order.

Mr. BRECKINRIDGE. By request I withdraw the amendment, with the statement that I will introduce it again at the close of the last session.

Mr. HISCOCK. I object to the amendment being withdrawn.

Mr. GIBSON. Let the point of order be decided now.

The CHAIRMAN. The Chair is ready to rule on the point of order if no gentleman desires to be heard on it.

Mr. HISCOCK. I desire to say a word. This is substantially the same provision which has already been ruled upon. We have all the machinery now for the expenditure of this money. It is legislation as to which there should be no recommendation from this committee, and it is not germane to the bill. Further than that, this having once been ruled out of the bill, and the decision of the Chair in ruling it out not having been appealed from, I submit that the matter is disposed of.

The CHAIRMAN. There was very little argument upon the question of order made upon the section of the bill which was ruled out. The gentleman from New York [Mr. HISCOCK] was heard, but no gentlemen on the other side responded. The Chair, therefore, ruled on its own understanding of the point of order as presented by the gentleman from New York.

The point which attracted the attention of the Chair was this:

It shall be the duty of the said board to visit all works now being constructed by the Government * * * and it shall thoroughly examine into all such plans now being prosecuted at said works, &c.

The Chair did not see at the moment how money appropriated in this bill could apply to works being constructed under former bills, and therefore ruled as it did. The Chair understands the proposition now to be to create a board to dispose of the money to be appropriated by this bill and for the works named in the bill. The Chair thinks that is in order, and overrules the point of order.

Mr. BRECKINRIDGE. Now, one word. This board is now equally divided between civil engineers and military engineers, a point yielded by me at the solicitation of my friend from California [Mr. ROSECRANS], and entirely acceptable to him. One word more: This is one of the few propositions that met with the unanimous support of the River and Harbor Committee as being exceedingly necessary.

Mr. REED, of Maine. There are other objections to it besides that.

Mr. BAYNE. I objected to it, and insisted that if a board was to be created four of the members should be chosen from the Engineer Corps, and subsequently I proposed that three members should be chosen from that corps, but both propositions were voted down.

Mr. WARNER, of Ohio. That was the substance of my amendment.

Mr. BRECKINRIDGE. And the gentleman from Pennsylvania acquiesced in what we finally adopted and voted for it, although it went further than what is now proposed.

Mr. BAYNE. I dissent from the gentleman's statement.

Mr. BRECKINRIDGE. Well, we will not dispute about it.

Mr. HISCOCK. Mr. Chairman, we took a step in the right direction when we adopted the amendment of the gentleman from Indiana [Mr. HOLMAN] to place the responsibility for the expenditure of this money with the head of a Department. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Arkansas [Mr. BRECKINRIDGE].

The question was taken by a *risa voce* vote, and the Chair stated in his judgment the amendment was rejected.

Mr. BRECKINRIDGE. I ask for a division.

The CHAIRMAN. As many as are in favor of the amendment offered by the gentleman from Arkansas will rise and stand until counted. Pending the count,

Mr. BRECKINRIDGE. I withdraw that, and ask for a vote in the House.

Several members objected.

The CHAIRMAN. Objection being made, the demand can not be withdrawn.

The House divided; and there were ayes 57.

Mr. BRECKINRIDGE. No further count is demanded.

Mr. ANDERSON. I demand a further count.

The CHAIRMAN. The Chair understood the demand to be withdrawn.

Mr. ANDERSON. Well, go ahead.

So the amendment was not agreed to.

Mr. COOK. I offer an amendment which I send to the Clerk's desk to be read.

The Clerk read as follows:

Add as an additional section the following:

"That the money which shall be appropriated by this act for the improvement of the Missouri River shall be expended under the direction of the Secretary of War and in accordance with plans approved by him.

Mr. COOK. Mr. Chairman, this is in the same line as the amendment just adopted with reference to the Mississippi River. [Cries of "Vote!" "Vote!"]

Mr. PERKINS. Mr. Chairman, I make the point of order that we have passed the section to which that is germane or to which it applies.

The CHAIRMAN. This is offered as an independent section, and the point of order is overruled.

The question was taken on the adoption of the amendment; and on a division there were—ayes 115, noes 30.

Mr. MILLER, of Pennsylvania, and Mr. COSGROVE. No quorum.

The CHAIRMAN. The point of no quorum being made, the gentleman from Iowa, Mr. COOK, and the gentleman from Kentucky, Mr. WILLIS, will take their places as tellers.

Mr. ANDERSON. I move that the committee now rise.

Several MEMBERS. No, no!

Mr. COSGROVE. I withdraw the point as to no quorum voting.

Mr. MILLER, of Pennsylvania. I have not withdrawn it, and I do not intend to.

Mr. WILLIS. I appeal to the gentleman from Pennsylvania [Mr. MILLER] to withdraw the point.

Mr. MILLER, of Pennsylvania. It is now after 6 o'clock, and you can not finish this bill to-night.

Mr. WILLIS. I ask the gentleman to withdraw the point.

The CHAIRMAN. The question is on the motion of the gentleman from Kansas that the committee now rise.

Mr. HISCOCK. I wish to ask the gentleman from Kentucky [Mr. WILLIS] in charge of this bill a question: If you get the previous question upon the bill do you propose to call a vote to-night?

Mr. WILLIS. No, sir; not at all.

Several MEMBERS. Let us finish it.

The CHAIRMAN. Does the gentleman from Kansas [Mr. ANDERSON] insist upon a division?

Mr. ANDERSON. Yes, sir.

The House divided on the motion of Mr. ANDERSON; and there were—ayes 19, noes 141.

So the motion was not agreed to.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Iowa [Mr. COOK]. The tellers will take their places. Mr. MILLER, of Pennsylvania. If there is an understanding that no vote by yeas and nays is to be taken to-night I will withdraw the point; but I want a definite understanding.

Mr. WILLIS. I will say to the gentleman that my object is to have the previous question ordered this evening and then take an adjournment.

Mr. MILLER, of Pennsylvania. I withdraw the point.

Mr. ANDERSON renewed the point; but before the count was concluded withdrew it.

So the amendment of Mr. COOK was agreed to.

The Clerk read as follows:

SEC. 8. That the Secretary of War is hereby directed, at his discretion, to cause examinations or surveys, or both, and estimates of cost of improvements proper to be made at the following points, namely:

Harbor at Portland, Me.: To ascertain and report what further work, if any, is necessary in that locality.

Harbor at Camden, Me.

Big Rapids of Saint John's River, Maine.

Harbor at Wellsfleet, Mass.

Taunton River, Massachusetts.

Vineyard Haven, Mass.

North River, in Salem, between Essex and North Bridges, Mass.

Duck Island Harbor, with a view to a harbor of refuge, Connecticut.

Susquehanna River between Owego and Binghamton, N. Y.

Channel between Jamaica Bay and Rockaway Inlet, Queens County, New York.

Harbor at Waddington, N. Y.

Mouth of the Patuxent River, New York.

Pond River, Kentucky.

The Secretary of War is directed to report to the next Congress whether or not the Government dry-dock at the Louisville and Portland Canal, Kentucky, is adequate for the purposes of commerce, and what alterations, if any, are necessary, and the cost of making the same.

Farm Creek, Illinois, with a view to changing its course.

Little River, Louisiana.

Bayou Rouge, Louisiana.

Harbor at Sandusky, Ohio, with a view to a straight channel from the north end of Cedar Point to the east end of the existing channel in front of the city.

Punta Rasa Harbor, Florida.

Biddle Point, at Mackinac Harbor, Michigan, with a view to a breakwater.

Pigeon River, Michigan.

Kaskaskia River, Illinois, from New Athens to mouth.

Julias Creek, California, off San Francisco Bay. A survey is directed to be made regardless of the fact of existing obstruction by the construction and maintenance of a bridge across the channel of said creek by the Protrero and Bay View Railroad Company.

Harbor of San Luis Obispo, California.

Before the reading of the section was concluded the following proceedings took place:

Mr. BOUTELLE. I offer the following amendment:

After line 6 insert the following:

"Penobscot Bay, from Bangor Bridge to Bucksport Narrows, to ascertain and report what further work is necessary for the removal of obstructions to navigation."

Mr. WILLIS. There is no objection to that.

The amendment was agreed to.

Mr. PETTIBONE. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 44 of section 8 insert the following:

"Holston River, Tennessee, from Kingsport, Tenn., to its junction with the French Broad River."

Mr. WILLIS. There is no objection to that; but I suggest that the whole section be read before any of these amendments be offered.

The CHAIRMAN. The gentleman from Kentucky [Mr. WILLIS] suggests that before amendments be offered to this section the Clerk complete the reading.

There was no objection, and the reading of the section was concluded.

Many members addressed the Chair.

The CHAIRMAN. To avoid confusion the Chair will state that opportunity will be given to every gentleman desiring to offer an amendment; and as there seem to be very many the Chair will alternate, recognizing first a gentleman on the left and then one on the right.

The amendment of Mr. PETTIBONE, having been again read, was adopted.

Mr. HEPBURN. I move that the committee now rise.

The question being taken, there were—ayes 10, noes 130.

Mr. HEPBURN. No quorum has voted.

Mr. McMILLIN. No quorum is required on this vote.

The CHAIRMAN. No quorum is necessary on a motion that the committee rise. The motion is not agreed to.

Mr. OATES. I move to amend by inserting the clause which I send to the desk.

The Clerk read as follows:

The Secretary of War is hereby directed to cause a resurvey of the Choctaw-

hatchie River from the town of Geneva to Newton, Ala., with a view to low-water navigation on said river.

Mr. WILLIS. There is no objection to these surveys. The question being taken on agreeing to the amendment, there were—ayes 112, noes 8.

Mr. ANDERSON. No quorum. Tellers were ordered; and Mr. ANDERSON and Mr. WILLIS were appointed.

Mr. GIBSON. I suggest that by unanimous consent all these surveys asked for be added to the bill.

Mr. ANDERSON. I object. These propositions are the entering-wedges to this great system of distributing appropriations.

Mr. GIBSON. None of these surveys are made except with the approval and by the order of the Secretary of War. No appropriation is made for any of them. They will not cost a cent. They are "entering-wedges" to nothing in the world. I hope the gentleman from Kansas will not stand in the way of allowing members to secure that which their constituents ask. It facilitates the passage of the bill and hurts nobody. It enables us to bring the bill into such a position that in the morning we can take a vote on its passage and let other business go on.

Mr. ANDERSON. We all know that the initial step to an appropriation in a bill of this kind is a survey. We all know that gentlemen are anxious to have surveys made in their districts.

The CHAIRMAN. Gentleman will understand that this colloquy is proceeding by unanimous consent. Is there objection to the proposition of the gentleman from West Virginia [Mr. GIBSON]?

Mr. ANDERSON. I object. The committee again divided; and the tellers reported—ayes 152, noes 11.

So the amendment of Mr. OATES was adopted.

Mr. BAYNE. I ask unanimous consent that all amendments offered or to be offered by gentlemen to this section be printed in the RECORD and regarded as pending, and that the bill be considered as reported from the Committee of the Whole, with these amendments, for the action of the House.

The CHAIRMAN. The Chair will put the proposition of the gentleman from Pennsylvania to the committee. He asks unanimous consent that members having amendments simply suggesting surveys shall hand them to the Clerk, that they shall be printed in the RECORD, and considered as adopted and pending. Is there objection?

Mr. HISCOCK. Not to be considered as pending.

Mr. WARNER, of Ohio. We can not adopt amendments in that way or we will have a thousand streams to be surveyed.

The CHAIRMAN. The proposition is modified by withdrawing the word "adopted."

Mr. ANDERSON. I shall not object to that, on condition the committee rise and the House shall then adjourn. It is 7 o'clock now.

The CHAIRMAN. It is understood these amendments are to section 8 of the bill. Section 9 has not been read.

Mr. WILLIS. In one moment I think I can settle this whole difficulty. If gentlemen offering amendments will withdraw them from the desk and hand them to me the committee will examine them, and such as are found to be all right, and I have no doubt they all will be, before the previous question is ordered they can be moved to the bill in the House.

Mr. WARNER, of Ohio. I do not think we can afford to legislate in any such way.

Mr. WILLIS. There is a law covering this matter now. It is a mere matter of form. The law prescribes where a suggestion is made to the Secretary of War he shall have a preliminary examination made, those found to be worthy of improvement are reported to the House. It goes no further and costs no money.

Mr. WARNER, of Ohio. This House has no right to put such responsibilities on the Secretary of War. You can not make up these thousand and one surveys without it costing something. It may cost millions.

Mr. WILLIS. I ask my suggestion be adopted.

Mr. RANDALL. There is objection.

The CHAIRMAN. It can only be done by unanimous consent, and the remark of the gentleman from Ohio is in the nature of objection.

Mr. WILLIS. My proposition is that gentlemen shall not offer them, but hand them to me.

The CHAIRMAN. The trouble about the motion is that the gentleman from Ohio objects.

Mr. WILLIS. There are no amendments pending before this committee, and there will be none if gentlemen cease to offer them.

The CHAIRMAN. But the gentleman from Ohio objects to anything of the sort.

Mr. WILLIS. I am not asking unanimous consent, but that each member shall bring them to me and I will submit them to the committee, and those found all right will be moved in the House before the previous question is ordered. I only ask gentlemen to recognize the situation and bring their amendments to me and then let us pass on to the next section. I ask whether there is any question pending before the committee. [Cries of "Vote!"] If there is not, let the Clerk read the next section.

The CHAIRMAN. There are numerous amendments on the desk to

be submitted. [Cries of "Read them!"] The Chair stated that one should be read from the left and one from the right. There are a great many remaining to be read. [Cries of "Regular order!" "Withdraw them!" "Read them!" "Vote!"]

Mr. HEPBURN. I move the committee rise.

Mr. DUNN. I move an amendment that the committee rise and report the bill to the House.

The CHAIRMAN. That is not in order.

Mr. DUNN. Why?

The CHAIRMAN. The bill can not be reported to the House while amendments are pending to it. Besides that there is one section which has not yet been read.

Mr. BAYNE. I renew my proposition. [Cries of "Regular order!"]

The CHAIRMAN. The regular order is the motion of the gentleman from Iowa that the committee rise.

The committee divided; and there were—ayes 17, noes 118.

So the committee refused to rise.

The CHAIRMAN. The Clerk will report the next amendment, offered by the gentleman from Minnesota [Mr. WASHBURN].

The Clerk read as follows:

At the end of line 27 insert:

"The Secretary of War is hereby directed to cause an examination and survey of the Saint Mary's Falls Canal and locks, with a view to obtaining an estimate of the cost of enlarging the same, or of the construction of an additional canal and locks to meet the increasing demands of commerce, as shown in Executive Document 102, House of Representatives, Forty-eighth Congress, second session."

Mr. BLAND. I make the point of order that this is a canal and does not belong to this bill. It is not germane.

Mr. WASHBURN. This amendment is certainly in order. It is the amendment I offered to the main part of the bill, but at the request of the chairman of the committee postponed it until we got to this section.

Mr. WILLIS. I do not make the point of order upon it.

Mr. WASHBURN. I understand that.

Mr. WILLIS. The gentleman from Missouri makes the point of order. I understand this canal is really a river.

Mr. WASHBURN. It is simply a lock in the river—

The CHAIRMAN. Is it a connection between the two parts of the same river?

Mr. WASHBURN. Yes, sir.

Mr. BLAND. I withdraw the point of order.

The amendment was adopted.

The CHAIRMAN. The Clerk will report the next amendment, by Mr. GARRISON.

The Clerk read as follows:

Amend in line 28, page 48, by adding "Mattox Creek," a tributary of the Potomac, with a view to deepening its mouth.

The amendment was adopted.

The next amendment (by Mr. MILLIKEN) was read, as follows:

Harbor at Belfast, Me.: Gilkey's harbor, in west side, with a view to ascertaining what buoys should be placed in said harbor.

The amendment was adopted.

Mr. WHITE, of Kentucky. I move to amend, in line 22, by adding what I send to the desk.

The Clerk read as follows:

Add, after line 22, the words "Salt River."

Mr. WHITE, of Kentucky. Mr. Chairman, I find in line 22 that there is to be a survey of "Pond River," Kentucky. I have interviewed two or three members of Congress from my State before I could find out where Pond River was, and I thought I was pretty well versed in the geography of Kentucky. I find that it is a tributary of the Green or Barren River above the locks or dams, which are owned by a private corporation in that State.

Now, the national Democratic platform has this to say with reference to these internal improvements, and I beg to call the attention of gentlemen on the other side to it:

That the Federal Government should care for and improve the Mississippi River and the other great water ways of the Republic, so as to secure for the entire States easy and cheap transportation to tide water.

How are you going to get to tide water down this river over a lock and dam which has been placed under Democratic rule in Kentucky on that river, and is owned by a private corporation? You propose under this bill prepared in the secret chamber of this select committee—you propose to get a survey of a tributary of a river that is owned under the Democratic rule that afflicts Kentucky by a private corporation. That is worse than the appropriation for the improvement of the Suwannee or the Great Sunflower or the Great Pee Dee River. [Laughter.]

Mr. HATCH, of Missouri. May I ask the gentleman a question?

Mr. WHITE, of Kentucky. Yes, sir.

Mr. HATCH, of Missouri. Do I understand the gentleman from Kentucky to say that he does not know where Pond River is?

Mr. WHITE, of Kentucky. I told the gentleman precisely what I knew, and he must not occupy my time. I decline to be interrupted.

Mr. HATCH, of Missouri. I suggest to the gentleman from Kentucky that life is too short to go into an investigation of what the gentleman does not know. [Laughter.]

Mr. WHITE, of Kentucky. I hope this will not come out of my time. [Laughter.] I want to remind the Democratic party of the

fact that they have an elephant on their hands in the form of internal improvements. I want the country to understand just how much that party believes in internal improvements. If you can get the Mississippi River as a backbone—if you can get the Missouri River and the levee system as the ribs to build your structure upon, with about two hundred millions of dollars at the disposal of your commission which is responsible to nobody, then you are willing to give a few catfish streams an appropriation and to cause a survey of Pond River. I want the country to understand that there is a discrimination in this select committee that is as unfair, that is as unjust and unmanly as only a Democratic House could be guilty of.

The CHAIRMAN. The question is, Shall Salt River be improved for the use of the Republican party? [Laughter.]

The amendment was adopted. [Applause and laughter.]

The next amendment (by Mr. DINGLEY) was read, as follows:

Amend section 8 by adding: Kennebec River at Bath, Me.

Mr. WHITE, of Kentucky. I move to strike out the last word of the amendment just read.

Now, the reason I wanted Salt River improved was for the benefit of the Democratic party four years from now. [Derisive laughter on the Democratic side.] It is not navigable for ships or boats of any size, but it will be navigable for the Democratic party, which I hope will go up that river four years from now.

Mr. McMILLIN. We supposed the gentleman from Kentucky desired to improve that river for his own benefit.

The amendment offered by Mr. DINGLEY was adopted.

The CHAIRMAN. The Clerk will report the next amendment.

Mr. HEPBURN. I move that the committee do now rise.

The question was taken.

The CHAIRMAN. The "noes" have it. The motion is not agreed to. The Clerk will report the next amendment.

The Clerk commenced to read the next amendment.

Mr. HEPBURN. I call for a division.

The CHAIRMAN. The Chair announced the result of the vote without any call being made for a division.

Mr. HEPBURN. I called for a division, I think, within five seconds of the announcement of the vote.

Mr. McMILLIN. The Clerk began to read before the gentleman from Iowa demanded a division.

Mr. REED, of Maine. This should not be a question of speed.

The CHAIRMAN. If the gentleman from Iowa states that he intended to call for a division the division will be had.

Mr. HEPBURN. I made the demand as quickly as I could.

The committee divided; and there were—ayes 14, noes 107.

So the motion was not agreed to.

The Clerk read the next amendment (offered by Mr. McMILLIN), as follows:

Add at the end of line 4, section 8, as follows:

"Obad's River, Tennessee: Between the upper works heretofore done by the Government and the mouth of the West Fork of said river."

The CHAIRMAN. If there be no objection this amendment will be considered as adopted.

Mr. HEPBURN. I object.

The CHAIRMAN. The question is on the adoption of the amendment.

The committee divided; and there were—ayes 88, noes 11.

Mr. HEPBURN. No quorum.

The CHAIRMAN. A quorum not having voted, the Chair appoints as tellers the gentleman from Iowa, Mr. HEPBURN, and the gentleman from Tennessee, Mr. McMILLIN.

Before the result of the vote by tellers was announced Mr. McMILLIN (one of the tellers) said: The gentleman appointed with me as teller is satisfied that a quorum favors the proposition. He withdraws the point as to a quorum.

So (further count not being called for) the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read the following amendment (offered by Mr. BELFORD):

Add to the pending section the following:

"That \$250,000 is hereby appropriated to sink ten experimental artesian wells on the plains, five of which shall be east and five west of the Rocky Mountains, to be expended under the supervision of the Commissioner of Agriculture."

Mr. BROWNE, of Indiana. I make the point of order on that amendment.

The CHAIRMAN. The point of order is sustained.

Mr. BELFORD. I move to strike out the last word. I think we are legislating about water here, and I therefore supposed my amendment would have been considered germane. You gentlemen of the Democratic party have seventy-eight majority in the House of Representatives, and yet you can not get a quorum without the help of the Republican members. How do you expect to govern the country in the next four years when you can not control this House?

There is not one dollar in that bill that comes to my State. Ninety per cent. of all the appropriations made by the Congress of the United States since this Government was organized has gone to the benefit of New York and New England.

Mr. WELLER. That is so.

Mr. BELFORD. I refer to my distinguished friend from Michigan

[Mr. HORN], who made a like statement in his speech, that 90 per cent. of the appropriations made by Congress had gone to New York and New England.

Year after year my State passes into the Treasury of this Government hundreds of thousands of dollars. From two post-offices—one at Denver and one at Leadville—we pay more than is paid by the whole State of Florida, more than is paid by the State of West Virginia, and half as much as is paid by the State of Georgia. If you desire to controvert my statement look at the report of the Postmaster-General. I say that when Colorado comes forward and asks you to appropriate a small sum of money to reclaim the vast public domain that this nation owns, and which is to be the home of millions of people in the future, you will not vote her a dollar, and yet you expect us to stand by and help you.

[Here the hammer fell.]

The Clerk resumed and completed the reading of the bill.

Mr. WILLIS. I move that the committee do now rise and report the bill back with the amendments.

Mr. BROWN, of Pennsylvania. I ask to have my amendment voted upon.

Mr. WILLIS. I have got it here. It will be admitted under the call for the previous question.

The motion was agreed to.

The committee accordingly rose; and Mr. WELLBORN having taken the chair as Speaker *pro tempore*, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, had directed him to report the same back to the House with sundry amendments.

Mr. WILLIS. Before demanding the previous question I desire to say there are several amendments that I ask permission to offer. There is one in regard to New York which I will ask the Clerk to read.

Mr. HAMMOND. I will ask the gentleman from Kentucky if all the amendments may not be considered as pending and let them all be printed in the RECORD, as they will not be voted on till to-morrow, and then let the previous question be considered as pending?

Mr. WILLIS. I agree to that suggestion.

The SPEAKER *pro tempore*. Is there objection to the proposition of the gentleman from Kentucky [Mr. WILLIS] that these amendments may now be offered; that they shall be printed in the RECORD of to-morrow, and that they shall be considered as pending under the operation of the previous question, if the House shall order it? [After a pause.] The Chair hears no objection.

The amendments are as follows:

End of section 8, amend after line —, after the word "city":

"Provided, That in each of the appropriations made under the provisions of this bill the Government of the United States shall not be deemed or in any case hold liable or responsible to any individual or corporation in expending the money appropriated and in carrying on the improvements named for or on account of the laches or negligence of any contractor or employé performing service or labor under and by authority of the Government of the United States."

By Mr. DAVIS, of Massachusetts:

Survey harbor of refuge at Falmouth, Mass.

By Mr. DAVIDSON:

Between lines 34 and 35, in section 8, page 48, insert:

"Survey Caloosahatchee River from its mouth up to Fort Thompson, Florida.

"Survey channel between the mainland and coast islands, extending from Little Clearwater Pass to John's Pass, Florida.

"Survey Anclote River, Florida."

By Mr. DUNHAM:

After line 28 insert: "Survey Calumet River from the Forks to Blue Island."

By Mr. HATCH, of Michigan:

At the end of line 37, in section 8, insert: "Survey the west channel of the Saginaw River, opposite West Bay City, Michigan."

By Mr. HENLEY:

At the end of section 8, amend by adding the following: "Survey Crescent City Harbor, California, with a view to its improvement, by filling in or building a wall from Battery Point to wharf rock."

Mr. HEWITT, of New York, offers the following amendment, to come in at the close of the bill:

For removing the debris resulting from the explosion of Flood Rock, at Hell Gate, \$100,000.

By Mr. JONES, of Texas:

Amend on page 48 as follows: After line 30 add "Sabine River, Texas and Louisiana."

By Mr. LORE:

Amend bill by adding after line 985: "Improving harbor at Wilmington, Delaware, \$25,000, which shall include the \$15,000 hereinbefore in this bill named for that purpose."

By Mr. LOWRY:

Survey for a water way from Lake Erie, at Toledo, by the Maumee Valley, to Fort Wayne, and thence up the Saint Joseph's River to Steuben County, and connecting with the Big Saint Joseph's at the most desirable point, and thence down the big Saint Joseph's to Lake Michigan by way of Bristol, Elkhart, and South Bend.

By Mr. MILLER, of Texas:

At the end of line 36 insert: "For survey of the Colorado River, in Texas. For survey of the Guadalupe River, in Texas."

By Mr. OATE:

Add to section 2: "Provided, That the same shall in no wise commit the Government of the United States to purchase or improve any of such locks and dams or other improvements."

By Mr. OCHILTREE:

Survey: "From Galveston, via Saint Louis Bay and Canal, to the Brazos River."

By Mr. O'NEILL, of Missouri:

At end of section 8: "The Secretary of War is directed to report to the next Congress an estimate of the probable cost of completing the work between the Illinois and Ohio Rivers on the Mississippi River and what subdivisions of work are necessary to complete said work within five years."

By Mr. POLAND:

Insert at end of section 8: "Swanton Harbor, Vermont, with a view to determine whether the present breakwater is properly located, and what may be necessary for the proper improvement and protection of said harbor."

By Mr. PRICE:

Amend by adding at the end of section 8: "And the Secretary of War is hereby directed to detail an officer of the Engineer Corps of the Army to make such surveys and examinations as will ascertain the causes of the extraordinary overflows of the Chippewa River in and below the city of Eau Claire, in the State of Wisconsin, in the years 1880 and 1881, and report the most practical means of preventing a recurrence of such overflows."

By Mr. SKINNER, of North Carolina:

Insert at the end of section 8:

"Survey of Great Pee Dee River from the South Carolina line to the Narrows North Carolina.

"Survey of Alligator River, North Carolina.

"Survey of Wysocking Harbor, North Carolina.

"Survey of Eaglehead Harbor, North Carolina."

By Mr. SMALLS:

Insert in line 44, after "California: "

"Survey of Mosquito Creek, between the South Edisto and Ashepoo Rivers, and as to connecting Ashepoo and South Edisto Rivers at or near Fenwick's Island, South Carolina."

By Mr. SNYDER:

Insert after line 37:

"Survey of Gauley River, West Virginia."

By Mr. TILLMAN:

Little Salkehatchie River, South Carolina, from its mouth to Carter's Ford.

By Mr. WELLER:

Add to section 1, at the end of line 985, the following words:

"Sec. 2. That each particular appropriation in section 1 of this act contained or mentioned shall be paid, as nearly as may be, only in the following moneys and currency of the United States of America; and the same and no part thereof shall be paid in any representative of the currency or moneys in said sections mentioned, namely: One-third part of each particular sum of the aforesaid appropriation shall be paid only in standard silver dollars, one-third part in silver certificates, and one-third part in Treasury notes, and each sum of said appropriations shall be at the expense of the Government in said moneys and currency as herein mentioned actually transferred to and disbursed at the locality where the appropriation is to be expended."

By Mr. WILKINS:

After line 33:

"Survey the Muskingum River, Ohio, between Marietta and Dresden, with a view to the transfer of the improvements thereon to the United States."

By Mr. —:

Insert after line 44 of section 8 (page 49):

"Survey Vancouver Harbor, Washington Territory."

Mr. MURPHY. Mr. Speaker, I desire to make a motion in relation to this bill.

The SPEAKER *pro tempore*. Under all usage the Chair recognizes the gentleman in charge of the bill. The question is on the motion of the gentleman from Kentucky [Mr. WILLIS].

Mr. WILLIS. I understood that unanimous consent had been granted, and that the previous question had been ordered on the bill and the amendments.

The SPEAKER *pro tempore*. The Chair did not so understand.

Mr. WILLIS. Then I now move the previous question on the bill and all amendments, including those just sent to the desk, which are to be printed under unanimous consent.

Mr. HEPBURN. Mr. Speaker, I move to recommit the bill with instructions.

The SPEAKER *pro tempore*. That motion is not in order now. The question is on the motion of the gentleman from Kentucky [Mr. WILLIS] that the previous question be ordered on the bill and the pending amendments.

Mr. GIBSON. On all amendments?

The SPEAKER *pro tempore*. Yes: "pending amendments" includes all amendments.

Mr. MURPHY. Mr. Speaker, I rise to a parliamentary inquiry.

The PRESIDENT *pro tempore*. The gentleman will state it.

Mr. MURPHY. I wish to make a motion to recommit this bill to the Committee on Rivers and Harbors with instructions to report in favor of the Hennepin Canal.

The SPEAKER *pro tempore*. That is not in order at this time, and will not be until the previous question shall have been ordered on the passage of the bill.

Mr. MURPHY. I understand, then, that I can make the motion hereafter.

The SPEAKER *pro tempore*. There is a time when that motion can be made, but not now.

The question was taken on the motion of Mr. WILLIS to order the previous question on the bill and the pending amendments.

The motion was agreed to.

Mr. WILLIS moved to reconsider the vote by which the previous question was ordered; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. HENDERSON, of Illinois. Mr. Speaker, I wish to say that I shall demand a separate vote on each amendment.

Mr. WILLIS. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 7 o'clock and 40 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAGLEY: Petition of the New York State Cider and Cider Vinegar Makers' Association, asking the repeal of the so-called vaporizing law of March, 1879—to the Committee on Ways and Means.

By Mr. BRAINERD: Petition of citizens of Pennsylvania, relating to the Mormon question—to the Committee on the Judiciary.

By Mr. ERMENROUT: Petition of Barber Match Company, of Akron, Ohio, and others, praying for relief upon law imposing stamp-tax on manufacturers of friction matches, which went into effect September 1, 1864—to the Committee on Appropriations.

By Mr. FINDLAY: Memorial of owners of private dies, &c.—to the same committee.

By Mr. FORAN: Petition of O. L. Olds and 50 others, citizens of Cleveland, Ohio, praying that laws be immediately passed by Congress to prevent the spread and evils of Mormonism—to the Committee on the Judiciary.

By Mr. GUENTHER: Memorial of the Legislature of the State of Wisconsin, in favor of placing General U. S. Grant upon the retired-list of the Army—to the Committee on Military Affairs.

By Mr. HART: Petition of J. C. Leggett and 30 others, citizens of Brown County, Ohio, praying for the suppression of polygamy—to the Committee on the Judiciary.

By Mr. HOPKINS: Memorial of owners of private dies, asking for indemnity—to the Committee on Appropriations.

By Mr. B. W. JONES: Memorial of the Legislature of Wisconsin, in favor of placing General U. S. Grant on the retired-list—to the Committee on Military Affairs.

Also, memorial of match manufacturers, for the payment of certain claims—to the Committee on Appropriations.

By Mr. MCCOMAS: Petition of Solomon S. Lumm and of William H. Knode, both of Washington County, Maryland, for compensation for property taken and used by the Union Army during the late war—severally—to the Committee on War Claims.

By Mr. PRICE: Petition of Mrs. R. C. Jones and 38 others, of Black River Falls, Wis., praying for the suppression of Mormonism—to the Committee on the Judiciary.

Also, memorial of board of supervisors of the town of New Richmond, Saint Croix County, Wisconsin, for a law prohibiting railroads from charging more for a short than a long haul—to the Committee on Commerce.

By Mr. STEPHENSON: Memorial of the Legislature of the State of Wisconsin, memorializing the Congress of the United States to place General U. S. Grant upon the retired-list of the Army—to the Committee on Military Affairs.

By Mr. STORM: Memorial of the Board of Trade of the city of Erie, Pa., for the purchase of the Lake Superior Ship Canal and Portage Lake and River Improvement Company's Canal by the United States—to the Committee on Rivers and Harbors.

By Mr. E. B. TAYLOR: Petition of citizens of Cleveland, Ohio, on the Mormon question—to the Committee on the Judiciary.

By Mr. J. M. TAYLOR: Petition of Isaac M. Hudson, administrator of James Love, asking a reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. MILO WHITE: Concurrent resolution of the Legislature of the State of Minnesota, urging the purchase by the Government of the Portage Lake and Lake Superior Ship Canal and other works—to the Committee on Rivers and Harbors.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. F. B. BREWER: Of citizens of Frewsburg, of Nashville, and of Limestone, N. Y.

By Mr. CLAY: Of citizens of Christian and Hopkins Counties, Ky.

By Mr. EATON: Of John Watson and others, citizens of Hartford; of Stephen Raper and others, of New Britain; of Willard Griffin and others, of West Grandy; of D. H. Parsons and others, of Stafford Springs, and of David R. Hubbard and others, of Southington, Conn.

By Mr. HOUK: Of citizens of Allensville, of Dumplin, and Flat Gap, Tenn.

By Mr. LACEY: Of Hiram N. Robinson and 63 others, of Battle Creek, Mich.

SENATE.

WEDNESDAY, February 25, 1885.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

NAMING A PRESIDING OFFICER.

Mr. ALLISON called the Senate to order, and the Chief Clerk read the following letter:

To the Senate:

Pursuant to the rules, I hereby name and designate Hon. WILLIAM B. ALLISON, a Senator from the State of Iowa, to perform the duties of the Chair in my absence this day, 25th February.

GEO. F. EDMUNDS,
President pro tempore.

WASHINGTON, D. C.

Mr. ALLISON thereupon took the chair as presiding officer.

THE JOURNAL.

The Journal of yesterday's proceedings was read and approved.

DISTRICT TAXES AND EXPENDITURES.

The PRESIDING OFFICER (Mr. ALLISON in the chair) laid before the Senate the following communication from the commissioners of the District of Columbia, by J. B. Edmonds, president; which was read, and referred to the Committee on the District of Columbia:

OFFICE OF THE COMMISSIONERS DISTRICT OF COLUMBIA,
Washington, February 24, 1885.

SIR: The commissioners of the District of Columbia have the honor to acknowledge the receipt this morning of a resolution passed in the Senate of the United States on the 20th instant, by which they are directed "to immediately inform the Senate of the causes that have prevented them from complying with the resolution of the Senate, adopted on the 24th of June, 1881, relating to the taxes collected from 1875 to 1884, and to receipts and disbursements on account of the water department, or water fund, for each year from 1875 to 1884."

In reply the commissioners have to state that they have made every reasonable effort to comply with the onerous task imposed upon them by the resolution passed June 24, 1884, but it has been impossible with the regular office force to make such subdivision of collections and expenditures as was called for, because the records have never been classified with reference to the arbitrary sectional divisions named in the resolution. The law does not require nor can such a system be followed without keeping a separate set of books and records for each section at some considerable increased annual expenditure. It should also be observed that within the period covered by the resolution there have been two different forms of government for the District; some offices have been abolished, and the duties and responsibilities relating to others modified, and corresponding changes in the system of records made. In a word, the only reason why the commissioners have not as yet replied to the resolution in question is that the force at their disposal has not been able, in addition to their regular duties, to pick from the records the special information called for and which could not be obtained therefrom directly.

A vast amount of work has been done toward compiling the information called for, and the results will be tabulated so as to present at least a partial report to the Senate at its present session.

Very respectfully,

J. B. EDMONDS, President.

HON. GEORGE F. EDMUNDS,
President pro tempore United States Senate.

INDIANS ON UMATILLA RESERVATION.

The PRESIDING OFFICER. The Chair lays before the Senate the amendments of the House of Representatives to the bill (S. 66) providing for allotment of lands in severalty to the Indians residing upon the Umatilla reservation, in the State of Oregon, and granting patents therefor, and for other purposes.

Mr. DAWES. All the amendments of the House are verbal except one; and in that I wish to have the Senate concur with an amendment.

The PRESIDING OFFICER. The Chief Clerk will report the amendments of the House of Representatives.

The CHIEF CLERK. Page 2, line 16, after the word "approved," insert "by the Secretary of the Interior."

Page 3, line 4, after the word "reservation," insert the words "hereafter provided for them."

Page 3, line 24, after the word "money," strike out the words "or in other improvements upon his allotment as shall be determined by the Department."

Page 5, line 17, strike out all after the word "purchase" to and including line 20.

Page 5, line 29, after the word "established," insert:

Provided further, That the water right across a portion of said reservation through the town of Pendleton, granted by the Interior Department July 7, 1870, on the application of George A. La Dow, Lot Livermore, and other citizens of Pendleton, for manufacturing, irrigating, and other purposes, be confirmed and continued to W. S. Byers & Co., their successors.

The PRESIDING OFFICER. Does the Senator from Massachusetts recommend concurrence in all the formal amendments?

Mr. DAWES. I wish to have the Senate concur in all the amendments except one, to which I shall offer a slight amendment, and then I shall ask the Senate to concur in that. That will make an end of the bill.

The PRESIDING OFFICER. The question is on concurring in all the amendments except the additional proviso to be added to section 2 of the bill.

Mr. DAWES. Before that motion is put I should like to have read what is proposed to be stricken out.

The PRESIDING OFFICER. The matter proposed to be stricken out by the House of Representatives will be read.

The CHIEF CLERK. Page 5, line 17, strike out all after the word "purchase" down to and including the word "thereof," in line 20, as follows:

Provided further, That after three years from the date when such lands shall be declared open for settlement and subject to sale, the lands which shall remain unsold may be purchased, without settlement, at the appraised value thereof.

Mr. DAWES. I move a concurrence in all the amendments but the one in relation to the water right.

The PRESIDING OFFICER. Does the Senator move a concurrence in the amendment just read?

Mr. DAWES. Yes, sir.

The PRESIDING OFFICER. The Senator from Massachusetts moves a concurrence in all the amendments of the House except the one indicated by him. Is there objection? The Chair hears none, and the amendments are concurred in.

Mr. DAWES. I move a concurrence in the last amendment with the amendment which I send to the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts moves a concurrence in the remaining amendment of the House of Representatives with an amendment. The question will be first upon the amendment proposed by the Senator from Massachusetts; which will be reported.

The CHIEF CLERK. It is proposed to add the following proviso:

Provided, That this act shall in no way impair or affect any existing right to a reasonable use of the water of said stream for agricultural purposes, nor shall confirm or grant any right to use the water thereof in any manner, nor to any extent, beyond or different from that to which it is now appropriated.

Mr. HARRIS. I suggest that the Chief Clerk read the amendment of the House of Representatives as it will be when amended.

The PRESIDING OFFICER. That will be done.

The CHIEF CLERK. Page 5, line 29, after the word "established," insert:

Provided further, That the water right across a portion of said reservation through the town of Pendleton, granted by the Interior Department July 7, 1870, on the application of George A. La Dow, Lot Livermore, and other citizens of Pendleton, for manufacturing, irrigating, and other purposes, be confirmed and continued to W. S. Byers & Co., their successors: Provided, That this act shall in no way impair or affect any existing right to a reasonable use of the water of said stream for agricultural purposes, nor shall confirm or grant any right to use the water thereof in any manner, nor to any extent, beyond or different from that to which it is now appropriated.

Mr. DAWES. I move to add the additional proviso. The object of it is to preserve any reasonable use of that stream for agricultural purposes, and also to prevent an absolute appropriation of it by these parties, confining them to the use they now have.

Mr. HARRISON. I wish to suggest to the chairman of the Committee on Indian Affairs that the language he uses, the word "now," would speak from the time of the passage of the bill, and whether it would not be better to make it relate to future time.

Mr. DAWES. It was my intention to have it relate to the future. I suppose the condition of things will not alter between now and the passage of the bill.

Mr. HARRISON. There is a possibility that it might.

Mr. DAWES. I do not think it will. If there is danger of that of course I would not object to a modification. I do not apprehend that it is possible to do that.

Mr. MORRILL. To put in "heretofore" instead of "now" would be just as well.

Mr. DAWES. I will adopt the suggestion of the Senator from Vermont, and modify my amendment by striking out the words "is now" and inserting "has been heretofore;" so as to read:

In any manner nor to any extent beyond or different from that to which it has been heretofore appropriated.

I will explain this to the Senate, if there is any desire to have an explanation.

Mr. MORRILL and others. It is all right.

The PRESIDING OFFICER. The question is on the adoption of the amendment proposed by the Senator from Massachusetts to the amendment of the House of Representatives.

The amendment to the amendment was agreed to.

The amendment as amended was concurred in.

ORDER OF BUSINESS.

Mr. BLAIR. I ask unanimous consent to move that the Senate concur in an amendment made by the House of Representatives to the bill (S. 2009) granting a pension to Isabella Turner. It is simply for the purpose of preventing collection under the bill of any arrears. The bill as passed by the Senate covered about two years of arrears, and the amendment takes that off.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent at this time to call up the bill indicated by him.

Mr. SAULSBURY. Is the morning business concluded?

The PRESIDING OFFICER. Morning business is not concluded.

Mr. BLAIR. By this course the Senate can concur in an amendment that will save money.

The PRESIDING OFFICER. Is there objection?

Mr. HARRIS. I think we had better get through with the morning business and take up that bill immediately after.

Mr. LAPHAM. I ask leave at this time to make a privileged report.

The PRESIDING OFFICER. Reports are not yet in order.

Mr. LAPHAM. It is a privileged report. I submit the report of the committee of conference on the disagreeing votes of the two Houses on House bill 3108.

The PRESIDING OFFICER. The Chair understands that the bill to which the report refers is not before the Senate. The Senator will withhold the report until the original bill is brought in.

Mr. LAPHAM. It is a conference report on the disagreeing votes of the two Houses.

The PRESIDING OFFICER. But the bill and papers must be in the possession of the Senate. They are not on the Secretary's table.

PETITIONS AND MEMORIALS.

Mr. ALDRICH presented the petition of Anthony Bauer, of Washington, D. C., praying compensation for damages to his property by reason of public improvements in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the petition of Hannah Cottrell, widow of Jesse Cottrell, late private Capt. Hazard Knowles's Company of Rhode Island Militia, in the war of 1812, praying allowance of service pension under the act of March 9, 1878; which was referred to the Committee on Pensions.

Mr. MILLER, of New York. I present a petition of residents of New Jersey praying the passage of the bill authorizing the construction of bridges across Staten Island Sound. As the bill is on the Calendar, I move that the petition lie on the table.

The motion was agreed to.

Mr. MILLER, of New York, presented a memorial of citizens of New York, remonstrating against the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. PENDLETON presented petitions of six publishing-houses of Ohio, praying for a reduction of postage on second-class mail matter, and that all papers shall be sent at the same rate of postage; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. MORGAN. I present the petition of Thomas Folkes and others, laborers on the session-roll of the Senate, praying that there be paid to each of them out of the contingent fund of the Senate the sum of \$41.10, in payment for labor done in November, 1884, for which they have received no pay, accompanied by a proposed amendment to the deficiency appropriation bill, and I desire to call the attention of the Committee to Audit and Control the Contingent Expenses of the Senate to it, to which committee I move its reference.

The motion was agreed to.

Mr. CONGER presented resolutions of the Produce Exchange of Toledo, Ohio, in favor of the bill providing for the purchase by the Government of the two canals across Keweenaw Point, Lake Superior, State of Michigan; which were referred to the Committee on Commerce.

Mr. BAYARD presented the petition of George W. Morrison, William Herbert, and other citizens of New Castle, Del., praying an increase of appropriation to improve the harbor of that place; which was referred to the Committee on Commerce.

Mr. PLUMB presented a resolution of the Legislature of Kansas, in favor of the passage of the Mexican pension bill; which was referred to the Committee on Pensions.

He also presented a petition of citizens of Lawrence, Kans., praying an appropriation for the construction of a wagon-road from Caldwell, Kans., to Wichita Falls, Tex.; which was referred to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Mr. MORRILL. I am directed by the Committee on Public Buildings and Grounds to report favorably the bill (H. R. 48) providing for the erection of a building to contain the records of the library and museum of the Medical Department, United States Army.

I desire to say that if the committee had deemed it necessary to amend the bill they would have amended it by specifically providing for the location of the site, which as they believe should be at the corner of B street and Seventh street southwest, for the reason that the regents of the Smithsonian Institution have a title to the land round about the Smithsonian to the extent of thirty acres; and unquestionably within a very short time, probably less than half a dozen years, the museum there now will have to be doubled in order to contain even the amount of articles that are ready to go into it at the present time. I have conferred with two members of the commission, and I find that they would be both in favor of the location on the site mentioned by me—that is, on the corner of B and Seventh streets southwest. Therefore we do not make any amendment. As the bill is very short, I will ask to have it read for the purpose of asking its present consideration.

The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent that the bill reported by him from the Committee on Public Buildings and Grounds be now considered.

Mr. INGALLS. Is the morning business through?

The PRESIDENT *pro tempore*. It is not.

Mr. INGALLS. I ask for the regular order.

The PRESIDENT *pro tempore*. The regular order is called for. The bill will be placed on the Calendar.

Mr. SAULSBURY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 6407) to regulate the letting of mail contracts, reported it with amendments.

Mr. JACKSON, from the Committee on Claims, to whom was referred the bill (H. R. 4686) for the relief of Fendall Carpenter, reported it without amendment, and submitted a report thereon.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MILLER, of California. I am instructed by the Committee on Foreign Relations to report an amendment to the sundry civil bill for an appropriation to carry out the treaty between the United States and Mexico for the establishment of a boundary. I move that it be referred, with the accompanying papers, to the Committee on Appropriations, and printed.

The motion was agreed to.

Mr. MILLER, of California, from the Committee on Foreign Relations, reported an amendment intended to be proposed to the sundry civil appropriation bill; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MCPHERSON. Without previous notice I offer an amendment to the naval appropriation bill, an important one, providing for the increase of the Navy, which I desire to have printed at once and referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The Senator from New Jersey presents an amendment intended to be proposed to the naval appropriation bill. It will be printed and referred to the Committee on Appropriations.

Mr. LAPHAM submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GORMAN submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

THE WASHINGTON MONUMENT.

Mr. SHERMAN. I am directed by the commission organized under a joint resolution approved May 13, 1884, in relation to ceremonies to be authorized for the completion of the Washington Monument, to submit a brief report, accompanied by the various proceedings and ceremonies provided for under that joint resolution. I ask that the report be printed.

The PRESIDENT *pro tempore*. The Senator from Ohio, from the special committee appointed on the subject of the Washington Monument ceremonies, submits a report, with the accompanying papers. The report will be printed.

Mr. SHERMAN. In this connection I report from the same commission a concurrent resolution in regard to printing the report; which I ask to have acted on now.

The PRESIDENT *pro tempore*. The resolution will be read.

The resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring). That 10,000 extra copies of the report and proceedings of the commission to provide suitable ceremonies for the dedication of the Washington Monument, together with the engraved card attached thereto, be printed in memorial form under the direction of the Joint Committee on Printing; 3,000 copies for the use of the Senate; 6,000 copies for the use of the House of Representatives; 500 copies for distribution by Lieut. Gen. P. H. Sheridan, United States Army, to the civil and military organizations which participated in the procession; 400 copies for the Washington National Monument Association for distribution among its members, and 100 copies for Col. Thomas L. Casey, engineer, for distribution among the mechanics and workmen employed in the erection of the monument.

The PRESIDENT *pro tempore*. The Senator from Ohio asks unanimous consent that the resolution be now considered. Is there objection? The Chair hears none.

Mr. SHERMAN. I have no objection to a reference of the resolution to the Committee on Printing if it is desired. I do not know whether any Senator desires a reference. It may as well be acted upon, as it is so late in the session.

Mr. HAWLEY. I should like to confer with the Senator about the numbers in one or two cases. If he will agree to a formal reference of the resolution, it will be reported very promptly.

Mr. SHERMAN. I have no objection to a reference if the Senator desires it.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee on Printing.

Mr. SHERMAN, from the joint commission on the dedication of the Washington Monument, reported the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring). That the thanks of Congress are hereby tendered to Col. Thomas Lincoln Casey, Corps of Engineers, United States Army, and to his assistants, and to the workmen, for the admirable manner in which he and they have performed their respective duties in the completion of the monument to the name and fame of George Washington.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its

Clerk, announced that the House had passed a bill (H. R. 2949) for the erection of a public building at Port Townsend, Wash.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. 2084) to amend chapter 464 of the acts of the first session of the Forty-seventh Congress, entitled "An act to provide for a public building at the city of Fort Wayne, in the State of Indiana;"

A bill (S. 2327) for the relief of James Bedell, sr.; and

A bill (S. 2375) to authorize the increase of the capital stock of the Commercial National Bank of Chicago.

ARMY APPROPRIATION BILL.

Mr. ALLISON submitted the following report; which was read:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3120) "making appropriations for the support of the Army for the fiscal year ending June 30, 1896, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9, 11, and 12.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 10, 14, 15, 17, 18, 19, 20, 21, and 22, and agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "And employed as train-masters, and in opening roads, and building wharves;" and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$675,000;" and the Senate agree to the same.

Amendment numbered 23: On amendment numbered 23 the committee are unable to agree.

W. B. ALLISON,
P. R. PLUMB,
M. W. RANSOM,
Managers on the part of the Senate.
W. H. FORNEY,
R. W. TOWNSHEND,
J. WARREN KEIFER,
Managers on the part of the House.

Mr. ALLISON. As will be seen from the reading of the report, the conferees have agreed upon all the differences between the two Houses except on amendment numbered 23. That is the last amendment in the bill, found on the sixteenth page of the printed bill, and relates to a change of existing law respecting the methods of trial by courts-martial. The House conferees insisted upon retaining that provision and the Senate conferees were not willing to accede to their request, it being important legislation in no way affecting appropriations for the Army.

Mr. INGALLS. General legislation?

Mr. ALLISON. General legislation.

Mr. INGALLS. I should like to hear the amendment upon which the committees disagree read.

The PRESIDENT *pro tempore*. It will be read.

Mr. ALLISON. It is the last amendment in the bill, section 2.

The CHIEF CLERK. Amendment No. 23 is to strike out section 2, in the following words:

(23) Sec. 2. That article 94 of section 1342 of the Revised Statutes of the United States be, and the same is hereby, repealed, and amended so as to read as follows:

"Article 94. Proceedings of trials shall be carried on during such hours as the court-martial shall determine."

Mr. INGALLS. Can the Senator from Iowa inform us how that changes the existing regulation on that subject?

Mr. ALLISON. I can.

Mr. INGALLS. I should like to hear it.

Mr. ALLISON. Article 94 of the articles of war provides that courts-martial shall be conducted between the hours of 8 in the morning and 3 in the afternoon. This section proposes to leave those hours wholly to the court-martial itself, and the conferees on the part of the Senate are opposed to the provision, believing it is an unwise one.

Mr. INGALLS. Can the chairman of the Committee on Appropriations advise us further what is the alleged necessity for changing the articles of war in this particular?

Mr. ALLISON. So far as I know, it grows out of what is known as the Swaim court-martial, where I believe the court convened at 11 o'clock and under this article of war they were required to adjourn at 3, which only gave them four hours each day.

Mr. INGALLS. It concerns then the convenience of the court.

Mr. SEWELL. The ninety-fourth article of war leaves the discretion also in the officer ordering the court to change the hours if he pleases. If you do away with that article of war and allow the court-martial to be the judge of the time in which they shall sit, you will have junior officers doing as they please, and take it entirely out of the power of their own superior officer who ordered the court.

Mr. ALLISON. So the conferees on the part of the Senate believed, and therefore insisted upon its amendment striking out the section.

Mr. HAWLEY. There is another reason for the existing law. There has been some gossip in newspapers and in military papers alleging that this came down to us from an old English custom because the dinner hour came about the time named for adjournment, and officers

were not fit for serious business after dinner. I am assured by an old veteran that the reason for it was that officers in many cases were put on courts-martial where the service could not spare them from other duties during a portion of the twenty-four hours, and after 3 they could attend to certain other duties; the dress-parade I might mention, and various other things; so that it was in accordance with the convenience of the service that that rule was made. Besides that, this veteran officer assured me himself he had many times spent the night preparing the record of proceedings, from 8 or 9 until the hour of adjournment, so that it might be ready for the next day. Further he said it was due to the defense in many cases that the court-martial should not be allowed to hurry through the matter. I think the law ought to be allowed to stay as it is.

Mr. INGALLS. Has the Committee on Military Affairs considered this question?

Mr. HAWLEY. No, sir.

Mr. INGALLS. The Senator from Connecticut I believe is a member of that committee.

Mr. HAWLEY. Yes, sir.

Mr. HOAR. The Senate some time ago directed the Committee on the Judiciary to consider what changes ought to be made in the law in regard to the matter of courts-martial, including the time of meeting, and that committee made a report, prepared by its chairman who now occupies the chair, which has been printed for the information of the Senate, but I believe it has not been read, in which it was declared as the judgment of the committee that there was no reason for maintaining in time of peace several of the distinctive practices which prevail in the matter of courts-martial, whether they may or may not be necessary in time of war.

A court-martial of course very often determines questions more important to the person tried than the question of life itself, affecting the reputation, the fortune, the career, and sometimes of course the life of the officer who is tried. Those trials are held by officers who are unacquainted with the rules of evidence and the rules of law except in the most imperfect manner. The committee suggested that wherever it is possible there ought to be associated with a court-martial held in time of peace some experienced judicial officer.

In the next place, a court-martial is composed of not less than thirteen persons, unless there be some grave reason which renders it impracticable to have so large a number; and while the President is directed to compose the court-martial of officers equal or superior in rank to the person accused, where that is practicable, he is also authorized, where he does not find that convenient, to call juniors in the service into the court. The result is that a man is tried in that most jealous and ambitious of all professions, the military or the naval profession, by persons who have an interest in gaining a step or in vacating an office held by a senior. That enters unconsciously, perhaps sometimes consciously, into the determination, both in the matter of conviction and the matter of sentence.

Then the defendant is at another great disadvantage. The judge-advocate in theory is impartial between the two sides—that is, the Government and the accused; but in practice everybody knows the effect on the mind of a capable lawyer or advocate of having the duty of prosecution upon his hands. He becomes zealous for conviction. He regards the acquittal of the accused as a defeat for himself, and the conviction of the accused as a victory for himself; and he gets all the spirit of the advocate and the prosecutor, and he has the great advantage over the defense of being present at all the secret deliberations of the court. He knows how to shape his evidence; he knows how to shape his argument after having learned just the state of mind as the case is going on of each of the members of the tribunal who are ultimately to determine the case—an advantage which is denied to the advocate of the accused or to the accused himself.

I make these remarks for the information of the public and of the Senate, not claiming, of course, that the Appropriations Committee err in not entering into an important field of legislation on this appropriation bill, but to express the hope that very early in the next Congress some measure will be adopted to cure these evils, as far as possible.

Mr. MAXEY. Our attention has been very sharply directed recently to proceedings by courts-martial. My judgment is from experience in matters of that kind that there should be a revision of the law regulating proceedings by court-martial, either by the Judiciary Committee or by the Committee on Military Affairs. If done by the Judiciary Committee, it ought to be submitted by them to the Committee on Military Affairs, or, at all events, that committee ought to have an opportunity of examining it carefully before action by the Senate. It is impracticable to do that at this session, and I suggest to the Senator from Iowa, who has charge of this bill, that the reasons assigned by the Senator from Massachusetts and those that I have given heretofore should be conclusive against the proposed legislation at this time. For one, as a member of the Committee on Military Affairs, I am not willing to take up and act upon amendments to the Articles of War, affecting the service, in this appropriation bill. I think we ought to have an opportunity to look at them carefully. I am willing to have the Committee on the Judiciary report a bill, but I want to see that bill, as a member of the Committee on Military Affairs, considered by that

committee carefully, in order that we may act wisely, and say whether or not, in our judgment, the laws regulating the proceedings of courts-martial should be amended. There are many other things besides the time that should be looked into. I trust that there will be no action changing the laws regulating proceedings by courts-martial on a bill of this kind.

Mr. SHERMAN. I should like to have read the amendment now in controversy, the proposed article of war.

The PRESIDENT *pro tempore*. The section that the Senate has proposed to the House to strike out will be read.

The Chief Clerk read section 2 of the bill.

Mr. SHERMAN. The only change that is made in article 94 is that under the existing article courts-martial can only be held between the hours of 8 in the morning and 3 in the afternoon. It seems to me that this is too small a matter to delay the passage of this appropriation bill. I believe that the House is right in the section proposed by it. Our attention has been called pretty sharply to the fact that a board of officers composed of some of the leading officers of the Army were detained here more than a month in the trial of a single case by the fact that they were compelled to adjourn at 3 o'clock each day and could not sit longer. As a matter of course they can not meet at 8 o'clock, unless they live at hotels where they can get breakfast at 6 or 7, by candle-light in the winter time. They can not meet, in the ordinary course of business here in Washington, before about 11 o'clock, or 10 o'clock at the earliest. They were compelled to adjourn at 3 o'clock, and the trial was prolonged on that account.

There is no danger in leaving to a court-martial the discretion as to its hour of adjournment. It is left to every justice of the peace, to every tribunal great and small, to determine the time when it shall adjourn; and every court will at times hold longer or shorter sessions according to the exigencies of the case. A court-martial is already by the preceding article of war armed with the power to adjourn from day to day with almost unlimited control over the trial. Now, why should they not be intrusted with fixing the time during which they shall sit?

Mr. MAXEY. If the Senator from Ohio will permit me a moment, I think the present hours fixed in our law were adopted from the proceedings of courts-martial in England, as fixed probably more than a century ago. I agree that the Senator is right in wanting a change, but I do not see any use in chopping up the law when we ought to revise the whole of it; and there is no immediate necessity for taking up this particular item when the whole law ought to be revised.

Mr. SHERMAN. But now as the subject is before us, and as this proposition delays the passage of the Army bill, I think the better way is for us to recede from our amendment if we substantially agree to the wisdom of the proposition contained in the bill. It has got beyond the stage at which we can raise a question of order, or even a question of propriety or appropriateness; but here it delays the passage of the Army appropriation bill, and I think the simpler mode therefore is to recede. I will move that the Senate recede from this amendment, whatever its number.

The PRESIDENT *pro tempore*. That motion is not yet in order. The question now is on agreeing to the conference report, after which the question will be on the twenty-third amendment.

Mr. SHERMAN. Do the conference report a disagreement?

Mr. ALLISON. We report an agreement on every question except the last amendment.

Mr. SHERMAN. Then I respectfully suggest to the Chair that now would be the time to submit a motion to recede.

The PRESIDENT *pro tempore*. The Chair thinks that under the rules the first question is on agreeing to what the conference committee has recommended, after which the residue of the bill will be before the Senate for action.

Mr. SHERMAN. All right. I will submit the motion then.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Iowa that the report of the conference committee be concurred in.

The motion was agreed to.

The PRESIDENT *pro tempore*. There is now before the Senate the action of the Senate in disagreeing to the last section of the bill which has been read.

Mr. SHERMAN. I move that the Senate recede from its amendment disagreeing to the section referred to. That would pass the bill.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the Senate recede from its amendment No. 23.

Mr. SEWELL. The present ninety-fourth article of war reads thus: ART. 94. Proceedings of trials shall be carried on only between the hours of 8 in the morning and 3 in the afternoon, excepting in cases which, in the opinion of the officer appointing the court, require immediate example.

Mr. SHERMAN. The reason given for that is that a man might be caught in the act of committing crime, when a prompt and immediate example would be required.

Mr. SEWELL. It leaves it entirely in the hands of the officer ordering the court whether they shall sit without regard to hours or not. If we were to change that article of war it would place the commanding officer of a post or garrison in a very unpleasant position. With only

a few officers under his command all of them might be required to hold a court, and he would be practically without any officers under his orders whom he could control while that court was sitting. They might sit without regard to his orders.

Mr. SHERMAN. If the Senator will look at the preceding article of war, article 93, he will see that—

A court-martial shall, for reasonable cause, grant a continuance to either party for such time, and as often, as may appear to be just.

So that they have practically the power to continue their existence if they choose, but at the same time a superior officer can disband a court-martial at any time.

Mr. SEWELL. Yes, he can disband it. Another suggestion occurs to me. At the Military Academy, for instance, it has been customary to hold these courts. They are held very often there, so as not to interfere with the academic studies. It seems to me that an article of war which has passed the ordeal of a great many years and has never been criticised in the Army before to-day, should not be changed in this manner.

Mr. INGALLS. Mr. President, I hope the Senator from Ohio, before asking us to agree to this legislation as it comes from the House of Representatives, will inform us how this article of war can at the same time be repealed and amended. Let me read the language of the bill as it came from the House:

SEC. 2. That article 94 of section 1342 of the Revised Statutes of the United States be, and the same is hereby, repealed, and amended so as to read as follows.

Mr. MILLER, of California. We had that under discussion when the bill was before the Senate, and it was supposed that was a misprint. There is a mistake evidently.

Mr. INGALLS. Then the Senator from Ohio wants us to agree to a misprint, an admitted and confessed misprint, a solecism, something admitted to be insensible, simply because we should not delay the passage of the bill? Mr. President, this can not be a misprint.

The PRESIDENT *pro tempore*. The Chair will state that there is no misprint. The engrossed House bill reads as the print does.

Mr. SHERMAN. I think it is proper and right as it is.

Mr. INGALLS. The Senator from Ohio, if he considers this as correct phraseology and a proper method in dealing with legislation, I am sure does not agree with the majority of his associates. In any event, the only objection that he makes to still further insisting upon the amendment made by the Senate is that it will delay action upon this bill.

Mr. President, I believe I am warranted in saying that the Committee on Military Affairs of this body, to which this subject would properly be referred, though they have taken no formal action, are unanimously opposed to this modification of the rules of war. I see no reason why the modification should be made. The discretion, as the Senator from New Jersey has just advised us by reading the article, is absolute in the authorities by which a court-martial may be ordered. And for the purpose of accommodating the habits of certain high officials of the Army who do not find it convenient in consequence of the lateness of the hour at which they breakfast to assemble before 11 o'clock, we are to be requested to assent to this crude, absurd, and ridiculous legislation, against the judgment of the Committee on Military Affairs and against the express rule of the Senate which declares that there shall be no general legislation upon appropriation bills.

I hope, Mr. President, that the Senate will at least in a case as plain as this, where there is no necessity, where the form in which it appears is preposterous, not be called upon to stultify itself simply because we may possibly delay for a few hours the passage of this bill.

I may add here that I am not willing to deal with the subject of courts-martial and the rules of war in this fragmentary way. If the published proceedings of a recent very notable and conspicuous court-martial are correct, there are some things that need amendment about these tribunals far more than the hours at which they shall assemble in the morning and disperse in the afternoon. I refer, sir, to the trial of General Swaim, the Judge-Advocate-General of the Army of the United States, whose case was tried by a court-martial consisting of thirteen general officers, I believe, who examined with great care, minuteness, and patience, for many days, the serious allegations preferred against him; and after protracted investigation reported their findings and sentence to the President of the United States.

If the published statements are correct the subsequent proceedings were a disgrace to civilization. It is a shame that any tribunal independent, intelligent, competent to act, after having for days and weeks in pursuance of the authority of law investigated a charge, should be governed by such regulations that it may be twice subjected to such pressure, to such violent interference as appears to have been brought to bear in this case, not in the interest of justice apparently, but to extort and compel a more violent, severe, and degrading verdict against the accused than the court was willing to inflict.

But, sir, it seems that even twice would not suffice; that when the verdict had been sent back, it was returned a second time to this reluctant tribunal; they modified their sentence; it was again returned for the purpose of still further revision; and when at last in the exercise of their constitutional authority they submitted their third sentence, it

was approved, with the addition of the most offensive and humiliating epithets and inferences against the court and the accused, to the effect that the result of their verdict was to make General Swaim a pensioner upon the Army Register while unfit to perform the duties of the office, and enabling him to draw one-half the compensation, to none of which he was entitled.

Sir, if we are to deal with the subject of courts-martial and the articles of war, I desire to begin with some more serious paragraph than that which says they shall meet at 8 o'clock in the morning and disperse at 3 o'clock in the afternoon. Let us not pay tithes of anise, mint, and cummin and omit the weightier matters of the law.

Therefore, sir, I hope that the Senate will not depart from the observation of its rule; that it will insist that this, being general and improper legislation, shall not be placed upon this appropriation bill, but that we may be permitted, if we are ever to deal with this anomaly in judicial procedure, to so deal with it that a tribunal properly appointed and constituted, having passed in a legal way upon matters subject to its jurisdiction, shall not be exposed to external compulsion that would not be tolerated in any other system upon the face of this earth.

Mr. SHERMAN. Mr. President, the criticism of the Senator from Kansas upon the form in which this is sent to us it seems to me is hypercritical; at any rate, I do not choose to regard it as a matter of serious import. The substance of the proposition made by the House is that in place of the ninety-fourth article of war, which is repealed by their section, another article shall be inserted. That is the effect of it. As a matter of course, if this section is agreed to and the Senate recedes from its amendment, the language of the ninety-fourth article of war will be as contained in this proposed section, instead of the language now contained in the Revised Statutes. That is the substance of it; it makes no difference what the form is. It would probably have been better to use the word "substituted" instead of "amended;" that would have been more correct; but it is a very small matter. Here is an acknowledged evil, an acknowledged error in the Revised Statutes, brought prominently before us. The passage of the Army bill is delayed because of resistance to a proposition to correct it.

Mr. ALLISON. I do not like to disturb the Senator, but this is not an acknowledged evil as I understand it, but it is a question of severe dispute between people who understand the question.

Mr. SHERMAN. The Senator from Kansas says the Committee on Military Affairs are unanimous on this subject. That surprises me.

Mr. INGALLS. I had no right to say that, but I was informed that was the case in current conversation about me. Of course I had no right to say that, but it was simply one argument that was proper to be advanced in case it were true.

Mr. SHERMAN. If the Committee on Military Affairs have had this matter before them and have considered it, I should feel inclined to follow their judgment, not that their judgment would be final on us, but on the whole I should prefer to yield to their judgment. The subject has never been referred to the Military Committee, and I understand the Senator from Texas [Mr. MAXEY], who is a member of that committee, to say that he thinks the change should be made; that this old article of war came to us more than a century ago from the British army, and that he thinks in addition to this or more important than this are many other changes which ought to be made in the Rules and Articles of War.

Mr. MAXEY. Of very much more importance.

Mr. SHERMAN. So I understood the Senator. That does not place the Senator from Texas against the idea suggested by the House of Representatives, nor do I understand that the Committee on Military Affairs has acted on it at all.

I do not want to enlarge upon the discussion opened up by the Senator from Kansas, although I sometimes for the last month or two have felt strongly inclined to do so. There is one thing connected with military courts-martial that seems to me very wrong, and it ought to be corrected by the proper authorities. We have an officer called a judge-advocate in each court-martial. His proper name according to the recent experience we have seen is that of a prosecuting attorney of the most vigilant and pushing kind. When he is a prosecuting attorney appearing only for the Government, met on the other side by attorneys on the part of the defendant, I think it is a gross shame and outrage that that prosecuting attorney should appear before the court-martial, participate in their secret deliberations, be present at all their conferences there to aid and represent one side while the other side is silent and unheard. He knows precisely the decision of the court-martial upon every question of evidence; he knows how to meet any difficulty on that point that may be in the mind of the court-martial, while the attorney for the defense has no such opportunity. Sir, the first change in the articles of war I would make is that when the judge-advocate is no longer a judge-advocate but is a prosecuting attorney, he shall not be present when the court-martial excludes the public to confer upon any question of evidence or upon the final decision. Yet it appears in this case according to the public prints that the prosecuting attorney, contesting the point against the defense, went with the court-martial into secret session and there aided them by his advice, his countenance, his opinion, his authority in the decision of the very questions that he had argued as an attorney. If that is the law of courts-martial, God

help me from ever falling under the law of courts-martial. That ought to be corrected; but I do not choose to discuss that now.

I think now we have one error in these articles of war presented by the House of Representatives very forcibly, and it ought to be corrected. To do so does not infringe on any authority, because now nobody has a right to change this arbitrary rule as to the time of meeting unless in a case demanding immediate action. The Secretary of War can not do it, nor can the President do it. The law is so. I should be perfectly willing that instead of the court-martial fixing the time of adjournment, the Secretary of War, if he is within reach, should do it; but he is not within reach in many cases, and so he can not do it. Somebody ought to have the power to extend the sessions of a court-martial beyond 3 o'clock, so that the proceedings may be summary.

Mr. SEWELL. In time of war I remember that almost every order that was issued constituting courts-martial authorized them to sit "without regard to hours."

Mr. SHERMAN. There ought to be some such power as that in time of peace. That is all I ask, and the court-martial can safely be invested with that power. That is the proposition made to us in the bill. In aid of public business, in aid of the rapid discharge and disposition of the business of courts-martial, in the interest of economy, the courts-martial should be permitted to extend their sessions beyond 3 o'clock in the afternoon if they choose to do it. If they do not choose, they need not do it.

Mr. DAWES. It does seem to me that this whole discussion is like picking up a bird-seed. I can not conceive of anything about a court-martial so unimportant and so trifling as to engage the Congress of the United States in determining at what time the members of it shall get up in the morning; for that is all. In the presence of the announcement in the public papers this morning of that which will be a reproach to the administration of justice in all time, we are told that an appropriation for the support of the Army shall not pass Congress unless the Senate of the United States will consent to a change of the law to the extent of determining when a court-martial shall adjourn. Let us do it at some other time if we are to do it at all, and not at this time when every one of us should have our minds turned to another more grievous and important question, whether the rights of accused men on trial have been trampled down under the forms of law or not.

Let us not trifle in this manner, and say that here to-day all we have got to complain of is that a court-martial can not be convened in accordance with the convenience of its members early enough to sit four hours in a day. Sir, more consequence attaches to what courts-martial of late have done than to what time they convene or what time it is necessary for them to adjourn. Better would it have been for the name of justice had they not convened at all, or if they had adjourned much earlier in the day than they have done, rather than to spread before this country, as has been done this morning, such proceedings as ought to shock every man's sense of justice.

I am tired of being told that the regular appropriation bills for carrying on this Government are not to pass unless some change in the existing law shall go along with them. Sir, the laws ought to be changed when the two Houses of Congress upon fair deliberation shall determine that they ought to be changed, and when this branch or any other branch of the legislative department of this Government shall say that the appropriation bills necessary for carrying on this Government shall not pass unless there shall also be changes in existing law along with them, then we cease to be free and deliberative bodies.

This is the condition of things to-day, sir. One or the other branch is told that the wheels of Government shall stop until changes in laws not pertaining to the administration of the Government and the expenditures of money shall be made law at the same time.

Mr. PLUMB. Will the Senator permit me to interrupt him?

Mr. DAWES. Yes, sir.

Mr. PLUMB. I desire to ask whence the Senator got that specific and valuable piece of information that has heretofore been imparted to him. I should be glad to know when that statement has been made and where.

Mr. DAWES. Why, Mr. President, we are not deaf or blind, unless when we will not see or hear. Every day, within the last week or ten days, we have been brought—one branch or the other—into a position that admits of no other interpretation than that. There is no other alternative. We are told—the Senator from Kansas knows to what I specifically allude—this morning that we can not have passed appropriation bills absolutely necessary for the carrying on of the Government; the Government must stop or an extra session of Congress be called before July, unless one body or the other will consent to have such changes in existing and established law as the other body shall determine are wise; and we are told to-day that our failure to recede from an amendment to the Army bill is delaying the passage of the Army bill. Now, the Army bill is a necessity, and all we ask is for an appropriation bill to carry on the Army; but we are told somewhere that unless we change existing laws we shall not have that; and we are told that we are delaying the passage of the Army bill; not some other body that refuses to take an Army bill. It will take no longer time for that body to recede from its proposition to change the law than it will for this body to concur in its action.

Mr. SAULSBURY. I should like to ask the Senator from Massa-

achusetts if he states publicly on the floor of the Senate that it has been said that unless we consent to the legislation proposed the Army bill shall fail, and there will be an extra session? I should like to know who said that. Did any member of Congress say it?

Mr. DAWES. I have not said any such thing. I said that it had been stated here that the Army bill has been delayed in its passage because we would not recede from our amendment. I have said further that there are other bills on which we are told that there shall be an extra session of Congress unless we shall change existing law.

Mr. SHERMAN. I ask the Senator from Massachusetts if I made such a declaration as that. I do not know any one else who is referred to unless it be myself. Did I make the declaration that unless we should recede from our amendment that would prevent the House from acting?

Mr. DAWES. No, Mr. President, the Senator did not say any such thing; but the Senator said just this, that the Army bill was being delayed, and it was being delayed because we insisted on this amendment; and insisting on this amendment is insisting on an Army bill pure and simple. As I said, it would not take any longer for another branch to recede than it would for us to concur, and when they recede we shall have an Army bill. When we concur we are forced to change existing law in order to get an Army bill. That is the difference.

Mr. PLUMB. The statement made by the Senator from Massachusetts, I regret to say, he did not fortify as well as I think he ought to have done, having made it with some degree of sonorousness and a good deal of emphasis and in a manner calculated, I think, to alarm all the people who do not think there ought to be an extra session. I was very glad, however, to see that he turned his whole batteries finally on the Senator from Ohio, because I do not know any one who is better qualified to resist solid shot than that Senator; and finally, when it came down to specifications it resolved itself into the very harmless remark the Senator from Ohio had made about the few minutes' delay there might be (and which there would not be if nobody had spoken) in regard to the passage of the Army appropriation bill.

But I want to say that so far as I know anything about the temper of the House, which I suppose to have been referred to by the Senator from Massachusetts, there is nothing which indicates that they want to force an extra session of Congress on this question of legislation. I think all there is or can be in it is this: Undoubtedly some sentiment exists in regard to the position the Senate has taken concerning the action of the House in putting legislation on appropriation bills which was in order under the rules of the House; but beyond that I know of no feeling existing which is liable to produce any kind of delay in the consideration of appropriation bills. That such a feeling as that should exist is not only inevitable, but it is proper. I have no doubt that if any member of this body were a member of the other House he would say that anything which was proper under the rules of that body to be put upon appropriation bills ought to receive some consideration here. The Senate has adopted another rule and has resolved to strike it out absolutely without reference to its merits simply because it is legislation; but that that difference will be composed I have no doubt, because I do not believe that any considerable number of men in either House desire an extra session of Congress. I think that there is no use of creating alarm on so slight a foundation.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Ohio.

Mr. HARRISON. As some reference has been made to the views of the Military Committee on this subject, which is one that in the ordinary course of legislation would go to that committee for consideration, and as I at this time happen to be acting chairman of that committee, I desire to say a word or two.

The subject has never been considered by the Military Committee. No bill involving this proposition has been sent to the Military Committee for consideration. Therefore no one is authorized to express the opinion of that committee upon this subject. We can only arrive at that by the expressions which have fallen from members of that committee on the floor of the Senate.

For one, I am opposed to the proposed legislation in the shape in which it comes to us. I think if a proposition were submitted to the Military Committee to modify the law by extending the duration of the possible sessions of courts-martial, it would be acted upon favorably. If it were proposed, for instance, that they might sit from 9 until 4 or from 9 until 5, I think that such a proposition would likely meet the concurrence of a majority of the Committee on Military Affairs. But this proposition is not that. It is to give a court-martial liberty to sit during such hours as it pleases, to extend its sessions twelve hours a day if it chooses. It seems to me there are reasons why some limit should be fixed by law, giving the court abundant time for a reasonable day's work in the investigation of a judicial question, and there are other reasons why the discretion of the court-martial should not be absolute as to the hours during which it would sit. In the case to which reference has been made in this debate, I recollect an application for delay put I believe upon the ground of indisposition or sickness of the accused, and if I am not mistaken it was met by some suggestion that it was simply for delay.

Now, Mr. President, in the line of what we have seen of courts-mar-

tial, for one I am not willing to give a court-martial unlimited discretion as to the hours during which it should sit. If there should be in any case a disposition to persecute an officer, if there should be in any case a disposition to deny to him a fair opportunity of presenting his case, this unlimited discretion as to the hours of sitting would put into the hands of the court-martial a power of executing their purpose, if such a purpose could be imputed to a court-martial, to prevent the accused from having that time which was necessary for the proper presentation of his case.

The Military Committee are constantly called upon to review the proceedings of courts-martial. Officers of the Army who have been dismissed or upon whom penalties have been imposed by the judgment of courts-martial are continually coming to Congress and to the Military Committee for relief against sentences which have been pronounced. In some of these cases the Military Committee have given careful attention to the record as presented, and while they have not believed that it was in their power to reverse the sentence of a court-martial which had received the approval of the reviewing authority, they have been impressed in more than one case with the injustice and cruelty of some of these tribunals, but have found themselves without the power to redress.

For one I would favor a proposition that would make the hours more reasonable, and that would extend the period through which a court-martial might sit; but I am not willing to accept the legislation proposed by the House which gives a court-martial absolute power over the question as to how many hours a day it shall sit.

Mr. HALE. Mr. President, the debate has wandered pretty wide from the question which was originally raised, not by any means the first time here, as to legislation put by the House of Representatives upon appropriation bills, and it has led to very serious reflections upon the methods and results of what is known as the Swaim court-martial. I have read the decision as finally reached by that court. It seems to me to be a severe decision, but I am not for one prepared to say that the officers who constituted that court and gave laborious service to the investigation intrusted to them have been actuated either by a desire or a willingness to do injustice to any one, or that they have been unduly impressed by superior authority. The court that tried the officer was an eminently distinguished one, presided over by one of the greatest of the generals and commanders in the Army of the United States.

Mr. INGALLS. Will the Senator pardon a momentary interruption?

Mr. HALE. Certainly.

Mr. INGALLS. I trust the Senator did not understand me by even the remotest indirection as casting any imputation upon that court, or any member thereof, of any desire to do injustice. The intention that I had was absolutely the reverse of that.

Mr. HALE. I am glad to get the Senator's disclaimer, so far as it goes. Not only was the court distinguished in its head, but the officers selected for the important trial committed to that court were all evidently selected with the greatest care, in the exercise of the highest judgment, showing that the supreme authority in the War Department meant that this investigation should be clean and thorough and exhaustive and conclusive, so that when the court was made up it was a testimonial not only as to its own fairness in its construction, but as to the desire to do justice on the part of the authority that selected the court. With that remark I leave the court.

Now, so far as concerns there having been any intrusion upon the deliberations and the results of that court-martial, I am not prepared to believe that any superior authority in the War Department desired to do injustice or to have injustice done. There is nothing whatever about the life and the record and the attitude of the Secretary of War that for a moment will justify any Senator in casting any imputation upon him. That Secretary has an inherited integrity. He has a position that he has gained in the four years of his administration which shows that while he is impatient of irresponsibility and incompetency, and while he is sensitive as to the good name of the War Department from the beginning to the close of his service he has been actuated by motives only commensurate with the good of the service, and with the desire to see that the service shall be built up and increased in the regard of the American people, and not diminished. I am not prepared to sit here and allow any aspersion to be left upon him or upon the court. I may believe its sentence to be a severe one, but I have not given my days and my nights to the investigation as have the good men who conducted it. I have not the knowledge that the Secretary of War has upon the subject, and I am prepared to believe that a severe sentence may sometimes be justified by facts which I have not had the time to investigate.

Mr. SHERMAN. The Senator from Maine makes a remark as if somebody had assailed the Secretary of War.

Mr. HALE. I do not know that anybody here has meant to refer in any terms or in any way to the Secretary of War. I shall be glad if every Senator who has taken part in this debate disclaims that, and that will end it. But certainly when we are told that these proceedings are the sum of human outrage and that there has been an intrusion by superior authority, it must mean some person high in authority and above the court, and I supposed it referred to the Secretary of War.

Mr. SHERMAN. In this debate I have not heard a single person make the slightest reference to the Secretary of War. I certainly did not. I heard no remark made in regard to the Secretary of War. What I said was—and I always say what I think, so that nobody need misunderstand me—

Mr. HALE. I did not understand that the Senator made such a reference. I was not referring to him.

Mr. SHERMAN. I had not the Secretary of War in my mind. I said that a judge-advocate, calling himself a judge-advocate, who acts as a prosecuting attorney, and, according to the public prints—and I have no information on this except what I have seen in the public prints—conducts his case with great skill as a prosecuting attorney, should not be with the court in its secret deliberations. I did not even comment on him with severity. I merely said that he was a prosecuting attorney, and in any court would be considered an efficient one, prosecuting his case with great animation and with a determination, as he said himself, to press it to the utmost.

Mr. MILLER, of California. Where there are counsel for the defense the judge-advocate becomes prosecutor, as a matter of course; he can not avoid it.

Mr. SHERMAN. Then, for that judge-advocate to go into the secret councils of the court-martial, to be allowed to use arguments there when he has nobody to reply to him, and to be present when the court-martial are deliberating upon their verdict, is an outrage upon justice, I do not care by whom it is committed, and that prosecuting attorney, no longer judge-advocate, violates the first elements, the first principles of substantial justice, the fair trial of a man defending his reputation or his life.

Mr. HOAR. I do not wish to prolong this debate, but the Senate has been led into the discussion of a system. The case is an example; the system is the thing which some time or other we must reform. Now, without putting any imputation upon any officer of the Government who has done his duty in executing the existing law as he finds it, I am sure that every Senator, I am especially sure that the Senator from Maine, representing a community famous for the intelligent and impartial and humane and just administration of the law from its earliest settlement, will agree that this thing is an abuse which nothing but the exigencies of war certainly could justify in the system, not in the particular instance, because every officer must carry out the law as he finds it. The thing complained of is that after a court has decided upon a case, having heard both parties and has fixed its judgment, there should be communicated to that court an opinion of the Attorney-General criticising it, calling for a change in its judgment, and the pressure of that great authority (and the abler, the better, the stronger the Attorney-General the worse the injustice) put upon the court to revise its judgment and come to a more severe conclusion upon the facts or a more severe sentence, when the accused has no opportunity to reply.

Just suppose the case of the poorest man or woman in our community charged with a petty larceny, and after the trial, after the argument, after the verdict, after the sentence the attorney-general of the Commonwealth or of the United States should be permitted to make a communication to that tribunal, urging a different verdict or a severer sentence, to which that person should have no opportunity by him or her or counsel to reply!

Mr. MILLER, of California. When was that done?

Mr. HOAR. That is the regular course of things in regard to courts-martial.

Mr. MILLER, of California. I do not think it is.

Mr. HOAR. I have here before me the return to the court-martial of its finding and its sentence, accompanied by a discussion of that finding and sentence by the Attorney-General of the United States full of severity, full almost of sarcasm, and indorsed by the President of the United States. Those officers did exactly what according to the law of the land, which they were sworn to carry out, it was their duty to do. I am not criticising the President; I am not criticising the Attorney-General; but does not my honorable friend from Maine agree with me that there can be no necessity for putting, in time of peace at least, the naval or military officers of this country under the operation of such pressure in a matter which involves fortune and may involve life?

Mr. HALE. Now, will the Senator allow me a moment?

Mr. HOAR. Certainly.

Mr. HALE. I did not in any way go into the general question of reforming the conduct and fashion of courts-martial. Quite likely legislation may be needed in the direction suggested by the Senator from Massachusetts. All that I said was drawn from me by what seemed to have been reflections upon the superior officers of the courts-martial, and I only wish now to emphasize the point I made that whatever was done there by any superior officer, the Secretary of War, or the Attorney-General, is in accordance with practice and with custom and with law, as courts-martial are now conducted. I do not believe that anybody has infringed in that direction.

Mr. HOAR. I so understood the Senator from Maine, but it seemed to me proper to call the attention of the Senate, as the subject has been discussed, and has been discussed to some degree on its general merits, to this most extraordinary anomaly in the administration of the law in a country famous for the safeguards which it puts about the life or the property or the honor of its citizens.

Mr. MILLER, of California. I will state to the Senator that if a court-martial makes a mistake in the law, makes a sentence which is impossible of execution, it is perfectly proper for the reviewing officer to call its attention to it, and have it reformed.

Mr. HOAR. Does the Senator from California maintain that it is proper for any person to be at liberty to attack the correctness of the sentence, and demand a more severe sentence or a different finding on the facts, without giving opportunity to the accused to reply?

Mr. MILLER, of California. I do not see that anybody has ever done it; I do not know of a single case.

Mr. HOAR. In this very case, what opportunity did the accused have?

Mr. MILLER, of California. In this case the sentence was to reduce the officer to the rank of major, which was an impossible thing; it could not be done, as there was no vacancy in that grade.

Mr. HOAR. That was the second sentence, and not the first.

Mr. MILLER, of California. I do not know what the first was.

Mr. HOAR. I do; and that is what I am referring to.

Mr. MILLER, of California. The reviewing officer may request the court to reform its findings.

Mr. HOAR. It is not an uncommon practice in courts-martial.

Mr. MILLER, of California. I have never heard of a case, and I served eight months on courts-martial myself.

Mr. HOAR. Perhaps the Senator made the sentence so severe that it was not necessary, or perhaps it was so eminently just that no review was required.

Mr. MILLER, of California. I speak of my own experience.

Mr. HOAR. I have no doubt it was an eminently just sentence which was pronounced by any court of which the Senator was a member.

Mr. INGALLS. Mr. President, the remarks of the Senator from Maine appear to call for some additional observation. In my remarks I intended to convey no imputation whatever upon the court-martial that tried General Swain. They were actuated by a sentiment of justice; they endeavored to be just, and they rendered judgment that they believed to be just. Their verdict or decision was sent to the President of the United States, sentencing the accused to be suspended from rank, duty, and pay for the period of three years. President Arthur—and here let me interpolate by saying that I assume that the President had no personal connection whatever with this transaction; he was the executive officer to whom the proceedings were transmitted, and through whom they were officially announced—I exonerate President Arthur from any participation in this transaction, because those who are familiar with executive business know that such matters are not examined by him personally; they are referred to subordinate heads of Departments, by whom they are investigated, and their results submitted to him for promulgation—

Mr. COCKRELL. Will the Senator please inform the Senate who it was—what officer acted upon this?

Mr. INGALLS. I do not know anything about it.

President Arthur, after examining and considering the findings and sentence, returned the record of proceedings to the court for reconsideration as to the findings upon the first charge only and as to the sentence, neither of which is believed to be commensurate with the offenses as found by the court.

Sir, was it ever before known upon the face of the earth in any civilized tribunal that a new trial was ordered by an appellate judge because the verdict was not of sufficient severity? Was it ever before permitted to be said by any appellate authority or tribunal that the man ought to have been hanged instead of being sent to the penitentiary, and upon that ground to have the decision reversed? And this, too, without giving the accused a hearing; in secret; without the opportunity of a presentation of the case of the accused?

Sir, I repeat that never under any system with which I am familiar—Russian tyranny, Turkish despotism—was there ever any code that permitted so infamous an outrage upon the rights of a citizen as the system of so-called justice that allowed such an outrage upon the rights and the liberties of General Swain.

Mr. HALE. Will the Senator let me interrupt him a moment?

Mr. INGALLS. With great pleasure.

Mr. HALE. I wish to ask this question: Has the Senator any doubt that precisely what was done in this case, calling the attention of the court-martial anew to the facts in the case and in effect suggesting a severer sentence, is found repeatedly in the annals not only of our War Department, but of the war department of every other civilized government? I do not raise the question about the courts. Undoubtedly whatever may be the impatience, the sense of injustice that a civil magistrate may feel when an undoubted criminal goes clear, he can not reverse the judgment of the jury that has tried the man; he can not send it back to that tribunal. He may give instructions from time to time, he may give the law that will tend to make the verdict more severe in his judgment; he can not send it back; but in all military law, as I understand—and I think I shall be borne out by Senators who have a better knowledge of military law than I have—this is a thing constantly occurring. I ask the Senator if he knows about that himself.

Mr. INGALLS. I do know about it, and I say that constitutes the infamy and shame of the system. If there were but a single instance

it would be enough to condemn it in the soul of every man who loved justice. But when the Senator from Maine arises and endeavors to support it and apologize for it and justify it because there have been repeated instances of such invasions of the rights of the citizen that would never be tolerated in any country that has risen above barbarism, it is merely an additional argument, a thousand-fold stronger than that which I have presented, why this system should not be permitted to stand longer without modification.

But, sir, the half has not been told. The most dangerous, the most suggestive, the most admonishing fact is the facility with which the court yielded to the suggestion of its superiors. Sir, there is some subtle magic, some mysterious influence, some incantation, it appears, by which, upon the mere suggestion of a desire for injustice from superior authority, the court receded, yielded to the suggestion, took up the testimony and the findings again for review, but were apparently unwilling materially to increase the severity of the judgment they had rendered. Their second finding after reconsideration was an adherence upon the first finding, with a modification of their sentence, as follows:

To be suspended from rank and duty for one year, with forfeiture of all pay for the same period, and at the end of that period to be reduced to the grade of judge-advocate with the rank of major in the Judge-Advocate-General's Department.

To that the President responded through the law officers of the Executive that it was an illegal sentence, impossible of execution, and once more the case went back for further review, upon the potent suggestion from the superior authority. It would be invidious to suggest that in the minds of any of the members of this court there could have been any impulse arising from the fact that if a vacancy could be created somebody would profit by it. I make no such intimation; but that is one of the incidents, the perilous incidents of the situation. Two attempts to secure the end that was desired having failed, the findings and sentence went back for a third time.

Mr. HOAR. Not for hearing?

Mr. INGALLS. Hearing by the Executive. The Senator from Massachusetts properly suggests "not for hearing" in the technical sense of that term, because there was no hearing. It was as secret as the Star Chamber or the Court of the Inquisition. The accused was confined by illness in his house. No person was admitted to the arguments made before the tribunal after its findings had been made, except it may be the officer mentioned by the Senator from Ohio, the judge-advocate, the prosecuting officer of the Government.

It is apparent—

The President says—

from the terms of the amended sentence that it was the intention of the court to award a punishment of greater severity—

As the Executive had suggested. The evidence had not been changed; no more witnesses had been examined; there had been no addition of argument before the tribunal; but in consequence of an admonition from some unknown power, the President says it is apparent that the tribunal "intended to award a punishment of greater severity"—

and more nearly commensurate with the offenses of which the accused has been found guilty than was the penalty adjudged in the original proceedings; and if the terms of the amended sentence were such as could be legally carried out, the purpose of the court in that regard would have been accomplished. * * * The amended sentence, in effect, creates an office and fills it, thus at once embodying the exercise of legislative and executive functions and the approving power of the Senate.

And again it went back and was reviewed. Again the court endeavored to array themselves as a barrier against the encroachment of this hidden prerogative, and thereupon they revoked their former sentence and adjudged as follows:

To be suspended from rank and duty for twelve years, and to forfeit one-half his monthly pay every month for the same period.

But this, sir, was not sufficient. What was wanted was a vacancy. It was not enough that accused should be stigmatized, humiliated, branded so that like Cain from this time henceforth he wanders an outcast among his fellows, but in accepting this sentence what is the language employed? Most victors are magnanimous. It is not considered heroic to exult over a fallen adversary. The sentence was returned with the following comments:

The opinion of the President as to the proper consequence of the findings of fact made by the court in the within record has already been given, and no further comment will be made upon the final sentence than to say that it is difficult to understand how the court could be willing to have the officer tried retained as a pensioner upon the Army register, while it expressed its sense of his unfitness to perform the duties of his important office by the imposition of two different sentences, under either of which he would be deprived permanently of his functions. The idea that an office like that of Judge-Advocate-General should remain vacant in effect for twelve years merely to save a part of its emoluments to its incumbent under such circumstances would seem to come from an inversion of the proper relations of public offices and those holding them, and is an idea not suited to our institutions. While holding these views it is deemed to be for the public interest that the proceedings be not without result, and therefore the proceedings, &c., are approved, and the sentence will be duly executed.

Now, sir, I leave these facts to the candid judgment of an intelligent people. I make no accusation against any officer or Department of this Government; but no man can read the history of these proceedings without having a settled and established conviction that there was a

deliberate purpose somewhere not to do justice but to accomplish vengeance against General Swaim.

Sir, I know something about the history of this officer since he was first appointed. He was a volunteer soldier. He had not the honor of having the oil of coronation poured on him at West Point; he was selected by President Garfield to the office that he now holds and which, so far as I know, he has filled with a reasonable degree of ability.

Several SENATORS. President Hayes.

Mr. INGALLS. He was not confirmed under Hayes's appointment, and was subsequently appointed by Garfield.

Mr. VOORHEES. He was appointed at the request of President Garfield before he was inaugurated. He was appointed by Hayes on President Garfield's request.

Mr. INGALLS. Was he not confirmed under the administration of Garfield?

Mr. VOORHEES. Yes, sir.

Mr. INGALLS. So I thought; but in either event the accuracy of my statement would not be essentially modified. But since the time of his appointment, for reasons that are known to many of his comrades, he has been pursued with a studied, persistent malignity that has no parallel so far as I am aware in the annals of revenge; and this is the crowning act of the injustice that our system of courts-martial—to the disgrace of civilization I say it—renders possible.

If the Senator from Maine desires any more specific information as to my belief of the source from which the spirit has emanated, I can give it to him. I shall not be deterred by any encomiums in general terms upon any official of this Government from expressing my convictions as to a transaction that I again characterize as being so infamous, so outrageous, and so unwarranted as that to which our attention has been called this morning.

Mr. CONGER. Mr. President, the discussion which has taken place in regard to this simple amendment to an appropriation bill, as I am very happy to believe, voices in some respects the sentiment of a large portion of the American people. I do not wish to prolong this discussion. I have no desire to make any charges or accusations against the court-martial or any of its officers or any of the officers of the Government. But, sir, I do say that for months and for years it has been whispered in the secret circles of Army officers that such a result as this by hook or by crook, by law or by influence, would be reached, and that that volunteer officer, the bosom friend of General Garfield, appointed by President Hayes on his special request to be Judge-Advocate-General because he was his most intimate friend during the war and his aid, would be crushed. It has been whispered in circles for years that the time was hastening on when Garfield's memory would be dimmed, when his opponents dared attack him and his friends and his judgment, when those he had favored, when those he had loved, when those whose interests he had tried to promote would be stricken down at the behest of opponents for one cause or another.

Sir, the result has come, and I venture to say that the good people of the United States throughout its length and breadth, the plain, honest, sensible, judicious men of this country will read the evidence, will read the course of this trial, will read the history of this examination and its references back and forth from one tribunal and from one authority to another, and will doubt whether it can be possible that in the United States there can be a court so constituted, there can be such a mode of trial, there can be such power as would hold that for the offense charged and on the proof that was presented in its support an honorable man should be subjected to such merciless indignity and infamy.

Sir, there is a secret history within a secret history there. There is a feeling against a volunteer officer of the Army who may have gained credit during the war and who may be promoted to high office, which he may retain in the midst of those who have gone through West Point, and that has long been known and felt by every man who has sat in Congress and who has endeavored to promote the interests or secure the promotion of a volunteer officer in the Army.

What kind of a trial and mode of trial has there been here? I am not speaking of individuals or of the court or of its officers; but what kind of justice is there when a subordinate officer who may be looking to the very place held by the man whom he is trying, himself the next in rank, is the inveterate and determinate prosecuting officer, in the councils of the court, in the secrets of the court, dealing with the proofs and making remarks disparaging of his superior officer—he a junior judge-advocate waiting to depose his superior and employing all the arts of eloquence and all the energies of his nature in bringing to trial and conviction his superior officer that he may be removed and a vacancy made which must be filled out of the seven or eight judge-advocates of the rank of major, of whom this prosecuting attorney is one. I have not either the honor or the pleasure of knowing this officer, but I do know the spirit that pervaded the Judge-Advocate's Corps among those majors who formed the judge-advocates in that corps under General Swaim; and I do know that one of these men was appointed judge-advocate.

What is a judge-advocate, and what is his duty, and what ought he to do? He stands there as the advocate of the accused. The Government is prosecuting; high military officers are making charges; a court-martial is appointed; and what is a judge-advocate appointed for?

Under the law and its spirit he is there to defend the accused, to advise the court of the rights of the accused, and see that no injustice is done, not to be the malignant prosecutor, not to appear against a person charged with wrong.

I will not say, however, that some were not unprepared for such a trial as this. Many of the people of the United States knew for years past, and I myself have told my friend, General Swaim, that it was necessary to be cautious, because all around him were those who had the power to seize the first opportunity to defame and destroy him. I am not alone in that. It has been the common remark of hundreds and thousands of friends of General Garfield that this victim would follow next. I am ashamed to say such things about my Government and about its officers; but this is not a thing that has been prepared and done in a corner, and I venture to say that when the information and the knowledge of this transaction is spread among the people there will be a quiet, solemn judgment of disapproval of courts-martial and of the power with which they can destroy men at will.

This case has gone beyond the control of the court and the President, and to the judgment of the people. I do not say who is to blame about it; but I do say, as the Senator from Kansas has said, that in the minds of many people of the United States it has been believed for the last two or three years that a pretext to accuse was all that was necessary to bring down upon the devoted head of Garfield's last remaining friend in office the indignation of those who were offended because he, a volunteer officer of the Army, was appointed over the regular West Point officers who might have desired promotion. I know that has been the belief among very many good men in this country, for I have heard it uttered time and time again.

But, sir, whatever virtue there may be in courts-martial—and I have nothing to say against the officers composing this court-martial, for I believe they are good men, and of course I have nothing to say against the Executive or his advisers—I say that a system which will permit such a course, a system which can be used like a star chamber, a system that can be used like the *Vehm Gericht* in Germany, a subterranean court to control the destinies of men, their punishment, their existence, their lives, needs revision; and I think this will be the means of calling attention to the question whether the rights of the citizen and the rights of the people do not demand some revision of a system of trial and of verdict and of punishment so dangerous to the rights and liberties of men that it may affect even the innocent as if they were guilty.

Mr. HAWLEY. Mr. President—

Mr. ALDRICH. Will the Senator from Connecticut allow me to ask the Senator from Michigan a question?

Mr. HAWLEY. Certainly.

Mr. ALDRICH. I did not hear all he said in regard to the judge-advocate of the Swaim court-martial, but I ask him whether he said or intimated that that officer transcended the duties of the office to which he was assigned in the conduct of this court-martial?

Mr. CONGER. I said I was not acquainted with this officer, had never seen him, had nothing to say about the discharge of his duty; but I did say that a judge-advocate in the spirit and object of our laws had to stand there as well the advocate of the accused as the adviser of the court on the law, and I did say that in this case he has been a part of the court, he has been the prosecutor, he has publicly, if the papers are to be believed, made sundry remarks against the man whom he was there not to advocate exactly but to see that he had justice done him. He has taken that part which a prosecuting attorney or which an advocate would take against an opponent, using all the influences which could be used against a person accused of crime or against a defendant in a suit, so much so that it has been the remark and the comment of the newspapers that he appeared even a stronger prosecutor than the ordinary prosecutor in a court of law.

Mr. ALDRICH. Where the accused appears by special counsel in his own defense, I do not believe that it is the special duty of the judge-advocate to defend the accused from the charges made against him; and I wish to say further that I do know the judge-advocate in this case, and I believe that a gross injustice has been done to a very deserving officer by any one who intimates or says that he has acted in this case other than according to the dictates of his duty and according to the duty to which he was assigned by his superior officers.

Mr. CONGER. There has been no law by which because a man has counsel the judge-advocate's duty is changed. How absurd would it be that the judge-advocate, the advocate and the defender of the prosecuted man, because he got other aid and other assistance and other advisers, should presume that the law was changed, and instead of being the defender as far as innocence and propriety was concerned he should turn to be his relentless persecutor! No, sir, there is no law which provides that because a man appears by counsel the duty of the judge-advocate is changed; and, without saying anything against this man, I assert that if there be a system by which the judge-advocate may look to a vacancy in the office above him, as he and the seven other judge-advocates of the rank of major may all do, it is a system which gives a strong inducement to a judge-advocate to forget his duty as the advocate of the accused and be his persecutor.

I do not say this judge-advocate did that, but all these other seven or eight judge-advocates are graduates of West Point, and there is no

one of them but what, from the very nature of the case, would feel indignant and did feel indignant that a volunteer officer was promoted to the head of the Bureau of Military Justice in the War Department.

I am willing that Senators here should express their views; and there goes out from this Capitol to every fair-minded and honest-minded man in this land the conviction that Judge-Advocate-General Swaim has been the victim of a conspiracy to destroy him. I believe it.

Mr. HAWLEY. Mr. President—

Mr. CAMERON, of Wisconsin. Will the Senator from Connecticut give way a moment while I ask the Senator from Michigan a question?

The PRESIDING OFFICER (Mr. PLATT in the chair). Does the Senator from Connecticut yield to the Senator from Wisconsin?

Mr. HAWLEY. Yes, sir.

Mr. CAMERON, of Wisconsin. I merely desired to ask a question of the Senator from Michigan, or any other Senator who can answer the question, and that is, whether or not the sentence of the court-martial as finally pronounced against General Swaim creates a vacancy in the office of Judge-Advocate-General?

Mr. CONGER. I do not see how it can. It can not create a vacancy. They leave the officer there. They do not recommend dismissal, but only suspension; they leave the officer with such a judgment, with such a finding, for twelve years on half-pay, to represent the majesty and bravery and dignity of the Army by an officer at the head of one of its most important departments—a finding utterly incommensurate with the testimony and the proven fault of General Swaim. Instead of having a judgment of one year's suspension without any loss of pay, by the interference of somebody—I do not care whether it was the President, or the Secretary of War, or the Attorney-General, or the judge-advocate reviewing the case, or all of them together—by some process the honest verdict of high officers of the Army which declared that the offense as far as proved was worthy only of a suspension of one year without loss of pay, by some inextricable hocus-pocus, some infernal inside machinery which never will be accounted for, that same body of high, talented officers came to the conclusion that on the same proof and on the same testimony, without a word being said for the accused and without any new hearing, they could suspend this officer twelve years.

They would take away from a man who had served his country in the Army and in the war long and faithfully half his salary in mere mockery of decency, in mere mockery of justice, in mere mockery of the rights of a volunteer officer who had rendered his country valuable service, and who was the chosen confidant of the man who, although these courts-martial care not for his memory, half the people of the United States reverence, and love, and admire, even after he has gone down to his long home beneath the assassin's stroke. These things will all come up among the people of the United States. I shall try to give them prominence myself, until a system which can produce such results as this shall receive the attention of Congress, and a system shall be produced which will render it impossible that such flagitious wrongs, such enormous wrongs, can be carried on under an approved system of administration of justice in the Army, or in the Navy, or in the country at large.

Mr. HAWLEY. Mr. President, it is very disagreeable to be led so far from the true issue in this case, but some things have been said which certainly require a little comment. I will try to do it as briefly as possible, for I know the impatience of the Senate.

I will begin by referring to the remarks our friend from Michigan has made concerning prejudice against volunteers in the Army. I was a volunteer myself, and I have many intimate and dear friends who were volunteers who are now in the regular service, and I protest against giving the impression to the public that there is a disposition in the Army to do injustice to volunteers, and that such disposition prevails among the regulars. It is the uniform testimony of my friends—and I am happy to say I have none who were volunteers who were not honorable men—it is the uniform testimony of those gentlemen to me in private conversation that they are treated with courtesy and on terms of equality.

Distinguished volunteer officers were summoned to this court. A volunteer officer who holds the highest position in the regular Army, General Terry, was one of the men summoned to this court. He was challenged off, to be sure, as the defense had a right to challenge him off, but there is no man of higher integrity or of more eminent ability both as a lawyer and soldier. There was no disposition shown in the making up of the court to hurt any man because of his having been a volunteer. The entire Corps of Judge-Advocates is composed of volunteers, and so of the predecessors of General Swaim. Judge-Advocate-General Dunn was a member of Congress from Indiana. In short, that corps is considered as a civilian corps, and men are selected because they are supposed to have some knowledge of law in general as well as military law. I leave that, therefore, with my protest that the Army in general can not be charged with a desire to do injustice to nearly half of its own number. They can not live except on terms of equality with volunteer officers.

Resulting from the resentments arising from this trial, the passions that have been evolved by it, there has been injustice done, in my opinion, to the court and to the general system of trial in the Army. Of course, courts-martial are more or less arbitrary, imperative, hasty in

their proceedings. They bring down to us probably some anomalies and some practices that seem to us very harsh; but in this case there has been nothing unusual. I presume people who have never before thought on this subject think it is a great and gross outrage that the judge-advocate should have sat with the court all the while in its secret councils as well as appear before it as a prosecutor. That has always been the case. The court takes him for what he is worth. He does not vote upon the trial. He sits in the councils to answer questions and to assist. He is used as a sort of adviser to the court. You may say that ought to be changed. That is not the question to-day. That is the uniform law and has always been in courts-martial, and Judge-Advocate Gardner is no more to blame than any one of his honorable predecessors who have been engaged in courts-martial.

The judge-advocate defends the accused, our friend says. Yes, in ordinary hasty trials, especially in war times, when counsel can not be obtained, the judge-advocate is charged with the duty of looking out for the person accused as well as for the Army. It is hardly to be called a court; in one sense it may be called a board of inquiry. It requires some person with legal experience as much as can be obtained to advise in both directions. But in a case like the one here, eminent counsel were engaged for the defense of General Swain, and the judge-advocate was wholly released from that part of it. His appearance on behalf of the defense would have been resented as an impertinence. He was turned over to his duty on the part of the Government to prosecute what was alleged to be an abuse against military discipline. So there is no fault to be found with him in that respect.

Then again, the judgment of the court, or the opinion of the court, was sent back for further consideration and revision. That is done in thousands of cases. The court is only a sort of jury to find certain facts and to recommend a certain sentence and send it to the revising authority, the appointing authority. That is constantly done. It is in large case analogous to that which happens in our own civil courts every day. The judge rebukes a jury, he instructs it, he sends it back again and again. When a jury renders a judgment that the court is not satisfied with, but which it is compelled to accept, the court nevertheless deems itself entirely free to rebuke the jury in the severest possible terms.

Mr. HOAR. Is it not the law in nearly every State in the Union that the judge is prohibited from expressing an opinion in a matter of fact before the jury?

Mr. HAWLEY. The laws are entirely familiar. Yes, the judge can not decide the facts for the jury.

Mr. HOAR. That is not the question; the Senator does not answer.

Mr. HAWLEY. The Senator is perfectly familiar with the ordinary practice that the judge is not to give his opinion of the facts. He does not instruct the jury as to what the finding shall be in matters of fact, but when he applies his law to the facts there he is the master; that is his duty. It is the old theory that it is the duty of the jury to receive the law from the judge, but the jury take both law and fact in their hands whenever they choose to do so. I simply refer to this fact; it is a matter of constant practice that the judge rebukes a jury and sends it out, and that he upsets its judgment sometimes in civil matters. Of course there are gross cases. Not long since we had a famous trial in this city to recover damages for alleged false imprisonment under an order of the House of Representatives, in which the judgment of the jury was set aside by the court. I have not heard any extraordinary gush of sympathy for the jury because it was not allowed any fire or anything to eat. It has happened within a comparatively short time in this city that a jury was not allowed any of the luxuries of life, to say the least.

In this case the usual course, which is very common, has been repeated of sending back the judgment for revision. That is the manner and the legal manner in which courts-martial are constituted. I would not pretend to pass a judgment upon the court in this case. In my younger days as a lawyer I had some practice as a justice of the peace. I learned then, if I had not known it before, that there are two sides to every case. I have not read the vast pile of evidence given in this case. I do not know how near guilty or how near innocent General Swain is, but I do know that as a rule I would as lief trust my life and honor to such officers of the Army as to any court I ever heard of.

Mr. HOAR. May I ask my honorable friend from Connecticut a question?

Mr. HAWLEY. Certainly.

Mr. HOAR. It is the practical question which has been before the Judiciary Committee and it will be before Congress pretty soon. No matter what has been the law from time immemorial or what has been done elsewhere, does the honorable Senator approve of having a communication made to a court-martial, after it had given its judgment, urging upon it a severer sentence or a different finding? Does the Senator approve that as a principle to be maintained in time of peace, without having the accused appear, or does he think we may wisely amend the law? That is the question.

Mr. HAWLEY. We are not called upon now to revise the laws which govern courts-martial, or to consider what the present laws are and to point out their defects. Those laws are not before the Senate. There is a simple question here as to whether we shall adhere to our

deliberate judgment in striking out a certain provision. I will read section 923 of the Regulations of the Army:

When a court-martial appears to have erred in any respect, the reviewing authority may reconvene the court for a reconsideration of its action, with suggestions for its guidance. The court may thereupon, should it concur in the views submitted, proceed to remedy the errors pointed out, and may modify or completely change its findings.

I wish the Senator from Massachusetts would listen a moment to this—

The object of reconvening the court in such a case is to afford it an opportunity to reconsider the record, for the purpose of correcting or modifying any conclusion thereon, and, also, to make any amendments of the record necessary to perfect it. Anything like a reopening of the case, by calling new witnesses, or recalling those already examined, is wholly foreign to the proceeding.

Mr. HOAR. If the Senator will pardon me, as he calls my attention to it, that is a provision undoubtedly necessary in time of war when a court-martial has the reputation and the official life of an officer in its hands as much as his physical life. Of course the judgment of a court-martial, which might continue in service an incompetent, or corrupt, or even a traitorous officer, must be submitted to the supreme executive for revision; but this is a question of proceeding in time of peace.

Mr. HAWLEY. It is not the question before us now whether we shall modify the system; it is whether it is right to pour unlimited reproach upon a body of men composed of both volunteers and regulars who have been trying to do their best. The President is a volunteer soldier so far as he is commander of the Army; the Secretary of War is a volunteer. Some members of that court are distinguished soldiers of the highest rank, and they have acted according to the uniform laws of courts-martial. Whether they have decided right or not, I do not know, but I protest, with the imperfect statement before us, against this attempt to cast reproach upon that court.

Then I come down to the question that is before us, and that is whether we shall strike out the clause which repeals the old law as to hours of session, and says those hours of session shall be at the discretion of the court-martial. That would be a revolution in one sense in Army life, saying that subordinates shall have a right to issue orders which overrule the will of their superior officers. The question is simply whether we shall strike that section out of the bill and leave the old law ordering courts to sit between 8 and 3 o'clock.

I think that of itself is right; but if you wish to change it, do not, I beg you, change it to such a provision as this, because the reason of the existing law is found largely in the fact that in many cases in a post or garrison where a general court-martial is called it will take nearly all the officers at the post or the garrison to compose the court, and they must be relieved during a part of the day from the duties of the court, in order that the ordinary work of the post or garrison may go on. They are relieved of court duty after 3 o'clock, and then every one of them, excepting the judge-advocate, who is the only man relieved here, will have time in which to attend to the ordinary duties of the garrison. Suppose there are fifteen officers in the garrison and thirteen of them are on a court-martial. The young men may think it a very jolly thing to take a recess half the time, and leave the commanding officer to perform the duties of adjutant, quartermaster, and commissary at the post.

The provision, allow me to say, with due respect to those who made it, would put the law in a ridiculous shape. I hope we shall refuse to agree to it, and that we shall adhere to our position and ask for a further conference on this matter.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Ohio that the Senate recede from its amendment No. 23.

The motion was not agreed to.

Mr. ALLISON. I move that the Senate further insist upon its amendment No. 23.

The motion was agreed to.

Mr. CULLOM. I desire to submit a motion to take up House bill 7659.

Mr. ALLISON. Mr. President—

The PRESIDENT *pro tempore*. It would be the duty of the Chair to lay before the Senate the unfinished business; but the Chair understands that the Senator from Iowa rises on the amendment to the Army appropriation bill to complete what he omitted.

Mr. ALLISON. I will do that in a moment, but I also ask the attention of the Chair in order that I may now move to proceed to the consideration of the legislative, executive, and judicial appropriation bill. However, I will ask now that a committee of conference be appointed on the Army appropriation bill.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate request a conference with the House of Representatives on the disagreeing votes of the two Houses on the amendment No. 23 of the Senate to the Army appropriation bill insisted upon by the Senate.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. ALLISON, Mr. PLUMB, and Mr. RANSOM were appointed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following

enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore*:

- A bill (H. R. 732) granting a pension to William Weddingfield;
- A bill (H. R. 1164) to restore to the pension-roll the name of Elenor Stough;
- A bill (H. R. 1502) granting a pension to William Robinson;
- A bill (H. R. 1711) granting pensions to Frederick Nelson, T. Caine, and Henry C. Sanders;
- A bill (H. R. 1934) granting a pension to Robert M. McKinlay;
- A bill (H. R. 2136) granting an increase of pension to Merlin C. Harris;
- A bill (H. R. 2138) granting a pension to Martha Angell;
- A bill (H. R. 2282) granting a pension to Adolph Weach;
- A bill (H. R. 2325) granting a pension to Helen M. Harrison;
- A bill (H. R. 2670) granting a pension to Sarah A. Scott, widow of John D. Scott, deceased, late first lieutenant of Company H, First Regiment Pennsylvania Volunteer Cavalry;
- A bill (H. R. 3000) for the relief of William R. Miller, for pension;
- A bill (H. R. 3403) for the relief of Jacob J. Morningstar;
- A bill (H. R. 3681) granting a pension to William L. Sloan;
- A bill (H. R. 3701) granting a pension to James Bradford;
- A bill (H. R. 3901) granting a pension to Mrs. Olive W. Parker;
- A bill (H. R. 4098) granting a pension to William Gibbons;
- A bill (H. R. 4189) granting a pension to Caroline Van Norton;
- A bill (H. R. 4247) granting a pension to Ann Maria Ressler;
- A bill (H. R. 4266) granting a pension to Margaret A. Ringwalt;
- A bill (H. R. 4317) increasing the pension of Julia A. Chambers;
- A bill (H. R. 4548) granting a pension to Cordelia Gale;
- A bill (H. R. 4837) granting a pension to Charles H. Phillips;
- A bill (H. R. 5082) granting a pension to Jane Hilton;
- A bill (H. R. 5207) granting a pension to Adalbert Stickney;
- A bill (H. R. 5508) granting a pension to Isaac R. H. Caldwell;
- A bill (H. R. 5762) for the relief of Ann Lumphrey;
- A bill (H. R. 5813) granting a pension to Rachel Smith;
- A bill (H. R. 5969) increasing the pension of Frederic S. Rich;
- A bill (H. R. 6196) granting a pension to R. D. Lawrence;
- A bill (H. R. 6205) granting a pension to Catherine S. Edmundson;
- A bill (H. R. 6853) granting a pension to Mary C. Axline;
- A bill (H. R. 6826) granting a pension to Rebecca Kupp;
- A bill (H. R. 6835) granting a pension to Bernhard Donohue;
- A bill (H. R. 6965) granting a pension to David T. Dudley;
- A bill (H. R. 6966) granting a pension to Wealthy H. Seavey;
- A bill (H. R. 7302) granting a pension to Elizabeth Smith;
- A bill (H. R. 7313) granting a pension to Charles W. Baldwin;
- A bill (H. R. 7315) granting a pension to Frederick P. Dearth;
- A bill (H. R. 7396) granting a pension to Eliza M. Byers;
- A bill (H. R. 7500) to restore the name of Lewis J. Blair to the pension-roll;
- A bill (H. R. 7561) to allow a pension to George F. West;
- A bill (H. R. 7571) granting a pension to Cornelia V. Blackman;
- A bill (H. R. 7673) granting a pension to Mrs. Adeline E. Chadbourne;
- A bill (H. R. 7707) granting a pension to Holden Cook;
- A bill (H. R. 7724) granting a pension to Lydia Weatherbee;
- A bill (H. R. 7773) granting a pension to William E. Ayres;
- A bill (H. R. 7952) granting a pension to Mrs. Julia Hartley;
- A bill (H. R. 8033) granting an increase of pension to George W. Clark;
- A bill (H. R. 8038) granting a pension to Harriet A. B. Cortis;
- A bill (H. R. 8133) granting a pension to Thomas McGill; and
- Joint resolution (H. Res. 335) to print 2,000 additional copies of Lieut. P. H. Ray's report of the International Polar Expedition to Point Barrow, Alaska.

LIMITATION OF CLAIMS.

Mr. CULLOM. Mr. President—

The PRESIDENT *pro tempore*. It is the duty of the Chair to lay before the Senate the unfinished business of yesterday, being the bill (H. R. 5849) limiting the time for the presentation and payment of claims against the United States. The bill is before the Senate as in Committee of the Whole, and the pending question is on agreeing to the amendment proposed by the Senator from Indiana [Mr. HARRISON].

Mr. CULLOM. I ask that the unfinished business may be laid aside for a few moments informally, and I desire to make a statement. Yesterday while we were in the midst of the consideration of pension bills the Senator from Missouri [Mr. COCKRELL] asked that we lay them aside for ten minutes for the purpose of enabling him to get up, and the Senate to consider and pass, two bills. It was upon my own suggestion that that was acceded to. I hope that the Senate will now allow us to call up and have considered a very few of the contested pension bills, which I think will not be debated very much, but on which there are adverse reports. The motion that I present now is to take up the bill (H. R. 7659) granting a pension to Mrs. Emily L. Alvord. I hope that there will be no objection to the consideration of the pension bills for a little while.

Mr. ALLISON. I hope the Senator from Illinois—

The PRESIDENT *pro tempore*. The motion is not open to debate.

Mr. ALLISON. I ask unanimous consent to say a few words.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent to be heard upon this question. Is there objection? The Chair hears none.

Mr. ALLISON. The legislative, executive, and judicial appropriation bill is now ready to be considered by the Senate, and it is a long bill. It will require of course a great deal of time for the clerks, after it is finally concluded, to engross the amendments. It seems to me it is wise for us, whenever appropriation bills are ready, to consider them. There will be ample opportunity, I will say to the Senator from Illinois, to bring forward these pension bills after we shall have considered the legislative appropriation bill. I hope to have the bill finished and sent to the House to-day, and I trust he will not interpose a motion now to interfere with the regular appropriation bills.

Mr. CULLOM. I am as anxious as the Senator is that the appropriation bill—

The PRESIDENT *pro tempore*. Is there objection to the Senator from Illinois being heard on this question? ["No objection!"]

Mr. CULLOM. I only want to say one word. There are a few of these pension bills which are Senate bills and some of them are House bills. If any of the House bills should be amended by the Senate the chances are very great that they would not get through the other branch of Congress. They have been on the Calendar a good while, and I do not think it will take more than a few minutes' time to dispose of them. We have been waiting, and we could have gotten them through yesterday if the Senate had not determined to allow the consideration of the two bills to which I have referred.

I hope the Senator from Iowa, who is chairman of the Committee on Appropriations, will give way for the consideration of these bills for a short time. I make the motion that the Senate proceed to the consideration of House bill 7659.

The PRESIDENT *pro tempore*. The Senator from Illinois moves that the Senate proceed to the consideration of the bill (H. R. 7659) granting a pension to Mrs. Emily L. Alvord. The question is on agreeing to the motion.

WITHDRAWAL OF PAPERS.

Mr. BLAIR. I ask unanimous consent to have the following order made:

Ordered, That Mrs. Adeline E. Chadbourne have leave to withdraw from the files of the Senate the papers in her case, subject to the rules of the Senate.

The PRESIDENT *pro tempore*. Is there objection to the present reception and consideration of this order?

Mr. ALLISON. Is it in order for me now to move to take up the legislative appropriation bill?

The PRESIDENT *pro tempore*. The pending question is whether there is unanimous consent to consider the order offered by the Senator from New Hampshire.

Mr. CULLOM. There is no objection to its consideration.

The PRESIDENT *pro tempore*. The Chair hears no objection. The order will be entered if there be no objection.

Mr. SEWELL. I ask unanimous consent for the following orders:

Ordered, That Rose A. Braendle have leave to withdraw the papers accompanying Senate bill No. 1126, under the rules of the Senate.

Ordered, That Daniel Morris have leave to withdraw the papers accompanying Senate bill No. 244, under the rules of the Senate.

The PRESIDENT *pro tempore*. If there be no objection the orders will be received and entered. The Chair hears none.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CULLOM. There seems to be a pretty universal disposition to consider the extensive appropriation bill which the Senator from Iowa has in charge, and I will withdraw my motion to proceed to the consideration of the bill that I referred to in the hope that when the appropriation bill is out of the way the Senate will allow us to take up the pension bills and pass them.

The PRESIDENT *pro tempore*. The motion is withdrawn.

Mr. ALLISON. I am much obliged to the Senator from Illinois. Now I ask unanimous consent that the pending order be informally laid aside in order that I may report from the Committee on Appropriations House bill 8179, with sundry amendments, and ask the Senate to proceed to its consideration.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent to make a report from the Committee on Appropriations at this time.

Mr. ALLISON. And to proceed to the consideration of the report. The PRESIDENT *pro tempore*. Those are two separate questions. The Chair hears no objection to the reception of the report.

Mr. ALLISON. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes, to report it with amendments, and I ask unanimous consent that the pending order be informally laid aside and that the Senate now proceed to the consideration of the bill.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none. The bill is before the Senate as in Committee of the Whole.

ISABELLA TURNER.

Mr. BLAIR. I ask the Senator from Iowa to do me the kindness, for it would be a real personal kindness, as the matter has troubled me for a long time, to allow me to ask unanimous consent that the Senate at this time may take up the bill (S. 2009) granting a pension to Isabella Turner, which is a private pension bill passed by the Senate, and by the House with an amendment. I wish to move a concurrence in the amendment of the House, which simply saves \$192 to the Treasury.

Mr. ALLISON. If it takes no time and causes no debate, I shall not object, but this is the last time I can yield.

The PRESIDENT *pro tempore*. Is the bill on the Calendar?

Mr. BLAIR. It comes from the House with an amendment. I wish to move to concur in the House amendment.

The PRESIDENT *pro tempore*. The Chair understands from the clerks at the desk that the bill is in possession of the Committee on Pensions. Does the Senator from New Hampshire now report it?

Mr. BLAIR. I move that the Committee on Pensions be discharged from its further consideration. I did not know that it had been referred.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks unanimous consent that the Committee on Pensions be discharged from the further consideration of the bill.

Mr. JACKSON. May I inquire of the Senator from New Hampshire what bill it is?

Mr. BLAIR. It is a bill which passed the Senate giving arrears for two years. The House amended the bill by cutting off the arrears. I desire to have the Senate concur in the amendment.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks unanimous consent that the Committee on Pensions be discharged from the consideration of the bill (S. 2009) granting a pension to Isabella Turner. Is there objection? The Chair hears none. The Senator from New Hampshire asks unanimous consent that the bill with its amendment be now considered. Is there objection? The Chair hears none. The Secretary will read the amendment made by the House of Representatives to the Senate bill.

The Secretary read the amendment, which was to strike out all after the word "pension-rolls," in line 6 of the bill, down to and including "1882," in line 8 of the bill.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the Senate concur in the amendment proposed by the House of Representatives.

The amendment was concurred in.

SENATE ELECTION CASES.

Mr. HOAR. I ask the Senator from Iowa to allow me to introduce a resolution at this time. As he is anxious to go on with the appropriation bill, I shall not ask its passage, although I believe it will pass unanimously. I wish to submit it now, so that it will be before the Senate as of right to-morrow.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent to offer a resolution at this time. It will be read for information.

The resolution was read, as follows:

Resolved, That the Committee on Privileges and Elections be directed to cause to be prepared a compilation and digest of the contested-election cases which have arisen in the Senate since its organization, and to report the same to the Senate at the December session of Congress, and be authorized for that purpose to employ a clerk at the usual compensation until December 1, 1885, to be paid from the contingent fund of the Senate.

Mr. HOAR. I do not know whether there will be any objection to passing the resolution at the present time.

Mr. MILLER, of New York. I ask that it may go over.

The PRESIDENT *pro tempore*. The Chair did not hear the Senator. Is there objection to the reception of the resolution? The Chair hears none. The rules require that the resolution shall be referred to the Committee on Contingent Expenses. If there be no other suggestion the resolution will be referred to the Committee on Contingent Expenses, as it provides for a payment out of the contingent fund.

Mr. HOAR. I suppose by unanimous consent the resolution can be passed in its present form to-morrow. I do not ask that now; but I will call the attention of the Senate to it at some convenient time.

The PRESIDENT *pro tempore*. The resolution then goes over under objection.

Mr. HOAR subsequently said: I ask that the resolution introduced by me, which went over under objection, may be referred under the rule.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the resolution offered by him, and which went over under objection, be referred to the Committee on Contingent Expenses. The Chair hears no objection, and it is so ordered.

REPORT OF A COMMITTEE.

Mr. DOLPH. I ask leave to make a report from the Committee on Claims.

The PRESIDENT *pro tempore*. If there be no objection, the Chair will receive the report at this time. The Chair hears none.

Mr. DOLPH. I am directed by the Committee on Claims, to whom was referred the bill (S. 470) for the relief of the State of New York, and to pay off certain certificates issued by that State to the soldiers of the war of 1812, to report a substitute therefor, which I ask may be read twice and placed on the Calendar.

The bill (S. 2853) to authorize the proper accounting officers of the Treasury to settle and pay the claim of the State of New York for expenses on account of volunteers and militia in said State called into the service of the United States during the war of 1812 was read the first time by its title.

Mr. LAPHAM. I should like to have the bill read at length.

The bill was read the second time at length.

The PRESIDENT *pro tempore*. Is the Senate bill reported adversely?

Mr. DOLPH. It is reported adversely.

The PRESIDENT *pro tempore*. What disposition does the Senate desire to have made of Senate bill 470?

Mr. DOLPH. I move that the bill be postponed indefinitely.

The PRESIDENT *pro tempore*. That order will be entered if there be no objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 1810) for the erection of a public building at Sacramento, Cal.

The message also announced that the House had passed the bill (S. 78) for the erection of a public building at La Crosse, Wis., with amendments in which it requested the concurrence of the Senate.

LOSSES OF PROPERTY BY TROOPS.

Mr. COCKRELL. I ask the Senator from Iowa to yield until I make a little motion. I move that the Senate insist upon its amendments to the bill (H. R. 5713) to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States. I hope there will be no objection to the request.

The PRESIDENT *pro tempore*. The bill passed the Senate yesterday with amendments. The Senator from Missouri asks consent to move at this time that the Senate insist upon its amendments and ask for a conference. Is there objection? The Chair hears no objection. How shall the conferees be appointed? ["By the Chair."] By the Chair, if there be no objection.

Mr. COCKRELL subsequently said: I discover, contrary to what I had a right, as I supposed to anticipate, that the bill which I thought a few moments ago was still in the possession of the Senate, has been returned to the House. I wish to accompany my motion for a conference with a request that the House return the bill to the Senate.

The PRESIDING OFFICER (Mr. HARRIS in the chair). If there be no objection the order asking the House to return the bill to the Senate will be entered. The Chair hears no objection, and it is so ordered.

The bill having been received at a later stage from the House of Representatives, Mr. COCKRELL, Mr. HARRISON, and Mr. SEWELL were appointed by the President *pro tempore* the conferees on the part of the Senate.

UMATILLA INDIAN RESERVATION.

Mr. DAWES. I move that a committee of conference be requested with the House on the amendment of the Senate to the amendment of the House on the bill (S. 66) providing for allotment of lands in severalty to the Indians residing upon the Umatilla reservation, in the State of Oregon, and granting patents therefor, and for other purposes.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the Senate request a conference with the House of Representatives on the amendment of the Senate to the House amendment which was agreed to this morning. Is there objection? The Chair hears none, and it is so ordered.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. DAWES, Mr. CAMERON of Wisconsin, and Mr. SLATER were appointed.

CHRISTIAN BROTHERS' COLLEGE.

Mr. KENNA. With the permission of the Senator from Iowa, I desire to state that a report was made from the Committee on Claims yesterday of the bill (H. R. 6881) for the relief of the trustees of the Christian Brothers' College, of Saint Louis, Mo. The report was made as adverse, but as a matter of fact the minority report accompanying it contains the signatures of a majority of the committee. I make this statement in order that the matter may be properly treated on the Calendar.

Mr. COCKRELL. Then it is a majority report.

Mr. KENNA. What appears as a minority report is in fact the majority report of the committee.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from West Virginia submit a motion?

Mr. KENNA. I presume that none is necessary; that a mere statement of the fact will cause the correction to be made.

The PRESIDING OFFICER. The correction will be made accordingly.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

The bill was reported from the Committee on Appropriations with amendments.

Mr. ALLISON. I ask that the first or formal reading of the bill be dispensed with, and that the amendments of the Committee on Appropriations be considered as the reading progresses.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent that the first reading at large be dispensed with, and that the reading proceed by paragraphs, and that the amendments recommended by the Committee on Appropriations be considered as the reading proceeds. Is there objection? The Chair hears none.

The Secretary proceeded to read the bill. The first amendment reported by the Committee on Appropriations was, under the head of "Senate," in line 14, to increase the total appropriation "for compensation of the officers, clerks, messengers, and others in the service of the Senate," from \$282,195.10 to \$348,082.70.

The amendment was agreed to.

The next amendment was, in line 25, after the word "for," to strike out "Chaplin" and insert "Chaplain;" so as to read:

For Chaplain of the Senate, \$900.

The amendment was agreed to.

The next amendment was, in the appropriations for office of Secretary of the Senate, in line 36, after the word "each," to insert "assistant financial clerk, \$2,400."

The amendment was agreed to.

The next amendment was, in line 39, in the appropriations for the office of the Secretary of the Senate, before the word "clerks," to strike out "six" and insert "five;" so as to read:

Five clerks at \$2,220 each.

The amendment was agreed to.

The next amendment was, in line 43, to increase the appropriation for compensation of the keeper of stationery for the Senate from \$2,102.40 to \$2,250.

The amendment was agreed to.

The next amendment was, in line 47, in the appropriations for the office of the Secretary of the Senate, before the word "laborers," to strike out "four" and insert "five;" so as to read:

Five laborers, \$720 each.

The amendment was agreed to.

The next amendment was, in line 49, to increase the total amount of the appropriations for office of the Secretary of the Senate and the clerks and employees in his office from \$61,518.90 to \$62,566.50.

The amendment was agreed to.

The next amendment was, in the appropriations for "Clerks and messengers to committees," in line 55, to increase the item for compensation of "clerk to the Committee on Appropriations" from \$2,500 to \$3,000.

The amendment was agreed to.

The next amendment was, in line 78, after the word "Judiciary," to strike out "and;" in line 79, after the words "Engrossed Bills," to insert "and Military Affairs;" so as to read:

And seven messengers, at the rate of \$1,440 per annum, for the following committees, namely: Finance, Post-Offices and Post-Roads, Pensions, Claims, District of Columbia, Judiciary, Engrossed Bills, and Military Affairs.

The amendment was agreed to.

The next amendment was, in line 79, to increase the total amount of the appropriations for "clerks and messengers to committees" from \$55,080 to \$57,020.

The amendment was agreed to.

The next amendment was, in the appropriations for the "office of Sergeant-at-Arms and Doorkeeper," in line 83, after the word "dollars," to insert "for one horse and wagon for his use, \$600;" so as to read:

For Sergeant-at-Arms and Doorkeeper, \$4,320; for one horse and wagon for his use, \$600.

The amendment was agreed to.

The next amendment was, in line 89, after the word "each," to insert: One assistant messenger on the floor of the Senate, \$1,200.

The amendment was agreed to.

The next amendment was, in line 95, after the word "dollars," to insert:

One clerk in the post-office, \$1,800.

The amendment was agreed to.

The next amendment was, in line 97, after the word "each," to insert:

One laborer in the post-office, \$720.

The amendment was agreed to.

The next amendment was, in line 101, to increase the appropriation for compensation of "two assistants in document-room" from \$1,440 each to \$1,600 each.

The amendment was agreed to.

The next amendment was, in line 103, to increase the appropriation for clerk to the superintendent of the document-room from \$1,440 to \$1,600.

The amendment was agreed to.

The next amendment was, in line 105, to increase the appropriation for compensation of one page in the document-room from \$720 to \$900.

The amendment was agreed to.

The next amendment was, in line 108, to increase the appropriation for compensation of "one assistant in the folding-room" from \$1,200 to \$1,440.

The amendment was agreed to.

The next amendment was, in line 113, before the word "messengers," to strike out "twenty-four" and insert "twenty-eight;" so as to read: Twenty-eight messengers, at \$1,440 each.

The amendment was agreed to.

The next amendment was, after the word "each," at the end of line 121, to insert:

Two firemen, at \$1,080 each.

The amendment was agreed to.

The next amendment was, in line 128, before the word "skilled," to strike out "eight" and insert "ten;" so as to read:

Ten skilled laborers, at \$1,000 each.

The amendment was agreed to.

The next amendment was, in line 129, before the word "laborers," to strike out "twelve" and insert "fourteen;" so as to read:

Fourteen laborers, at \$720 each.

The amendment was agreed to.

The next amendment was, in line 130, to insert:

Two janitors, at \$900 each.

The amendment was agreed to.

The next amendment was, in line 136, to increase the total amount of the appropriations for the "office of Sergeant-at-Arms and Doorkeeper of the Senate" from \$133,241.80 to \$151,621.80.

The amendment was agreed to.

The next amendment was, in line 139, before the word "clerks," to strike out "twenty-one" and insert "twenty-five;" in line 140, after the word "session," to strike out "twenty-six thousand seven hundred and twelve" and insert "thirty-one thousand eight hundred;" so as to make the clause read:

For twenty-five clerks to committees, at \$6 per day during the session, \$31,800.

The amendment was agreed to.

The next amendment was, after line 142, to insert:

For clerks to Senators who are not chairmen of committees, at \$6 per day during the session, \$39,432.

The amendment was agreed to.

The next amendment was, in the appropriations "for contingent expenses of the Senate," in line 147, after the word "stationery," to insert "and newspapers;" so as to read:

For stationery and newspapers, including \$6,000 for stationery for committees and officers of the Senate, \$15,500.

The amendment was agreed to.

The next amendment was to strike out after the word "dollars," in line 149, to line 159, inclusive, in the following words:

And section 3 of the act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes," approved July 5, 1884, be, and the same is hereby amended by inserting after the words "Smithsonian Institution," where they occur in said section, the words "the Secretary and Sergeant-at-Arms of the Senate, and the Clerk, Sergeant-at-Arms, and Doorkeeper of the House of Representatives."

The amendment was agreed to.

The next amendment was, after line 159, to insert:

For postage-stamps for the office of the Secretary of the Senate, \$100; for the office of the Sergeant-at-Arms, \$100; in all, \$200.

The amendment was agreed to.

The next amendment was, in line 173, to increase the appropriation "for fuel and oil and cotton-waste for the heating apparatus" from \$7,000 to \$8,000.

The amendment was agreed to.

The next amendment was, in line 176, to increase the appropriation "for miscellaneous items, exclusive of labor," from \$10,000 to \$15,000.

The amendment was agreed to.

The next amendment was, in line 182, to increase the total amount of the appropriations "for contingent expenses of the Senate" from \$32,770 to \$38,770.

The amendment was agreed to.

The next amendment was, under the head of "House of Representatives," in line 209, to decrease the total amount of appropriation—

For compensation of the officers, clerks, messengers, and others in the service of the House of Representatives from \$384,630.22 to \$386,175.10.

Mr. ALLISON. I ask leave to modify that amendment, so as to make the sum \$384,461.43 in lieu of the words already proposed.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Secretary will make the modification suggested by the Senator from Iowa, if there be no objection. The amendment is agreed to, as modified.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 219, after the word "for," to strike out "Chaplin" and insert "Chaplain;" so as to read:

For Chaplain of the House, \$900.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 272.

Mr. ALLISON. In line 266 I move to strike out "March" and insert "April;" so as to read: "April 4," 1885.

The amendment was agreed to.

Mr. ALLISON. In lines 272 and 273 I move to insert, in lieu of the words in italics, the words "seven thousand four hundred and seventy-seven dollars and ninety-eight cents;" and as modified I ask that the amendment may be agreed to.

The PRESIDING OFFICER. The amendment will be so modified, if there be no objection.

Mr. ALLISON. The words "four thousand nine hundred and twelve seventy-seven" have already been stricken out, I believe.

The PRESIDING OFFICER. They have not.

Mr. ALLISON. They should be stricken out.

The PRESIDING OFFICER. The Chair intended that the Secretary should report the recommendation to strike out those words and insert others. He will now report the whole amendment striking out the text.

The CHIEF CLERK. In lines 272 and 273 it is proposed to strike out "four thousand nine hundred and twelve dollars and seventy-seven" and insert "seven thousand four hundred and forty-seven dollars and ninety-eight;" so as to read:

For the following additional employes in the Clerk's office, who are to be paid from and including April 4, 1885, to June 30, 1886: Three clerks to index private claims, at \$1,600 each per annum; one messenger-boy in chief clerk's room, at \$300 per annum; and two laborers in the Clerk's document-room, at \$900 per annum each; in all, \$7,447.98.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "clerks and messengers to committees of the House of Representatives," in line 280, to increase the appropriation for compensation of "clerk to the Committee on Appropriations," from \$2,500 to \$3,000.

The amendment was agreed to.

The next amendment was, to strike out the following clause, from line 383 to 386, inclusive:

For two stenographers to committees, to be appointed by the Speaker on or after December 1, 1885, at \$4,000 per annum each, \$4,674.

Mr. INGALLS. I wish the chairman of the committee would advise the Senate why this item is to be stricken out.

Mr. ALLISON. This is a new method of compensating stenographers of committees of the House. We had considerable discussion upon that question last year, and the two Houses agreed upon a general plan for committee reporting; and we thought perhaps the House might have inserted this provision through inadvertence. We wish to give them an opportunity of revising their decision upon the question if they desire to do so. We have provided for this reporting in another place, I will say to the Senator from Kansas.

Mr. INGALLS. With that explanation I am content to have the amendment adopted; but I should not be willing to interfere in any way whatever with the service that the House of Representatives consider indispensable to the transaction of their business. I hope that if the chairman of the Committee on Appropriations shall be on the conference committee he will feel himself instructed to recede from this amendment if the House asks for it. I should insist so far as the Senate is concerned that the House should not interfere with the Senate, and I would be willing to concede to them what we ask for ourselves.

Mr. ALLISON. I will say to the Senator from Kansas and the Senate that that is the mode of procedure hitherto in regard to officers in the House and Senate, and that the committee had no intention to depart from the uniform rule. We think of course that the House is the better judge of the number and character of its employes and the amount of money necessary to conduct its business in a proper and energetic way, and we consider also that the Senate is the best judge of the method of conducting its business. The committee has no intention of interfering with the just rights of the House in this regard.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to strike out lines 404 and 405, as follows:

For miscellaneous items and expenses of special and select committees, \$30,000.

And in lieu thereof to insert:

For miscellaneous items and expenses of special and select committees, including compensation, at such rate as may be fixed by the Committee on Accounts, but not exceeding \$1.50 per printed page, to stenographers to committees, to be appointed by the Speaker or the application of committees, \$35,000.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, after line 416, to insert the following clause:

For postage-stamps for the officers of the House of Representatives, namely: For the Sergeant-at-Arms, \$50; the Clerk, \$50; and the Postmaster, \$50; in all, \$150.

The amendment was agreed to.

The next amendment was, in line 441, after the word "library," to strike out "three" and insert "five;" in line 443, after the word "dollars," to strike out "including" and insert a semicolon, and after the semicolon to insert "for;" in line 447, after the words "Chief-Justice," to insert "\$2,000;" and in line 451, after the word "all," to strike out "eight" and insert "twelve;" so as to make the clause read:

For purchase of books for the library, \$5,000; for purchase of law books for the library, \$2,000; for the purchase, by the Librarian of Congress, of new books of reference for the Supreme Court, to be a part of the library of Congress, and purchased under the direction of the Chief-Justice, \$2,000; for expenses of exchanging public documents for the publications of foreign governments, \$1,000; for purchase of files of periodicals and newspapers, \$2,500; in all, \$12,500.

The amendment was agreed to.

The next amendment was, after line 451, to insert:

For the purchase of works of art, under the direction of the Joint Committee on the Library, \$10,000.

The amendment was agreed to.

The next amendment was, after the word "one," at the end of line 497, to insert "clerk of class 4, who shall be a;" in line 499, before the word "hundred," to strike out "six" and insert "eight;" and in the same line, after the word "dollars," to insert "one clerk of class 2;" in line 500, before the words "one messenger," to strike out "and;" in line 501, after the word "dollars," to insert "and one laborer," and in the same line, after the word "all," to strike out "nineteen thousand one hundred and forty" and insert "twenty-one thousand four hundred;" so as to make the clause read:

CIVIL-SERVICE COMMISSION.

For three commissioners, at \$3,500 each; one chief examiner, \$3,000; one secretary, \$2,000; one clerk of class 4, who shall be a stenographer, \$1,800; one clerk of class 2; one clerk of class 1; one messenger, \$840; and one laborer; in all, \$21,400.

The amendment was agreed to.

The next amendment was, after the word "expenses," in line 504, to insert "including those of examiners acting under the direction of the commission;" so as to make the clause read:

For necessary traveling expenses, including those of examiners acting under the direction of the commission, \$3,500.

The amendment was agreed to.

The next amendment was, in line 509, after the word "ice," to strike out "car-tickets;" so as to make the clause read:

For furniture and repairs of furniture, file-cases and file-boxes, books, stationery, printing, advertising, telegraphing, telephone service, type-writing, ice, and other absolutely necessary expenses, including heating, lighting, and altering rooms, and care of same, \$3,000.

The amendment was agreed to.

The next amendment was, in the appropriations for the "Department of State," in line 519, after the word "four," to insert:

Stenographer to the Secretary, at \$1,800.

The amendment was agreed to.

The next amendment was, in line 526, to increase the total amount of the appropriations for compensation of the Secretary of State, First-Assistant Secretary of State, and two Assistant Secretaries of State, and the clerks and employes in the Secretary's office, from \$112,350 to \$114,150.

The amendment was agreed to.

The next amendment was, in the appropriations under the head of "Treasury Department," in the appropriations for "Secretary's office," in line 557, to increase the appropriation for the compensation of "Government actuary, under the control of the Treasury Department," from \$2,250 to \$2,400.

The amendment was agreed to.

The next amendment was, in line 558, after the word "copyist," to insert:

Eight skilled laborers, at \$640 each.

The amendment was agreed to.

The next amendment was, in line 559, before the word "skilled," to strike out "five" and insert "eight;" so as to read:

Eight skilled laborers, at \$560 each.

The amendment was agreed to.

The next amendment was, in line 560, before the word "skilled," to strike out "five" and insert "eight;" so as to read:

Eight skilled laborers, at \$500 each.

The amendment was agreed to.

The next amendment was, in line 562, to increase the total amount of the appropriations for the compensation of the "Secretary of the Treasury, two assistant secretaries, and the clerks and employes in the Secretary's office," from \$35,080 to \$43,660.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of line 578.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Iowa to line 578, which reads "fifty-eighth watchmen." The Chair supposes it was intended for "fifty-eight."

Mr. ALLISON. I move to strike out the last letter "h." That is a misprint.

The PRESIDING OFFICER. If there be no objection, that modification will be made. The Chair hears none.

The Chair also calls the attention of the Senator from Iowa to lines 579 and 580. The language is: "Twenty-nine laborers;" and that is followed by, "ten laborers, at \$500 each."

Mr. ALLISON. That is as it should be. The totals are all right. They are provided for in the totals.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for the office of "Supervising Architect," in line 705, before the word "thousand," to strike out "twenty" and insert "forty;" so as to make the clause read:

And the services of skilled draughtsmen, civil engineers, computers, accountants, modelers, assistants to the photographer, copyists, and such other services as the Secretary of the Treasury may deem necessary and specially order, may be employed in the office of the Supervising Architect to carry into effect the various appropriations for public buildings, to be paid for from such appropriations: *Provided*, That the expenditures on this account for the fiscal year ending June 30, 1896, shall not exceed \$140,000; and the Secretary of the Treasury shall each year, in the annual estimates, report to Congress the number of persons so employed and the amount paid to each.

The amendment was agreed to.

The next amendment was, in the appropriations for the office of the "Commissioner of Customs," to strike out the clause from line 746 to line 751, inclusive, in the following words:

And each of the cities of Tacoma and Seattle, in Washington Territory, shall be, and it is hereby, made a port of delivery; and the deputy collector who shall be stationed at each of them shall receive such compensation, not exceeding \$1,200 per annum, as the Secretary of the Treasury shall prescribe.

The PRESIDING OFFICER. If there be no objection, the amendment will be agreed to.

Mr. DOLPH. Mr. President, there is objection. I hope the amendment will not prevail.

On the 3d of June, 1884, the Senate passed a bill, Senate bill 1741, making the cities of Tacoma and Seattle, in the Puget Sound customs district, Washington Territory, ports of delivery, and providing for a deputy collector of customs to be stationed at each of them, who should receive such compensation, not exceeding the sum of \$1,800 per annum, as the Secretary of the Treasury should prescribe.

In March last I reported from the Committee on Commerce unanimously in favor of that bill, and it passed the Senate without a dissenting voice on the 3d of June. It is necessary legislation. It is important to the commerce of Puget Sound and the Northwest. It has been placed on this bill in accordance with the rules of the House, and the only objection which can be made to it is that it has been so placed in the bill by the House, and is a matter of general legislation.

I do hope that the amendment striking out the clause will not prevail. As this is a matter which has been thoroughly considered by the proper committee of the Senate, and passed heretofore without objection in the Senate, I trust that the clause may be permitted to remain.

I could go on and discuss the importance of this provision, but I do not suppose it is necessary from the fact, as I said before, that it has been thoroughly considered by the Committee on Commerce of the Senate, and that it passed the Senate without objection, even in my absence.

Mr. ALLISON. This provision is simply legislation relating to a subject that has no connection whatever with appropriations. If we are to maintain our rules at all, it seems to me this provision ought to go out.

Mr. DOLPH. I do not understand that it is a question of maintaining our rules. Of course if the provision had been proposed to be put on the bill by a Senate committee and objection made to it, the rules of the Senate would come in question; but as I said, this provision has been placed in the bill strictly in accordance with the rules of the House, and it is legislation which has been amply and fully considered and passed upon by the Senate and is very important. This is the only way in which it can become a law; and I hope the Senate will reject the amendment of the Committee on Appropriations.

Mr. McMILLAN. I desire to suggest that this provision would seem to be for the increase of the revenue of the Government.

Mr. ALLISON. But this is not a tax bill, I will say to the Senator from Minnesota; it is the very reverse.

Mr. McMILLAN. But it is a bill regulating the appropriation for the collection of customs, establishing appropriation for the payment of the officers engaged in the collection of the customs, in the collection of the revenue. This is the machinery, and the clause in question would seem to only add efficiency to that service.

Mr. DOLPH. It decreases the expenditure because there are inspectors stationed now at both those points, I understand, whose salary is larger than that provided by this bill. The provision in the House bill

decreases the salary of the deputy collectors from \$1,800, as the Senate bill had it, to \$1,200.

Mr. SLATER. On this question I have voted steadily against the ruling of the Chair, believing that not only was the ruling under the rule incorrect, but that by the ruling and the construction given the Senate abdicates its power under the Constitution. I do not believe we have the right in point of fact to do that. Of course, as a matter of experience it is done every day. In this case it is conceded that this is proper legislation. It has been reported from a proper committee in this body, received the sanction of this body, and the only point that is made against it is simply that under the rules of the House they have put it in the bill, and we now say that it shall go out under our rules. In other words, we say to the House that we will dictate to them the manner in which they shall present legislation to us. I do not think that is quite the way to transact the public business.

I hope the Senate will not strike out this provision; it is important legislation, very important to that section of the United States, and it ought to be retained.

The PRESIDING OFFICER. The question is on the amendment recommended by the Committee on Appropriations.

Mr. FRYE. That this is general legislation under the Senate rule of course there is no question; and that the next clause of the bill is legislation there is equally no question; and under the rules of the Senate, if they were offered as amendments here, they would both be subject to the point of order. But the presiding officer of the Senate, within the last two or three days, has insisted upon leaving to the Senate all question of order touching legislation on appropriation bills, and the Senate has deliberately determined in at least four or five instances to keep on the Post-Office appropriation bill general legislation which seemed healthy in itself. So I do not see how any Senator now can urge upon the Senate a Senate rule to keep out from one of these bills general legislation which, in the opinion of a majority of the Senate, is healthy.

I am in favor of the Senate rule, and I believe in it; but I am in favor of this legislation, and believe in that. As a member of the Committee on Commerce, I regard it as very important to the Government and to this section of the country, and I feel entirely relieved under the action of the presiding officer of the Senate and of the Senate itself to vote my conviction on these items.

The PRESIDING OFFICER. The question is, Will the Senate agree to the amendment recommended by the Committee on Appropriations?

The question being put, there were on a division—ayes 10, noes 16—no quorum voting.

Mr. ALLISON called for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 20, nays 21; as follows:

YEAS—20.

Allison,	Coke,	Hawley,	Mitchell,
Butler,	Garland,	Ingalls,	Morrill,
Call,	Groome,	Jackson,	Platt,
Cameron of Wis.,	Hale,	Jones of Nevada,	Sewell,
Cockrell,	Harris,	Maxey,	Van Wyck.

NAYS—21.

Blair,	Gibson,	Plumb,	Vest,
Brown,	Jonas,	Pugh,	Walker,
Colquitt,	McMillan,	Sabin,	Wilson.
Conger,	Mahone,	Sawyer,	
Dolph,	Manderson,	Slater,	
Frye,	Palmer,	Vance,	

ABSENT—35.

Aldrich,	Edmunds,	Jones of Florida,	Pendleton,
Bayard,	Fair,	Keena,	Pike,
Beck,	Farley,	Lamar,	Ransom,
Bowen,	George,	Lapham,	Riddleberger,
Camden,	Gorman,	Logan,	Saulsbury,
Cameron of Pa.,	Hampton,	Mohrson,	Sherman,
Chace,	Harrison,	Miller of Cal.,	Voorhees,
Callahan,	Hill,	Miller of N. Y.,	Williams.
Dawes,	Hoar,	Morgan,	

So the amendment was rejected.

Mr. HALE. I desire to move an amendment to the clause which has just been left by the vote of the Senate in the bill; but I suppose the proper time for that would be after the committee's amendments have been gone through with.

The PRESIDING OFFICER. And, as the Chair thinks, after the bill shall have been reported to the Senate, the Senate having by vote refused to strike out the clause.

Mr. HALE. It will then be open to amendment?

The PRESIDING OFFICER. It will be open to amendment in the Senate.

Mr. ALLISON. This being legislation, I do not wish the Chair to overrule former decisions which require us not to amend legislative provisions. I understand that no amendment to this provision is in order.

Mr. HALE. I can offer the amendment when the time comes, and let it take its fate. Presumably on what the Senate has just done now, it will be very glad to embrace other features of general legislation.

Mr. ALLISON. I presume it is the intention of the Senate now to admit all legislation on these bills, so that there may be no question about legislation.

The PRESIDING OFFICER. All the Chair intended to rule by his answer to the Senator from Maine was that the committee having reported an amendment striking out this clause of the bill, and no amendment having been proposed to it pending that question, and the Senate having refused to strike it out while in Committee of the Whole, the Chair does not think it is amendable. As to whether the amendment would or would not be in order would, of course, depend necessarily on the nature of the amendment when offered.

Mr. HALE. I understood the Chair only to indicate the time and place when the amendment could be offered.

The PRESIDING OFFICER. That it would be in order to offer an amendment. The reading of the bill will proceed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to strike out the clause from line 752 to line 760, in the following words:

That the customs-collection district of Duluth, Minn., shall comprise all the waters and shores of Lake Superior, and the rivers connected therewith, in the State of Minnesota, and the harbor and city of Superior, with the bays of Saint Louis and Superior, and the rivers connected therewith, within the State of Wisconsin, in which district Duluth shall be the port of entry; and there shall be a collector, who shall reside at Duluth, and a deputy collector, who shall reside at Superior.

Mr. McMILLAN. I hope the Senate will not concur in this amendment. This legislation embraced in the bill, if it is legislation, conduces very largely to the public interest. The district of Duluth embraces the territory upon the north shore of Lake Superior, and Duluth is the point at which the custom-house is located. Superior is immediately across the bay from Duluth; it is in Wisconsin. At present it is embraced in the collection district of Marquette, which is three hundred miles down the lake, and vessels coming to the port of Superior and to Duluth must have clearances from each of these ports before they can go from one to the other. Vessels coming to Duluth and crossing to Superior go into a different collection district, and it is necessary for them to go through all the forms and take out all the papers that vessels are required to do in passing from one collection district to another. This is to avoid those serious inconveniences to commerce. It does not increase the number of officers; it does not change the relative position of the officers. There is now a collector at Duluth and a deputy collector at Superior; so that there is no increase of expense.

Mr. CAMERON, of Wisconsin. I would inquire of the Senator from Minnesota, who is the chairman of the Committee on Commerce and who has been chairman of that committee for a number of years past, whether the question of changing the collection districts, as is now proposed in this bill, has ever been brought to the attention of that committee and what recommendation came from the committee, if any?

Mr. McMILLAN. Not until this session. This was inserted in the House and fully considered there.

Mr. CAMERON, of Wisconsin. I am aware it was inserted in the House; but has it been considered by the Committee on Commerce of the Senate?

Mr. McMILLAN. There has been no report from the committee. Mr. CAMERON, of Wisconsin. I did not ask that question. Has it been considered by that committee?

Mr. McMILLAN. It has not been considered because it has not been there for action.

Mr. CAMERON, of Wisconsin. I did not ask what the reason was. I simply asked the question whether the committee had considered it.

Mr. McMILLAN. It is a matter that addresses itself so clearly to the judgment of Senators that it would not be necessary to rely in such a case upon the report of the Committee on Commerce.

Mr. CAMERON, of Wisconsin. With all respect to the Senator from Minnesota, I think he is equivocating.

Mr. McMILLAN. Certainly not. I certainly do not intend to equivocate. I have answered the Senator clearly and distinctly, and I was not aware that the Senator from Wisconsin was opposed to this provision. I understood that it met with the Senator's approval.

Mr. CAMERON, of Wisconsin. It does not meet with my approval. It does not meet with the approval of the people of Wisconsin or the people of Superior.

Mr. McMILLAN. The Senator has changed his views within a short time, then. This certainly is greatly to the public convenience, and it does not increase the expense of the Government in any degree, as I understand. The collection officers are at Duluth and the same officers at Superior, and vessels going to one port often go to the other. Vessels that go to Duluth on going to Superior, carrying goods to Superior, are compelled to go through all these forms and this expense. It seems to me it would interfere very much with the commerce of Superior and operate altogether to the advantage of the other port. I hope the Senate will retain the legislation. It is not a matter that I have any other than a public interest in in any way.

Mr. CAMERON, of Wisconsin. As the Senator from Minnesota has stated, Duluth is in Minnesota and Superior is in Wisconsin. Superior now is in the Marquette collection district. It has been in that district, I think, from the time the present district was organized, and it is per-

fectly willing and desirous to remain there. The people of Superior and of Wisconsin are not of the opinion that it will conduce to the public interest to have this proposed change in the collection district made, and they are opposed to it. They are perfectly willing, as I have stated, to remain where they now are, and they are satisfied that the public interest will be conducted by remaining where they are.

The PRESIDING OFFICER. The question is, Will the Senate agree to the amendment recommended by the Committee on Appropriations?

The question being put, a division was called; and the ayes were 22. Mr. McMILLAN. I will not insist on a further count.

The PRESIDING OFFICER. The ayes have it, and the amendment is agreed to. The reading of the bill will proceed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for the office of "Auditor of the Treasury for the Post-Office Department," before the word "chiefs," in line 822, to strike out "nine" and insert "ten," so as to read:

Ten chiefs of division, at \$2,000 each.

The amendment was agreed to.

The next amendment was, in line 823, before the word "clerks," to strike out "eighteen" and insert "twenty," so as to read:

Twenty clerks of class 4, and additional to one clerk as disbursing clerk, \$300.

The amendment was agreed to.

The next amendment was, in line 826, before the word "clerks," to strike out "fifty-six" and insert "sixty-two," so as to read:

Sixty-two clerks, at \$1,000 each.

The amendment was agreed to.

The next amendment was, in line 829, before the the word "assorters," to strike out "four" and insert "ten," so as to read:

Ten assorters of money-orders, at \$720 each.

The amendment was agreed to.

The next amendment was, in line 832, to increase the total amount of the appropriations for the office of "Auditor of the Treasury for the Post-Office Department" from \$494,670 to \$510,590.

The amendment was agreed to.

The next amendment was, in the appropriations for "Light-House Board," in line 908, after the word "Board," to strike out "who shall be paid from the appropriations for the Light-House Establishment," so as to read:

For the following additional employees in the office of the Light-House Board, namely: One clerk of class 2; one clerk of class 1; ten clerks, at \$900 each; one assistant messenger; one laborer, \$600; one assistant civil engineer, \$2,400; one draughtsman, \$1,800; one draughtsman, \$1,500; one draughtsman, \$1,440; and one draughtsman, \$1,200; in all, \$21,320.

The amendment was agreed to.

The next amendment was, in the appropriations for "Bureau of Statistics," in line 931, before the word "thousand," to strike out "six" and insert "seven," so as to make the clause read:

For collecting statistics relating to internal commerce: For the payment of experts, and for other necessary expenditures connected with the collection of facts relative to the internal and foreign commerce of the United States, \$7,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "Bureau of Engraving and Printing," in line 936, after the word "dollars," to strike out "one clerk of class 3" and insert "two clerks of class 3, one of whom shall be disbursing clerk;" and in line 941, after the word "all," to strike out "twenty-four thousand seven," and insert "twenty-six thousand three;" so as to make the clause read:

Bureau of Engraving and Printing: For Chief of Bureau, \$4,500; one assistant, \$2,250; accountant, \$2,000; one stenographer, \$1,600; two clerks of class 3, one of whom shall be disbursing clerk; four clerks of class 1; one clerk, \$1,000; additional to one clerk as disbursing clerk, \$200; three copyists, at \$600 each; two assistant messengers, and four laborers; in all, \$26,330.

The amendment was agreed to.

The next amendment was, in the appropriations for "Office of Life-Saving Service," in line 952, before the words "of class 4," to strike out "one clerk" and insert "two clerks;" and in line 956, after the word "all," to strike out "thirty-six thousand seven hundred" and insert "thirty-eight thousand four hundred and eighty;" so as to make the clause read:

Office of Life-Saving Service: For General Superintendent of the Life-Saving Service, \$4,000; assistant general superintendent of the Life-Saving Service, \$2,500; one topographer and hydrographer, \$1,800; one civil engineer, \$1,800; one draughtsman, \$1,500; one principal clerk and accountant, \$1,800; two clerks of class 4; three clerks of class 3; two clerks of class 2; five clerks of class 1; two clerks, at \$1,000 each; five clerks, at \$900 each; one assistant messenger, and one laborer; in all, \$38,480.

The amendment was agreed to.

The next amendment was to strike out the clause from line 966 to line 972, inclusive, in the following words:

That the Secretary of the Treasury be, and he is hereby, requested to submit to Congress, at the opening of the next regular session, such modifications of the laws relating to commerce and navigation as will simplify and improve the same, and remove from American vessels, whether engaged in fishing or in domestic or foreign commerce, all unnecessary restrictions and burdens.

Mr. FRYE. That is a piece of general legislation; but it is an exceedingly small one. It costs no money, it does no harm, and it may be productive of great good.

In the shipping bill which formerly passed Congress there was a reduction of certain fees charged upon vessels, and there are certain other fees that need adjustment. In order to enable Congress to enact a law which shall readjust those fees, the readjustment of which will make it absolutely necessary to readjust the fees of certain collectors of the smaller districts, the information which is called for here is actually needed early in the session, and this simply directs the Secretary of the Treasury to make that report. I hope the chairman of the Committee on Appropriations will let so small a general legislation as that go through without any objection.

Mr. ALLISON. I think the Committee on Appropriations generally considered this to be a mere directory provision, and not legislation. I do not think it is, in the usual sense of the term, legislation. It is a directory provision. I think the Senator from Maine could tomorrow morning, if he chose, ask the Secretary of the Treasury by a resolution to furnish this information to the Senate and make such recommendations as he might choose to make on the subject. It is a directory provision; but the committee thought it was an entirely unnecessary provision that if the Secretary of the Treasury attended to his duties in his annual report, and especially the chief of the Bureau of Navigation, who is a new officer, if he attended to his duties at all, would call the attention of Congress to any revision or changes necessary in the public laws in reference to these subjects. I do not think the committee are very strenuous about it one way or the other, except that we consider the clause an entirely unnecessary provision to be inserted in the statutes.

Mr. FRYE. In reply to the Senator from Iowa, I simply desire to say that the gentleman in the other House who represents the district which I formerly had the honor of representing, Mr. DINGLEY, and who is as familiar with all these questions touching commerce and navigation as certainly any member of Congress of either branch, deemed this of very great importance, and as I understand the Special Committee on Commerce authorized it, and requested it to be put into this bill. It is only directory, I admit, but it can not do any possible harm, and I hope the Senate will let it stay in.

Mr. PLUMB. The Secretary of the Treasury is simply the adjutant of the President. If this has any force at all, it will be because it is of that representative character which the Secretary of the Treasury occupies. The President of the United States is already commanded to address to Congress such recommendations as he may see fit concerning the public welfare. Therefore we shall get nothing from this which we are not entitled to have, and which we shall not have in the ordinary course of events if the President believes that he is in possession of knowledge which Congress ought to be in possession of, or if he believes that he has some panacea which Congress is not otherwise advised of, or if advised of is likely to give the go-by to. But we are singling out the Secretary of the Treasury, who, as I said, is the mere clerk, so to speak, of the President, possessing no authority of himself to make reports to Congress, and dignifying his opinion in advance in a manner which I do not think is becoming to the dignity and responsibility of Congress.

This opens up a wide field in which we are supposed to be hungering for the knowledge that some man we do not know anything about knows more about than all the members of Congress and all other people, and that in a measure we shall be bound by it. Of course we are not literally to be bound by it, but at all events we give it an importance which will make it in a certain event a stumbling-block in whatever we may propose to do.

If the new President has anything to say to Congress let him propound it in the manner provided by the Constitution, and if his Secretary of the Treasury knows anything that he thinks Congress ought to know let him communicate that to his superior, his chief, and let his chief in turn give it to Congress, and I have no doubt he will if he thinks it of sufficient importance have it so done. But to call upon somebody to write an essay, somebody having no authority and an unknown person to deliver his opinion, we might as well go to the Chamber of Commerce of the city of New York or to any well-known person in the country who may desire to spread out at large his views on this subject for our edification. I think it is at least a useless provision and one that may do a great deal of harm.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Appropriations.

The amendment was agreed to.

PUBLIC BUILDING AT LA CROSSE, WIS.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 78) for the erection of a public building at La Crosse, Wis., which were, in line 9 of the bill, after the word "dollars," to insert:

And it shall be the duty of the Secretary of the Treasury, after the site for said building shall have been purchased, to cause plans and specifications of said building to be prepared, which said plans and specifications shall not involve an expenditure in the erection and completion of said building exceeding the portion of \$100,000 remaining after the site of said building shall have been paid for. No plan shall be approved by the Secretary of the Treasury involving an expenditure exceeding the sum which remains after paying for the site of said building.

And at the end of the bill to add the following additional section:

Sec. 2. That the sum of \$100,000 be, and the same is hereby, appropriated out of any moneys in the Treasury not otherwise appropriated, for the purpose of carrying into effect the provisions of this act.

Mr. CAMERON, of Wisconsin. I have examined those amendments and move that the Senate concur with the House in the amendments.

The PRESIDING OFFICER. The Senator from Wisconsin asks unanimous consent of the Senate to proceed to the consideration of the bill at this time. Is there objection? The Chair hears none. The Senator from Wisconsin moves that the Senate concur in the House amendments which have just been read.

The motion was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. 2949) for the erection of a public building at Port Townsend, Wash., was read twice by its title and referred to the Committee on Public Buildings and Grounds.

OBSTRUCTION OF ARKANSAS RIVER.

Mr. GARLAND. I offer a resolution and ask its present consideration merely for the purpose of getting some information from the Secretary of War in reference to the river and harbor bill:

Resolved, That the Secretary of War be directed to transmit to the Senate at his earliest convenience information of what is advisable and necessary to prevent the obstruction of navigation through the draw of the railroad bridge at Rob Roy, on the Arkansas River, Arkansas, to remove the sand-bars and to prevent the future formation of sand-bars in said river between the Rob Roy railroad bridge and Bell's Ferry and to insure stability to the Government works in said reach of river and to the channel section of that river.

The resolution was considered by unanimous consent, and agreed to.

RED CROSS OF GENEVA.

Mr. MANDERSON. I ask unanimous consent at this time to make a report from the Committee on Printing.

The PRESIDING OFFICER. The Senator from Nebraska, from the Committee on Printing, asks unanimous consent to make a report at this time. Is there objection? The Chair hears none, and the report will be received.

Mr. MANDERSON. I am directed by the Committee on Printing to report back the petition of Clara Barton, praying that Congress authorize the printing of additional copies of the History of the Red Cross of Geneva, with a concurrent resolution, and I am directed to ask for the immediate consideration of the resolution.

Mr. ALLISON. I do not object if it takes no time and does not lead to debate.

The PRESIDING OFFICER. The resolution will be read for information.

The resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 10,000 copies of the History of the Red Cross, from the stereotype plates now at the Government Printing Office, for the use of the American Association of the Red Cross.

The resolution was considered by unanimous consent, and agreed to.

ASTRONOMICAL AND METEOROLOGICAL OBSERVATIONS.

Mr. MANDERSON. I ask consent to report another resolution from the Committee on Printing.

The PRESIDING OFFICER. If there be no objection the report will be received.

Mr. MANDERSON. I am directed by the Committee on Printing to report favorably a concurrent resolution authorizing the printing of the volumes of the Astronomical and Meteorological Observations of the Naval Observatory. It is in the usual form, and I ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the annual volumes of Astronomical and Meteorological Observations of the Naval Observatory for the years 1881 and 1882 be printed, and that 2,000 additional copies of each volume be printed, of which 400 copies shall be for the use of the Senate, 800 copies for the use of the House, and 800 copies for the use of the Navy Department, or for sale at the cost of paper and printing, in accordance with section 432 of the Revised Statutes of the United States.

BILLS INTRODUCED.

Mr. ALDRICH introduced a bill (S. 2659) for the relief of Ellen May Brown; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 2660) granting a pension to George Warmaley; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3108) to protect fish in the Potomac River in the District of Columbia, and to provide a spawning-ground for shad and herring in the said Potomac River.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed

the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

- A bill (H. R. 1046) granting a pension to Mary A. Griffin;
- A bill (H. R. 1759) granting a pension to Robert Patterson;
- A bill (H. R. 2068) granting a pension to James H. Reid;
- A bill (H. R. 2284) granting a pension to Elizabeth Fowler;
- A bill (H. R. 2537) granting a pension to Hugh Ryan;
- A bill (H. R. 2539) granting a pension to George W. Kiser;
- A bill (H. R. 2894) granting a pension to Henry Rodenback;
- A bill (H. R. 3074) to grant a pension to Jasper J. Henry, on account of wounds received while acting as guide for the First Arkansas Cavalry Volunteers, in the war of the rebellion;
- A bill (H. R. 3352) to restore the name of Warren San. to the pension-roll;
- A bill (H. R. 3605) granting a pension to Eliza Sluss;
- A bill (H. R. 3728) granting a pension to Charles P. Mahan;
- A bill (H. R. 3749) granting a pension to William Bolworth;
- A bill (H. R. 4061) granting a pension to William C. H. Bowman;
- A bill (H. R. 4079) granting a pension to James D. Kirk;
- A bill (H. R. 4833) granting a pension to Louisa Earle;
- A bill (H. R. 5069) granting a pension to Mrs. Mary J. Stotts;
- A bill (H. R. 5124) granting a pension to Samuel Z. Cooper;
- A bill (H. R. 5555) granting a pension to James Frazier;
- A bill (H. R. 5929) for the relief of Abigail Honey;
- A bill (H. R. 5938) to pension Julia A. Marcum;
- A bill (H. R. 5989) for the relief of Elizabeth A. Springstead;
- A bill (H. R. 6018) increasing the pension of George Tapp;
- A bill (H. R. 6044) granting a pension to Eliza Pigeon;
- A bill (H. R. 6235) granting a pension to Eliza J. Norris;
- A bill (H. R. 6310) granting a pension to Benjamin P. Lowell;
- A bill (H. R. 6663) restoring to the pension-roll the name of Caroline Lewis;
- A bill (H. R. 7093) for the relief of Anthony Beyer;
- A bill (H. R. 7094) granting a pension to Samuel M. Bartlett;
- A bill (H. R. 7175) granting a pension to James O. McKenna;
- A bill (H. R. 7256) granting a pension to John A. Vanderhoff;
- A bill (H. R. 7262) increasing the pension of Almira P. Spencer;
- A bill (H. R. 7308) for the relief of David Fried;
- A bill (H. R. 7336) granting a pension to T. A. Morton;
- A bill (H. R. 7338) granting a pension to Chloe A. Whipple;
- A bill (H. R. 7524) granting a pension to Lavisa Heth;
- A bill (H. R. 7602) granting a pension to Harriet M. Bailly;
- A bill (H. R. 7672) granting a pension to Elbert Hewitt;
- A bill (H. R. 7709) granting a pension to Louisa A. Estes;
- A bill (H. R. 7722) granting a pension to Almira K. Parker;
- A bill (H. R. 7731) granting a pension to Lois B. Smith;
- A bill (H. R. 7732) granting an increase of pension to Edward P. Quinn;
- A bill (H. R. 7822) granting a pension to Mark Spencer Van Loan; and
- A bill (H. R. 8104) granting an increase of pension to George S. Hawley.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BAYARD, Mr. GARLAND, and Mr. MAHONEY submitted amendments intended to be proposed by them respectively to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. ALDRICH, Mr. MILLER of New York, Mr. MORGAN, and Mr. PLUMB submitted amendments intended to be proposed by them respectively to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. CALL, Mr. MAXEY, Mr. SAWYER, and Mr. VOORHEES submitted amendments intended to be proposed by them respectively to the general deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. COCKRELL. I ask leave to offer an amendment to the sundry civil, and also an amendment to the general deficiency appropriation bill. I move that they be referred to the Committee on Appropriations and printed.

The motion was agreed to.

Mr. COCKRELL. I hope these amendments will be printed immediately, so that the committee can have them when they come to consider the bills.

Mr. SHERMAN (from the Committee on the Library). I report an amendment intended to be proposed to the sundry civil bill. I ask that it be referred without printing, as I am told there is no time.

Mr. ALLISON. I desire to say that there will be time to print these amendments. I trust that all amendments submitted to-day will be printed.

Mr. SHERMAN. I was told by a member of the committee that it had better go without printing, but I have no objection to the amendment being printed. I ask that it be printed.

Mr. ALLISON. I trust all amendments submitted to-day will be printed.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The amendment will be referred to the Committee on Appropriations and printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 84) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof, with amendments in which it requested the concurrence of the Senate.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for the office of "Commissioner of Internal Revenue," in line 1059, before the word "heads," to strike out "four" and insert "five;" and before the word "hundred," in line 1071, to strike out "eighty thousand six" and insert "eighty-two thousand five;" so as to make the clause read:

Commissioner of Internal Revenue: For Commissioner of Internal Revenue, \$6,000; one deputy commissioner, \$3,200; two heads of division, at \$2,500 each; five heads of division, \$2,250 each; one superintendent of stamp-vault, \$2,000; one stenographer, \$1,800; twenty-four clerks of class 4; twenty-five clerks of class 3; thirty-four clerks of class 2; twenty-four clerks of class 1; fourteen clerks, at \$1,000 each; sixty-six clerks, at \$900 each, and hereafter no vacancies shall be filled in the grade of clerks at \$900 each in this bureau until the number is reduced to fifty; two messengers; fourteen assistant messengers; and thirteen laborers; in all, \$282,540.

The amendment was agreed to.

The next amendment was to strike out the clause from line 1072 to line 1075, inclusive, as follows:

For two stamp agents, at \$1,600 each; and two counters, at \$900 each; in all, \$5,000, the same to be reimbursed by the stamp manufacturers.

And in lieu thereof to insert:

For one stamp agent, at \$1,600; and one counter, at \$900; in all \$2,500, the same to be reimbursed by the stamp manufacturers.

The amendment was agreed to.

The next amendment was, in line 1083, to increase the appropriation "for stationery for the Treasury Department and its several bureaus" from \$30,000 to \$32,000.

The amendment was agreed to.

The next amendment was, in line 1092, after the word "publications," to insert "and not more than \$250 in the purchase of books, serials, and apparatus for the use of the Government actuary;" and in line 1094, after the word "thousand," to strike out "five hundred" and insert "seven hundred and fifty;" so as to make the clause read:

For purchase of material for binding canceled marine papers, requisitions, and other important records; newspapers, books, hand-stamps, and repairs of the same (and of the amount appropriated not more than \$500 may be used in the purchase of current publications, and not more than \$250 in the purchase of books, serials, and apparatus for the use of the Government actuary), \$2,750.

The amendment was agreed to.

The next amendment was, after line 1095, to insert:

For purchase of law books and suitable books of reference for the library of the Treasury Department, \$500.

The amendment was agreed to.

The next amendment was, in line 1102, after the word "telegrams," to insert the word "and;" and in line 1103, after the word "service," to strike out "and car tickets;" so as to make the clause read:

For freight, expressage, telegrams, and telephone service, \$4,500.

The amendment was agreed to.

The next amendment was, under the head of "collecting internal revenue, in line 1169, after the word "that," to strike out "hereafter;" in line 1170, before the word "dollars," to strike out "eight" and insert "ten;" and in line 1171, after the word "exceeding," to strike out "six" and insert "eight;" so as to make the proviso read:

Provided further, That the compensation of the chief of the internal-revenue agents shall not exceed \$10 per day, and of the other agents not exceeding \$8 per day each; and for per diem in lieu of subsistence, while traveling on duty, said agents shall receive, at a rate to be fixed by the Secretary of the Treasury, not exceeding \$3 per day.

The amendment was agreed to.

The next amendment was, in the appropriations for "office of assistant treasurer at New Orleans," in line 1233, to reduce the appropriation for compensation of "porter" from \$900 to \$500; and in line 1235 to reduce the total amount of the appropriation from \$14,090 to \$13,690.

The amendment was agreed to.

The next amendment was, in the appropriations for the "assay-office at Boise City, Idaho Territory," in line 1438, to reduce the appropriation "for incidental and contingent expenses, including labor," from \$5,000 to \$4,000.

The amendment was agreed to.

The next amendment was, in the appropriations for the "Territory of Dakota," in line 1485, after the word "dollars," to strike out the following clause:

And the Legislature of Dakota may divide said Territory into as many council and representative districts as they desire, which districts shall be as nearly equal as practicable, taking into consideration population (except Indians not taxed);

Provided, That the number of council districts shall not exceed twenty-four and the number of representative districts shall not exceed forty-eight.

Mr. McMILLAN. I rise to ask the Senate to disagree to the amendment proposed by the Committee on Appropriations from line 1485 to line 1491, inclusive. This clause provides that the Territorial Legislature of Dakota may apportion the council and representative districts of the Territory, and changes the limitation of the number, permitting the Territorial Legislature to increase the council districts to a number not exceeding twenty-four, and the representative districts to a number not exceeding forty-eight.

At present the number of districts is limited to just one-half that number—twelve council districts and twenty-four representative districts. By an act of Congress, passed on the 12th of June, 1884, it is provided:

That the Legislature of the Territory of Dakota shall hereafter consist of twenty-four members of the council and forty-eight members of the house of representatives, and that there shall be elected at the next general election in said Territory two members of the council and four members of the house of representatives in each of the twelve legislative districts provided for in chapter 7 of the Territorial statutes of 1884 of said Territory.

It will be perceived that the law already fixes the number of members of the council of the Territory at twenty-four, and the number of representatives at forty-eight, while existing statutes limit the number of districts for councilmen to twelve and representatives to twenty-four. This legislation is for the purpose of remedying that defect. The act of Congress increasing the number of representatives in the Territorial council and house of representatives was passed at a time when the Legislature was not in session and would not meet until after the next general election, so that the case now stands that the Legislature consists of twenty-four councilmen and forty-eight representatives, and yet there are but twelve council districts and twenty-four representative districts; so that there must be two members elected to each of these bodies from each of the districts. The territorial area there is 150,000 square miles, and the population of Dakota is a half million, so that these districts must be of immense size and the people can not be fairly represented by having such large legislative or council districts.

It is a great burden and a serious detriment to the public interest to retain the law as it at present exists. I hope the Committee on Appropriations will see the almost imperative necessity for this change, and no other opportunity presents itself of having this change made.

There can be no objection, I think, that this legislation is embraced in an appropriation bill, because I find in the legislative, executive, and judicial appropriation bill for 1878, chapter 329 of the United States Statutes at Large, volume 20, that all these provisions in regard to the Territories were embraced in that bill. On page 193 of the United States Statutes at Large, volume 20, is the entire legislation affecting not only this Territory but all the Territories of the country, prescribing what the Territorial Legislatures should do with reference to apportioning the respective Territories forming council districts and representative districts in the Territories. It is all embraced in that bill. I hope there will be no objection made to retaining this legislation in the bill.

Mr. ALLISON. The Legislature of Dakota, to which this provision would apply, will not sit until two years from this winter, and I hope before that time Dakota will be a State in the Union.

Mr. McMILLAN. The Senator will permit me to correct him. The Legislative Assembly of Dakota is in session now.

Mr. ALLISON. So I understand. There is no appropriation in this bill for the Legislature of Dakota, and the Legislature sits only once in two years. There will be ample time to make some provision at the next session of Congress for a redistricting and redivision of this Territory into legislative districts, if we shall not at an early period in the session admit Dakota as a State.

This legislation may be all right; I do not know that it is wrong; but certainly it has been considered by no committee of the Senate. We do not know and can not know in the nature of things whether this is wise legislation or unwise.

Mr. McMILLAN. The Senator from Iowa will permit me to explain. The statute before him has determined the propriety of having forty-eight representatives and twenty-four members of the council.

Mr. ALLISON. So it has, and provided a method of filling them.

Mr. McMILLAN. And the only reason why the further provision was not embraced in that statute was because the election occurred in the fall succeeding the passage of the law, the law having passed in June and the election transpiring in November, and there was no session of the Legislature intervening.

Mr. ALLISON. The Senate will see that Congress dealt with this subject only last June, and made provision respecting it. If they intended that there should be a redivision and a relocation of the districts, why did they not provide for it in the act when they were dealing with the subject? It was just as easy to deal with it then as now.

Mr. McMILLAN. I have just stated to the Senator that there was no session of the Legislature intervening between the passage of that law and the election. The election must transpire, and the necessity for the increase of members of the Legislature was so imperative—the population having increased to so large an extent that the increase of the members of the Legislature was necessary, and Congress provided

for it. Congress could not undertake to apportion the Territory into legislative districts, and they could not at that time prescribe that the Territory should be divided into legislative districts, because there could have been no election then.

Mr. ALLISON. It seems I failed utterly to make myself understood. Only last June we provided for this increase in the Territorial council and house of representatives of Dakota, and we provided that the additional number of members should be elected in the districts as they then stood. If Congress, after looking into this subject, had supposed it a wise thing to provide for a reapportionment, all that would have been required then would have been a simple additional section saying that this Legislature when convened should have authority to reapportion the Territory; and the Senator from Massachusetts [Mr. HOAR] *sotto voce* says that is all they are going to say now, which I agree to.

We are confronted all the time with these legislative questions, and when they come from the House it seems to be an imperative necessity that they should pass without being considered by the proper committee of the Senate. I do not know but that this is wise legislation; I rather think it is; but why is it that the committee having charge of this subject only last June did not make provision for it, and if not last June why not this winter? Why did they leave it to the last moment to be inserted here in an appropriation bill when in the nature of things we can not know whether it is wise or otherwise?

Mr. McMILLAN. Congress could not make the apportionment itself.

Mr. ALLISON. So I think.

Mr. McMILLAN. It would be unwise in Congress to adopt any such legislation.

Mr. ALLISON. It has done so in many instances.

Mr. McMILLAN. Still it is an exercise of power which is of very doubtful propriety. The people of the Territory are capable of prescribing their own representative districts, and that should always be permitted to the inhabitants of a Territory.

Mr. ALLISON. It is usually done by the executive council of the Territory. I do not know of an instance where we have provided for reapportionment by Territorial legislation.

Mr. McMILLAN. In reference to inserting this in the appropriation bill, as I suggested when I first took the floor, in the appropriation bill of 1878, the legislative, executive, and judicial bill, a bill of the same character as that which we are now considering, there is one whole clause appropriated to the government in the Territories, and it prescribes—

That from and after the adjournment of the next session of the several Territorial Legislatures the council of each of the Territories of the United States shall not exceed twelve members and the house of representatives of each shall not exceed twenty-four members, and the members of each branch of the said several Legislatures shall receive a compensation of \$4 per day each during the sessions provided by law, and shall receive such mileage as the law provides; and the president of the council and the speaker of the house of representatives shall each receive \$6 per day for the same time. And the several Legislatures at their next sessions are directed to divide their respective Territories into as many council and representative districts as they desire, which districts shall be as nearly equal as practicable taking into consideration population, except "Indians not taxed." *Provided, The number of council districts shall not exceed twelve, and the representative districts shall not exceed twenty-four in any one of said Territories.*

It was to amend that legislation inserted in an appropriation bill that the act of last June, to which I have referred the Senator, was passed; and this legislation is merely to carry into effect that act of Congress and permit the Territorial Legislature of Dakota to prescribe the council and representative districts. An area of 150,000 square miles and a population of 500,000 people certainly should be respected and regarded, and the rights of their citizens should be regarded to that extent. I hope the Senate will retain the clause.

The PRESIDING OFFICER. The question is on the amendment recommended by the Committee on Appropriations.

Mr. McMILLAN. I call for the yeas and nays. Perhaps a division may be taken if Senators understand the amendment.

The PRESIDING OFFICER. Does the Chair understand the Senator to withdraw the demand for the yeas and nays?

Mr. McMILLAN. Yes, sir; I will take a division.

The question being put, there were on a division—yeas 19, nays 13—no quorum voting.

Mr. PENDLETON. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. McMILLAN. The Territory of Dakota by law has twenty-four members of the council and forty-eight representatives. That number was prescribed by an act of Congress passed last June. Now, the number of districts consists of twelve council districts and twenty-four representative districts. This legislation merely permits the Legislature of the Territory to increase the number of the districts to conform to the number of representatives, so that there shall be one representative from each council district, and one from each representative district. That is a principle that certainly should be recognized as one to which every portion of the country is entitled; and legislation of this character, more extended and more general, was inserted in the legislative, executive, and judicial appropriation bill in 1878, which renders this

legislation necessary. There certainly can be no objection to permitting this change to be made.

Mr. ALLISON. I do not wish to prolong the discussion, but the legislation of 1878 has nothing whatever to do with this.

Mr. McMILLAN. The principle certainly is the same, and there the legislation was much more general and much more extensive, referring to all the Territories and covering the whole legislation for the Territories.

The question being taken by yeas and nays, resulted—yeas 36, nays 9; as follows:

YEAS—36.			
Allison,	Colquitt,	Hampton,	Pike,
Bayard,	Dawes,	Harris,	Platt,
Beck,	Edmunds,	Hawley,	Pugh,
Brown,	Fair,	Hoar,	Ransom,
Call,	Frye,	Ingalls,	Saulsbury,
Cameron of Wis.,	Garland,	Maxey,	Sherman,
Chace,	George,	Morgan,	Vance,
Cockrell,	Groome,	Morrill,	Vest,
Coke,	Hale,	Pendleton,	Walker.
NAYS—9.			
Conger,	McMillan,	Miller of N. Y.,	Van Wyck,
Dolph,	Mahone,	Palmer,	Wilson.
Lapham,			
ABSENT—31.			
Aldrich,	Gibson,	Kenna,	Riddleberger,
Blair,	Gorman,	Lamar,	Sabin,
Bowen,	Harrison,	Logan,	Sawyer,
Butler,	Hill,	McPherson,	Sewell,
Camden,	Jackson,	Manderson,	Slater,
Cameron of Pa.,	Jonas,	Miller of Cal.,	Voorhees,
Cullom,	Jones of Florida,	Mitchell,	Williams.
Farley,	Jones of Nevada,	Plumb,	

So the amendment was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, this day, approved and signed the following acts:

An act (S. 305) for the relief of Thomas T. Stratton, assignee of W. B. Waldron;

An act (S. 1031) for the relief of W. C. Marsh;

An act (S. 1347) for the relief of the sufferers by loss of the Government steamer J. Don Cameron;

An act (S. 1412) authorizing the Secretary of War to adjust and settle the account for arms between the State of South Carolina and the Government of the United States;

An act (S. 1839) for the erection of a public building at Chattanooga, Tenn.;

An act (S. 2623) to remove the political disabilities of Alexander W. Stark; and

An act (S. 1915) to remove the disabilities of James D. Johnston, of Georgia, incurred under the fourteenth amendment of the Constitution.

FISH IN POTOMAC RIVER.

Mr. LAPHAM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3106) to protect fish in the Potomac River in the District of Columbia, and to provide a spawning-ground for shad and herring in the said Potomac River, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same in the following form:

"Sec. 3. That from and after three months from the date of the passage of this act it shall be unlawful to allow any tar, oil, ammoniacal liquor, or other waste products of any gas-works or of works engaged in using such products, or any waste product whatever of any mechanical, chemical manufacturing, or refining establishment to flow into or be deposited in Rock Creek or the Potomac River or any of its tributaries within the District of Columbia, or into any pipe or conduit leading to the same; and any one guilty of violating this section shall on conviction as provided in section 2 of this act be fined not less than \$10 nor more than \$100 for each and every day during which said violation shall continue, to be prosecuted for and recovered as provided in the preceding section."

And the Senate agree to the same.

E. G. LAPHAM,
WILLIAM J. SEWELL,
JAMES B. GROOME,
Managers on the part of the Senate.
J. THOS. SPRIGGS,
JOHN S. BARBOUR,
LOUIS E. MCCOMAS,
Managers on the part of the House.

The report was concurred in.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for the Territory of Wyoming, in line 1558, after the word "printing," to strike out "laws;" and after the word "dollars," at the end of line 1590, to insert:

And for printing code and laws of the Ninth Legislative Assembly, \$2,500; in all \$24,500.

So as to make the clause read:

For legislative expenses, namely: For per diem of officers and members of the Legislative Assembly; rent of two halls and committee-rooms for Legislature; fitting up halls; removing furniture; new carpets, stoves, furniture, and repairing old; fuel, lights, and incidentals; stationery; record-books; printing journals, bills; fuel, rent, light, furniture, stationery, postage, messenger, and incidentals of secretary's office, \$22,000; and for printing code and laws of the Ninth Legislative Assembly, \$2,500; in all, \$24,500.

The amendment was agreed to.

The next amendment was to strike out the following proviso, from line 1593 to line 1606, inclusive:

Provided, That on the first Monday in September, A. D. 1885, or within ten days thereafter, the governor of the Territory and the presiding officers of the houses of the last Legislature shall meet and reapportion the Territory in accordance with the population, as ascertained by the best possible means; and that in accordance with such new apportionment members shall be elected to the Ninth Legislative Assembly, on the second Tuesday of November, 1885, in accordance with the election laws of the Territory; and the members of the council and house of representatives so elected shall be the legal members and constitute the Ninth Legislative Assembly of the Territory.

The amendment was agreed to.

The next amendment was, under the head of "War Department," in the appropriations for "the Signal Office," in line 1665, before the word "thousand," to strike out "forty-five" and insert "forty," so as to read:

And for the services of scientific experts, clerks, draughtsmen, copyists, messengers, mechanics, laborers, and such other services as the Secretary of War may deem necessary, in the office of the Chief Signal Officer, to carry into effect the appropriations for observation and report of storms, and for the construction, maintenance, and repairs of military telegraph lines, \$40,000.

The next amendment was, in the appropriations for "office of the Quartermaster-General," in line 1672, before the word "clerks," to strike out "twenty-two" and insert "twenty-three;" so as to read:

Twenty-three clerks of class 2.

The amendment was agreed to.

The next amendment was, in line 1683, to increase the total amount of the appropriations for compensation of chief clerk and the clerks and employes in the office of the Quartermaster-General from \$155,375 to \$156,775.

The amendment was agreed to.

The next amendment was, in the appropriations for "the office of the Chief of Engineers," in line 1748, after the word "messenger," to insert "one watchman;" and in line 1749, after the word "thousand," to strike out "two hundred and forty" and insert "nine hundred and sixty;" so as to make the clause read:

In the Office of the Chief of Engineers: One chief clerk, at \$2,000; four clerks of class 4; two clerks of class 3; three clerks of class 2; three clerks of class 1; one clerk, at \$1,000; one assistant messenger; one watchman, and two laborers; in all, \$23,560.

The amendment was agreed to.

The next amendment was, in line 1759, after the word "exceed," to strike out "fifty-six" and insert "sixty;" so as to make the clause read:

And the services of skilled draughtsmen, civil engineers, and such other services as the Secretary of War may deem necessary may be employed in the office of the Chief of Engineers to carry into effect the various appropriations for rivers and harbors, fortifications, and surveys for military defenses, to be paid for from such appropriation: *Provided*, That the expenditures on this account for the fiscal year ending June 30, 1886, shall not exceed \$60,000; and that the Secretary of War shall each year, in the annual estimates, report to Congress the number of persons so employed, and the amount paid to each.

The amendment was agreed to.

The next amendment was, in the appropriations for "Office of publication of Records of the Rebellion," in line 1765, before the word "clerks," to strike out "two" and insert "three;" in line 1767, before the word "copyist," to strike out "five" and insert "four;" and in line 1773, after the word "all," to strike out "thirty-one thousand three" and insert "thirty-two thousand two;" so as to make the clause read:

Office of publication of Records of the Rebellion: For one agent, \$2,000; three clerks of class 4; two clerks of class 3; one clerk of class 2; three clerks of class 1; four copyists, at \$200 each; one foreman of printing, at \$1,500; one pressman, \$1,200; five compositors, at \$1,000 each; two copy-holders, at \$200 each; two assistant messengers, two watchmen, and one laborer, at \$600; in all, \$32,280.

The amendment was agreed to.

The next amendment was, under the head of "Navy Department," in line 1869, before the word "clerks," to strike out "four" and insert "five;" so as to read:

Five clerks of class 4.

The amendment was agreed to.

The next amendment was, in line 1881, to increase the total amount of appropriation for compensation of the Secretary of the Navy and the clerks and employes in his office from \$56,830 to \$58,630.

The amendment was agreed to.

The next amendment was, in line 1917, after the word "for," to insert "one clerk of class 3;" and in line 1920, after the word "all," to strike out "five thousand one" and insert "six thousand seven;" so as to make the clause read:

Hydrographic Office: For one clerk of class 3; two clerks of class 2; one clerk of class 1; one assistant messenger; and one office attendant, \$420; in all, \$6,740.

The amendment was agreed to.

The next amendment was, in line 1936, after the word "Ocean," to

strike out "twenty thousand seven hundred" and insert "twenty-four thousand;" so as to make the clause read:

For purchase of chart-paper, copper-plates, electrotyping copper-plates; ink and other materials necessary in printing division; materials for drawing division and for mounting charts; materials for engravers; for photolithographing charts for immediate use, and transfer of photolithographic and other charts to copper; repairs to printing-presses; for extra drawing and engraving, and for purchase of foreign charts and hydrographic works for the use of the vessels of the Navy; for the purchase of drawing-paper, drawing materials, and necessary instruments to be furnished naval vessels while surveying, and for repair of such instruments, and for printing Pilot Chart of North Atlantic Ocean, \$24,000.

The amendment was agreed to.

The next amendment was, in line 1950, after the word "at," to strike out "one thousand nine hundred and fifty" and insert "two thousand two hundred;" in line 1952, after the word "thousand," to strike out "seven hundred and fifty" and insert "eight hundred;" in line 1954, after the word "dollars," to insert "two computers, at \$1,200 each;" and in line 1959, after the word "all," to strike out "seventeen thousand nine hundred and seventy" and insert "twenty thousand seven hundred and twenty;" so as to make the clause read:

Naval Observatory: For pay of three assistant astronomers, one at \$2,200 and two at \$1,800 each; one clerk of class 4; one instrument-maker, \$1,500; two computers, at \$1,200 each; four watchmen, including one for new Naval Observatory grounds; two skilled laborers, one at \$1,000 and one at \$720; and seven laborers; in all, \$20,720.

The amendment was agreed to.

The next amendment was, after the word "dollars" at the end of line 1991, to insert "one assistant draughtsman, at \$1,000;" and in line 1995, before the word "thousand," to strike out "twelve" and insert "thirteen;" so as to make the clause read:

Bureau of Steam-Engineering: For chief clerk, \$1,800; one chief draughtsman, at \$3,250; one assistant draughtsman, at \$1,400; one assistant draughtsman, at \$1,000; two clerks of class 2; one clerk of class 1; one clerk, at \$1,000; one assistant messenger; and two laborers; in all, \$13,490.

The amendment was agreed to.

The next amendment was, in line 2020, to increase the item "for stationery, furniture, newspapers, plans, drawings, drawing materials, freight, expressage, postage, and other absolutely necessary expenses of the Navy Department and its various bureaus and offices" from \$11,000 to \$13,500.

The amendment was agreed to.

The next amendment was, under the head of the "Department of the Interior," in line 2113, after the word "and," to strike out "one laborer" and insert "two laborers;" and in the same line, after the word "all," to strike out "ninety-seven thousand nine hundred and eighty" and insert "ninety-eight thousand six hundred and forty;" so as to make the clause read:

Indian Office: For compensation of the Commissioner of Indian Affairs, \$4,000; chief clerk, \$2,000; one financial clerk, at \$2,000; chief of division, at \$2,000; one principal bookkeeper, at \$1,800; four clerks of class 4, one of whom shall have charge of the educational division; ten clerks of class 3; one stenographer, at \$1,000; sixteen clerks of class 2, one of whom shall be a draughtsman; nine clerks of class 1; thirteen clerks, at \$1,000 each; fourteen copyists; one messenger; one assistant messenger; one messenger-boy, at \$360, and two laborers; in all, \$68,640.

The amendment was agreed to.

The next amendment was, to strike out the clause from line 2116 to line 2139, inclusive, as follows:

That a committee consisting of five members-elect of the Forty-ninth Congress, to be appointed by the Speaker of the House of Representatives, shall, during the recess of Congress, inquire into and investigate the expenditure of appropriations for Indian schools, and the education of Indians, the established system of such schools or education, and whether any changes should be made therein. Said committee shall also inquire into the expenditure of public money for the Yellowstone Park, and the administration of the laws applicable to said park, whether any change should be made in said laws or the boundary of the park, and what steps, if any, can be taken to make of practical benefit and utility that portion of the public domain. That said committee have power to visit the places where appropriations mentioned herein are expended, and in doing so they are hereby authorized to use Government conveyances and means of transportation. Said committee shall have power to send for persons and papers, and to appoint a clerk, and may report by bill or otherwise to the Forty-ninth Congress. The expenses of said committee, and of witnesses that may be summoned before it, shall be paid out of any money in the Treasury not otherwise appropriated, on the draft of the chairman of said committee, in sums not exceeding \$1,000 at any one time.

The amendment was agreed to.

The next amendment was, in the appropriations for the Pension Office, after the word "dollars," in line 2167, to insert the following proviso:

Provided, That vacancies occurring in the clerical force of the Pension Office during the fiscal year 1886 shall not be filled by promotion or original appointment until a reduction of one hundred and fifty in all is made; and thereafter the number shall not be increased, and the number in the several grades shall remain as existing when said reduction is completed.

Mr. HOAR. I should like to reserve a point of order on that amendment until I learn what the necessity for it is. I should like to inquire of the chairman if the condition of business in the Pension Office is such that this reduction may properly be made? The complaint is very great, coming in every mail very largely from pension applicants all over the country, of great delay in dealing with their cases.

Mr. ALLISON. I do not think the delay comes from any lack of clerical force. If the Senator will turn his eye to page 89, line 2184 to line 2190, inclusive, he will see that we continue for the next year a force of one hundred and fifty special examiners, which under the appropriation act of last year were to be retired on the 1st day of July

next. Upon as thorough an examination as we could make of the situation, it was the opinion of the committee that if we continue this additional force of one hundred and fifty special examiners, gradually during the year 1886 we can from all the force reduce an equal number of employes. I do not think there is any likelihood of anybody suffering on account of this reduction.

Mr. HOAR. I do not propose to set up a question of order that will prevent the Senate from acting upon a matter which has been matured by the committee.

Mr. ALLISON. If the amendment is subject to a point of order, I trust the Senator will make it. I do not understand what point of order it is subject to.

Mr. HOAR. It certainly is new legislation. It provides that the now existing authority to appoint a particular class of officers shall not be exercised.

Mr. ALLISON. As the Senator will see, it relates wholly to the clerks provided for in the paragraph and appropriated for in the paragraph.

Mr. HOAR. But the clerks in that office that now exist are officers beyond the particular year. If we do not appropriate for them, and they go on with their work, would they not have a claim against the United States?

Mr. ALLISON. Perhaps a portion of them may be recognized by some permanent law, but these clerks are appropriated for annually in the appropriation bills, and their number is increased or diminished from year to year.

Mr. HOAR. There is a change in method of machinery of appointment and putting a limitation on authority. However, I was about to say that I wanted merely to have a clear and distinct affirmation from the committee and the chairman, the organ of the committee, of a belief that the clerical force is sufficient to transact the business of the Pension Office promptly and without delay, because undoubtedly the most objectionable part of our civil administration for the last few years has been the clumsy and imperfect manner and the great delays which have attended the settlement of pension cases. There are a great many cases of fraud, a great many cases of doubt, a great many cases of improper evidence; there are a great many cases of negligence on the part of applicants or their attorneys; but allowing for all that, the fact remains that here are thousands and tens of thousands of soldiers, soldiers' widows, and soldiers' orphans who have done everything that in them lies to secure the pension to which they are entitled by law, and who are growing old and dying of poverty and want and suffering by reason of the imperfection of the mechanism which we have devised for the establishment of their rights.

I do not mean to say that any Commissioner of Pensions has failed to do his best with the machinery at his command. I do not mean to say that there is not much difficulty inherent in the nature of the subject. My own belief is that the whole scheme has been wrong and the pension applicants should have been permitted to try their cause in a district court of the United States, or before some special tribunal in their neighborhood, with a proper officer to represent the Government. I think that such a scheme would have long ago disposed of the vast number of pension cases which still await the tardy process of justice.

If the chairman of the Committee on Appropriations, with the great responsibility which rests upon him and his committee, says that the force of clerks in the Pension Office at the present number is not necessary to remove this difficulty, and that the settlement of these cases will go on as rapidly as may be in the nature of things even with the reduced number, I do not undertake to set up any opinion of mine against his authority.

Mr. PLUMB. I wish to say in regard to the amendment that last year the Commissioner of Pensions himself recommended an important reduction in the force of that office because of the lack of the necessity for its continuation. But it was not reduced; or rather, the force having been reduced by the bill as it came from the House, the Senate increased it again upon the belief that what is known as the Mexican pension bill would become a law and add very largely to the business of the office.

Of course if this amendment were in any way to diminish the efficiency of the office and prevent the allowance of any claim at a proper time after the completion of the testimony, I should not myself vote in favor of its adoption; but from a somewhat extended knowledge of the condition of business in the Pension Office my belief is that the force can be reduced one hundred and fifty during the year (although it will not probably be reduced so much by reason of this amendment) without diminishing its efficiency in any degree; that to-day it is not a lack of force which is impeding the business of the office; and if we were to add 500 or 1,000 clerks to the office I believe the business would not be expedited in view of the facility thus afforded to transact it.

I wish to say one thing further in regard to the one hundred and fifty special examiners. I do not think the anticipations that were had when that force was provided have been justified. I would be very glad to cut off part of them, believing as I do that they encumber largely the business of the office rather than tend to expedite it.

I do not believe that under this provision there will be any delay more than has been, and I believe the force can be so reorganized, and

it ought to be so reorganized, as to really expedite the business much more rapidly than ever has been done heretofore.

The PRESIDING OFFICER (Mr. HALE in the chair). The question is on agreeing to the amendment of the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "United States Patent Office," before the word "principal," in line 2206, to strike out "twenty-four" and insert "twenty-six;" so as to read:

Twenty six principal examiners, at \$2,400 each.

The amendment was agreed to.

The next amendment was, in line 2207, before the word "first," to strike out "twenty-eight" and insert "thirty;" so as to read:

Thirty first assistant examiners, at \$1,800 each.

The amendment was agreed to.

The next amendment was, in line 2209, before the word "second," to strike out "twenty-eight" and insert "thirty;" so as to read:

Thirty second assistant examiners, at \$1,600 each.

The amendment was agreed to.

The next amendment was, in line 2210, before the word "third," to strike out "thirty" and insert "thirty-five;" so as to read:

Thirty-five third assistant examiners, at \$1,400 each.

The amendment was agreed to.

The next amendment was, in line 2212, before the word "fourth," to strike out "thirty-five" and insert "forty;" so as to read:

Forty fourth assistant examiners, at \$1,200 each.

The amendment was agreed to.

The next amendment was, in line 2222, before the word "clerks," to strike out "fifty" and insert "fifty-five;" so as to read:

Fifty-five clerks of class 1.

The amendment was agreed to.

The next amendment was, in line 2223, to insert:

Fifteen examiners' clerks, at \$1,000 each.

The amendment was agreed to.

The next amendment was, in line 2236, after the word "each," to insert:

Ten messenger-boys, at \$360 each.

The amendment was agreed to.

The next amendment was, in line 2238, to increase the total amount of the appropriations for compensation of the Commissioner of Patents, Assistant Commissioner, and the clerks and employes in the office from \$597,170 to \$646,370.

The amendment was agreed to.

The next amendment was, in line 2274, after the word "dollars," to insert "one engineer and skilled laborer, at \$1,000;" and in line 2279, after the word "all," to strike out "forty-four" and insert "forty-five;" so as to make the clause read:

Bureau of Education: For the Commissioner of Education, \$3,000; collector and compiler of statistics, \$3,400; chief clerk, \$1,800; two clerks of class 4; one statistician, \$1,800; two clerks of class 3; one translator, \$1,600; four clerks of class 2; six clerks of class 1; two clerks, at \$1,000 each; seven copyists; two copyists, at \$900 each; one copyist, \$720; one engineer and skilled laborer, at \$1,000; one assistant messenger; two laborers; two laborers, at \$480 each; one laborer, at \$400; and one laborer, at \$300; in all, \$45,580.

The amendment was agreed to.

The next amendment was, in line 2287, to increase the appropriation "for collecting statistics for special reports and circulars of information," from \$2,200 to \$5,000.

The amendment was agreed to.

The next amendment was, in line 2294, before the word "thousand," to strike out "two" and insert "four;" so as to make the clause read:

For the distribution and exchange of educational documents, and for the collection, exchange, and cataloguing of educational apparatus and appliances, articles of school furniture, and models of school buildings illustrative of foreign and domestic systems and methods of education, and for repairing the same, \$1,000.

The amendment was agreed to.

The next amendment was, in line 2313, after the word "law," to strike out "thirty" and insert "thirty-five;" and in line 2314, after the word "all," to strike out "thirty-five" and insert "forty;" so as to make the clause read:

Bureau of Labor: For Commissioner of Labor, \$3,000; chief clerk, \$2,000; for rent of rooms for use of bureau, and for fuel, light, stationery, employes, and all other necessary expenses of said bureau, and to make investigation into the statistics of labor in the United States and elsewhere, to be expended under the direction of the Secretary of the Interior and as provided by law, \$35,000; in all, \$40,000. And it shall be the duty of the commissioner to report the number and salaries of employes, with the estimates for said bureau, to the first session of the next Congress.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 2358.

Mr. ALLISON. I move to strike out the words "horse-railroad car tickets" in line 2354. I supposed that amendment of the committee had been noted.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the

Committee on Appropriations was, in line 2361, to increase the appropriation "for stationery for the Department of the Interior and its several bureaus and offices, including the Geological Survey," from \$70,000 to \$72,500.

The amendment was agreed to.

The next amendment was, after the word "may," at the end of line 2370, to insert "in the discretion of the Secretary;" so as to make the clause read:

For the rent of other buildings for the use of the Department of the Interior, to be selected by the Secretary of the Interior, \$58,160: *Provided*, That any building rented hereunder may, in the discretion of the Secretary, be vacated on the part of the Government as soon as the new Pension Office building is ready for occupancy.

The amendment was agreed to.

The next amendment was, under the head of "Post-Office Department," in line 2500, to strike out "one clerk" and insert "two clerks;" in line 2501, after the word "dollars," to strike out "one female clerk, at \$900;" and after the word "all," at the end of line 2501, to strike out "thirty thousand nine hundred" and insert "thirty-one thousand;" so as to make the clause read:

For compensation of the Postmaster-General, \$8,000; chief clerk to the Postmaster-General, \$2,500; stenographer, \$1,800; appointment clerk, \$1,800; law clerk, at \$2,500; and one clerk of class 4 (in office of Assistant Attorney-General for Post-Office Department); two clerks of class 3; one clerk of class 2; three clerks of class 1; two clerks, at \$1,000; one copyist; one messenger; one assistant messenger; in all, \$31,060.

The amendment was agreed to.

The next amendment was, in the appropriations for the office of "First Assistant Postmaster-General," in line 2515, before the word "clerks," to strike out "four" and insert eight;" so as to read:

One clerk of class 2 and eight clerks at \$1,000 each, for one year, in the salary and allowance division.

The amendment was agreed to.

The next amendment was, in line 2524, to insert:

One clerk, at \$1,000.

The amendment was agreed to.

The next amendment was, in line 2526, to increase the total amount of the appropriation for compensation of First Assistant Postmaster-General and the clerks and employes in his office from \$111,500 to \$120,500.

The amendment was agreed to.

The next amendment was, in line 2530, after the word "dollars," to strike out "chief of foreign mails division, \$2,000; eleven" and insert "ten;" in line 2532, before the word "clerks," to strike out "thirty-five" and insert "thirty-four;" in line 2533, before the word "clerks," to strike out "twenty" and insert "eighteen;" and before the word "hundred," in line 2538, to strike out "fifty-one thousand nine" and insert "forty-three thousand seven;" so as to read:

For Second Assistant Postmaster-General, \$4,000; chief clerk, \$2,000; chief of division of inspection, \$2,000; superintendent of railway adjustment, \$2,000; ten clerks of class 4; thirty-four clerks of class 3; eighteen clerks of class 2; eighteen clerks of class 1; nine clerks, at \$1,000 each; three female clerks, at \$900 each; three assistant messengers; and one laborer; in all, \$143,720.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 2538, to strike out:

And the Second Assistant Postmaster-General shall have the supervision over the foreign mails.

And to insert:

For superintendent of foreign mails, \$3,000; chief clerk, \$2,000; one clerk of class 4; three clerks of class 3; one clerk of class 2; one clerk of class 1; two clerks, at \$1,000 each; one assistant messenger; in all, \$16,920.

The amendment was agreed to.

The next amendment was, in line 2613, after the word "dollars," to insert "for the purchase of free penalty envelopes \$3,600," and in line 2624, after the word "all," to strike out "sixty-thousand eight" and insert "seventy thousand four;" so as to make the clause read:

For contingent expenses of the Post-Office Department: For stationery and blank books, \$9,000; for the purchase of free penalty envelopes, \$3,600; fuel, and for repairs to heating apparatus, \$7,200; for gas, \$6,600; plumbing and gas fixtures, \$1,700; telegraphing, \$5,000; painting, \$4,700; carpets and matting, \$5,900; furniture, \$7,500; keeping of horses and repair of wagons and harness, \$1,500; hardware, \$1,700; miscellaneous items, \$13,000; in all, \$79,400.

The amendment was agreed to.

The next amendment was, in line 2631, after the word "dollars," to insert "for rent of additional buildings for the use of the money-order office of the Post-Office Department, and of the money-order division of the Office of the Auditor of the Treasury for the Post-Office Department, \$4,500;" and in line 2635, after the word "all," to strike out "nine thousand five hundred" and insert "fourteen thousand;" so as to make the clause read:

For rent of topographer's office, \$1,500; for rent of a suitable building or buildings for the use of the money-order office of the Post-Office Department, and of the money-order division of the Auditor of the Treasury for the Post-Office Department, \$8,000; for rent of additional buildings for the use of the money-order office of the Post-Office Department, and of the money-order division of the Office of the Auditor of the Treasury for the Post-Office Department, \$4,500; in all, \$14,000.

The amendment was agreed to.

The next amendment was, under the head of "Judicial" in the appropriations for the office of the Attorney-General, in line 2671, before

the word "copyists," to strike out "seven" and insert "ten;" so as to read:

Ten copyists.

The amendment was agreed to.

The next amendment was, in line 2768, to increase the total amount of the appropriation for compensation of the Attorney-General and the clerks and employes in his office from \$112,110 to \$114,810.

The amendment was agreed to.

The reading of the bill was resumed and concluded.

Mr. HARRISON and Mr. ALLISON addressed the Chair.

The PRESIDENT *pro tempore*. The Chair feels bound under the understanding to recognize the Senator in charge of the bill, that further amendments from the Committee on Appropriations, if there be any, may be offered.

Mr. ALLISON. If the Senator from Indiana will yield for just a moment I will then give way to him.

Mr. HARRISON. Very well.

Mr. ALLISON. In line 2317, after the word "the" where it first occurs, I move to strike out the words "first session of the next" and insert "Secretary of the Interior for transmission to;" so as to read:

And it shall be the duty of the Commissioner to report the number and salaries of employes, with the estimates for said bureau, to the Secretary of the Interior for transmission to Congress.

The Bureau of Labor is under the Interior Department.

The amendment was agreed to.

Mr. ALLISON. After line 411, I move to insert:

For pay of E. J. Babcock, secretary of the commission on the dedication of the Washington Monument, \$200, to be paid from the appropriation for the dedication.

The amendment was agreed to.

Mr. ALLISON. I now yield to the Senator from Indiana.

Mr. HARRISON. In line 71, after the words "Indian Affairs," I move to insert the words:

Clerk to the Committee on Territories.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Indiana.

Mr. MILLER, of New York. I move to amend the amendment by adding the words:

And clerk to the Committee on Agriculture and Forestry.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from New York to the amendment offered by the Senator from Indiana.

Mr. VAN WYCK. Another amendment is not in order now?

The PRESIDENT *pro tempore*. Another amendment is not in order.

Mr. VAN WYCK. Then I desire to give notice that when the amendment is in order I shall propose to so amend the bill as that the clerks of all the standing committees of the Senate shall be annual clerks. This matter has drifted away from the necessities of requiring clerks to the committees. That is evident. I look over the list and find those committees which have annual clerks and those which have not, and there is no difference between the labor of the committees. For instance, here is the Committee on the Census. I will ask the Senator from Maine [Mr. HALE], the chairman of that committee, whether the Committee on the Census has had any meeting this session?

Mr. HALE. It is a very laborious committee.

Mr. VAN WYCK. Very! That committee has an annual clerk. Next is the Committee on Private Land Claims. Let me ask the Senator from Delaware [Mr. BAYARD] a question, if he will give me his attention for a moment. Will he please inform me how many times that committee have met during this session, and how many reports they have made?

Mr. BAYARD. The Committee on Private Land Claims?

Mr. VAN WYCK. Yes; I am inquiring about the relative labor of committees, and I am directing attention to the Committee on Private Land Claims. I desire to propound the inquiry to the chairman of that committee how many meetings they have had at this session?

Mr. BAYARD. On the regular day, which is Friday. I have the impression that there may have been two Fridays since the 1st of December on which the committee did not have a session, owing to the absence of members of the committee, but otherwise the committee has been in session on its regular meeting day in each week.

Mr. VAN WYCK. The Senator will understand that I am not assigning the committee for neglect of duty by any means. That is not the purpose of my inquiry.

Mr. BAYARD. Will the Senator state his purpose?

Mr. VAN WYCK. I have no doubt of the faithfulness and zeal with which that committee does everything which properly comes before it. Will the Senator furthermore state how many reports that committee has made at this session, if he remembers?

Mr. BAYARD. I can procure for the Senator, if he desires, the statement of the clerk as to the exact number of reports.

Mr. VAN WYCK. Yes; I should like to have it.

Mr. BAYARD. I should like to ask now, if the Senator has no objection, what is the object of his inquiry?

Mr. VAN WYCK. The Senator did not hear me. I will tell him.

It is no disrespect to the committee or suggestion of their want of intelligence or diligence or activity. The Senator was not probably paying attention to my statement, and he is not required to do it. The Senator from Indiana [Mr. HARRISON] proposed an amendment to this bill. We have seen very much of this appropriation bill, and certainly it is a very large thing.

The Senator from Indiana proposes that among the annual committee clerks there shall be enrolled the clerk of the Committee on Territories of the Senate. That is probably very proper. With that the Senator from New York [Mr. MILLER] proposes that there shall also be added to the list of annual clerks the clerk of the Committee on Agriculture and Forestry, which is very important probably. Then I suggested to the Senate that at the proper time I should propose an amendment that the clerks of all the standing committees should be annual clerks. That naturally suggested the inquiry, as I stated, that we had got a good way from the first introduction of clerks to committees where they are absolutely necessary, and I took up the list, commencing backward.

I asked the Senator from Maine [Mr. HALE] who is chairman of the Census Committee, which has an annual clerk, as to the duties of that committee, as to the necessity for an annual clerk, and he answered very promptly that there are serious and arduous duties performed by the Committee on the Census. Having received a satisfactory answer to that inquiry, I went along the list and found the Committee on Private Land Claims. Therefore it was that I turned to the chairman of that committee to know as to the nature or arduous character of the duties connected with that committee. I trust now the Senator understands and will excuse the inquiry that I made.

Mr. BAYARD. There is no excuse required. Anything that relates to the public business is a very proper matter for public inquiry. I may only state that before I became chairman of that committee some of the most experienced lawyers of the body, the present presiding officer of the Senate, Judge Thurman, and Judge Davis were all members of the committee, and I think they found themselves sometimes very constantly occupied to frame proper laws for the very important cases that came before them. It was under their supervision and control that the annual feature was made for the clerkship. I found it so, and I trust it will remain so.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from New York [Mr. MILLER] to the amendment offered by the Senator from Indiana [Mr. HARRISON].

The question being put, there were on a division—ayes 20, noes 20.

Mr. MILLER, of New York. I ask for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. CALL. I wish to announce that my colleague [Mr. JONES, of Florida] is detained from the Senate by illness.

The result was announced—yeas 29, nays 28; as follows:

YEAS—29.

Aldrich,	Frye,	McMillan,	Sawyer,
Blair,	George,	Mahone,	Sewell,
Bowen,	Harrison,	Manderson,	Van Wyck,
Call,	Hill,	Miller of Cal.,	Williams,
Chace,	Hoar,	Miller of N. Y.,	Wilson.
Conger,	Ingalls,	Mitchell,	
Cullom,	Jones of Nevada,	Palmer,	
Dolph,	Lapham,	Pike,	

NAYS—28.

Allison,	Colquitt,	Jackson,	Pugh,
Bayard,	Dawes,	Jonas,	Ransom,
Beck,	Edmunds,	Lamar,	Riddleberger,
Brown,	Groome,	Macey,	Sherman,
Camden,	Hampton,	Morgan,	Vance,
Cameron of Wis.,	Harris,	Morrill,	Vest,
Cockrell,	Hawley,	Platt,	Walker.

ABSENT—19.

Butler,	Gariand,	Kenna,	Sabin,
Cameron of Pa.,	Gibson,	Logan,	Saulsbury,
Coke,	Gorman,	McPherson,	Slater,
Fair,	Hale,	Pendleton,	Voorhees.
Farley,	Jones of Florida,	Plumb,	

So the amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on agreeing to the amendment as amended.

Mr. VAN WYCK. After the word "Forestry" I move to insert—And clerks to each of the other standing committees of the Senate.

Mr. COCKRELL. I move to amend that.

Mr. ALLISON. I ask whether an amendment is in order?

Mr. COCKRELL. I think it is in order. I want to amend it so as to include the clerks of the select committees of the Senate, making it read "the clerks of the standing and select committees."

Mr. FRYE. That is not in order.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Missouri is not now in order. There is an amendment offered by the Senator from Indiana pending, and an amendment to that amendment proposed by the Senator from Nebraska.

Mr. VAN WYCK. If the Committee on Appropriations gave consideration to this matter, which I suppose they did, with the view of providing annual clerks for the committees which really need them,

then I think in the estimation of nearly every Senator here outside of the Appropriations Committee they have failed very seriously in the correct discharge of that duty.

The clerks of committees should be established, if they are made annual, upon the necessity of labor being done after the close of the session, if we require that of some of our committees. Among the committees for which annual clerks are recommended there are those which have no pretense of requiring an annual clerk. Such, I think, are the two committees to which I have referred, the Committee on the Census and the Committee on Private Land Claims. I do not think the Senator from Delaware, although he voted against the amendment of the Senator from New York, believes for a moment that there is any pretense for having a clerk to the Committee on Private Land Claims after the session closes. We should do one thing or the other.

If there is any justice or honesty about the distribution of this part of the patronage, or plunder, as it should more properly be called—patronage, if we choose to call it by a milder term, because probably one-half the persons employed about this building are not necessary—we should act equally. We have doubled the expenses connected with the running of this part of the Capitol beyond what is actually necessary. It is significant that we have here clerks of committees carried on the annual roll to-day when there is no pretense of necessity or duty for them. The Appropriations Committee has retained some, and we find that the Census Committee and the Private Lands Committee have annual clerks. There is no necessity for annual clerks to these committees. Why do the Appropriations Committee, who watch everything so carefully, suffer this to pass out of their grasp and fasten committee clerks on the Treasury when there is no necessity for them?

Then I ask the question why did not the Appropriations Committee go further and make the clerks of all standing committees annual clerks? Let us make a reform one way or the other. Let us make a reform in justice by only apportioning the clerks where the duties of the committee require them, or let us make the reform on the other line, on the basis of honest equality, and make the clerk of every committee an annual clerk.

I say to my friend from Iowa that it is not necessary to state that some committees work more than others. Certainly; but they are provided with additional clerical help. The Appropriations Committee has not only one clerk, but two clerks to the committee. So all committees whose duties require it are provided for already by this bill. I have asked only that the committee shall strike down those that are useless or add others that are also useless, and have an equality one way or the other.

There is no necessity for this, Mr. President. There is no occasion for it. There are officers provided for here for whom there is no necessity. We have messengers at \$1,440 a year and the compensation of others is increased and so is that of the clerk of the Appropriations Committee, and every gentleman on the Appropriations Committee has taken especial care I suppose to see to it that the clerk of his particular committee is an annual clerk. I do not think this necessary. I should like the Senate if possible to be consistent on one line or the other, either on the basis of honest equality for all the committees or on the basis of economy. If it is a donation, if it is a gift, a matter of favor to a Senator having charge of a committee, let it be uniform. That is all.

Mr. ALLISON. I suppose there is no more difficult question affecting our internal affairs here than the one we are now considering. Certainly no one question gives the Committee on Appropriations more trouble at each recurring session than the consideration of the committee clerkships.

The Senator from Nebraska wants to know why it is that we have reported this bill providing for the clerks of certain committees, which committees, he says, have no labor or very inconsiderable labor to perform. The Committee on Appropriations have reported the annual clerks in accordance with the action of the Senate hitherto. We have not taken upon ourselves the responsibility of revising the judgment of the Senate with reference to those clerks of committees; and where we have found resolutions of the Senate or votes of the Senate making clerks annual officers we have adhered to them.

If the Senator from Nebraska thinks that some of these annual clerks ought not to be so provided for, I should think with his judgment in reference to the economy of the Senate he would have addressed himself rather to correcting the errors of the Committee on Appropriations by proposing to strike down clerks that the Senate has hitherto made annual; but instead of that his proposition is now a sweeping proposition that every committee of this body shall have an annual clerk, without reference to the business of the committee and without reference to the question whether or not that committee has work for an annual clerk to perform.

I shall not go into a discussion of the respective labors of committees in this body. Every Senator here is as capable of judging of this matter as I am. Nor am I intending to lecture the Senate as to whether or not clerks of committees shall all receive annual compensation. That is a question for the Senate, which I do not choose as a member of the Committee on Appropriations to interfere with. I only say that the Committee on Appropriations have from time to time made these reports in view of facilitating the business of the committees of this body

and of the Senate. Last year, I believe, we did add one annual clerk to the list of annual clerks; that was the clerk of the Committee on Indian Affairs, of which the venerable Senator from Massachusetts [Mr. DAWES] is chairman. I think the Senate will agree that that committee for the last year or two years has been one of the hardest worked committees in this body.

Now, if the Committee on Agriculture which has just been voted in is a committee that requires work in the vacation, is a committee that requires the labor of a clerk in vacation, no Senator will be more willing to vote for it than I will; and so with the clerk of any other committee where the committee can show a reason why that should be done. It has been shown in the past with reference to the several committees named in the bill, and the Committee on Appropriations did not choose to reverse the judgment of the Senate.

But I ask that the Senate pause before it adopts the proposition of the Senator from Nebraska to provide sweepingly for annual clerks to all the standing committees of this body; because if that shall be done, surely the Senator from Missouri will insist upon his amendment which shall provide for the inclusion of all the select committees of this body. If that is the disposition of Senators I shall not interfere with it; but I submit that it will add largely to the expenditures of the Senate, and in that respect I do not think I am illiberal.

The Senator from Nebraska said that the Committee on Appropriations had two clerks. It has two clerks, and neither of these clerkships is a sinecure, I can tell the Senator from Nebraska. They are as hard worked clerks as there are connected with this body; and one of those clerks, the chief clerk of the Committee on Appropriations (and I say it without invidious distinction in regard to other clerks), is an officer who not only works during the session of Congress, but in season and out of season in the committee-room with reference to public measures.

Mr. VAN WYCK. Allow me right there one moment?

Mr. ALLISON. I will.

Mr. VAN WYCK. I do not undertake by any means to intimate that the clerks of the Appropriations Committee were not just such officials as the Senator represents. My only idea was to answer what I supposed be an argument made, that annual clerks are given because some committees do more work than others. I only said in that connection that when that was the case the Senate took care to provide that they should have additional clerks. I beg the Senator not to misunderstand me.

Mr. ALLISON. Of course I will not misunderstand the Senator; but the Senator from Nebraska undertook to say, and did say, that the Committee on Appropriations in deciding this matter, so far as they had the power to decide the matter, were actuated by principles of favoritism with regard to the members of this body. I do not so understand the action of the Committee on Appropriations. Now take the clerk of the Committee on Indian Affairs, made annual last year. The Senator from Massachusetts, although a member of the Committee on Appropriations, did not ask for that annual clerk, although he might as well have asked for it, and so I might say of other gentlemen the clerks of whose committees have been made annual.

I have no feeling about this. I think we ought to have competent men as clerks of committees, competent men in the administration of our affairs at the desk here and elsewhere; and if they are not paid sufficiently now, let us pay them a larger salary; but let us not do it by a wholesale amendment such as is proposed by the Senator from Nebraska.

Mr. MILLER, of New York. I do not desire to go into any general discussion of this subject, as I do not think it is necessary. I understand that from time to time the list of the annual committee clerks has been changed and added to. It seems to have come to a point now where, in the opinion of many Senators, if not a majority, there is a discrimination in this matter which ought no longer to exist. There are a number of the committees which are standing committees, but the clerks of which are merely appointed for the session and are paid a per diem.

Last session the Senate by quite a majority decided to allow a private secretary to every Senator in this body who was not the chairman of a committee. The pay of these secretaries is precisely the same as the pay of the clerks of standing committees, which are not included in the annual list in this appropriation bill. I submit that that is not a fair distribution; for if these committees are of any value at all, if they have any work to do, certainly the clerk of such a committee should receive more than the secretary of a Senator, who is paid for doing the ordinary business of a Senator and nothing else. A number of these committees are very important and do a large amount of work. There can be no doubt about that.

Then in the making up of the force about the Senate and arranging their salaries, a matter entirely in the hands of the Appropriations Committee, it so happens that the men who are appointed as messengers to these very committees about which we are now talking receive an annual salary of \$1,440, which is more than the clerks of the committees receive. I submit that this is not a fair distribution, and it should not be so. They are general messengers, and they are assigned to act as messengers to these very committees on the days they sit and at other times they are distributed to other work; but they do act as mes-

sengers to those identical committees. Of course their appointment is general, but they are assigned specially to committees.

Mr. PLUMB. The messenger in charge of the room of the Committee on Public Lands acts as messenger to that committee during the days when that committee is in session and at other times he does other messenger duty. He is not messenger to that committee specially.

Mr. MILLER, of New York. I understand, but they are assigned to special duty as messengers to the particular committees and they receive the salary which I have stated.

As to the main question whether all the standing committees should have permanent clerks, I am not prepared to say. As I look over the list I am not able to select any which I think should not come under that rule. I do not care to go into any discussion as to the importance of some of the committees which I find in this bill. The Senator from Nebraska has done that to some extent. I submit to any fair-minded Senator if he will take that list of committees whose clerks are made annual by this appropriation bill and then take the list of the committees which are standing and the clerkships which are not annual, he will say that it is not right. The only way to make it right is to change it here and now in this bill.

Mr. ALLISON. I suggested to the Senator from Nebraska when he offered his amendment that I thought it was not in order. It has not been reported by any committee nor has it been referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The Chair thinks, if the Senator makes the point, it is not in order.

Mr. ALLISON. I do.

Mr. VAN WYCK. It is an amendment to an amendment. Do I understand that it is the rule of this body that where a gentleman has presented an amendment properly, as the Senator from Indiana did, and then any other Senator desires to propose an amendment to that amendment, it must be submitted to the Committee on Appropriations the day previous?

The PRESIDENT *pro tempore*. The Chair understands the rules to require in respect of amendments to appropriation bills that all amendments which add new items of appropriation (as this does in substance as the Chair thinks) must be reported from a standing or select committee and be referred, one day previous to their being considered, to the Committee on Appropriations. The Chair understands that the same rule applies to amendments to amendments. If any question of order shall be raised on the first amendment the Chair will rule upon it when made. The Senator from Iowa makes the question of order that the amendment proposed by the Senator from Nebraska is not in order under this rule. The Chair is bound to sustain the point of order.

Mr. VAN WYCK. Will the Chair hear another suggestion? This amendment was received without opposition and has been discussed without opposition, and now I submit it is too late for the Senator from Iowa to raise the question of order.

The PRESIDENT *pro tempore*. The Chair thinks the practice of the Senate has always been to have these questions of order determined when they are raised until the bill has gone to a stage where the amendments become a part of the bill and can not be touched.

Mr. VAN WYCK. Speaking upon the bill, then, I desire to ask the Senator from Kansas a question. The Senator from New York spoke in regard to messengers, and the Senator from Kansas replied that the general messengers were detailed to wait on committee-rooms, and when not waiting there were engaged in other services. Let me call his attention to this:

Seven messengers at the rate of \$1,440 per annum for the following committees, namely: Finance, Post-Offices and Post-Roads, Pensions, Claims, District of Columbia, Judiciary, Engrossed Bills, and Military Affairs.

Are not those messengers appointed for and especially assigned to duty to those committees?

Mr. PLUMB. I suppose they are; but I was referring to the messengers generally, not to those specially named.

Mr. VAN WYCK. Here are seven placed in this bill by the Committee on Appropriations, whose only duty is merely to sit at the doors of those committee-rooms.

Mr. ALLISON. Will the Senator allow me?

Mr. VAN WYCK. Let me get through with this first.

Mr. ALLISON. It is right on this point.

Mr. VAN WYCK. Let me finish my sentence. They are at the doors of these committee-rooms. My friend from Kansas admits that their only duty is at those committee-rooms. I want still further to ask him—and then I will hear the Senator from Iowa—what duties have they to discharge during the vacation?

Mr. PLUMB. That I do not know. I can not tell about that.

Mr. VAN WYCK. Probably the chairman of the committee can.

Mr. PLUMB. The Senator from Nebraska probably knows more about it than I do. I was speaking in reference to the general messengers. I suppose these special messengers probably do the duty of waiting upon those committee-rooms during the session, but I understand—though I do not know anything about it—that they have other duties during the vacation. But I want to say one thing further. The Committee on Appropriations did not put anything at all in the bill on this

subject. These provisions were found in the bill as it came from the House, and the House committee presumably—I have no doubt that is the fact—took the regular establishment as provided for at preceding sessions of Congress; and these committee clerks and messengers, as I understand, have been put in in obedience to a resolution of the Senate made prior to the time when they were put in; and in putting them in the committee has simply accepted the judgment of the Senate expressed independently on the proposition.

Mr. VAN WYCK. Now I will hear the Senator from Iowa.

Mr. ALLISON. I am much obliged to the Senator from Nebraska. If I were to say anything it would be a repetition of what the Senator from Kansas has just said, and that is that the Committee on Appropriations do not pretend to consider these questions where the Senate has taken action. We find an existing statute with reference to the number of employes and the compensation of employes, and except in a very few instances we do not undertake to change that statute.

Now with reference to the messengers that have been put on from time to time, some of them have been put on against my vote, as I remember very well. Last year a messenger to the Committee on Military Affairs was by a resolution of the Senate, and a large majority too, placed on that list, and we felt bound to make an appropriation for that messenger in accordance with the judgment of the Senate, and so we have acted with reference to the annual committee clerks.

Mr. VAN WYCK. Let me ask the Senator from Iowa a question, which the Senator from Kansas said he could not answer. I find in the bill—

Seven messengers at the rate of \$1,440 per annum, for the following committees, namely: Finance, Post-Offices and Post-Roads, Pensions, Claims, District of Columbia, Judiciary, Engrossed Bills, and Military Affairs.

The Senator from Kansas admits that these messengers are specially assigned for duty to these committees. Let me ask my friend from Iowa if these messengers have any duty to discharge in vacation.

Mr. ALLISON. I suppose they have; otherwise I presume the Senate would not have given them an annual salary. What those duties are I do not know. I happen to be a member of the Committee on Finance, which is the only committee of which I am a member of those committees indicated in that list. I suppose the chairman of the Committee on Finance could indicate what his messenger does. Of course I can not follow him up day by day. But I take it that when the Senate deliberately provided for a messenger they did so upon some idea that service was to be performed, and I have no doubt these messengers perform their relative proportion of the work that is done by messengers of the Senate during the vacation.

It is impossible for any Senator here to run the Senate in vacation. It is the business of the Sergeant-at-Arms to take care of this wing of the building during the vacation and to assign a sufficient number of messengers, laborers, and other employes to see that the building is taken care of; I do not know what particular ones he uses at different times.

Mr. MORRILL. If the Senator from Iowa will permit me, I will say that the Sergeant-at-Arms has the sole charge of these seven men, and places them at any duty he sees fit. They can not be absent without his leave.

Mr. MITCHELL. I would suggest in the same line that the messenger of the Committee on Pensions was summoned here in vacation by the Sergeant-at-Arms.

Mr. VAN WYCK. That is not one of the committees I am asking about.

Mr. MITCHELL. Yes, it is.

Mr. VAN WYCK. Then I beg pardon; I see it is. That is one of the seven specially assigned by a resolution of the Senate, my friend says deliberately adopted. The resolution of the Senate was for duty to these committees. Then I desire to know—I do not suppose the Appropriations Committee know—what they do when Congress is not in session? I venture to say that these men assigned here have no duty to perform, as most of the annual clerks have no duty to perform during vacation. That is the point I was designing to make.

Then the gentlemen on the Appropriations Committee say they are powerless, they can not do anything, because the Senate has deliberately resolved that these appointments should be made; but I see the Appropriations Committee struck down some things. Only a moment ago they were striking down one hundred and fifty clerks in the Pension Office. How were they on the roll. Does my friend from Iowa understand me? He was saying that it was not proper for the Appropriations Committee to retrench of their own motion when the Senate deliberately by resolution said these messengers were beyond their reach. Then I alluded to the fact that only a moment ago the Appropriations Committee were asking us to strike down one hundred and fifty clerks in the Pension Office. Was that not taking the power in their own hands? Those clerks were placed there by law or by resolution of this body. My friend must know this.

I want to show that that committee can do it when inclined. They can strike down one hundred and fifty pension clerks, but they can not strike down the annual clerk of the Committee on the Census or the annual clerk of the Committee on Private Land Claims.

Mr. HARRISON. Mr. President, there can be no doubt, indeed I

do not understand that the chairman of the Committee on Appropriations denies, that there are great inequalities in the provision made in this bill for the clerks of the committees of the Senate. The Appropriations Committee evade responsibility for some of these things by saying that at some previous session of the Senate an annual clerk was ordered for a particular committee, that they have felt that order to be binding upon them, and therefore they report an appropriation for that clerk.

Now, I think this whole subject ought to be reconsidered and put upon a fair and equal basis all around. So far as the clerk of my committee is concerned, I do not ask anything else. As these clerks are now serving, perhaps at this session of Congress the pay of one of these clerks who is paid a per diem would be between five and six hundred dollars. At the longer session of Congress it would be probably a thousand dollars, or something more. I do not think the average annual pay amounts to a sum that is equal to the service they render, because any competent clerk who comes here and takes a position as clerk of a committee, if he is a stenographer, loses his place and his business at home. He may pick up something in the intervals of the sessions of Congress, but he practically gives up his place; he loses his identity in the community in which he has been engaged, and the best he can do is to supplement his salary in the vacation by picking up some work, more or less, as he may be fortunate about it.

It seems to me that as to many of our committees the annual salaries fixed here of \$2,200 a year would be too large, but if as to many of these committees there could be an annual salary fixed of say \$1,800 a year, and perhaps others \$1,600 a year, putting them upon an annual basis, but not at the rate named here, and that this rate of \$2,200 should be allowed only in the case of those clerks who hold such committees as—

Mr. MILLER, of New York. Will the Senator allow me to ask if he does not discover that there are numerous clerks here receiving \$2,500 and \$3,000?

Mr. HARRISON. I know there are some.

Mr. MILLER, of New York. The advances have already been made for the great Committees on Appropriations and Finance and others.

Mr. HARRISON. The clerk and stenographer of the Committee on Finance, I see, has a salary of \$2,500. The clerk of the Committee on Appropriations has \$3,000. It is increased by this bill \$500 by an amendment recommended by the committee. It does seem to me that it is the duty of the Committee on Appropriations to harmonize this bill and put it on a basis that is fair all around to the different committees.

Mr. ALLISON. I will say to the Senator that last year we put a provision on the appropriation bill appointing a joint committee of both Houses to take up this whole question of compensation to the employees of both Houses with reference to the distinctions between the two Houses and with reference to the inequalities in the Senate; and that committee I think made a report; I do not remember what the report was, but at any rate after a long sitting our committeemen were unable to agree with the House of Representatives in relation to a general scale and schedule of salaries.

Mr. HARRISON. It is not necessary that there should be an agreement with the House. This is a matter I think as to our own clerks that the Appropriations Committee of the Senate could control if they would take hold of it.

I am not in favor of the proposition of the Senator from Nebraska to make all committee clerks annual and to give them all the salary specified here. I do not think we could justify ourselves in doing it. There are some of the committees, and I think the committee of which I am chairman is one, that have a great deal of work to do which requires a competent man, and I do not think the present adjustment of his pay is adequate. It is certainly out of proportion to the pay allowed to others who do no more work than he does.

I do not know how generally this proposition should be extended. I have no disposition to seem to be greedy in making this proposition for the clerk of my own committee. I believe he is entitled to more money than he receives, under the present adjustment, for the work he does, and I would be entirely willing to meet the Committee on Appropriations on some amendment that would put these clerks on some fair basis as to the pay that they should receive, involving annual employment.

Mr. MAHONEY. I believe it is in order to offer an amendment to the amendment now under consideration.

The PRESIDENT *pro tempore*. It is in order to offer a further amendment. There is only one amendment now pending.

Mr. MAHONEY. I offer the following amendment under the instruction of the Committee on Public Buildings and Grounds; after the word "Forestry" I move to insert "and clerk to the Committee on Public Buildings and Grounds."

Mr. ALLISON. I suppose that the amendment is in order from the fact that it was offered a few days ago and regularly referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. That being the case, it is in order. The question is on the amendment proposed by the Senator from Virginia to the amendment of the Senator from New York.

Mr. GORMAN. I dislike very much to oppose an amendment offered

by any Senator providing for a clerk to his committee; but I find upon a hasty examination to-day of the rolls of the Senate that there are two hundred and five persons now employed annually in the service of the Senate, and with the list of temporary employees added the aggregate number is two hundred and fifty-six officers of this body; and the total amount of compensation paid per annum to officers of this body by the bill which is now under consideration is \$348,082.70, divided thus:

In the office of the Vice-President.....	\$4,742 40
Chaplain.....	900 00
Office of the Secretary of the Senate.....	62,566 50
Clerks and messengers to committees.....	57,020 00
Offices of Sergeant-at-Arms and Doorkeeper.....	151,621 80
Session clerks to committees.....	31,800 00
Clerks to Senators.....	39,432 00

Making an aggregate of..... 348,082 70

It appears also by this bill that the whole amount paid in the other branch to clerks and messengers to committees is only \$37,900, as against \$57,020 here.

I submit that on that statement it would be very unwise, indeed, to increase this list. I desire to say to the chairman of the Committee on Appropriations that one year ago he himself, as I remember, knowing what great abuse there was in this matter ingrafted upon an appropriation bill a clause for the appointment of a committee to revise the list, but nothing has been done. At this session of the Senate, without the slightest reason for it, and with no reason in the world—for you can not hide them away in the corridors of the Capitol—a large increase of force has been made. Now, I submit that it is unwise and improper with this immense list, with more men than can possibly be used in transacting the affairs of this body, to increase the force.

Mr. CALL. Mr. President, I do not take any part in this sort of small economy which fails to measure the importance of the public duties confided to this body. There is nothing shown in these objections, no particularity; there is merely a general statement that the service of the Senate is extravagant and unreasonable. Now, sir, I want to say, with the committees that we have here, that if the judgment of the Senate that established these standing committees was correct, if they are charged with the highly responsible duties of legislation for this country, with the vast amount of public moneys that are appropriated, with the care of public property, there is not a standing committee of this body that ought not to have a capable and well-informed annual clerk to discharge the duties of that committee, to prepare its papers, and furnish the necessary information for legislation, and correct legislation upon the subjects committed to it.

We are not to measure the great duties confided to this body in a spirit of small and narrow economy. We ought to be prepared with every efficient means of legislation, with information at our hands, and the service of this body ought to be discharged in the most prompt and the most efficient manner. If we have public servants and fail to exact of them the proper measure of public duty, it is our fault; but there is no propriety in objecting to a proposition, when the judgment of the Senate has been passed and created a committee, that it should be furnished with proper and efficient service. I deny the charge that the service of the Senate is extravagant. I deny that it is out of proportion to the necessary and proper means for performing legislative duties, and I protest against a spirit of small and narrow economy which is to menace the efficiency of this body in the discharge of its public duties.

Mr. RIDDLEBERGER. Mr. President, it happens to have come within my knowledge that this small spirit has been perhaps too small to be observed. I have known since I have been here this winter that messengers, so called, are appointed to take care of committee-rooms, and that the Sergeant-at-Arms, because some Senators perhaps did not want to vote appropriations, has not allowed their committees the services of those who are called messengers. It is a fact that I state, and it is susceptible of all the proof that you can want.

This thing of appointing this committee clerk or that committee clerk to an annual place is quite easy. If the Senator from New York will show that he requires for the Committee on Agriculture an annual clerk, he can get it; but I venture to say that that committee does not meet once a fortnight, and I ask that Senator to show now whether the clerk that he has for his committee is required to perform service two hours in a week. I am chairman of the Committee on Manufactures. It has met once in two years. If there be any reason why the clerk of that committee should not have an annual salary, I shall be obliged to some Senator who will assign it. [Laughter.]

Mr. CALL. Will the Senator from Virginia allow me to interrupt him?

Mr. RIDDLEBERGER. Certainly.

Mr. CALL. I ask the Senator from Virginia why he does not move that the committee be dispensed with. That is the proper course to pursue if there are committees here that are not required for the service of the body.

Mr. RIDDLEBERGER. I can answer the Senator very quickly. I am not in a position to make that kind of a motion. If I belonged to a Democratic caucus possibly I would have a right to do that, and I

should bring it in here as a measure and have it defeated; and if I belonged to a Republican caucus I might make the same motion here and have it prevail; but I have as much right, I think, to have a committee as others. Possibly there may be a mistake about the word "honesty," but I should be honest if I simply told the truth about the Committee on Manufactures; and as the Senator from Florida wants to know, I tell him that the fact about it is just as I have stated.

But I did not rise to speak to that. I want to know now for myself whether one Senator who happens to be a member of the Committee on Appropriations represents more than one State or more than one-half of one State. I can not understand that the rules of the Senate preclude me from offering an amendment to any bill that comes in here, and the Senate can not make a rule that will preclude me from doing so. If the Senator from Iowa, as Chairman of the Committee on Appropriations, is larger than a Senator who is not a member of that committee, then we ought to know it, and know it quickly. I understood the Chair to rule that a single objection from the Appropriations Committee could preclude an amendment.

The PRESIDENT *pro tempore*. The Chair only ruled that the express rules of the Senate provide that all amendments proposing anything that has the effect to increase an appropriation must be proposed to carry out an existing law or treaty, or moved in pursuance of an estimate of the head of a Department, or reported from a standing or select committee of the Senate; and if reported from such committee, it must have been referred one day previous to its action to the Committee on Appropriations. The Chair has only endeavored to enforce that rule when the objection was made.

Mr. RIDDLEBERGER. That is a rule of the Senate, and as a rule perhaps it is a good one. But it is not law; it binds nobody; and when I choose to offer an amendment to an appropriation bill in this body, and ask the Senate to vote whether they will adopt it or not, you can not preclude me from offering it by an objection from any member of the Appropriations Committee. If that were so, I and every other Senator had better leave here and go where we can at least maintain a decent self-respect.

Now, sir, I say again with respect to these clerks that the Committee on Agriculture and Forestry is no more entitled to an annual clerk than any other committee in this body. There is no committee here that ought to have an annual clerk, in my judgment. I will take the Committee on the District of Columbia; I will take the Pensions Committee; and it has been a mere favoritism that has made these annual clerks—nothing else. Therefore I am going to vote against all of them, and I wish it were possible for some Senator who has some comprehension of his possible rights in this body outside of the Appropriations Committee to move to strike out the whole of it, and I would vote for that.

Mr. WILLIAMS. In the absence of the chairman of the Committee on Agriculture and Forestry, to which I belong, I must respond in a few words to the Senator from Virginia.

I think all the standing committees of the Senate are of equal dignity, and if any division of the public business is such as to require a standing committee, that committee ought to have an annual clerk or no committee ought to have one. No committee's clerk transacts business in vacation. By law if a committee is allowed to sit during vacation it carries with it the clerk and he gets his pay. I think this is a very small business for the Senate of the United States, the most august body in the world, to be engaged in—chaffing over the pay of a few clerks of committees. It is a small business, Senators, for us to be talking about—the representatives of the richest and grandest and greatest Republic in the world to be talking about the pay of a committee clerk! It is a mere bagatelle, the whole of which amounts to nothing.

Mr. RIDDLEBERGER. Will the Senator allow me to make a suggestion?

Mr. WILLIAMS. Not now.

The PRESIDENT *pro tempore*. The Senator from Kentucky declines to yield.

Mr. WILLIAMS. I have but a few more words to say.

Mr. RIDDLEBERGER. Mr. President—

The PRESIDENT *pro tempore*. The Senator from Kentucky declines to yield. The Senator from Virginia is not in order.

Mr. WILLIAMS. So far as the Committee on Agriculture and Forestry is concerned, if it has but little business it is because the Senate of the United States has been disposed to take but little notice of the farmers of the country. That is the reason it has not business. But the Committee on Finance, that interests the banks, the Committee on Railroads, that interests the great corporations of the country, have clerks provided for them; and so has even the Woman Suffrage Committee. But I say, Mr. President, to the Senator from Virginia that if the expectations of the fathers of this country are carried out this Agricultural Committee is soon to be one of the foremost committees of the Senate. The House has passed a bill making the Commissioner of Agriculture a Cabinet officer; and when we have somebody in the Cabinet of the President to represent the agricultural interests of this country that committee is going to be one that ranks in dignity with the first of the Senate.

Mr. ALLISON. Will the Senator yield to me?

Mr. WILLIAMS. Certainly.

Mr. ALLISON. I had hoped to be able to finish this bill to-night.

Mr. WILLIAMS. I do not want to make a speech.

Mr. ALLISON. I am afraid others will, and other amendments are to be offered. If the Senator will give way I will move either an adjournment or an executive session.

Several Senators addressed the Chair.

The PRESIDENT *pro tempore*. The Senator from Iowa has the floor.

Mr. ALLISON. I am appealed to by gentlemen all around me who have business to present. I will yield a moment for the introduction of business.

Mr. ALDRICH. I ask unanimous consent to make a report from the Committee on the District of Columbia.

The PRESIDENT *pro tempore*. Is there objection to receiving the report? The Chair hears no objection.

REPORTS OF COMMITTEES.

Mr. ALDRICH, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 8236) relating to sales for taxes in the District of Columbia, reported it with an amendment.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Several Senators addressed the Chair.

Mr. WILLIAMS. I have the floor except for a motion to adjourn, I understand.

The PRESIDENT *pro tempore*. The Senator from Kentucky declines to yield. The Senator from Kentucky is entitled to the floor.

Mr. VAN WYCK. I ask the Senator from Kentucky to yield a moment that I may introduce some amendments for reference to the Committee on Appropriations.

The PRESIDENT *pro tempore*. Does the Senator from Kentucky yield to the Senator from Nebraska?

Mr. WILLIAMS. For that purpose.

The PRESIDENT *pro tempore*. The Senator can yield for no particular purpose. He can only hold the floor in his own right. Does the Senator from Kentucky yield to the Senator from Nebraska?

Mr. WILLIAMS. No, sir.

Mr. VAN WYCK. May I make a parliamentary inquiry? I think since I have been a member of this body the practice has invariably been for a person upon the floor to yield for a purpose when it is specified and without objection. It may be contrary to the rules, but for the past four years the rules have been violated.

The PRESIDENT *pro tempore*. It has been constantly the practice, except when other gentlemen were claiming the floor and complaining that one gentleman could not farm it out.

Mr. VAN WYCK. There was no complaint made, as I understand.

The PRESIDENT *pro tempore*. The Chair heard many complaints.

Mr. HOAR. I ask the Senator from Kentucky if he will yield to me to make a motion to proceed to the consideration of executive business. ["No!" "No!"]

Mr. WILLIAMS. I will yield to a motion to adjourn.

Mr. RIDDLEBERGER. I ask the Senator from Kentucky—

The PRESIDENT *pro tempore*. Does the Senator from Kentucky yield to the Senator from Virginia?

Mr. WILLIAMS. For a question, of course.

Mr. RIDDLEBERGER. To make a reply to what observations he has made. I think, Mr. President, that if Senators would stop talking and give the Senator from Kentucky an opportunity to understand what I say, he would possibly do me the courtesy either to continue his remarks and give me an opportunity to reply to them or he would give me a chance now to respond.

Mr. WILLIAMS. No; I can not give you an opportunity in the midst of my speech.

Mr. RIDDLEBERGER. If I may be permitted to respond, I should like to do so. I think the Senator said he would not yield unless to a motion to adjourn.

Mr. WILLIAMS. I will yield to a motion to adjourn or to a question.

The PRESIDENT *pro tempore*. Senators will address the Chair.

Mr. RIDDLEBERGER. My remarks were directed to the Chair and with the approbation, as I understood, of the Senator from Kentucky.

Mr. HARRIS. I desire to ask the Senator from Kentucky—

The PRESIDENT *pro tempore*. The Senator from Kentucky has yielded only to the Senator from Virginia, who now has the floor by the consent of the Senator from Kentucky.

Mr. RIDDLEBERGER. Yes, sir; I want to say this—

Mr. WILLIAMS. I yield only for a question.

Mr. RIDDLEBERGER. I have no question to ask, and I will sit down.

Mr. ALLISON. Now I ask the Senator from Kentucky to yield to me that I may move an adjournment.

Mr. VAN WYCK. Before that is done let me—

The PRESIDENT *pro tempore*. Does the Senator from Kentucky yield to the Senator from Iowa?

Mr. WILLIAMS. Yes, sir.

Mr. ALLISON. I move that the Senate do now adjourn.

Mr. VAN WYCK. I desire to know—

The PRESIDENT *pro tempore*. Does the Senator from Iowa withdraw his motion?

Mr. BLAIR. Let us vote down the motion to adjourn.

Mr. VAN WYCK. I desire to know—

The PRESIDENT *pro tempore*. Does the Senator from Iowa withdraw his motion?

Mr. ALLISON. I withdraw it.

Mr. VAN WYCK. I offer some amendments which I send to the Secretary's desk that they may be printed and referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The Senator from Nebraska presents sundry amendments intended to be proposed to what bill?

Mr. VAN WYCK. To the bill under consideration.

The PRESIDENT *pro tempore*. To the legislative, executive, and judicial appropriation bill. They will be printed and referred to the Committee on Appropriations.

Mr. CULLOM. I desire to make a motion that the Senate proceed to the consideration of executive business.

Mr. BLAIR. I ask the Senator to withdraw his motion.

The PRESIDENT *pro tempore*. Does the Senator from Illinois withdraw the motion?

Mr. CULLOM. If I may be allowed to do it I will yield. I withdraw it for the purpose indicated by the Senator from New Hampshire.

Mr. BLAIR. I ask leave to introduce a bill for reference.

Mr. WILLIAMS. I have the floor.

The PRESIDENT *pro tempore*. The Senator from New Hampshire is now entitled to the floor.

Mr. WILLIAMS. I have been standing on the floor all the time.

The PRESIDENT *pro tempore*. Will the Senator from New Hampshire state what he proposes?

Mr. BLAIR. I ask leave to introduce a bill for reference, a pension bill.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks unanimous consent to introduce a bill at this time. Is there objection?

Mr. HARRIS. I object to-night.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Virginia [Mr. MAHONEY].

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The Senator from Illinois moves that the Senate proceed to the consideration of executive business.

Mr. HARRIS. Pending which I move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that the Senate do now adjourn.

Mr. CULLOM. I call for the yeas and nays on that motion.

The yeas and nays were ordered; and being taken, resulted—yeas 17, nays 24; as follows:

YEAS—17.

Call, Cockrell, Coke, George, Gorman,	Hampton, Harris, Jackson, Jonas, Lamar,	Maxey, Pugh, Ransom, Vance, Vest,	Walker, Williams,
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NAYS—24.

Aldrich, Blair, Bowen, Cameron of Wis., Chace, Conger,	Cullom, Dolph, Edmonds, Hill, Hoar, Jones of Nevada,	McMillan, Mahone, Manderson, Miller of N. Y., Morrill, Palmer,	Platt, Riddleberger, Sawyer, Sewell, Van Wyck, Wilson.
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ABSENT—35.

Allison, Bayard, Beck, Brown, Butler, Camden, Cameron of Pa., Colquitt, Dawes,	Fair, Farley, Frye, Garland, Gibson, Logan, McPherson, Miller of Cal., Mitchell, Morgan,	Ingalls, Jones of Florida, Kenna, Lapham, Lamar, Logan, McPherson, Miller of Cal., Mitchell, Morgan,	Pendleton, Pike, Plumb, Sabin, Saulsbury, Sherman, Slater, Voorhees,
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So the Senate refused to adjourn.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Illinois [Mr. CULLOM] that the Senate proceed to the consideration of executive business.

Mr. PUGH. I call for the yeas and nays.

Mr. CULLOM. The executive session will last only a few minutes.

The yeas and nays were ordered; and being taken, resulted—yeas 24, nays 9; as follows:

YEAS—24.

Allison, Blair, Bowen, Cameron of Wis., Chace, Conger,	Cullom, Dolph, Edmonds, Harrison, Hoar, Ingalls,	Jones of Nevada, McMillan, Mahone, Manderson, Miller of N. Y., Morrill,	Palmer, Platt, Plumb, Sawyer, Van Wyck, Wilson.
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NAYS—9.

Call, Cockrell, George,	Hampton, Harris,	Maxey, Ransom,	Riddleberger, Williams.
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ABSENT—43.

Aldrich, Bayard, Beck, Brown, Butler, Camden, Cameron of Pa., Coke, Colquitt, Dawes, Fair,	Farley, Frye, Garland, Gibson, Gorman, Groome, Hale, Hawley, Hill, Jackson, Jonas,	Jones of Florida, Kenna, Lamar, Lapham, Logan, McPherson, Miller of Cal., Mitchell, Morgan, Pendleton, Pike,	Pugh, Sabin, Saulsbury, Sewell, Sherman, Slater, Vance, Vest, Voorhees, Walker,
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The PRESIDENT *pro tempore*. There is not a quorum voting.

Mr. HARRIS. Mr. President—

The PRESIDENT *pro tempore*. It is the duty of the Chair to direct a call of the Senate, pending which the Senator from Tennessee—

Mr. HARRIS. Mr. President, I move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that the Senate do now adjourn.

Mr. RIDDLEBERGER. On which question I ask for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDENT *pro tempore*. It is moved that the Senate do now adjourn.

The motion was not agreed to.

The PRESIDENT *pro tempore*. The Secretary will call the roll of the Senate.

The Secretary called the roll, and forty-four Senators responded to their names.

The PRESIDENT *pro tempore*. Forty-four Senators have answered to their names. A quorum is present. The question recurs on the motion of the Senator from Illinois that the Senate proceed to the consideration of executive business.

Mr. WILLIAMS. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. GORMAN. Pending that motion I move that the Senate adjourn.

The PRESIDENT *pro tempore*. The Chair thinks no business has been done since the last motion to adjourn.

Mr. RANSOM. Yes, there has been a call of the Senate.

The PRESIDENT *pro tempore*. That is a call the rules provide for.

Mr. CULLOM. Mr. President—

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. CULLOM. I ask unanimous consent to make a request.

The PRESIDENT *pro tempore*. The Senator from Illinois asks unanimous consent to make a statement. Is there objection? The Chair hears none.

Mr. CULLOM. I do not think the executive session, if we can get one, will last more than a few minutes. I ask the Senator from Kentucky to withdraw his call for the yeas and nays and let us go into executive session. There is no quorum present.

Mr. HARRIS. I ask unanimous consent of the Senate that the call for the yeas and nays on the motion to go into executive session be withdrawn.

The PRESIDENT *pro tempore*. The pending question is on the motion of the Senator from Illinois that the Senate proceed to the consideration of executive business.

Mr. HARRIS. On that I ask unanimous consent to withdraw the demand for the yeas and nays.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks unanimous consent that the demand for the yeas and nays be recalled. Is there objection?

Mr. PUGH. I object.

Mr. HOAR. I move to reconsider the demand.

Mr. BLAIR. I ask unanimous consent to make a statement.

Mr. CAMERON, of Wisconsin. I object.

The PRESIDENT *pro tempore*. Objection is made.

Mr. BLAIR. Just withdraw that objection. You will get through a great deal sooner.

The PRESIDENT *pro tempore*. Debate is not in order. The question is on agreeing to the motion that the Senate do now proceed to the consideration of executive business.

Mr. GORMAN. I now renew my motion that the Senate adjourn.

The PRESIDENT *pro tempore*. The Senator from Maryland moves that the Senate do now adjourn. The Chair thinks that motion is now in order. The question is on that motion.

Mr. BLAIR. I ask the Senator—

The PRESIDENT *pro tempore*. Debate is not in order. The question is on the motion to adjourn.

The motion was not agreed to; there being on a division—yeas 17, nays 25.

The PRESIDENT *pro tempore*. The question recurs on the motion

that the Senate proceed to the consideration of executive business, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. SEWELL (when his name was called). I announce my pair with my colleague [Mr. McPHERSON], who is absent.

The roll-call having been concluded, the result was announced—yeas 24, nays 5; as follows:

YEAS—24.			
Allison,	Conger,	Hoar,	Morrill,
Beck,	Cullom,	Jones of Nevada,	Palmer,
Blair,	Dolph,	McMillan,	Platt,
Bowen,	Edmunds,	Mahone,	Plumb,
Cameron of Wis.,	Harrison,	Manderson,	Sawyer,
Chace,	Hill,	Miller of N. Y.,	Wilson.

NAYS—5.			
Hale,	Harris,	Maxey,	Ransom.
Hampton,			

ABSENT—47.			
Aldrich,	Farley,	Kenna,	Sabine,
Bayard,	Frye,	Lamar,	Saulsbury,
Brown,	Garland,	Lapham,	Sewell,
Butler,	George,	Logan,	Sherman,
Call,	Gibson,	McPherson,	Slater,
Camden,	Gorman,	Miller of Cal.,	Vance,
Cameron of Pa.,	Groome,	Mitchell,	Van Wyck,
Cockrell,	Hawley,	Morgan,	Vest,
Coke,	Ingalls,	Pendleton,	Voorhees,
Colquitt,	Jackson,	Pike,	Walker,
Dawes,	Jonas,	Pugh,	Williams.
Fair,	Jones of Florida,	Riddleberger,	

The PRESIDENT *pro tempore*. There is not a quorum voting.

Mr. ALLISON. I move that the Senate do now adjourn.

Mr. CONGER. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BLAIR. Before the vote is taken I hope the Senate—

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. BLAIR. I hope the Senate will give unanimous consent that I may introduce some bills for reference only. They are pension bills, and they need to be printed to-night.

The PRESIDENT *pro tempore*. No quorum has voted, and the Chair can receive no bill or any other business.

Mr. BLAIR. The yeas and nays have been ordered on the motion to adjourn.

The PRESIDENT *pro tempore*. That does not make any difference. No quorum has voted. No quorum for any business purpose is now present. The question is on agreeing to the motion of the Senator from Iowa [Mr. ALLISON] that the Senate adjourn, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 20, nays 21; as follows:

YEAS—20.			
Allison,	Gorman,	Jones of Nevada,	Ransom,
Beck,	Hale,	Lamar,	Vance,
Call,	Hampton,	Maxey,	Vest,
Coke,	Harris,	Plumb,	Walker,
George,	Jackson,	Pugh,	Williams.

NAYS—21.			
Blair,	Edmunds,	Mahone,	Riddleberger,
Cameron of Wis.,	Harrison,	Manderson,	Sawyer,
Chace,	Hill,	Miller of N. Y.,	Wilson.
Conger,	Hoar,	Morrill,	
Cullom,	Ingalls,	Palmer,	
Dolph,	McMillan,	Platt,	

ABSENT—35.			
Aldrich,	Dawes,	Jones of Fla.,	Pike,
Bayard,	Fair,	Kenna,	Sabin,
Bowen,	Farley,	Lapham,	Saulsbury,
Brown,	Frye,	Logan,	Sewell,
Butler,	Garland,	McPherson,	Sherman,
Camden,	Gibson,	Miller of Cal.,	Slater,
Cameron of Pa.,	Groome,	Mitchell,	Van Wyck,
Cockrell,	Hawley,	Morgan,	Voorhees,
Colquitt,	Jonas,	Pendleton,	

The PRESIDENT *pro tempore*. The Senate refuses to adjourn, and a quorum is present. The question recurs on the motion that the Senate proceed to the consideration of executive business.

BILLS INTRODUCED.

Mr. BLAIR. I ask leave to introduce two bills for reference only.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks unanimous consent to introduce two bills for reference. Is there objection? The Chair hears none.

Mr. BLAIR introduced a bill (S. 2661) granting a pension to Miss Gill; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2662) granting an increase of pension to Ella W. Thornton; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BOWEN, Mr. DOLPH, Mr. GORMAN, Mr. HAMPTON, and Mr. SEWELL submitted amendments intended to be proposed by them respectively to the general deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. ALDRICH, and Mr. JONES, of Nevada, submitted amendments intended to be proposed by them to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES.

Mr. GORMAN, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 5828) for the relief of Saint Mark's Protestant Episcopal church in the District of Columbia, reported it with an amendment.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

EXECUTIVE BUSINESS.

Mr. CULLOM. I desire to state, by permission, that very early to-morrow I shall move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. CULLOM. I now desire to move that the Senate adjourn.

Mr. MAHONE. Mr. President—

The PRESIDENT *pro tempore*. Does the Senator from Illinois yield to the Senator from Virginia?

Mr. MAHONE. I wish to make a conference report.

The PRESIDENT *pro tempore*. Is there objection to receiving the report at this time? The Chair hears none.

Mr. CULLOM. There is no objection to the Senator submitting the report. Does he desire the consideration of it?

Mr. MAHONE. Yes, sir.

Mr. CULLOM. I yield for that purpose.

The PRESIDENT *pro tempore*. The motion for an executive session is withdrawn, the Chair understands.

Mr. CULLOM. I withdraw the motion.

PUBLIC BUILDING AT DETROIT.

The PRESIDENT *pro tempore*. The Senator from Virginia presents a report from a conference committee.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1600) to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from their disagreement to the amendment of the House, and agree to the same with an amendment as follows: Add as an additional provision to said House amendment the following: "And provided further, That nothing herein contained shall be construed in any event to increase the cost of the site and building, including approaches, when completed, beyond the sum of \$900,000, as provided in this section;" and the House agree to the same.

WM. MAHONE,
ANGUS CAMERON,
G. G. VEST,
Managers on the part of the Senate.
S. M. STOCKSLAGER,
JAS. H. HOPKINS,
EDWARD BREITUNG,
Managers on the part of the House.

The PRESIDENT *pro tempore*. The question is on agreeing to the report of the conference committee. [A pause.] The Chair is informed at the desk that this conference was asked for by the Senate and granted by the House. The report of the committee in this body first is therefore irregular. It should first be presented to the House of Representatives.

Mr. CULLOM. I move that the Senate do now adjourn.

The motion was agreed to; and (at 7 o'clock and 26 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 25, 1885.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 2375) to authorize the increase of the capital stock of the Commercial National Bank of Chicago; and

A bill (S. 2084) to amend chapter 464 of the acts of the first session of the Forty-seventh Congress, entitled "An act providing for a public building in the city of Fort Wayne, in the State of Indiana."

ALASKA.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, relating to the protection of seal and the enforcement of the laws in Alaska, and recommending an appropri-

ation of \$25,000 for the revenue marine service in that Territory; which was referred to the Committee on Appropriations.

CLAIMS.

Mr. GEDDES. I ask unanimous consent to submit a report from the Committee on War Claims.

Mr. MILLS. Mr. Speaker, is it allowable under the special rule for the Chair to entertain a request of this kind for unanimous consent?

The SPEAKER. Under that rule the Chair can not entertain a request for unanimous consent for the consideration of a bill, but the gentleman from Ohio asks to make a report.

Mr. MILLS. The temporary Speaker declined the other day to entertain the request when I desired unanimous consent to make a report.

Mr. GEDDES, by unanimous consent, reported back with amendments from the Committee on War Claims a bill (H. R. 8177) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CHARLES E. JOHNSON.

Mr. YAPLE, by unanimous consent, introduced a bill (H. R. 8273) for the removal of the charge of desertion against the record of Charles E. Johnson; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ORDER OF BUSINESS.

Mr. BLOUNT. I call for the regular order.

Mr. TOWNSHEND. I ask the gentleman from Georgia to withdraw that demand in order that I may call up the Post-Office appropriation bill.

Mr. BLOUNT. I withdraw the call for that purpose.

The SPEAKER. The gentleman from Illinois [Mr. TOWNSHEND] asks unanimous consent to take from the Speaker's table the Post-Office appropriation bill with Senate amendments—

Mr. TOWNSHEND. And that the amendments be non-concurred in.

Mr. PAYSON. I object.

Mr. HISCOCK. I object to that. I will consent to the bill going to the Committee on Appropriations for consideration of the Senate amendments.

Mr. TOWNSHEND. I ask my friend from New York to consent that this matter come up for consideration. Then he can submit, if he wants to, the motion to send it to the committee.

Mr. HISCOCK. The usual course is to let a bill of this character go to the committee.

Mr. TOWNSHEND. The usual course always has been—

The SPEAKER. This question is not debatable.

Mr. TOWNSHEND. But in reply to the gentleman from New York I desire to say that the usual course at this stage of the session is to non-concur in Senate amendments, in order that we may more promptly bring the matter into conference.

The SPEAKER. Two gentlemen have made objection.

Mr. TOWNSHEND. What gentlemen have objected?

The SPEAKER. The gentleman from New York [Mr. HISCOCK] and the gentleman from Illinois [Mr. PAYSON].

Mr. TOWNSHEND. I ask that I be allowed to call this question up, and then the motion can be submitted to refer it to the committee.

Mr. HISCOCK. Do you mean call it up for consideration now?

Mr. TOWNSHEND. I mean let it be called up for the purpose of testing the sense of the House as to whether the bill shall go to the Committee on Appropriations or go at once to a committee of conference.

Mr. BLOUNT. Would not the Committee on Appropriations be ready to report the matter back in a very short time?

Mr. TOWNSHEND. Very well; let it go to the committee.

Mr. PAYSON. I object to that.

Mr. TOWNSHEND. Now, I submit to the House, what can we do with this question? One gentleman objects because he wants the bill referred to the Committee on Appropriations; another gentleman objects to such reference. [Cries of "Regular order!"]

Mr. HORR. What objection is there to letting the bill go to the Committee on Appropriations?

Mr. TOWNSHEND. I am perfectly willing; but my colleague [Mr. PAYSON] does not want the bill to pass this session, perhaps—

Mr. PAYSON. Mr. Speaker—

The SPEAKER. The House will be in order. The regular order has been demanded.

DEFICIENCY APPROPRIATION BILL.

Mr. BURNES. I desire to offer a privileged resolution, which I send to the desk.

The Clerk read as follows:

Resolved, That the rules be suspended, so as to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 8235) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1885, and for other purposes, and pass the same, together with certain amendments to be submitted thereto by the Committee on Appropriations.

The SPEAKER. Is a second demanded?

Mr. BLOUNT. I would like to ask whether there is anything in this bill except the ordinary appropriations—

Mr. RANDALL. The bill will have to be read, at any rate.

Mr. HOLMAN. Ought not the bill to be read before the vote is taken?

The SPEAKER. It will be read before the vote is taken on the adoption of the resolution to suspend the rules; but the first question is whether a second is demanded.

Mr. REED, of Maine. I demand a second.

Mr. RANDALL. Is it in order to state why this resolution should be adopted?

The SPEAKER. Only by unanimous consent. If the motion to suspend the rules should be seconded, debate will then be in order for half an hour.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, notified the House of the passage of bills of the following titles; in which concurrence was requested:

A bill (S. 544) granting an increase of pension to Elijah W. Penny;
A bill (S. 1113) granting a pension to Ann E. Manchester;
A bill (S. 1612) granting a pension to Bryson R. McCartney;
A bill (S. 1633) granting a pension to James Bond;
A bill (S. 1739) granting a pension to the widow and children of the late Bryam Pitney;
A bill (S. 1836) granting a pension to Sarah Hague;
A bill (S. 1877) granting an increase of pension to John Hall;
A bill (S. 1960) for the relief of Mary Howard Farquhar;
A bill (S. 2125) granting a pension to Sarah Jane Prince;
A bill (S. 2153) granting a pension to Benjamin F. Brockett;
A bill (S. 2245) granting a pension to William N. Morris;
A bill (S. 2262) granting a pension to Sedate P. Martin;
A bill (S. 2268) for the relief of Robert J. Ballort;
A bill (S. 2279) granting a pension to Lewis L. Canady;
A bill (S. 2302) granting a pension to John Lowe;
A bill (S. 2316) granting a pension to Mrs. Cordelia Brainerd Thomas;
A bill (S. 2367) granting a pension to Sarah A. White;
A bill (S. 2437) granting a pension to Mrs. Mary Gordon;
A bill (S. 2443) granting an increase of pension to Polly Young; and
A bill (S. 2527) granting a pension to Robert Sheridan.

The message further announced the passage of bills of the following titles:

A bill (H. R. 256) granting a pension to Mary A. Land;
A bill (H. R. 891) granting a pension to Reuben J. Ebberman;
A bill (H. R. 1046) granting a pension to Mary A. Griffin;
A bill (H. R. 1219) granting a pension to Charles Hendrix;
A bill (H. R. 1653) granting a pension to John R. Hurlburt;
A bill (H. R. 1759) granting a pension to Robert Patterson;
A bill (H. R. 1898) granting a pension to Harriett Armstrong;
A bill (H. R. 2068) granting a pension to James H. Reid;
A bill (H. R. 2284) granting a pension to Elizabeth Fowler;
A bill (H. R. 2398) granting an increase of pension to Mrs. Ann W. Mulvey;
A bill (H. R. 2537) granting an increase of pension to Hugh Ryan;
A bill (H. R. 2538) granting an increase of pension to Christiana Almier;
A bill (H. R. 2539) granting an increase of pension to George W. Kiser;
A bill (H. R. 2540) granting an increase of pension to Priscilla J. Small;
A bill (H. R. 2627) granting an increase of pension to Noah Caton;
A bill (H. R. 3074) to grant a pension to Jasper J. Henry on account of wounds received while acting as guide for the First Arkansas Cavalry Volunteers in the war of the rebellion;
A bill (H. R. 2894) granting a pension to Henry Rodenback;
A bill (H. R. 3336) for the relief of Sherman C. Perry;
A bill (H. R. 3352) to restore the name of Warren Sams to the pension-roll;
A bill (H. R. 3355) for the relief of Mary Mulholland;
A bill (H. R. 3605) granting a pension to Eliza Sluss;
A bill (H. R. 3728) granting a pension to Charles P. Mahan;
A bill (H. R. 3749) granting a pension to William Bolwork;
A bill (H. R. 3751) granting a pension to Francis Curran;
A bill (H. R. 4061) granting a pension to William C. H. Bowman;
A bill (H. R. 3994) granting a pension to William Strickland;
A bill (H. R. 4079) granting a pension to James D. Kirk;
A bill (H. R. 4263) granting a pension to Elizabeth Hood;
A bill (H. R. 4833) granting a pension to Louisa Earle;
A bill (H. R. 4869) for the relief of Morris Geld;
A bill (H. R. 5069) granting a pension to Mrs. Mary J. Stotts;
A bill (H. R. 5123) granting a pension to Frederick Braunwald;
A bill (H. R. 5124) granting a pension to Samuel Z. Cooper;
A bill (H. R. 5374) granting a pension to Philip Wiggins;
A bill (H. R. 5555) granting a pension to James Frazier;
A bill (H. R. 5925) granting a pension to Margaret A. Berry;

A bill (H. R. 5929) for the relief of Abigail Honey;
 A bill (H. R. 5939) to pension Julia A. Marcum;
 A bill (H. R. 5989) for the relief of Elizabeth A. Springstead;
 A bill (H. R. 6018) increasing the pension of George Tapp;
 A bill (H. R. 6044) granting a pension to Eliza Pigeon;
 A bill (H. R. 6235) granting a pension to Eliza J. Norris;
 A bill (H. R. 6287) for the relief of John H. Johnson;
 A bill (H. R. 6310) granting a pension to Benjamin P. Lowell;
 A bill (H. R. 6596) granting a pension to John Hazelwood;
 A bill (H. R. 6663) restoring to the pension-roll the name of Caroline Lewis;
 A bill (H. R. 6798) to grant a pension to Lloyd W. Hixon;
 A bill (H. R. 6928) granting a pension to Leonard King;
 A bill (H. R. 6948) granting a pension to George V. Eagles;
 A bill (H. R. 7256) granting a pension to John A. Vanderhoff;
 A bill (H. R. 7026) granting a pension to Jeremiah P. Swartzell;
 A bill (H. R. 7092) for the relief of Anthony Beyer;
 A bill (H. R. 7094) granting a pension to Samuel M. Bartlett;
 A bill (H. R. 7175) granting a pension to James O. McKenna;
 A bill (H. R. 7002) for the relief of Harriet L. Stevens;
 A bill (H. R. 7262) increasing the pension of Elmira P. Spencer;
 A bill (H. R. 7292) to increase the pension of Jacob Wiener;
 A bill (H. R. 7308) for the relief of David Fried;
 A bill (H. R. 7336) granting a pension to T. A. Morton;
 A bill (H. R. 7338) granting a pension to Chloe A. Whipple;
 A bill (H. R. 7373) for the relief of Sarah A. Burchfield;
 A bill (H. R. 7524) for the relief of Lavisa Heth;
 A bill (H. R. 7602) to grant a pension to Harriet M. Baily;
 A bill (H. R. 7672) granting an increase of pension to Elbert Hewitt;
 A bill (H. R. 7696) granting a pension to Thomas D. Fitch;
 A bill (H. R. 7709) granting a pension to Louisa A. Estes;
 A bill (H. R. 7722) granting a pension to Almira K. Parker;
 A bill (H. R. 7731) granting a pension to Lois B. Smith;
 A bill (H. R. 7732) granting an increase of pension to Edward P. Quinn;
 A bill (H. R. 7769) to grant a pension to Joseph R. Dodds;
 A bill (H. R. 7822) granting a pension to Mark Spencer Van Loan;
 A bill (H. R. 7860) granting a pension to Emeline L. Fitch; and
 A bill (H. R. 8104) granting an increase of pension to George S. Hawley.

The message further announced the passage of bills of the following titles, with amendments; in which concurrence was requested:

A bill (H. R. 3467) granting a pension to H. D. Prior;
 A bill (H. R. 5364) granting a pension to William H. Whitcomb;
 A bill (H. R. 5713) to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States;
 A bill (H. R. 5798) granting a pension to John E. Denham;
 A bill (H. R. 6011) granting an increase of pension to Robert Casey;
 A bill (H. R. 6029) for the relief of Jeremiah McCarty; and
 A bill (7617) granting a pension to Mrs. Ann E. Gridley.

DEFICIENCY APPROPRIATION BILL.

The SPEAKER. The Chair will appoint as tellers the gentleman from Maine, Mr. REED, and the gentleman from Missouri, Mr. BURNES.

Mr. GIBSON. Before the vote is taken I desire to ask if this motion is carried whether the vote on this bill will take precedence of the vote on the river and harbor bill.

The SPEAKER. The river and harbor bill does not come up, under the practice of the House, until after the morning hour.

Mr. KEIFER. I ask unanimous consent that a second be considered as ordered.

Mr. ANDERSON. I object.

The SPEAKER. The tellers will take their places.

The House divided; and the tellers reported—ayes 147, noes 16.

So a second was ordered.

Mr. ADAMS, of Illinois. I wish to ask a parliamentary question. Does this motion include the amendments proposed by the committee; and will it be in order, if it does include them, to ask that they be now read in connection with the bill?

Mr. KEIFER. They will have to be read.

The SPEAKER. The Chair thinks they must be read.

Mr. KEIFER. I desire to submit this proposition: This bill has been printed and on the tables of members for a number of days. My proposition is that by unanimous consent we dispense now with the reading of this bill, but not to dispense with the reading of such amendments as the committee propose to offer or may permit to be offered in connection with it.

Mr. HOLMAN. Let the bill be read.

Mr. KEIFER. It will take all the afternoon; it is quite a long bill and I hope it will not be insisted upon. Let the amendments be read.

The SPEAKER. Is there objection to the request of the gentleman from Ohio to dispense with the reading of this bill and to have read only the amendments which are proposed by the Committee on Appropriations?

Mr. THOMAS. I object.

The SPEAKER. The Clerk will read the bill.

The Clerk proceeded to read the bill.

Mr. THOMAS (interrupting the reading). I withdraw my objection.

The SPEAKER. Is there further objection? The Chair hears none. The objection being withdrawn, the Clerk will report the amendments proposed by the Committee on Appropriations.

Mr. WARNER, of Ohio. Do I understand that there is unanimous consent asked again to pass this bill without having it read at all?

The SPEAKER. There was unanimous consent asked to dispense with the reading of the bill and to have read only the amendments proposed by the Committee on Appropriations, to which request the gentleman from Illinois [Mr. THOMAS] objected. The reading of the bill then was begun, after which the gentleman withdrew his objection. The Chair asked for further objection, and, there being none, unanimous consent was given to dispense with the reading of the bill.

The Clerk will now report the amendments.

Mr. WARNER, of Ohio. I did not hear the request or I certainly should have objected to it. I desire to enter my protest now upon record against passing a bill in this manner without having it read.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

Amend by adding, after line 156, the following:

"And all suits or proceedings pending in the district courts of Dakota and Washington Territories at the time of the passage of said act, and which would, if instituted after the passage of said act, be required to be brought in the new district created and provided for in said act, may be transferred by consent of the parties to said new district courts, and there disposed of in like manner and with like effect as if the same had been there instituted; and all writs and recognizances relating to such suits and proceedings so transferred shall be considered as belonging to the courts of the said new districts, respectively, in the same manner and with like effect as if they had issued or been taken in reference thereto originally; and the counties of Skamania and Spokane, in said Washington Territory, shall constitute part of the fourth judicial district thereof until the Legislature shall meet and otherwise provide."

The next amendment is as follows:

"For one clerk to continue the work of making a consolidated index of the Southern Claims Commission reports and claims referred to the Court of Claims under the Bowman act, and authorized by resolution of the House July 3, 1894, from March 4 to December 1, 1895, at \$6 per day."

In line 113 strike out "50" and in lieu thereof insert "58."

After line 187 insert:

"For paper, express charges, and printing of national-bank notes, \$40,000."

On page 13, after line 303, insert as follows:

"COURT OF CLAIMS.

"For payment of the judgments of the Court of Claims, as follows:

"To the Great Falls Manufacturing Company, \$15,692, with interest thereon at 5 per cent. per annum from June 16, 1881; Sallie H. Palmer, \$30; James W. Harvey and James Livezey, \$44,668.57, with interest on \$16,230.95 thereof at 5 per cent. per annum from November 24, 1883; Charles Morton, \$169.07; William H. Emory, \$180; James H. North, \$375; John M. Mueller, \$748.22; Joel F. Kinney, \$6,693.30; Jeremiah Harrison and William F. Harrison, \$940; Henry G. Brookings, \$1,722.25; Delvaile and Joubert, \$477.72; Levi J. Harris, executor, \$6,606.09; Aristide Delvaile, \$422.93; the National Match Company, \$130; the Richardson Match Company, \$4,250; the Alligator Match Company, \$1,050; Frederick P. Newton, \$1,500; William Gates's Sons, \$3,419.80; Melvin T. Frupp, administrator of J. E. Lawrence Frupp, \$188.81; the Cape Ann Granite Company, \$53,291; the board of field officers of the Fourth Brigade of South Carolina Volunteer State Troops, \$5,339.67; Edgar A. Walz, \$12,365.11; the Barber Match Company, \$12,631; the James G. Hotchkiss Match Company, \$470.31; William J. Jenkins, \$527.52; the Saint Louis Wine Company, \$32.30; the Home Bitters Company, \$152.79; E. Wilder & Co., \$61.20; John F. Henry & Co., \$253.82; Bernard Riley, administrator of Thomas Gorman, \$100; V. E. Manger and John Petrie, jr., \$464.10; V. E. Manger, \$183.60; Seth W. Fowle & Son, \$135.20; Robert Selden, \$100; Alexander C. Rhind, \$250; Charles H. McBlair, \$450; Stephen P. Quackenbush, \$180.50; James H. Watmouth, \$500; Dabney H. Maury, \$100; Marius Duvall, \$300; Douglas F. Forrest, \$875; Marius Duvall, executor of Joshua R. Sands, deceased, \$65; Augustus Elchele, \$6,044.73; Mary H. Lanier, \$375; Henry H. Lewis, \$875; Samuel P. Carter, \$187.50; William B. Sinclair, \$300; Duncan N. Ingraham, \$625; Laura M. Chilton, \$150; Sarah L. Chandler, \$120; Agnes R. Tilghman, \$75; Elodie J. Minor, \$400; Charles Thomas, \$375; John S. Maury, \$187.50; Cornelia A. Stanley, \$375; Isaac Wilmoth, \$43.33; the Chesapeake and Ohio Railroad Company, \$4,622.85; John W. Beaman, \$91.26; Thaddeus Thayer, \$809.20; Henry McGowan, \$3,040; Ezekiel G. Byam, trading in the firm-name of Byam, Carlton & Co., \$6,339.35; Austin Messenger, \$5,826; William Roeder, \$2,040; the Excelior Match Company, \$1,043.09; Herman W. Newbauer, trading under the name of Newbauer & Co., \$4,609; James Eaton, \$3,410; Henry Stanton, \$1,528.75; Phineas T. Ives, \$696.79; R. Bendel & Co., \$2,600; the Clark Match Company, \$320; Aristides Welch, \$500; Thomas Mootes, \$375; Lelia I. Sinclair, \$450; Elizabeth H. Spotts, \$250; A. F. Warley, \$187.50; Merced G. Brent, \$375; William Leigh, \$450; Eliza M. Fairfax, \$450; Eliza H. Ramsay, \$150; Van R. Morgan, \$250; John T. Mason, \$300; Frederick Chaffard, \$450; M. C. Meigs, \$3,370; Joseph W. Harrison, \$31.78; in all \$238,495.09; and a sufficient sum in addition thereto as may be necessary to pay the interest on the judgments in favor of the Great Falls Manufacturing Company and of James W. Harvey and James Livezey as above provided is hereby appropriated: *Provided*, That none of the aforesaid judgments shall be paid until the right of appeal shall have expired."

In lines 191 and 192 strike out the words "eighty-four, \$317.35," and insert

"eighty-two, \$234.67."

After line 576 insert: "To complete the new naval cruisers and dispatch-boat under construction and repair, \$75,357.25. Under steam-engineering \$86,983.57; and all balances of appropriations heretofore made under any bureau of the Navy Department for any one of said vessels may be used under the same bureau for any other of said vessels."

Insert after line 630, page 38: "To enable the Attorney-General to pay the State asylum for the care of insane criminals at Auburn, N. Y., for the United States convicts for the fiscal year ending June 30, 1896, \$936."

On page 38, in line 923, after the word "and," where it last occurs in said line, insert "53."

On page 42, after line 1016, insert, "to supply a deficiency in the appropriation for session employes of the House, as follows:

"For committee clerks, \$1,302;

"For pages, \$507.50;

"For messengers in the Post-Office, \$96.00;

"For laborers, \$157;

"For cloak-room men, \$90.32; in all, \$2,322.42."

Strike out lines 1017 to 1019 and insert: "For allowance to the parties named below in full of expense incurred by them in contested-election cases:

"To Martin Maginnis, \$1,500;
"To A. C. Botkin, \$1,300;
"To J. O. Broadhead, \$1,000;
"To J. H. McLean, \$1,000; and
"To George H. Craig, \$750; in all, \$5,450."

Insert after line 1022: "To pay Charles M. Shelley in full for expense incurred in his contested-election case, \$500."

In line 1047, strike out "84" and insert "83." After the amendment last considered insert: "To pay Harry Neal for services as messenger to the Speaker's room, in addition to his pay as laborer, from December 1, 1883, to July 7, 1884, and from December 1, 1884, to March 4, 1885, at the rate of \$40 per month, \$409.30."

Mr. GIBSON (interrupting the reading of the amendments). I desire to ask unanimous consent—

The SPEAKER. The Clerk is now engaged reading the amendments proposed by the Committee on Appropriations. The reading can not be interrupted.

Mr. GIBSON. I desire to ask unanimous consent to offer an amendment.

The SPEAKER. This is not the time to do that.

The Clerk resumed and completed the reading of the amendments.

Mr. GIBSON addressed the Chair.

The SPEAKER. For what purpose does the gentleman from West Virginia rise?

Mr. GIBSON. I rise to ask unanimous consent to offer an amendment. I will state to the House that it provides for the payment of the pages according to a resolution passed at the last session of this House. The Comptroller will not allow the payment because of some technicality.

The SPEAKER. The gentleman from West Virginia asks unanimous consent to offer an amendment which he sends to the desk. It will be read.

The Clerk read as follows:

To enable the Clerk of the House to pay each of the pages borne upon the rolls at the close of the first session of the Forty-eighth Congress the balance due them for the remaining twenty-four days of the month of July, 1884, under resolution of the House adopted July 7, 1884, \$2,230; which sum shall be immediately available.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia for unanimous consent to offer this amendment?

There was no objection.

The SPEAKER. The Chair will put the question on the adoption of the amendment.

The amendment was adopted.

Mr. WHITE, of Kentucky. I ask unanimous consent to offer the amendment which I send to the desk.

The Clerk read as follows:

To pay the balance of \$3,342.44 to Robert Smalls for expenses due him for contesting the seat of G. D. Tillman in the Forty-seventh Congress.

Mr. COOK. I object.

Several members called for the regular order.

Mr. BEACH. I ask unanimous consent—

The SPEAKER. The regular order is demanded, which cuts off requests for unanimous consent. Under the rules of the House thirty minutes are allowed for debate—fifteen minutes in support of the motion of the gentleman from Missouri [Mr. BURNES] and fifteen minutes against it.

Mr. LONG. I send up one more amendment recommended by the Committee on Appropriations.

The Clerk read as follows:

That the Office of the Tenth Census is hereby abolished, and the terms of office of the Superintendent and of all employees appointed under the provisions of the act of March 3, 1879, entitled "An act to provide for the taking of the tenth and subsequent censuses," or of any subsequent act relating to the Tenth Census, shall cease and terminate from the date of the passage of this resolution; and no further expenditures, whether for salaries or expenses, shall be made on account of the Tenth Census, except as hereinafter provided. The unfinished work of the Tenth Census shall be completed in the office of the Secretary of the Interior, to whom the records and other property of the Census Office shall be transferred. And the Secretary of the Interior is authorized to appoint, from the date of the passage of this act, and for the term of one year from date of such appointments, a clerical force for duty in said division, which force shall consist of one clerk of class 4; one clerk of class 3, who shall also be a practical printer; one clerk of class 2; one clerk of class 1; and one copyist, at \$900 per annum; and for the payment of the salaries of such force the sum of \$6,900, or so much thereof as may be necessary, is hereby appropriated; and any balances of appropriations for the Tenth Census heretofore made which shall remain unexpended at the date of the passage of this resolution shall be applied to the liquidation of any liabilities for the work of the Tenth Census which have been incurred heretofore and remain unpaid at such date; but this provision shall not apply to any unexpended balance of the appropriation for printing the report of the Tenth Census made by act of August 7, 1882, but such balance shall be applied as provided in that act. The foregoing provisions relating to the Tenth Census shall take effect from the passage of this act.

The SPEAKER. There is another amendment sent up by the Committee on Appropriations which the Clerk will read.

The Clerk read as follows:

To reimburse the Clerk of the House for postage-stamps, \$73.

Mr. BURNES. I call for the regular order.

Mr. KEIFER. Will the gentleman from Missouri allow me to correct a mere clerical error on line 716, page 30, of the bill? The words "the legal representatives of" should precede the words "William M.

Garvey," and those words "the legal representatives of" should go out where they appear in the next line; so that it will read:

Payment to legal representatives of William M. Garvey: To pay amount found due by the accounting officers to William M. Garvey, &c.

The SPEAKER. This a mere clerical error, which will be corrected if there be no objection.

There was no objection.

Mr. KEIFER. If the gentleman from Missouri will permit me I ask permission to offer another amendment which I send to the desk.

The Clerk read as follows:

To enable the Clerk of the House of Representatives to pay to the officers and employes of the House of Representatives borne on the annual and session rolls on the 31 day of March, 1885, one month's extra pay at the compensation then paid them by law, which sums shall be immediately available.

The SPEAKER. Is there objection?

Mr. KEIFER. It is usual.

Mr. BURNES. I am constrained to object.

Mr. KEIFER. I think the gentleman will not object. This has been done at the close of every Congress for a number of years.

Mr. BURNES. It would give me a great deal of pleasure to agree to it, but the committee has not authorized me.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

Joint resolution (H. Res. 335) to print 2,000 additional copies of Lieut. P. H. Ray's report of the International Polar Expedition to Point Barrow, Alaska;

A bill (H. R. 732) granting a pension to William Weddingfield;

A bill (H. R. 1164) to restore to the pension-roll the name of Elenor Stough;

A bill (H. R. 1502) granting a pension to William Robinson;

A bill (H. R. 1711) granting pensions to Frederick Nelson, T. Caine, and Henry C. Sanders;

A bill (H. R. 1984) granting a pension to Robert M. McKinlay;

A bill (H. R. 2136) granting an increase of pension to Merlin C. Harris.

A bill (H. R. 2138) granting a pension to Martha Angell;

A bill (H. R. 2282) granting a pension to Adolph Weach;

A bill (H. R. 2325) granting a pension to Helen M. Anderson;

A bill (H. R. 2670) granting a pension to Sarah A. Scott, widow of John D. Scott, deceased, late first lieutenant of Company H, First Regiment Pennsylvania Volunteer Cavalry;

A bill (H. R. 3000) for the relief of William R. Miller for pension;

A bill (H. R. 3403) for the relief of Jacob J. Morningstar;

A bill (H. R. 3681) granting a pension to William L. Sloan;

A bill (H. R. 3701) granting a pension to James Bradford;

A bill (H. R. 3901) granting a pension to Mrs. Olive W. Parker;

A bill (H. R. 4098) granting a pension to William Gibbons;

A bill (H. R. 4189) granting a pension to Caroline Van Norton;

A bill (H. R. 4247) granting a pension to Anna Maria Reesler;

A bill (H. R. 4266) granting a pension to Margaret A. Ringwalt;

A bill (H. R. 4317) increasing the pension of Julia A. Chambers;

A bill (H. R. 4548) granting a pension to Cordelia Gall;

A bill (H. R. 4837) granting a pension to Charles H. Phillips;

A bill (H. R. 5082) granting a pension to Jane Hilton;

A bill (H. R. 5207) granting a pension to Adalbert Stickney;

A bill (H. R. 5508) granting a pension to Isaac R. H. Caldwell;

A bill (H. R. 5762) for the relief of Ann Lumphey;

A bill (H. R. 5813) granting a pension to Rachel Smith;

A bill (H. R. 5969) increasing the pension of Frederic S. Rich;

A bill (H. R. 6196) granting a pension to R. D. Lawrence;

A bill (H. R. 6205) granting a pension to Catherine S. Edmondson;

A bill (H. R. 6653) granting a pension to Mary C. Axline;

A bill (H. R. 6826) granting a pension to Rebecca Kupp;

A bill (H. R. 6835) granting a pension to Bernard Donohue;

A bill (H. R. 6965) granting a pension to David T. Dudley;

A bill (H. R. 6966) granting a pension to Wealthy W. Seavy;

A bill (H. R. 7302) granting a pension to Elizabeth Smith;

A bill (H. R. 7313) granting a pension to Charles W. Baldwin;

A bill (H. R. 7315) granting a pension to Frederick P. Dearth;

A bill (H. R. 7386) granting a pension to Lydia M. Byres;

A bill (H. R. 7500) to restore the name of Lewis J. Blair to the pension-roll;

A bill (H. R. 7561) to allow a pension to George F. West;

A bill (H. R. 7571) granting a pension to Cornelia V. Blackman;

A bill (H. R. 7673) granting a pension to Mrs. Adeline E. Chadbourne;

A bill (H. R. 7707) to pension Holden Cook;

A bill (H. R. 7724) granting a pension to Lydia Wetherbee;

A bill (H. R. 7773) granting a pension to William E. Ayers;

A bill (H. R. 7952) granting a pension to Mrs. Julia Hartley;

A bill (H. R. 8033) granting increase of pension to George W. Clark;

A bill (H. R. 8038) granting a pension to Harriett A. B. Corta; and

A bill (H. R. 8133) granting a pension to Thomas McGill.

DEFICIENCY APPROPRIATION BILL.

The SPEAKER *pro tempore*. The gentleman from Missouri [Mr. BURNES] has the floor.

Mr. KEIFER. Mr. Speaker, I ask the gentleman from Missouri [Mr. BURNES] if he will not withdraw his objection to the amendment I have offered?

Mr. BURNES. The gentleman from Ohio [Mr. KEIFER] knows that I would like to yield to him if I felt at liberty to do so. I will say this, however, that I am perhaps authorized by the committee to accept the suggestion that by unanimous consent a vote may be had in the House upon the proposition.

Mr. KEIFER. I have no objection to that. Let us take the vote now.

Mr. BURNES. If we can have unanimous consent, of course the vote can be taken now.

The SPEAKER *pro tempore*. The Clerk will report the amendment.

The Clerk read as follows:

To enable the Clerk of the House of Representatives to pay to the officers and employees of the House of Representatives borne on the annual and session rolls on the 3d day of March, 1883, one month's extra pay, at the compensation then paid them by law; which sum shall be immediately available.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the amendment?

Mr. O'NEILL, of Missouri. Mr. Speaker, I want to ask the author of this amendment if it embraces all the employees?

Mr. KEIFER. All the employees.

Mr. COOK. I object.

Mr. KEIFER. Oh, do not object. This is the same thing that has been done from one Congress to another.

Mr. COOK. I know it, and I object to it. [After a pause.] I withdraw the objection.

The SPEAKER *pro tempore*. The question is on the amendment submitted by the gentleman from Ohio [Mr. KEIFER].

Mr. HOLMAN. Mr. Speaker, I ask for a division on that amendment.

The House divided; and there were—ayes 147, noes 18.

So the amendment was agreed to.

Mr. McCOID. Mr. Speaker—

The SPEAKER *pro tempore*. For what purpose does the gentleman rise?

Mr. McCOID. I wish to ask unanimous consent to offer an amendment.

The SPEAKER *pro tempore*. The Clerk will read the amendment.

The Clerk read as follows:

To pay Buford Lee \$180, Alexander Thomas, James Hall, and Charles Carter \$260 each, being the difference of pay at \$1 per day which they received and the usual rate of compensation at \$2 per day during the Forty-fifth Congress.

Mr. STORM. I object. There are plenty of claims in that same situation.

Mr. McCOID. I hope the gentleman will not object. This is unanimously reported by the Committee on Claims.

Several MEMBERS. Regular order!

The SPEAKER *pro tempore*. The regular order is demanded, and the gentleman from Missouri [Mr. BURNES] has the floor.

Mr. BURNES. Mr. Speaker, of all the bills that come before the House of Representatives perhaps none can be so safely passed under a suspension of the rules as the general deficiency bill. Its items of appropriation come, or ought to come, from existing laws and deficient appropriations by preceding legislation. Mere claims have no place in such a bill, and from it should be rigidly excluded everything not clearly authorized by law. If any question of fact is involved, or if any fact is to be found, the Committees on Claims should have the exclusive jurisdiction.

It is therefore a safe conclusion that no objections will be urged against anything that is in the bill; only those things left out of the bill can defeat its passage. Everything that is in the bill, I apprehend, will meet with the approval of every member upon this floor. The trouble is, if there be any, that there are some things outside of the bill which various gentlemen would like to have in it. In view of that fact, I beg to say that there may be some matters omitted from the bill which it would have been safe for the committee to have inserted and allowed, but so far as our limited time and strength would permit, we have given due consideration to everything submitted to us for investigation, and believe no substantial injustice has been done to any one in the exclusion of many items pressed upon our deliberations. It may, perhaps, be some consolation for me to say to gentlemen who believe that meritorious items have been omitted from this bill, that in the other end of the Capitol its provisions will be reviewed with great freedom and independence, and if amendments are made, a review will be had in conference that must be satisfactory to both bodies.

Mr. Speaker, general debate upon a general appropriation bill is, it seems to me, a misnomer. It is impossible to conclude what general debate would be appropriate to a general deficiency bill. It is a bill consisting of numerous items, and if we should take up item after item,

it would occupy from now until after the 4th of March to consider the merits or, if you please, the demerits of them all. Hence, as we can not stop to consider the merits of each particular item, I will simply call attention to one principle that has guided us in the preparation of the bill.

Under existing law the accounting officers of the Treasury seem to be authorized to audit and allow certain claims against the Government, and when they shall have audited them it is made their duty to report them for the consideration of Congress. There is a deep desire on the part of certain gentlemen not members on this floor, but gentlemen interested outside, to construe the action of the accounting officers of the Treasury in these cases as adjudications and to give to such adjudications the form and effect of the judgment of a court of competent jurisdiction.

The committee in the preparation of this bill have acted upon the principle that the action of the accounting officers of the Treasury is only *prima facie* evidence, if that—merely presumptive evidence of a meritorious claim for appropriation. Wherever the element of claim was found to exist we refused to consider it, for the reason that we have here a Committee on Claims having jurisdiction of such matters, and we sought to avoid trespassing upon the authority or jurisdiction of a co-ordinate committee of the House.

Mr. BLOUNT. If the gentleman will allow me I wish to ask him if section 4 of this bill, which seems to be intended as a statute of limitation against claims to be examined by the Treasury Department, is approved by the Treasury Department in the form in which it appears in the bill.

Mr. BURNES. I will answer my distinguished friend from Georgia by saying that section 4 of the bill is the work of a former Secretary of the Treasury, fully and warmly approved by him; and, so far as the committee have been informed, it has been approved by each succeeding Secretary of the Treasury for several years past.

Mr. BLOUNT. If my friend will allow me one other question I will not interrupt him further. I see in this bill a provision for the abolition of the National Board of Health. I wish to ask what is the purpose of the Committee on Appropriations as to providing in this or any other bill for protection against the appearance of cholera or any epidemic of that kind.

Mr. BURNES. The matter of the protection of the public health has been provided for most liberally in the sundry civil appropriation bill, by an appropriation to be disbursed at the discretion of the President.

Mr. BEACH. Does not this bill contain legislation—

Mr. BURNES. Undoubtedly.

Mr. BEACH. Upon a very important point?

Mr. BURNES. Undoubtedly.

Mr. BEACH. Does it not wipe out of existence the National Board of Health?

A MEMBER. It ought to be wiped out.

Mr. BURNES. The National Board of Health was wiped out a year ago, but its members did not know it. [Laughter.]

Mr. BEACH. That is a mistake, Mr. Speaker. The board is still in existence. The act of 1879 under which it was created is still the law of the land.

The SPEAKER *pro tempore* (Mr. HATCH, of Missouri). The gentleman from New York [Mr. BEACH] is not in order. The gentleman from Missouri [Mr. BURNES] will proceed.

Mr. BURNES. I was considering for a moment the force and effect we should give to claims audited by the Treasury Department. I have found in my investigation—and I think the Committee on Appropriations has about reached the same conclusion, perhaps unanimously—that it is not every audited claim that has either justice, or merit, or law in its favor. Therefore, as upon examination we find specific claims which it would be a wrong and an outrage to allow simply because of their being audited, we have concluded that they are not entitled to absolute verity. Congress can not abdicate its functions or transfer them to mere clerical agents in the Departments. Its authority and duty to adjudicate upon the rights of the Government and the rights of the people can not be so transferred or abandoned.

The work of these Department officers is not the constitutional and intelligent consideration and action of the Congress of the United States, and it must not be allowed to grow upon us as a substitute for direct Congressional investigation and decision by the proper committees. We have sought, therefore, to allow no appropriation without due consideration. The circumstances surrounding us, the condition of the business of the House, and the shortness of the session remaining are known to us all. We could earnestly wish for time to submit the work of the committee to the closest scrutiny of the House, but the necessity for my motion to pass this bill under a suspension of the rules must be apparent to every member. Reserving the remainder of my time, I yield to my friends on the other side, if general debate is desired.

Mr. REED, of Maine. Mr. Speaker, I am ready to admit that there may be occasions when it is proper to pass an appropriation bill without discussion under a suspension of the rules. In the Forty-seventh Congress, when we had before us a tariff bill of which the country demanded the passage, it became necessary to pass the deficiency appro-

priation bill in this way. But in this case I called for a second for the purpose of demanding, and with the expectation of receiving, some explanation either from the gentleman from Pennsylvania [Mr. RANDALL] or the gentleman from Missouri [Mr. BURNES] of the reasons for this extraordinary course. For if the supervision of the House of Representatives over the expenditure of the public money amounts to anything, it is when that supervision is exercised item by item. The passage of this bill in this way really demands an explanation, which has not been given.

Why is it that this bill has been so long delayed? It can not be on account of the pressure of other public business, for it is known to this House and to the country that the other public business of the country has not been transacted. Why, then, has this bill been delayed, and why is it that we are remitted by the gentleman from Missouri to the Senate of the United States for amendments? The gentleman from Missouri in the sole explanation which he has vouchsafed to give says that this is a bill eminently fit to pass under a suspension of the rules, if any is. Why? Because it is a deficiency bill; and he says that those items which have been adopted can safely pass. Why, sir, that is not an auditing of the public accounts. What the country has a right to have is a vote of the House of Representatives upon the demands and the rights of every citizen, and these ought to be presented here by the representatives of the people, who ought not to be told by the Committee on Appropriations that they can go to another body to have their case presented.

I hold it is just as much a right for a claimant to have his claim passed upon, even if it is rejected, as it is to have it passed upon and sustained. What hearing does a man get here? None at all. His sole hearing is before that self-constituted tribunal, the Committee on Appropriations—a valuable collection of gentlemen, but one uncommonly overworked—one that has so much business to do that it does not seem to be able to do it except under a suspension of the rules in this House.

I certainly hope that in the time reserved on the other side some explanation may be given; because members are put in this position: they can not freely vote against the passage of such a bill, because its failure may stop the necessary supplies of the Government. They are, as it were, coerced by the action of the committee. I do think that the committee owe to the country and to the House a further and fuller explanation of this matter.

I yield five minutes to the gentleman from Illinois [Mr. CANNON], unless the gentleman from Pennsylvania [Mr. RANDALL] desires to go on now.

Mr. RANDALL. No, sir; I will wait.

Mr. CANNON. Mr. Speaker, perhaps at this stage of the session as wise a thing as could be done is to pass this bill under a suspension of the rules. That the bill might have been reported earlier is true. That many appropriations for deficiencies which have been omitted might have been recommended with as much propriety as those which have been recommended is, I have no doubt, true, and so state the fact to be.

However, I call the attention of the House to the fact that this is a much better deficiency bill than the one which was passed last year. That is not very high praise, but it is some. I hold in my hand estimates submitted last year by the Treasury Department, and not then allowed—estimates which have been resubmitted this year, and in large part allowed. I recollect that at the last session I stood here for a whole day offering amendments, contained in this list of estimates, line by line, subject by subject, explaining as best I could that there were hundreds of small claims which had passed the accounting officers—claims of soldiers and sailors, private soldiers and sailors—claims the payment of which was due and of such a character as had uniformly been appropriated for by previous Congresses.

Without rhyme or reason, under the lead of the Democratic Committee on Appropriations, a Democratic House refused to appropriate for them. Now they come at this session and put them in. I have here one claim as a sample: Joseph A. Steele, \$91.50, commutation of rations under the law; due for seventeen or eighteen years for service in the late war. They refused to appropriate for that item, although it came recommended by the Auditor, had passed the Comptroller, and was verified by the Adjutant-General's official record. That, with three hundred claims just like it, they refused to appropriate for. When I went home this man, suffering from disability incurred in the army, poor, unable to work, came and asked me why we did not appropriate \$91.50 to pay him what was due? He said he had been informed by the Comptroller that it could not be paid because the money was not appropriated. The only answer I could give him was that, forsooth, the money was not appropriated because it did not please a Democratic House to follow the precedents which had been followed by Democratic and Republican Houses since these claims had been made, namely, to pay them as they were audited.

Now, sir, what is true as to these claims of last year is also true in reference to them this year. It is no answer for the gentleman from Missouri [Mr. BURNES] to say he had not time to investigate them. He had as much time to investigate them and just as much authority to put in many claims he has omitted that he had to put in those he has provided for. There are hundreds and hundreds of claims (and I ask his attention to it) put into this bill because they were audited at the

Treasury Department and recommended, and never examined by him or any other member of the House.

As a general rule it is safe to follow the accounting officers of the Treasury Department. I do not mean universally, but generally. The law has created the Treasury Department with an excellent system of checks and balances, the Auditors stating accounts, the Comptroller investigating and passing upon them, backed up by the Secretary of the Treasury and all the official records of the Departments from which claims come under contract or law for services performed. When they pass upon a claim it is right; as a general rule, that Congress should appropriate the money to pay it. Congress generally has appropriated the money to pay claims under such circumstances when passed upon favorably by the accounting officers of the Treasury Department.

But now our Democratic friends refuse in many instances to make the appropriation.

I call attention to this that citizens—many of them soldiers and sailors—who are entitled to pay for services performed do not receive the same because this Democratic House refuses by law to authorize the money to be taken from the Treasury for that purpose.

[Here the hammer fell.]

Mr. REED, of Maine. I will yield now to the gentleman from Pennsylvania, reserving my time.

Mr. BURNES. I will yield to the distinguished gentleman from Pennsylvania, if he desires to proceed at this time.

Mr. RANDALL. No; we have the right to close.

Mr. REED, of Maine. Then I yield to my colleague [Mr. DINGLEY] for five minutes.

Mr. DINGLEY. I desire to call the attention of the House to what seems to me to be a serious omission in this deficiency bill. First of all I regret exceedingly the Committee on Appropriations should have deferred action to so late a day. We find ourselves unable to consider the bill item by item.

What I wish especially to call to the attention of the House is the omission of a deficiency appropriation asked by the Secretary of the Interior for printing and binding. He asks for \$60,000 for that purpose. At the last session the appropriation asked for was reduced from \$402,000 to \$342,000, and that caused necessarily a deficiency of \$60,000 in the printing and binding of the Interior Department, covering the printing of the Patent Office, of the Indian Bureau, of the Educational Office, and of all the other bureaus. It seems to me a matter of routine like this, when every gentleman knows it will be needed, to omit an appropriation of that kind asked for by the Secretary and recommended by the Secretary of the Treasury, even with the expectation the Senate will insert it, is not meeting the just demands upon this House. I suggest to the chairman of the subcommittee this omission ought to be supplied before the bill leaves the House. By unanimous consent the item can be inserted. The Department asks for \$60,000, and it should be granted.

Mr. LONG. From personal examination of the matter I am sure it ought to go in.

Mr. BURNES. I will answer the gentleman from Maine by saying the Interior Department has expended, out of the appropriation of \$342,000, in the first five months \$185,000, in round numbers. That was an expenditure in the first five months of the current fiscal year. At present there are but \$31,000 left of the fund, but it will be perceived that an extraordinarily large amount has been expended in less than the first half of the year. I will say frankly that a desire on the part of the committee to look into what seems to be an abuse generally in all this printing business by the Departments determined the majority of the committee not to make an additional appropriation for the balance of the current year.

Mr. DINGLEY. I desired simply to call the attention of the gentleman and of the committee to the fact that the printing of the Patent Office reports, which are sold in the community, is dependent upon our making that appropriation. There should also be deducted, which was not deducted in the report, all the receipts from the sale of Patent-Office documents. If there is no appropriation for this purpose it will be impossible for the Department to go on with the printing of the ordinary Patent-Office reports that sell to the public everywhere for their convenience.

I repeat, I desire simply to call the attention of the gentleman and of this committee to these facts, leaving to themselves the responsibility of supplying the omission. This printing, I will here add, is all required by law.

Mr. RANDALL. Mr. Speaker, a deficiency bill is necessary, because the amounts which were embraced in the general appropriation bills at the last session of Congress for the various objects for which appropriations were made were not enough, in the judgment of those who administered the affairs of the Departments of the Government generally, to carry on those affairs, and hence it is necessary to provide a sum sufficient to meet these expenditures up to the 30th of June—which necessitates a bill of this character.

A deficiency bill ought not in reality to contain any claims; but there is a practice which has crept into the preparation of this bill which has permitted the incorporation of appropriations to pay the judgments of the Court of Claims, and also to pay audited claims which have been

passed upon by the proper officers of the Departments under existing law. Now, as to the bill itself, on behalf of the Committee on Appropriations permit me to say that there has been no delay on the part of that committee in its preparation.

The estimates of deficiencies did not come to us at all until the 20th of January, and the supplemental estimates of the deficiencies did not reach us until the seventh day of the present month. The audited claims did not reach this House, if my memory serves me right, until the 29th day of January just past. It required then five days to print these various estimates and documents which contain the audited claims. So the House will at once see that there has been no delay whatever in presenting this bill for its consideration; and if there be a bill which can be safely passed under a suspension of the rules it is a bill of this character, because it contains no original matter.

It contains simply appropriations which were not sufficient, under the administration of the general objects of appropriations, to execute the laws of the Government.

Let me say as to claims that as much time was given to the consideration of them as it was possible for the committee to give since about the 4th day of February until this time. It would be a herculean task, and an impossible physical and mental labor, to undertake to delve into the merits of each of the numerous claims which may be presented; and I for one will never assent, so far as my vote is concerned, nor have I in committee allowed the position to be taken, that the mere auditing of a claim by the Department is conclusive upon Congress.

Mr. REED, of Maine. Then would it not be a good plan to divide up the appropriation bills among the several committees, so that they may have an opportunity of looking into the work?

Mr. RANDALL. I know very well what the gentleman from Maine is driving at.

Mr. REED, of Maine. Certainly you do.

Mr. RANDALL. I do not go by indirection at anything. I will meet the question when it comes up. But in justification of the committee, and in conclusion, let me say again that there has been no time wasted in the consideration of these subjects, and that they had the unlimited attention of the subcommittee who prepared this bill from the very moment that they were received up to the time that they were reported to the general committee and passed upon by them. I now yield the remainder of my time to the gentleman from Massachusetts [Mr. LONG].

Mr. LONG. I simply desire to say as a member of the subcommittee which prepared this bill, that since it was placed in their charge it has received diligent attention from them. I quite agree in many of the criticisms which have been passed on the bill. I doubt very much the policy of passing a bill of this importance, which involves an appropriation of money, under suspension of the rules. But I do desire to say that, from a thorough study of the bill, I quite agree with the gentleman from Illinois [Mr. CANNON] that it is not only an improvement on the deficiency bill of last year, but, so far as it goes, it is a very good bill. Its fault is not in what it contains, but in what it does not contain. And while I believe there should be some items put in this bill that are not here, I simply desire to say, in the one moment left me, that I believe the House will make no mistake in passing the bill as it is.

The SPEAKER. The time allowed for debate has expired. The question is on the motion made by the gentleman from Missouri [Mr. BURNES] to suspend the rules and pass the bill with the amendments which have been read; and on that question the yeas and nays will be taken.

Mr. KEIFER. I wish to inquire if it is necessary that the yeas and nays should be taken, the motion being to suspend the rules.

The SPEAKER. This is a motion to suspend the rules and pass the bill with the amendments.

Mr. REED, of Maine. It is a motion to suspend all the rules, including that which requires the yeas and nays to be taken as well as the rest.

Mr. ANDERSON. When the bill has not been read, and it is proposed to pass it under a suspension of the rules, I think we should have the yeas and nays.

The SPEAKER. The gentleman from Kansas [Mr. ANDERSON] calls for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 240, nays 33, not voting 46; as follows:

YEAS—240.

Adams, J. J.	Boyle	Campbell, J. M.	Culbertson, W. W.
Aiken	Bratton	Cannon	Cullen
Alexander	Breckinridge	Carlton	Curtin
Arnot	Breitung	Dargan	Davison
Bagley	Brewer, J. H.	Clements	Davis, G. R.
Ballentine	Broadhead	Cobb	Davis, L. H.
Barksdale	Brown, W. W.	Collins	Davis, B. T.
Bayne	Browne, T. M.	Connolly	Deuster
Belmont	Buchanan	Cook	Dibble
Bisbee	Buckner	Corrington	Dibrell
Blanchard	Budd	Cox, S. S.	Dingley
Bland	Burleigh	Cox, W. R.	Dixon
Blount	Burnes	Craig	Doekerry
Boutelle	Cabell	Crisp	Dorsheimer
Bowen	Caldwell	Culbertson, D. B.	

Dowd	Holman	Murray	Springer
Dunham	Holmes	Mutchler	Steele
Dunn	Hopkins	Nelson	Stevens
Eaton	Horr	Nicholls	Stewart, Charles
Eldredge	Houk	Notting	Stewart, J. W.
Elliot	Houseman	Onca	Stockslager
Ellis	Hunt	Ochiltree	Stone
English	Hutchins	O'Ferrall	Strait
Ermentrout	Jones, B. W.	O'Hara	Struble
Everhart	Jones, J. H.	O'Neill, Charles	Sumner, C. A.
Ferrell	Jones, J. K.	O'Neill, J. J.	Sumner, D. H.
Fiedler	Jones, J. T.	Paige	Swope
Findlay	Kean	Parker	Talbot
Finerty	Keifer	Patterson	Taylor, J. D.
Follett	Kelley	Payne	Taylor, J. M.
Foran	Ketchum	Peel	Thomas
Forney	King	Perkins	Tillman
Funston	Kleiner	Phelps	Townsend
Fyan	Lacey	Poland	Tucker
Garrison	Lamb	Post	Tully
Geddes	Lanham	Pryor	Valentine
George	Le Fevre	Pusey	Van Alstyne
Gibson	Lewis	Randall	Vance
Glascok	Libbey	Reagan	Van Eaton
Goff	Long	Reese	Wallace
Graves	Lore	Reid, J. W.	Ward
Green	Lovering	Riggs	Warner, A. J.
Greenleaf	Lowry	Robinson, W. E.	Warner, Richard
Guenther	Lyman	Rogers, J. H.	Washburn
Halsell	McAdoo	Rogers, W. F.	Wellborn
Hammond	McCormick	Rosecrans	Wemple
Hancock	Matson	Rowell	White, Milo
Hardeman	Maybury	Russell	Whiting
Hardy	Miller, J. F.	Ryan	Wilkins
Hart	Milliken	Seney	Willis
Hatch, W. H.	Mills	Seymour	Wilson, James
Hemphill	Mitchell	Shively	Wilson, W. L.
Henley	Money	Singleton	Winans, E. B.
Herbert	Morgan	Skinner, C. R.	Winans, John
Hewitt, A. S.	Morrill	Skinner, T. G.	Wise, G. D.
Hewitt, G. W.	Morse	Smith, A. Herr	Woodward
Hill	McComas	Smith, H. Y.	Worthington
Hiscock	Muldrow	Snyder	Yaple
Hitt	Muller	Spooner	York
Hoblitzell	Murphy	Spriggs	

NAYS—33.

Anderson	Henderson, T. J.	Peters	Stephenson
Atkinson	Hepburn	Pettibone	Turner, H. G.
Beach	Holton	Pierce	Turner, Oscar
Bennett	Jeffords	Potter	Wakefield
Bingham	Lawrence	Price	Weaver
Cassidy	McComas	Ranner	Weller
Cogrove	McMillin	Ray, G. W.	White, J. D.
Evans	Millard	Reed, T. B.	Young
Hanback	Miller, S. H.	Rockwell	
Harmer	Payson	Smalls	

NOT VOTING—46.

Adams, G. E.	Clay	Jordan	Slocum
Barbour	Converse	Kellogg	Taylor, E. B.
Barr	Cutcheon	Laird	Thompson
Belford	Ellwood	McCoid	Throckmorton
Blackburn	Hatch, H. H.	Morrison	Wadsworth
Brainerd	Haynes	Neece	Wait
Brewer, F. B.	Henderson, D. B.	Rankin	Williams
Brumm	Hooper	Ray, Ossian	Wise, J. S.
Campbell, Felix	Howey	Rice	Wolford
Campbell, J. E.	Hurd	Robertson	Wood
Candler	James	Robinson, J. S.	
Chalmers	Johnson	Shaw	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

Mr. McMILLIN. I ask unanimous consent to dispense with the reading of the names of members voting.

There was no objection.

Mr. RYAN. I am paired with Mr. BLACKBURN, of Kentucky, but I am advised by that gentleman's friends that if present he would vote as I have voted. I therefore let my vote stand.

The following members were announced as paired on all political questions until further notice:

Mr. MORRISON with Mr. JOHN S. WISE.

Mr. SHAW with Mr. LAIRD.

Mr. RANKIN with Mr. KELLOGG.

Mr. THROCKMORTON with Mr. EZRA B. TAYLOR.

Mr. JORDAN with Mr. HENDERSON, of Iowa.

Mr. HURD with Mr. RICE.

The following members were announced as paired on this vote:

Mr. CAMPBELL, of New York, with Mr. ELLWOOD.

Mr. LOWRY with Mr. HATCH, of Michigan.

Mr. CLAY with Mr. BRUMM.

Mr. CONVERSE with Mr. ADAMS, of Illinois.

The following members were announced as paired for this day:

Mr. THOMPSON with Mr. JOHNSON.

Mr. RYAN with Mr. BLACKBURN.

Mr. CANDLER with Mr. RAY, of New Hampshire.

Mr. ROBERTSON with Mr. CHALMERS.

Mr. NEECE with Mr. CUTCHEON.

Mr. LOWRY. I ask to be permitted to record my vote. I was in the Hall during the second roll-call and did not hear my name called.

The SPEAKER. If there be no objection the name of the gentleman will be called.

Mr. LOWRY. I vote "ay."

The SPEAKER. The gentleman has been announced as paired on this vote.

Mr. LOWRY. That was an involuntary pair. I vote "ay."
The result of the vote was then announced as above stated.

DR. W. LEIGH BURTON.

The SPEAKER. The hour under the special rule begins at 1 o'clock. The gentleman from Virginia [Mr. JOHN S. WISE] is entitled to the floor.

Mr. JOHN S. WISE. Mr. Speaker, I ask to have the report in relation to the pending bill read.

Mr. WELLER. Mr. Speaker, is this the proper time to offer an objection to this bill?

The SPEAKER. It is not. The gentleman from Virginia [Mr. JOHN S. WISE], who is entitled to five minutes in support of the bill, asks for the reading of the report. The Clerk will read the report.

The Clerk read the report, as follows:

The Committee on Patents, to whom was referred bill H. R. 8021, for the relief of Dr. W. Leigh Burton, have had the same under consideration and report: A patent was granted Dr. Burton, No. 88006, dated March 23, 1869, for "improvement in electro-heating," and antedated March 12, 1869. The following describes the invention:

The electric heater is based on the well-known fact that electricity, in passing through a conductor of insufficient capacity, such, for instance, as a wire of small diameter, evolves or develops heat.

It is also well known that a wire of any great length and small diameter will not conduct a strong current of electricity without difficulty and loss; for as the wire becomes heated its resistance is increased, and in consequence the heat becomes so great that the wire will be fused.

The object of this invention is to obviate this difficulty by enabling a strong current of electricity to pass through a heat-evolving apparatus of any length; and to this end it consists of an electrical conducting chain or coil, with intervals of small conducting power, in traversing which the electricity will be caused to develop heat; and further, in interposing between said obstructing intervals free conductors of much larger size, which constitute absorbents and radiators of heat. The heater exhibited, therefore, consists of an alternate arrangement of obstructing media and free conductors or radiators, arranged in a compact form, and insulated within a suitable fire-proof casing, covered by a metal plate.

In this heater the obstructing media consists of platinum wire No. 25, English standard, and the free conductors of copper blocks one and three-fourths inches in length and one-half inch square. The aggregate length of the obstructing media is about seven inches, and the weight of the fifty-seven blocks of copper about eight pounds. The entire length of chain or coil is about ten feet. It rests on a metallic bed insulated with mica, and is reflexed in lengths of a foot, the insulation between the reflexions being accomplished with strips of mica one-half inch wide. This is contained within an iron box, 18 by 12 inches, the spaces between the apparatus and sides of the box being filled in with mixture of plaster and asbestos. Connection is made with an electrical current by means of the two ends of the coil passing through glass insulators, terminating in binding screws on the outside of the case.

Owing to the invention being in advance of the state of the art, Dr. Burton has not received a dollar for his twenty years' study and labor. Now he has a chance to place his invention where it will to some extent remunerate him for his time, trouble, and expense. Therefore the committee believe that he ought to have an opportunity to go before the Committee on Patents with an application for an extension of his patent. We recommend the passage of the bill without amendment.

Mr. ANDERSON. Mr. Speaker, I desire, when the proper time comes, to oppose this bill.

The SPEAKER. The gentleman from Virginia [Mr. JOHN S. WISE] has one minute of his time remaining.

Mr. JOHN S. WISE. Mr. Speaker, I do not know that I can add to what is stated in the report. The invention made by Dr. Burton was, as is there stated, in advance of the discoveries in the science to which it relates; and although he has spent a great deal of money and a great deal of time in connection with the invention, he has never received a dollar for it. It is only within the last six months that it has been available, and it is solely for the purpose of allowing him to reap the legitimate fruits of his own labor, ingenuity, and expenditure of money that this bill is presented.

Mr. ANDERSON. Mr. Speaker, this presents the question of the extension of patents. In this particular case the gentleman from Virginia [Mr. JOHN S. WISE] and the report state that the inventor has not obtained any benefit from his invention; but it is clear that that neglect is not the fault of the United States Government.

Mr. JOHN S. WISE. Will the gentleman yield for a moment?

Mr. ANDERSON. Not now. I say, Mr. Speaker, that it is either his own fault or his own misfortune if he has not profited by this invention. So that the question presented to the House is this: Shall a patent be extended? Now, for one, I wish to state that I am wholly opposed to the extension of a patent to anybody. For seventeen years this gentleman has had the opportunity to place his invention. He has not done so, and now he comes here and asks for a renewal of it, or what amounts to that, for seventeen years more.

Mr. VANCE. Seven years.

Mr. ANDERSON. Well, seven years. Now, sir, if this invention is of value to anybody, it is of value to the consumer; and when the United States Government has for seventeen years allowed this inventor an opportunity to obtain the financial benefit of his invention—

Mr. GEORGE D. WISE. Will the gentleman allow me to say that this inventor has not obtained a dollar from it?

Mr. ANDERSON. Very well; that was not the fault of the Government. My point is that the Government is not called upon to step in now and give him this further benefit. It seems to me that in dealing with this patent question some attention should be paid to the people.

Mr. TUCKER. Is it not the object of the law to secure to the patentee the benefit of his idea—his invention?

Mr. ANDERSON. For seventeen years the Government has done that in this case, and it is not our fault if he has not made money out of his invention; and now if there be a dollar to be made out of it, or half a million dollars, or a million dollars, why not let the people have the benefit of it? In this matter of electrical apparatus there are the most complete monopolies that exist in the country, and they are created and maintained by the patent system, in so much that the telephone, the electric wire, your whole electrical apparatus, is to-day in the hands of a very few men, and gentlemen well know that when they come to consider the tariff they find that immense sums are extorted from the people by means of patents, apart from the sums properly collected as duties. I am opposing this bill, not because I am opposed to this particular patent or this particular gentleman. I would be glad indeed if he should make out of his invention all that can possibly be made out of it. I am opposing the bill on principle; on the principle that the people of the United States have some rights which ought to be respected, and that this House is not called upon to extend any patent.

Mr. VANCE. Will the gentleman yield for a moment?

Mr. ANDERSON. The gentleman has had his time.

Mr. VANCE. No, sir; I have not had any time.

Mr. ANDERSON. You might have had it.

Mr. VANCE. Will you yield to me for a minute?

Mr. ANDERSON. I beg the gentleman's pardon, but I have not time.

Mr. VANCE. Go on, then.

Mr. ANDERSON. Mr. Speaker, this is the first of these cases that has been brought up. Where there is an extension of a patent you will ordinarily find large sums of money behind it. When men extend or renew patents they do so because they are valuable, and I desire to raise now upon this case the general question as to the renewal or extension of patents. I ask gentlemen to consider what vast sums—

[Here the hammer fell.]

Mr. JOHN S. WISE. Mr. Speaker, have I any time left?

The SPEAKER. The time prescribed for debate by the rule has expired. Is there objection to the present consideration of this bill?

Mr. WELLER. I object.

The SPEAKER. The gentleman from Iowa [Mr. WELLER] objects. Is there further objection? [After a pause.] Twenty-three gentlemen have risen to object—more than a sufficient number under the rule—and the bill will be laid aside.

PUBLIC BUILDING, SACRAMENTO, CAL.

Mr. GLASCOCK. Mr. Speaker, I call up for present consideration the bill (S. 1810) for the erection of a public building at Sacramento, Cal.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the post-office, land office, internal-revenue office, signal office, and other Government offices, at the city of Sacramento, Cal. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of \$100,000: *Provided,* That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of California shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The SPEAKER. Ten minutes are now allowed for debate.

Mr. GLASCOCK. Mr. Speaker, I think the House will concede that I have not often inflicted myself upon its patience. I wish to state in a few words the absolute necessity for the passage of this bill.

Sacramento is the capital of the State of California. According to the report of the House committee which I hold in my hand its population is about 30,000. In reality its population is nearly 35,000. It is one of the few capital cities in the United States, if not the only one, having within its limits no public building of the Government of the United States. There are four Government offices located in that city—the signal-service office, the internal-revenue office, the post-office, and the land office. The Government is now paying as rent for its offices in that city \$4,200 a year, representing 6 per cent. on a capitalization of nearly three-fourths of the amount asked for in this bill. It would be economy on the part of the Government to expend the modest sum here asked for—only \$100,000—for the erection of a public building at that place.

Mr. Speaker, I reserve the residue of my time to answer any questions that may be asked. I hope the House will allow this bill to go through.

Mr. STORM. Is there a report on this subject?

Mr. GLASCOCK. I send to the desk the report of the House committee upon a bill precisely like this Senate bill.

Mr. COOK. Before the report is read, I wish to ask the gentleman from California whether there are any Federal courts held at Sacramento?

Mr. GLASCOCK. Not one.

Mr. COOK. That is all.

The report (by Mr. BREITUNG) was read, as follows:

The committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 105) to provide for the erection of a post-office building at Sacramento, Cal., and appropriating \$100,000 therefor, beg leave to favorably report the accompanying substitute for said bill, and recommend its passage for the following reasons, namely:

Sacramento is the capital of the State of California, and is a city of about 30,000 inhabitants.

Four departments of the United States Government have offices in the city, namely, the post-office, the land office, the internal-revenue office, and the signal office.

All of said offices are now rented, and are insufficient and inconvenient for the transaction of the business appertaining thereto, and their books, records, and papers are without security from destruction by fire.

The location of said offices is inconvenient, inasmuch as no two of them are in the same building, or even in the same locality.

The annual rental now paid by the United States Government for the inadequate and unsafe quarters now used for said offices is \$4,200.

The business of said offices is large, and increasing, as may be seen from the following statistics of the business transacted at the post-office at Sacramento:

Table showing postal receipts at Sacramento.

	1882.	1883.
Received from sale of stamps, &c.....	\$41,903 32	\$44,890 90
Received from box rents.....	2,430 00	2,415 50
Money-orders issued.....	172,416 82	188,304 72
Money-orders paid.....	328,241 54	394,288 50
Letters and parcels registered.....	6,423	8,962
Letters received for delivery.....	15,621	19,925
Registered matter in transit.....	44,832	53,280
Through pouches received.....	1,281	1,429
Through pouches dispatched.....	1,052	1,236
Total.....	69,180	84,832

The following is a statement of the number of letters, postal cards, &c., delivered and collected by carriers for the fiscal year ending June 30, 1883:

Registered letters delivered.....	2,671
Mail letters delivered.....	409,280
Mail postal cards delivered.....	74,443
Local letters delivered.....	38,109
Local postal cards delivered.....	37,789
Newspapers, &c., delivered.....	351,995
Letters collected.....	307,928
Postal cards collected.....	65,329
Newspapers, &c., collected.....	50,390
Aggregate pieces handled.....	1,327,674
Carriers employed.....	7
Average per carrier.....	191,125
Postage on local matter.....	\$1,864.65

The SPEAKER. The time of the gentleman from California has expired.

Mr. COOK. I yield a moment to the gentleman from Ohio [Mr. WARNER], who wishes to offer an amendment.

Mr. WARNER, of Ohio. I hope the gentleman from California will accept an amendment to this bill, in the usual form, so as to avoid the approval of any plan which will ultimately require a larger expenditure than the amount which this bill appropriates. If this amendment be accepted I shall not object to the bill.

I wish to say in this connection that the back door of the Treasury seems to have been opened by the Appropriations Committee in the sundry civil bill, and the bills for public buildings brought up under this order are opening wide the front door. When we find that now the very "watch-dogs" seem to be relaxing their vigilance at the back door of the Treasury, I think it about time that we should close the front door. But I will not raise objection to this bill if the amendment I have indicated be accepted.

The SPEAKER. The amendment will be read for the information of the House.

The Clerk read as follows:

Add, after "dollars," in line 9, the following:

"And no plan shall be approved that will involve for site and building, including approaches thereto, an expenditure greater than the sum herein appropriated."

Mr. GLASCOCK. Mr. Speaker, nothing would afford me greater pleasure than to accept this amendment, were it not the fact that at this late stage of the session it would be almost impossible to get the bill as amended through the Senate. I trust, therefore, the gentleman will not press the amendment now; but I am willing that a vote of the House be taken upon it; and if the House decides that the amendment is proper I will submit.

Mr. WARNER, of Ohio. That is all I ask. Of course the amendment does not come up till the bill is before the House.

The SPEAKER. If the House should decide to consider the bill the amendment will be in order.

Mr. COOK. We want to know whether the gentleman from California will accept the amendment?

Mr. WARNER, of Ohio. I desire to send up the amendment to be pending when the bill shall come before the House.

The SPEAKER. It can not be pending yet, because the House has not yet decided to consider the bill. Is there objection to the consid-

eration of the bill? The Chair hears none. The gentleman from Ohio [Mr. WARNER] moves an amendment, which will be read.

The Clerk read as follows:

Add, after "dollars," in line 9:

"And no plan shall be approved that will involve for site and building, including approaches thereto, an expenditure greater than the sum herein appropriated."

The amendment was not agreed to.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. GLASCOCK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT HOULTON, ME.

Mr. BOUTELLE. I ask the House to take up and pass the bill (H. R. 707) to provide for the erection of a public building at the town of Houlton, Me.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, authorized and directed to purchase or otherwise procure a suitable site, and cause to be erected thereon, at the town of Houlton, in the State of Maine, a substantial and commodious public building, with fire-proof vaults, for the use and accommodation of the United States custom-house and post-office, and for other Government uses. The site, and the building thereon, when completed according to plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed the cost of \$50,000; and for the purposes herein mentioned the sum of \$50,000 is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, and the State of Maine shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

Mr. BOUTELLE. Mr. Speaker, recognizing as I do the importance of economizing time, I will not ask for the reading of the entire report of the committee, which was unanimously favorable to the passage of this bill, but will very briefly state some of the substantial points.

The town of Houlton, in which it is proposed to erect this custom-house and post-office building, is the shire town of the county of Aroostook, in the State of Maine, the Aroostook customs district comprising a territory about as large as that of the State of Massachusetts, with a frontier line of some two hundred and fifty to two hundred and seventy miles. The customs collections there rank high among the collections of the districts of the State of Maine. The report gives figures showing the very rapid development of that section of the State, its increase in the last decade having been more than 40 per cent. It is the most rapidly growing section of the State of Maine.

For the thirty-one and a half months from 1878 to 1881 the customs collections in the district amounted to \$38,311. For the thirty-one and a half months ending November, 1883, the customs collections there amounted to \$92,673, an increase of nearly threefold, and the later returns show that the increase is progressing.

Mr. MILLS. What is the population?

Mr. BOUTELLE. The population of the district of Aroostook has increased, as I have said, more than 40 per cent. during the last decade, and is now about 50,000. The population of the town of Houlton, which is the shire town of the county and of the district, was about 4,000 in 1880, and is now about 6,000. It is the business center of that region. It is the railroad terminus.

Mr. MILLS. Is there a Federal court there?

Mr. BOUTELLE. No Federal court is held there now. This bill provides for a custom-house and post-office building. The post-office is a distributing office for that large section of country. The amount received for money-orders during the year ending June 30 last was \$17,000 and the amount paid \$24,522. I will state here, Mr. Speaker, that the accommodations at present are entirely inadequate to the necessities of the customs office and post-office.

I desire to say further, in view of the fact that recommendations have been made by the Secretary of the Treasury heretofore in regard to certain possible consolidations of districts in the State of Maine and New England, that under any consolidation which may be made the town of Houlton will be the natural headquarters for the district of that section. I reserve the balance of my time.

The SPEAKER. The gentleman's time has expired.

Mr. STORM. Mr. Speaker, I do not know anything I can say will stop this irresistible raid upon the Treasury, for it seems after all there are hardly ten righteous in this House to save the Treasury from plunder. Nevertheless I shall attempt to call the attention of the House to this subject, not with a view of specially antagonizing this particular bill, because the objection I make now would lie against all bills we have considered heretofore, and I have no doubt would lie against three-fourths of all that may come up hereafter for consideration.

I have no doubt, Mr. Speaker, the fact of a deficiency in the revenues of any government is a misfortune, but I still think there is a greater misfortune to any government when it finds itself with a large surplus in its treasury. We have seen bills passed in this House within the

last week, and bills of like character no doubt will be passed during the next six days, which would never have been thought of—never stood the ghost of a chance of passing had there been a deficit instead of an excess of revenue. It is because there is a surplus in the Treasury, which a large number of members of the House on both sides seem determined to get out, that it is utterly impossible to stay this raid.

We are erecting public buildings at towns that our school geographies heretofore never heard of. Yesterday we allowed a public building in a town which no railroad has yet reached. We are now asked to allow a public building in a town—I do not know how old it is—which during the whole century up to 1880 had never more than 4,000 inhabitants. And a remarkable fact with all these towns is that they have all had such rapid growth or increase of population between 1880 and the present time. [Laughter.]

I yield the balance of my time to the gentleman from Ohio.

Mr. WARNER, of Ohio. Mr. Speaker, one of two things ought to be done. We should stop here with these public buildings for towns of one, two, three, or four thousand inhabitants, or else we ought to open the door and let every member decide upon the location of a public building and make appropriation of money for it.

Mr. MONEY. Offer an amendment to that effect.

Mr. WARNER, of Ohio. Yes, and it would go through I have no doubt. Governor Allen, of Ohio, once said, you might as well undertake to run an ice-house in hell as an economical government with a surplus in the treasury. [Laughter.] I have come to the conclusion he was about right. I think this a good place to draw the line—in the case of a town of 4,000 inhabitants without a court simply for a post-office, I suppose.

A MEMBER. And a custom-house.

Mr. WARNER, of Ohio. Custom-house and post-office. Let us draw the line here, or let every member in the House have a public building.

Thirty public buildings are reported in the sundry civil bill. Seventy-two have been reported to the House from the Committee on Public Buildings and Grounds. Thirty, as I have said, come from the Committee on Appropriations in the sundry civil bill. How many millions they will amount to I do not know. I have not had time to make the calculation. The Treasury is being robbed from both sides, by the front door and by the back door. Let us draw the line somewhere. I think it is right to draw the line here.

Mr. WELLER. I ask whether the gentleman from Ohio is willing to stand up now and commence the work of drawing the line? I have been waiting for that a long time.

The SPEAKER. The time for debate is exhausted. Is there objection?

Mr. WELLER. I object.

The objection was sustained—18 voting in the affirmative; and so the bill was not taken up for present consideration.

PUBLIC BUILDING, LA CROSSE, WIS.

Mr. WOODWARD. I call up under the rule the bill (S. 78) for the erection of a public building at La Crosse, Wis.

The Clerk read as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the United States district and circuit courts, internal-revenue office, post-office, and other Government offices, at the city of La Crosse, Wis. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of \$100,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than fifty feet, including streets and alleys; and that no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Wisconsin shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

Mr. WOODWARD. Mr. Speaker, the Government of the United States has at the city of La Crosse a post-office, two land offices, surveyor of customs, and collector of internal revenue. It maintains there a marine hospital, post-office, land office, and for the last fifteen years the United States courts have been held in that city under authority of law passed in 1870, and the Government has been borrowing the county court-house for the use of its officers. This, I think, Mr. Speaker, constitutes a sufficient ground for asking this appropriation for a public building at this point. The public business requires and justifies it.

As to the city itself, I have only to say that it is located on the Mississippi River at the mouth of a large stream; that it is a true railroad center; that these roads radiate to six different points of the compass from it; that it has large business connections by railroads as well as by the river, and that its manufactures are important and constantly increasing.

In 1880, by the census of that year, the city had a population of 15,000. Since then, not less than 1,500 additional dwelling-houses have been put up in the city, and by an accurate census that has been taken recently it is ascertained that the population at the close of the year 1883 was over 20,000.

I hope objection will not be made to the consideration of the bill. I

think it is as meritorious as any measure presented to the House at this session. I reserve the remainder of my time.

The SPEAKER. The gentleman has two minutes of his time remaining.

Mr. BROWNE, of Indiana. Mr. Speaker, I am satisfied that we are exhausting the surplus too rapidly, and I fear that just now this controversy will take a partisan direction. I shall not, however, contribute to that end. My first objection to this bill is that the construction of this public building will cost money. Now if this economical Congress, with the assistance of the distinguished gentleman from Ohio and the gentleman from Pennsylvania, can only devise some plan by which brick and mortar may be made and labor performed without costing anything, I shall vote for all these bills. Then I do not believe the Government of the United States needs public buildings, any way. What is the necessity for them? Why do we not buy a big circus-tent—

Mr. MILLER, of Pennsylvania. And take it around.

Mr. BROWNE, of Indiana. A caravan of wagons, and send the court and the district attorney and the pension agent and the revenue collectors around through the country and let them tent out? [Laughter.]

Well, I do not know whether gentlemen regard the few remarks that I have been making as against the measure or not.

Mr. WELLER. It is difficult to tell, I guess.

Mr. BROWNE, of Indiana. I want to say, however, that I believe just at this time there can be no more judicious expenditure of the public moneys than in the construction of necessary public buildings. Labor is out of employment all over the country.

Mr. WELLER. The product of Republican maladministration, I reckon. [Laughter.]

Mr. BROWNE, of Indiana. Did somebody speak?

Mr. WELLER. Mr. Speaker, there did. [Great laughter.]

Mr. BROWNE, of Indiana. I have said that labor is seeking employment. For reasons that I need not give if I knew, manufacturing establishments are closed and the trustees of the poor are employed day by day in distributing charity. I wish it were possible for the Government of the United States to open the Treasury at such a time as this and allow every necessary work to be constructed, and that the people who to-day cry for bread might receive a remunerative return for their labor. It would not be waste. I am not claiming it as a charity. I say that the Government is in a condition to do this, and it ought to be done, and now is the time. Mr. Speaker, I have nothing but inexpressible contempt for that niggardly parsimony which says let us stand at the door of the Treasury and allow no cent to come out of it unless it can go in the direction which we individually are pleased to indicate. [Here the hammer fell.]

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STORM. Which side has the gentleman from Indiana spoken on?

The SPEAKER. The gentleman from Indiana spoke in his own time and right.

Mr. STORM. But to what side was the time occupied by the gentleman charged—in opposition or in favor of the bill?

The SPEAKER. The Chair does not understand the gentleman.

Mr. STORM. The gentleman from Wisconsin was heard himself in behalf of the bill, and the Chair I supposed would yield the remainder of the time to those who opposed the bill. I want to know; therefore, whether the time occupied by the gentleman from Indiana is charged for or against the bill.

The SPEAKER. That is not for the Chair to determine.

Mr. STORM. I suppose it is difficult to determine what side the gentleman occupied.

The SPEAKER. The gentleman from Indiana rose and no other gentleman claimed the floor, nor was objection made to his occupying it.

Mr. WOODWARD. I would like to offer myself two amendments; one of them similar to those which have been offered to other bills of this character.

The SPEAKER. The first question is, Is there objection to the consideration of the bill?

There was no objection.

Mr. WOODWARD. I now ask the adoption of the amendment I send to the desk.

The Clerk read as follows:

Insert before the word "provided" in line 12 of the printed bill:

"And it shall be the duty of the Secretary of the Treasury, after the site for said building shall have been purchased, to cause plans and specifications of said building to be prepared, and said plans and specifications shall not involve an expenditure in the erection and completion of said building exceeding the portion of \$100,000 remaining after the site of said building shall have been paid for. No plan shall be approved by the Secretary of the Treasury involving an expenditure exceeding the sum which remains after paying for the site of said building."

Also add as an additional section:

"Sec. 2. That the sum of \$100,000 be, and the same is hereby, appropriated out of any moneys in the Treasury not otherwise appropriated for the purpose of carrying into effect the provisions of this act."

The amendments were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. WOODWARD moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table. The latter motion was agreed to.

SUPPLIES TO INDIANS OF MINNESOTA 1860-'62.

Mr. STRAIT. I call up for consideration the bill (S. 84) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to investigate and determine the amounts due licensed traders, citizens of the United States, for supplies furnished, in the course of trade and business, to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the outbreak and massacre of said Indians in August, 1862, and for which damages were not awarded by the commissioners appointed under the act entitled "An act for the relief of persons for damages sustained by reason of depredations and injuries by certain bands of Sioux Indians," approved February 16, 1863, for the reason that said act limited the action of said commissioners to claims arising from depredations, and did not authorize them to act upon claims arising upon contract or upon accounts for supplies furnished; and the said claims, when ascertained, shall be paid by the Secretary of the Interior out of the money hereby appropriated.

SEC. 2. That for the purpose of enabling the Secretary of the Interior to carry out the provisions of the foregoing section the sum of \$120,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

Mr. STRAIT. This bill has been favorably reported to the House every time it has been introduced for the last six or eight Congresses. The Senate has passed the same or a similar bill during the past five Congresses. The present bill has been reported favorably to the House from the Committee on Indian Affairs by the gentleman from New York [Mr. STEVENS]. I yield to that gentleman for a moment.

Mr. STEVENS. The object of this bill is to make remuneration to certain licensed traders on the Sioux reserve for property taken and destroyed by the Indians and for provisions and supplies furnished to the Indians at the request of the then Indian agent. In 1862 the Indians were gathered together at the regular agencies in Minnesota for the purpose of receiving their annuities, but owing to the troubles existing at that time the agents did not appear and the payments were not made. The Indians became dissatisfied. As the agents state they became "very ugly, threatening death and disturbances." The agents applied to the licensed traders who were there by the authority of law to furnish supplies to these Indians. That was done; but the annuities not coming for a long time, about a month after these supplies were furnished the Sioux outbreak, with the facts of which every member of this House is probably familiar, took place. A large number of people were killed and the property of these traders was destroyed.

In the following February Congress by an act confiscated all of the funds belonging to these Indians; it confiscated all of their annuities and covered them into the Treasury of the United States. Several claims have been paid by acts of various Congresses since that. There is now, not at the credit of the Indians, because it is confiscated money, but of the original funds belonging to these Indians there are now nearly \$4,000,000 in the Treasury.

The object of this bill is to allow the Secretary of the Interior to take the necessary evidence, get the necessary proof, and ascertain the amount of supplies furnished to these Indians by the authority of Mr. Galbraith, who was then agent. The proof is clear and distinct as to the losses and as to the authority given by the agent to these traders to furnish the supplies.

Mr. ANDERSON. What is the aggregate amount covered by the bill?

Mr. STEVENS. It will not exceed \$100,000; I should say about \$70,000. This bill provides that an amount not to exceed \$100,000 shall be paid for this purpose; and as I have said the Indians, of what once was theirs, have now in the Treasury about \$4,000,000.

Mr. MILLS. I wish to ask the gentleman from New York whether it is claimed that this bill stands on higher ground than the claims for other property destroyed by Indian depredations?

Mr. STEVENS. There is this distinction: that this property and these supplies, bread, flour, and various kinds of provisions, were furnished by request of the Indian agent to prevent the Indians from committing the outbreak which did actually occur shortly afterward.

Mr. COOK. What reason exists for paying the post-traders for the property destroyed by the Indians that does not exist for paying for the property of the settlers or other parties destroyed by the Indians during the outbreak?

Mr. STEVENS. It has been the practice of Congress continually where Indians under control of the Government have destroyed the property of those who were there by proper license of the Government to reimburse those licensed traders for their losses.

Mr. ELLIS. With the permission of the gentleman from New York I will state that it is one of the very treaty stipulations with these Indians that these depredation claims shall be paid.

Mr. STEVENS. I thank my friend from Louisiana for his suggestion.

The SPEAKER. The five minutes allowed in support of the bill have expired.

Mr. WARNER, of Ohio. Is there a report in the case?

The SPEAKER. Does the gentleman from Ohio desire to have it read?

Mr. WARNER, of Ohio. I think it had better be read.

The SPEAKER. The Chair will state the report is somewhat lengthy.

Mr. WARNER, of Ohio. Then I do not call for the reading.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. REAGAN. I object.

Mr. HOLMAN. I wish to make an inquiry as to the funds out of which this money will be paid. I understand the gentleman from New York [Mr. STEVENS] to say that immediately after this massacre occurred the funds belonging to this tribe of Indians were covered into the Treasury as confiscated money. The case, as I understand, is put on the ground that it is an appropriation virtually of that money which ought to go to the payment of these claims. Has the gentleman any objection, to avoid any mistake, to that being stated in the bill, so that it shall appear that it is not money out of the public Treasury which is appropriated? My friend from New York will agree with me that the United States should not be held responsible for the acts of spoliation committed by this Indian tribe, and that the Government should only be held liable on the ground of having appropriated to its own use money which might otherwise have been appropriated to the payment of these claims.

Now, has the gentleman any objection to adding this provision:

That said sum shall only be paid out of money which heretofore belonged to said tribe, if any, and has been confiscated by the United States.

Mr. STEVENS. I have no objection to that, sir; I am willing to accept it.

Mr. REAGAN. Mr. Speaker, if the principle of this bill were enacted into law, even with the amendment of the gentleman from Indiana [Mr. HOLMAN], and followed as a precedent, the Treasury of the United States could not pay the claims that would come against the Government.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause]. Only nine gentlemen have risen—not a sufficient number under the rule. The bill is before the House, and the question is on the amendment offered by the gentleman from Indiana [Mr. HOLMAN].

The Clerk read the amendment, as follows:

Provided, however, That said sum shall only be paid out of money which heretofore belonged to said tribe, if any, and has been confiscated by the United States.

The amendment was agreed to.

Mr. STEVENS. Mr. Speaker, I have one or two amendments which I have been instructed by the committee to offer, as follows:

In line 7 of the printed bill strike out "August" and insert "June 1."

In line 8, after the word "sixty," insert "one."

In section 2, line 3, strike out the words "and twenty;" so that it will read "one hundred thousand dollars."

The amendments were severally agreed to.

Mr. REAGAN. Mr. Speaker, I desire to say that this is a claim not founded upon any provision of law, made by persons not in the line of the discharge of any duty to the United States. It is a voluntary creation of a demand against the Government, without its consent or authority. [Cries of "Regular order!"]

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The SPEAKER. Unless there be objection, the title will be amended to conform to the amendments made in the bill.

There was no objection.

Mr. STEVENS moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The hour set apart under the special rule has expired.

Mr. WILLIS. Mr. Speaker, I move to dispense with the morning hour.

The question was taken; and there were—ayes 130, noes 21—more than two-thirds voting in the affirmative.

So the motion was agreed to.

Mr. DAVIS, of Illinois. Mr. Speaker, I ask unanimous consent to present a report. [Cries of "Regular order!"]

Mr. WILLIS. Mr. Speaker, there are two or three gentlemen who have reports which they desire to offer.

The SPEAKER. But the regular order is insisted upon by gentlemen on the left.

Mr. HENLEY. Mr. Speaker, I desire to make a privileged report. [Cries of "Regular order!"]

The SPEAKER. The regular order is demanded, and the Chair will enforce it; but a privileged report is in order.

PORTAGE LAKE CANAL COMPANY LANDS.

Mr. HENLEY, from the Committee on the Public Lands, reported a joint resolution (H. Res. 344) relative to lands selected by the Portage Lake and Lake Superior Canal Company.

The SPEAKER. Will the gentleman from California [Mr. HENLEY] inform the Chair whether this restores lands to the public domain?

Mr. HENLEY. It authorizes the Attorney-General to do so.

The SPEAKER. Then it is privileged under the order of the House. The joint resolution was read a first and second time, referred to the House Calendar, and, with the accompanying papers, ordered to be printed.

FISH IN THE POTOMAC.

Mr. BARBOUR. Mr. Speaker, I rise to make a privileged report. I present a report from a committee of conference.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3108) to protect the fish in the Potomac, in the District of Columbia, and to provide a spawning-ground for shad and herring in the said Potomac River, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same in the following form:

"SEC. 3. That from and after three months from the date of the passage of this act it shall be unlawful to allow any tar, oil, ammoniacal liquor, or other waste products of any gas works, or of works engaged in using such products, or any waste product whatever of any mechanical, chemical, manufacturing, or refining establishment, to flow into or be deposited in Rock Creek or the Potomac River or any of its tributaries within the District of Columbia, or into any pipe or conduit leading to the same; and any one guilty of violating this section shall, on conviction, as provided in section 2 of this act, be fined not less than \$10 or more than \$100, for each and every day during which said violation shall continue; to be prosecuted for and recovered as provided in the preceding section."

And the Senate agree to the same.

JOHN S. BARBOUR,
J. THOMAS SPRIGGS,
J. LEWIS MCCOMAS,
Managers on the part of the House.
E. G. LAPHAM,
W. J. SEWELL,
JAMES B. GROOME,
Managers on the part of the Senate.

VENTILATION OF THE HALL OF THE HOUSE.

Mr. HARDY, from the Committee on Ventilation and Acoustics, submitted a report accompanied with the following resolution; which was ordered to be printed and laid over:

Resolved, That the proposition of the Exhaust Ventilation Company, of Chicago, to the Committee on Ventilation and Acoustics, and herewith reported, be, and the same is hereby, accepted; and that said company be, and they are hereby, authorized and empowered to proceed with the introduction of their proposed system in accordance with the terms of said proposition; the work not to be paid for until it shall be certified by the Speaker of the House of Representatives, the chairman of the Committee on Ventilation and Acoustics, and the Supervising Surgeon-General of the Marine-Hospital Service, who shall have power to take the opinion of such experts as they may deem advisable, that the said company shall have performed their contract and have succeeded in improving the ventilation of the Hall of the House of Representatives, which certificate shall be made by them on or before the 15th day of June, 1886; it being understood that on failure by said company to receive such certificate they shall, if they have changed, interfered with, or disarranged the present system, restore it to its present condition without delay or cost to the Government.

ORDER OF BUSINESS.

Mr. MILLIKEN. I ask unanimous consent to make a report from the Committee on Public Buildings and Grounds.

Mr. WELLER. I object.

The SPEAKER. The regular order has been demanded, which is the unfinished business coming over from yesterday.

Mr. TOWNSHEND. The gentleman from Kentucky [Mr. WILLIS] yields to me—

Mr. PAYSON. I demand the regular order.

RIVER AND HARBOR APPROPRIATION BILL.

The SPEAKER. The gentleman from Illinois [Mr. PAYSON] insists on the regular order, which is the river and harbor appropriation bill, coming over from yesterday as unfinished business. The question is on concurring in the amendments reported from the Committee of the Whole House on the state of the Union. The Clerk will report the first amendment.

Mr. WHITE, of Kentucky. I desire to inquire whether the previous question was ordered yesterday on this bill?

The SPEAKER. It was ordered upon the amendments and upon ordering the bill to be engrossed and read a third time. It was not ordered on the passage, because the bill has not reached that stage.

Mr. WHITE, of Kentucky. By the RECORD it does not appear that the previous question was ordered yesterday.

The SPEAKER. It so appears in the Journal.

Mr. WHITE, of Kentucky. Is it in order still to offer amendments without debate?

The SPEAKER. It is not; no amendments are now in order. The amendments reported from the Committee of the Whole House on the state of the Union will be read. Is a separate vote demanded on each of these amendments?

Mr. ANDERSON. Yes, sir.

Mr. WILLIS. I hope the gentleman will not insist on a separate vote on all these verbal amendments.

Mr. ANDERSON. I have no desire to take up time unnecessarily. When the question comes on any amendment merely verbal, I am willing to waive a separate vote. But I do not wish to waive the right to a separate vote on certain amendments to this bill.

Mr. WILLIS. I only asked that the vote might be waived as to verbal amendments, such as those relating to surveys.

Mr. ANDERSON. We can determine about that as the amendments are reached. I will indicate when I desire a separate vote.

The SPEAKER. The amendments will be read, and when no objection is made, will be considered as agreed to without a formal vote.

The Clerk proceeded to read the amendments.

Mr. COX, of New York. I desire, by unanimous consent, and the good will of the committee, which I trust I shall have, to strike out, on page 5, in line 103, the words "five thousand dollars" and insert "twenty thousand dollars, or so much thereof as may be necessary."

Mr. WILLIS. That relates to New York Harbor; and the committee, as I understand, have no objection to it.

Mr. MURPHY. I will inquire of the chairman of our committee when that conclusion was arrived at by the committee?

Mr. WILLIS. If the gentleman objects, it never has been arrived at.

Mr. MURPHY. I only wanted that statement made.

The SPEAKER. Is there objection to this amendment? The Chair hears none, and the amendment is adopted.

The Clerk read as follows:

After line 113 insert the following:

"That the United States harbor board, herein provided for, shall report a plan and estimate for obtaining a permanent channel sufficient for the wants of commerce over the Sandy Hook bar entrance into New York Harbor."

Mr. ADAMS, of Illinois. I have the impression that the provision for the harbor board is now out of the bill.

Mr. COX, of New York. It is.

The SPEAKER. But the amendments must either be agreed to or rejected.

Mr. COX, of New York. I would like to have that amendment changed by striking out the language as to the harbor board.

Mr. REAGAN. No; we will take a vote upon restoring the harbor board.

Mr. COX, of New York. As this is a proposition for a survey, I would suggest, in order to make the bill harmonious—

Mr. WHITE, of Kentucky. Regular order.

The SPEAKER. The question is not debatable.

Mr. WHITE, of Kentucky. No one knows that better than the gentleman from New York.

The question being taken, the amendment was agreed to; there being—ayes 38, noes 19.

The Clerk read as follows:

In line 173 strike out "seventy-five" and insert "two hundred;" so as to read: "Improving harbor at Baltimore, Md.: Continuing improvement, \$200,000."

The question being taken on agreeing to the amendment, there were—ayes 41, noes 27.

Mr. ANDERSON. No quorum.

Tellers were ordered; and Mr. ANDERSON and Mr. WILLIS were appointed.

The House again divided; and the tellers reported—ayes 101, noes 64. So the amendment was agreed to.

The next amendment on which a separate vote was requested was read, as follows:

Strike out from line 213 to line 305, inclusive, and insert: "For improving Galveston Harbor, \$500,000; and the harbor board herein provided are directed to proceed at once to examine, survey, and report to the Secretary of War, for his approval, plans, specifications, and estimates for said improvement; and when said plans, specifications, and estimates shall have been approved, said work shall be carried forward with all possible expedition."

Mr. WHITE, of Kentucky. I raise the point of order on this amendment that in good faith this has no business here.

Mr. THOMAS. Regular order.

Mr. WHITE, of Kentucky. I claim it has not been adopted in committee.

The SPEAKER. The Chair will examine it.

Mr. WHITE, of Kentucky. It is not introduced in good faith.

The SPEAKER. That is not a point of order. The Chair understands the gentleman's point of order to be that this amendment is erroneously included in the bill and was not adopted in committee.

Mr. WHITE, of Kentucky. Precisely so.

Mr. WILLIS. I do not understand what the member from Kentucky means. Does he say the Committee of the Whole did not adopt this?

The SPEAKER. The Chair so understands him.

Mr. THOMAS. I rise to a question of order. The gentleman says in the first place this was not adopted, and in the second place that it was not offered in good faith. I want to say in the first place, Mr. Speaker, that it was adopted by the Committee of the Whole House on the state of the Union, and in the second place that it was recommended by the unanimous vote of the Committee on Rivers and Harbors.

Mr. WILLIS. We ask its passage, as it was offered in good faith and was adopted.

The SPEAKER. The Chair has nothing to do except with the question of order, and the Chair is compelled to overrule that because the amendment has been reported to the House from the Committee of the Whole House on the state of the Union as one of the amendments agreed to by that committee.

Mr. WHITE, of Kentucky. I desire the Speaker to recur to the RECORD to see that from line 213 to line 305 was on my own motion struck out and agreed to by the chairman of the committee.

Mr. WILLIS. The gentleman is talking about one thing and this committee is acting on another thing, a condition of things not unusual in this House. [Laughter.]

The House divided; and there were—ayes 95, noes 5.

Mr. WHITE, of Kentucky. No quorum.

The SPEAKER appointed as tellers Mr. WHITE, of Kentucky, and Mr. BRECKINRIDGE.

The House again divided; and the tellers reported—ayes 150, noes 7.

Mr. WHITE, of Kentucky, demanded the yeas and nays.

The yeas and nays were not ordered.

So the amendment was agreed to.

The next amendment on which a separate vote was asked was read, as follows:

In line 332, after the word "improvement," strike out the word "fifteen" and insert "twenty-five;" making it read:

"Improving ice-harbor at the mouth of the Muskingum River, Ohio: Continuing improvement, \$25,000."

Mr. HENDERSON, of Illinois. I demand a vote on that amendment.

The House divided; and there were—ayes 56, noes 60.

Mr. HENDERSON, of Illinois. No quorum has voted.

The SPEAKER appointed as tellers Mr. HENDERSON, of Illinois, and Mr. BLANCHARD.

The House again divided; and the tellers reported—ayes 70, noes 57.

Mr. HENDERSON, of Illinois. I withdraw the point of order.

So the amendment was agreed to.

The next amendment on which a separate vote was requested was read, as follows:

In line 435 strike out "\$31,500" and insert "\$50,000;" so it will read:

"Improving harbor at Duluth, Minn.: Continuing improvement, \$50,000."

The SPEAKER. The yeas seem to have it.

Mr. WASHBURN. Division.

The House divided; and there were—ayes 76, noes 6.

Mr. THOMAS. No quorum.

The SPEAKER appointed as tellers Mr. THOMAS and Mr. BRECKINRIDGE.

The House again divided; and the tellers reported—ayes 113, noes 30.

Mr. THOMAS. I withdraw the point of no quorum.

So the amendment was agreed to.

The next amendment on which a separate vote was requested was read, as follows:

After the word "corporation," in line 543, strike out the words "for this improved navigation" and insert "on this river;" so it will read: "But no toll shall be collected by any person or corporation on this river."

Mr. GIBSON. I ask for a separate vote on this amendment.

The House divided; and there were—ayes 86, noes 19.

So the amendment was agreed to.

The next amendment on which a separate vote was requested was read, as follows:

After line 735 insert:

"Improving West Branch of the Susquehanna River, \$7,500."

The amendment was disagreed to.

The next amendment on which a separate vote was requested was read, as follows:

At the end of line 770, page 32, add:

"And authority is hereby given to any individual or corporation to strengthen, repair, or rebuild the bridge across the Louisville and Portland Canal at Eighteenth street in said city of Louisville, now owned by the United States, without cost to the Government, and to use the same for railroad and other purposes free of charge to the Government, provided it shall in no way interfere with the free use of said canal."

Mr. HEPBURN. Let us have a vote on that amendment.

The House divided; and there were—ayes 77, noes 60.

Mr. WELLER. No quorum.

The SPEAKER appointed as tellers Mr. WELLER and Mr. WILLIS.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced the adoption of the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 8120) making appropriations for the support of the Army for the year ending June 30, 1886, and for other purposes.

It further asked for a committee of conference on the disagreeing votes of the two Houses on the bill (S. 66) providing for allotment of lands in severalty to the Indians residing upon the Umatilla reservation, in the State of Oregon, granting patents therefor, and for other purposes, and had appointed Mr. DAWES, Mr. CAMERON of Wisconsin, and Mr. SLATER as said conferees on its part.

It further requested the return of bill (H. R. 5713) to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States.

It further announced agreement to the amendments of the House to the bill (S. 2009) granting a pension to Isabella Turner.

It further announced the adoption of a resolution of thanks to Col. Thomas Lincoln Casey and others, in which concurrence was requested.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 1046) granting a pension to Mary A. Griffin;
A bill (H. R. 1759) granting a pension to Robert Patterson;
A bill (H. R. 2068) granting a pension to James H. Ried;
A bill (H. R. 2284) granting a pension to Elizabeth Fowler;
A bill (H. R. 2537) granting a pension to Hugh Ryan;
A bill (H. R. 2539) granting a pension to George W. Kiser;
A bill (H. R. 2894) granting a pension to Henry Rodenback;
A bill (H. R. 3074) to grant a pension to Jasper J. Henry on account of wounds received while acting as guide for the First Arkansas Cavalry Volunteers in the war of the rebellion;
A bill (H. R. 3352) to restore the name of Warren Sams to the pension-roll;

A bill (H. R. 3605) granting a pension to Eliza Sluss;
A bill (H. R. 3728) granting a pension to Charles P. McMahan;
A bill (H. R. 3749) granting a pension to William Bolwork;
A bill (H. R. 4061) granting a pension to William C. H. Bowman;
A bill (H. R. 4079) granting a pension to James D. Kirk;
A bill (H. R. 4833) granting a pension to Louisa Earle;
A bill (H. R. 5069) granting a pension to Mrs. Mary J. Stotts;
A bill (H. R. 5124) granting a pension to Samuel Z. Cooper;
A bill (H. R. 5555) granting a pension to James Frazier;
A bill (H. R. 5929) for the relief of Abigail Honey;
A bill (H. R. 5938) to pension Julia A. Marcum;
A bill (H. R. 5989) for the relief of Elizabeth Springstead;
A bill (H. R. 6018) increasing the pension of George Tapp;
A bill (H. R. 6044) granting a pension to Joseph Pigeon;
A bill (H. R. 6235) granting a pension to Eliza J. Norris;
A bill (H. R. 6310) granting a pension to Benjamin P. Lowell;
A bill (H. R. 6663) restoring to the pension-roll the name of Caroline Lewis;

A bill (H. R. 7092) for the relief of Anthony Beyer;
A bill (H. R. 7094) granting a pension to Samuel M. Bartlett;
A bill (H. R. 7175) granting a pension to James O. McKenna;
A bill (H. R. 7256) granting a pension to John A. Vanderhoff;
A bill (H. R. 7262) increasing the pension of Almira P. Spencer;
A bill (H. R. 7308) for the relief of David Fried;
A bill (H. R. 7334) granting a pension to Judson Bostwick;
A bill (H. R. 7338) granting a pension to Chloe A. Whipple;
A bill (H. R. 7524) granting a pension to Lavisa Heth;
A bill (H. R. 7602) granting a pension to Harriet M. Bailey;
A bill (H. R. 7672) granting a pension to Elbert Hewitt;
A bill (H. R. 7709) granting a pension to Louisa A. Ester;
A bill (H. R. 7722) granting a pension to Elmira K. Parker;
A bill (H. R. 7731) granting a pension to Louis B. Smith;
A bill (H. R. 7732) granting an increase of pension to Edward P. Quinn;

A bill (H. R. 7822) granting a pension to Margaret Spencer Van Loan; and

A bill (H. R. 8104) granting a pension to George S. Hawley.

RIVER AND HARBOR APPROPRIATION BILL.

The House again divided; and the tellers reported—ayes 144, noes 11. So (no further count being demanded) the amendment was agreed to. The next amendment on which a separate vote was ordered was read, as follows:

After line 777 insert:

"Improving Fox River, Wisconsin: Continuing improvement, \$75,000."

The question was taken; and on a division there were—ayes 78, noes 23.

So the amendment was agreed to.

The next amendment on which a separate vote was ordered was read, as follows:

Provided, That so much of the amount herein appropriated for the Osage River shall be used for surveying the same from its mouth to Tusculum, Mo., and report thereon as to the cost and possibility of improving the same by movable locks and dams.

The question was taken; and on a division there were—ayes 72, noes 26.

Mr. HEPBURN. No quorum.

The SPEAKER *pro tempore* (Mr. COX, of New York, in the chair). The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. HEPBURN and Mr. BLAND were appointed tellers.

The House again divided; and the tellers reported—ayes 124, noes 40. So (no further count being demanded) the amendment was agreed to.

The next amendment on which a separate vote was ordered was read, as follows:

After line 901 insert:
"Also of which the sum of \$8,000, or so much thereof as may be necessary, shall be applied to riprap the west bank of the river at and above Guttenberg, to prevent substantially the erosion of the bank by high-water currents."

The question was taken; and on a division there were—ayes 102, noes 9.
Mr. WHITE, of Kentucky. No quorum.

The SPEAKER *pro tempore*. The Chair will appoint tellers.
Mr. WHITE, of Kentucky, and Mr. WELLER were appointed tellers.
The House again divided; and the tellers reported—ayes 133, noes 21.
Mr. WHITE, of Kentucky. I think we had better have the yeas and nays on this question to see whether we want to throw away the public money by providing improvements of this character for private property.

The SPEAKER *pro tempore*. Debate is not in order.
Mr. WHITE, of Kentucky. I withdraw the point of no quorum and demand the yeas and nays.

The yeas and nays were not ordered—24 members only voting in favor thereof, and 182 in opposition to the demand.

Mr. WHITE, of Kentucky. I challenge the correctness of the count and call for tellers. Evidently there is no such number on the floor. Tellers were not ordered—4 only voting in favor thereof.
So the amendment was agreed to.

The next amendment on which a separate vote was ordered was read, as follows:

After the amendment just adopted, insert:
"Provided, That if in the judgment of the Mississippi River Commission such improvement be necessary, the sum of \$20,000 of the sum therein appropriated shall be applied to continuing the improvement of the harbor and adjacent channel at Fort Madison, Iowa."

The question was taken; and on a division there were—ayes 13, noes 132.

So the amendment was not agreed to.

The next amendment on which a separate vote was ordered was read, as follows:

Insert immediately at the end of line 910 the following words:
"Including also the strengthening of the Snycarte levee where it crosses the Snycarte slough and other sloughs referred to in the report of Engineer Maj. A. Mackenzie to the Chief of United States Army Engineers, dated January 26, 1885, which work of strengthening said levee shall be done according to the suggestions and estimates made by said Mackenzie as set forth in his said report."

The question was taken; and on a division there were—ayes 6, noes 95.

Mr. RIGGS. No quorum.

The SPEAKER *pro tempore*. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. RIGGS and Mr. BRECKINRIDGE were appointed tellers.
The House again divided; and there were—ayes 97, noes 35.

Mr. ANDERSON. I demand the yeas and nays.
The yeas and nays were not ordered.

So the amendment was agreed to.

The next amendment on which a separate vote was asked was read, as follows:

In line 916, strike out "four" and insert "six;" so that the paragraph may read: "Continuing improvement, \$600,000."

Mr. ANDERSON. Where?
The Clerk read as follows:

Improving the Mississippi River from the mouth of the Illinois River to the mouth of the Ohio: Continuing improvement, \$600,000.

The question was taken; and on a division there were—ayes 142, noes 33.

Mr. MILLER, of Pennsylvania. I ask for the yeas and nays.
The yeas and nays were not ordered—26 members voting in favor thereof, and 208 in opposition.

Mr. MILLER, of Pennsylvania. I ask tellers on the yeas and nays.
Tellers were not ordered.

So the amendment was agreed to.

The next amendment on which a separate vote was asked was read, as follows:

Strike out from line 922 to 944 inclusive, as follows:
"Improving Mississippi River from the head of the passes to the mouth of the Ohio River, including the rectification of the Red and the Atchafalaya Rivers at the mouth of Red River, and for keeping open a navigable channel through the mouth of Red River into the Mississippi River: Continuing improvement, \$2,800,000; which sum, together with the sums herein appropriated for the Mississippi River from Des Moines Rapids to the mouth of the Ohio River, shall be expended under the direction of the Secretary of War, in accordance with the plans, specifications, estimates, and recommendations of the Mississippi River Commission, as approved or amended by an advisory engineer of said commission, which office is hereby created, said advisory engineer to be appointed by the President, at a salary of \$3,500 per annum; and James B. Eads is hereby recommended to the President for that position."

"For examinations and surveys at South Pass, Mississippi River, pursuant to the act of March 3, 1875, \$10,000."

"For survey of the Mississippi River from the head of the passes to its headwaters: Continuing survey, \$75,000."

Mr. WILLIS. I want to make a suggestion which I think will be acceptable to both sides of the House. That is that this portion of the bill stricken out from lines 933 to 938 be considered as eliminated from the bill. I mean that part referring to Captain Eads—

Mr. WHITE, of Kentucky. We can not hear the proposition of the gentleman from Kentucky.

Mr. WILLIS. I simply ask, if the House should put back those three paragraphs, that the portion referring to Captain Eads, from line 933 to line 938, shall be omitted.

Mr. WHITE, of Kentucky. I object to that. We want the regular order.

Mr. BROWNE, of Indiana. That would make it more palatable, and for that reason we object.

Mr. WILLIS. We propose to strike out that portion which relates to Captain Eads.

The SPEAKER *pro tempore*. The gentleman from Kentucky asks unanimous consent for the proposition he has stated.

Mr. WHITE, of Kentucky. I object, and call for the regular order.

Mr. WILLIS. Under the regular order I desire to make another request for unanimous consent. Under the rules of the House, being in charge of the bill, I am entitled to one hour to close debate. I wish to ask unanimous consent that, instead of occupying that hour at the usual time, I be allowed thirty minutes now. My object is—I say it with perfect frankness—to let this matter in reference to the Mississippi River be discussed. It is a great question and one that ought to be discussed.

Mr. HISCOCK. I object.

The SPEAKER *pro tempore*. The gentleman from Kentucky has asked unanimous consent to take a portion of his hour at this time, to which the gentleman from New York objects.

Mr. HISCOCK. We have striven for the privilege of debate on this question, and I do not propose to agree to anything of the kind such as is now proposed by the gentleman from Kentucky.

The SPEAKER *pro tempore*. Objection is made.

Mr. WILLIS. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WILLIS. As I understand, a vote against this amendment of the Committee of the Whole will put back this clause into the bill. I want the House to understand that.

The SPEAKER *pro tempore*. The Chair understands the amendment reported by the Committee of the Whole House on the state of the Union to be to strike out this clause which has been read by the Clerk.

Mr. WILLIS. And to vote against the amendment puts that clause back into the bill.

The SPEAKER *pro tempore*. If the amendment should be rejected the clause will be restored to the bill.

Mr. WHITE, of Kentucky. I call for the regular order. I make the point of order that this is not a time for debate or for the chairman of the River and Harbor Committee to make a speech by asking questions of the Chair.

The SPEAKER *pro tempore*. The Chair sustains the point of order.

Mr. REAGAN. Will the Chair state the question, or have the amendment again read?

Mr. ELLIS. If you vote for this amendment the Mississippi River will be left without appropriation.

Mr. WHITE, of Kentucky. That is what we want.

Mr. KING. That is what you want, but not what the country wants.

Mr. ANDERSON. I rise to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The reading of the amendment has been called for. It will be again read.

The Clerk again read the amendment.

Mr. HUNT. I rise to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HUNT. I wish to know, after the statement of the chairman of the Committee on Rivers and Harbors, whether we can vote without being embarrassed by the provision of the bill relating to Captain Eads.

The SPEAKER *pro tempore*. The Chair can not answer that question.

Mr. WHITE, of Kentucky. I call for the regular order.

The SPEAKER *pro tempore*. The previous question is still operating. The Chair will read clause 3 of Rule XVII:

All incidental questions of order arising after a motion is made for the previous question and pending such motion shall be decided, whether on appeal or otherwise, without debate.

Mr. WHITE, of Kentucky. I call for the regular order.

The SPEAKER *pro tempore*. The regular order is the question on the amendment reported from the Committee of the Whole to strike out this clause.

Mr. WILLIS. I desire to ask a parliamentary inquiry in perfect good faith. The House ought to understand that when this matter was stricken out amendments under the order of the House had been sent to the Clerk's desk and were pending under the special order of the House. They were amendments proposed by the committee and by one or two gentlemen. One of those amendments was to strike out that part of this provision which refers to Captain Eads—

Mr. KEIFER. All amendments went with the clause when it was stricken out.

Mr. WILLIS. I think not. My parliamentary inquiry is this—

Mr. HISCOCK. What is the regular order?

The SPEAKER *pro tempore*. The regular order is the vote on the amendment reported by the Committee of the Whole.

Mr. HISCOCK. I call for the regular order.

Mr. HUNT. I call for the yeas and nays.

Mr. WILLIS. The question I desire to ask is this: whether if the House votes back this clause, the amendment of the committee, striking out the portion relating to Captain Eads, is not then pending under the previous order of the committee?

Mr. REED, of Maine. Oh, no; of course it is not pending.

The SPEAKER *pro tempore*. The Chair will state that it is not pending.

The yeas and nays were ordered.

Mr. WARNER, of Ohio. I ask the Chair to state the proposition on which we are to vote.

The SPEAKER *pro tempore*. The question is on the amendment of the Committee of the Whole to strike out the words which the Clerk has already read twice.

Mr. ANDERSON. And an "ay" vote strikes out Eads.

Mr. HUNT. I give notice that if the clause is restored I will move at the proper time to strike out that portion of it which relates to Captain Eads. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The regular order is called for, and the Clerk will proceed to call the roll.

The question was taken; and there were—yeas 136, nays 141, not voting 48; as follows:

YEAS—136.

Adams, G. E.	Elliott,	McAdoo,	Seymour,
Adams, J. J.	English,	McComas,	Skinner, C. R.
Arnot,	Ermentrout,	McCormick,	Smalls,
Atkinson,	Evans,	Matson,	Smith, A. Herr
Barr,	Everhart,	Millard,	Smith, H. Y.
Bayne,	Fiedler,	Miller, S. H.	Spoooner,
Beach,	Finerty,	Miliken,	Steele,
Belmont,	Funkson,	Mitchell,	Stephenson,
Bingham,	Geddes,	Morrill,	Stevens,
Boutelle,	Greenleaf,	Morse,	Stewart, J. W.
Boyle,	Hanback,	Muller,	Stone,
Brainerd,	Hardy,	Murray,	Storm,
Bretting,	Harmer,	Mutcher,	Strait,
Brewer, F. B.	Hart,	Nutting,	Swope,
Brewer, J. H.	Haynes,	O'Hara,	Taylor, J. D.
Brown, W. W.	Hepburn,	Parker,	Valentine,
Browne, T. M.	Hewitt, A. S.	Patton,	Van Aistyne,
Burleigh,	Hiscock,	Payne,	Vance,
Campbell, J. M.	Hitt,	Payson,	Wadsworth,
Cannon,	Holman,	Peters,	Wait,
Carleton,	Holmes,	Phelps,	Wakefield,
Cobb,	Hopkins,	Poland,	Wallace,
Collins,	Howey,	Potter,	Warner, A. J.
Cook,	Hutchins,	Price,	Weaver,
Cox, W. R.	James,	Pusey,	Weller,
Cullen,	Jones, B. W.	Randall,	Wempie,
Davis, G. R.	Keen,	Raney,	White, J. D.
Davis, R. T.	Kelley,	Ray, G. W.	Whiting,
Deuster,	Ketcham,	Reed, T. B.	Wilkins,
Dingley,	Lacey,	Reid, J. W.	Wilson, James
Dixon,	Lawrence,	Rockwell,	Winans, E. B.
Dunham,	Le Fevre,	Rowell,	Winans, John
Eaton,	Long,	Russell,	Yaple,
Eldredge,	Lyman,	Seely,	York.

NAYS—141.

Aiken,	Davis, L. H.	Jones, J. T.	Rosecrans,
Alexander,	Dibble,	Kelloag,	Shively,
Anderson,	Dibrell,	King,	Singleton,
Bagley,	Dockery,	Lamb,	Skinner, T. G.
Ballentine,	Dowd,	Latham,	Snyder,
Barbour,	Dunn,	Lewis,	Springer,
Barksdale,	Ellis,	Abbey,	Stewart, Charles
Belford,	Ellwood,	Lore,	Stockslager,
Bennett,	Perrell,	Lowry,	Sumner, C. A.
Bisbee,	Findlay,	McCoid,	Talbot,
Blanchard,	Follett,	McMillin,	Taylor, J. M.
Bland,	Foran,	Maybury,	Thomas,
Blount,	Forney,	Miller, J. P.	Thompson,
Breckinridge,	Garrison,	Mills,	Tillman,
Broadhead,	George,	Money,	Townshend,
Buchanan,	Gibson,	Morgan,	Tucker,
Buckner,	Glascock,	Moulton,	Tully,
Budd,	Graves,	Muldrov,	Turner, H. G.
Cabell,	Green,	Murphy,	Turner, Oscar
Caldwell,	Halsell,	Nelson,	Van Eaton,
Carleton,	Hancock,	Oates,	Ward,
Cassidy,	Hardeman,	Ochiltree,	Warner, Richard
Clardy,	Hatch, W. H.	O'Ferrall,	Washburn,
Clay,	Hemphill,	O'Neill, J. J.	Wellborn,
Clements,	Henderson, T. J.	Paige,	White, Milo
Connolly,	Henley,	Peci,	Williams,
Converse,	Herbert,	Perkins,	Willis,
Cosgrove,	Hewitt, G. W.	Pettibone,	Wilson, W. L.
Cot, S. S.	Hill,	Pierce,	Wise, G. D.
Craig,	Hoblitzell,	Post,	Wolford,
Crisp,	Horr,	Pryor,	Woodward,
Culbertson, D. B.	Houk,	Reagan,	Wood,
Culbertson, W. W.	Houseman,	Reese,	Young,
Curtin,	Hunt,	Riggs,	
Dargan,	Jeffords,	Robertson,	
Davidson,	Jones, J. H.	Rogers, J. H.	

NOT VOTING—48.

Blackburn,	Fran,	Robinson, W. E.
Bowen,	Goff,	Rogers, W. F.
Bratton,	Guenther,	Ryan,
Brumm,	Hammond,	Shaw,
Burnes,	Hatch, H. H.	Slocum,
Campbell, Felix	Henderson, D. B.	Spriggs,
Campbell, J. E.	Holton,	Struble,
Candler,	Hooper,	Sumner, D. H.
Chalmers,	Hurd,	Taylor, E. B.
Covington,	Johnson,	Throckmorton,
Cutcheon,	Jones, J. K.	Wise, J. S.
Dorshelmer,	Jordan,	Worthington.
		Robinson, J. S.

So the amendment was not agreed to.

Mr. ROBERTSON. Mr. Speaker, I ask unanimous consent to dispense with the reading of the names.

Several members objected.

The SPEAKER. Objection is made, and the Clerk will recapitulate the names of members voting.

Pending the reading of the names,

Mr. LOWRY. Mr. Speaker, with the understanding on my part that the bill is to be recommitted, with a view to striking out the Eads proposition, I desire to change my vote from "ay" to "no."

Mr. HISCOCK. What understanding is that, Mr. Speaker?

Mr. WHITE, of Kentucky. There may be some understanding in the secret committee, but it is not understood in the House.

The SPEAKER. The gentleman from Indiana [Mr. LOWRY] is simply stating his own understanding about the matter. The Clerk will proceed to read the names.

Mr. BLOUNT. Mr. Speaker, I ask that by unanimous consent the reading of the names be dispensed with.

Several members objected.

Mr. STONE. Mr. Speaker, I wish to inquire if there is an amendment pending which—

The SPEAKER. The result of the vote has not been announced.

Mr. STONE. I wish to change my vote if I am not mistaken as to the posture of this question, and I wish to inquire of the Chair whether there is an amendment pending to strike out the last part of this section, commencing with line 933?

The SPEAKER. The Chair is unable to answer the gentleman's question, because the Chair has not examined the amendments.

Mr. BELFORD. Mr. Speaker, I demand the regular order.

The SPEAKER. The Chair will announce the result of the vote as soon as it can be ascertained. So many changes have been made that the Clerks have some little difficulty in ascertaining the vote.

The following additional pairs were announced from the Clerk's desk: Mr. ROBINSON, of New York, with Mr. KEIFER, for this day.

Mr. JONES, of Arkansas, with Mr. HOOPER, for the rest of the day.

Mr. NICHOLLS with Mr. KETCHAM, for the remainder of the day.

Mr. KLEINER with Mr. GUENTHER, on this vote.

Mr. WILLIAMS with Mr. HOLTON, for this day. If Mr. WILLIAMS were present, he would vote "ay" on the river and harbor bill.

Mr. HAMMOND with Mr. JOHNSON, for this day.

Mr. CAMPBELL, of New York, with Mr. GOFF, on this vote.

Mr. O'NEILL, of Pennsylvania, with Mr. SINGLETON.

Mr. STONE. Mr. Speaker, I think I have a right to stand here without getting into a false position. I receive different reports. I desire to vote "no" upon this question if there is an amendment pending which will give the House a chance to pass upon the proposition I have stated.

The SPEAKER. That is a matter about which the gentleman must inform himself. The Chair is not able to inform the gentleman as to what amendments are pending, because the Chair has not examined them.

Several MEMBERS. Regular order.

Mr. STONE. Well, Mr. Speaker, I understand that there is no such amendment pending, and I desire to have my vote changed if that is the posture of the matter.

The SPEAKER. How does the gentleman desire to vote?

Mr. STONE. I desire to vote "ay," unless there is such an amendment pending.

Mr. REED, of Maine (to Mr. STONE). Say "ay."

Mr. STONE. "Ay"—if that is so. [Laughter.]

The result of the vote was then announced as above stated. [Applause on the Democratic side.]

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House, by Mr. PRUDEN, one of his secretaries, who also informed the House that the President had approved and signed bills of the following titles:

An act (H. R. 8039) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1886, and for other purposes;

An act (H. R. 3258) to authorize the construction of a bridge across the Saint Croix River at the most accessible point between Stillwater and Taylor's Falls, Minn.;

An act (H. R. 7857) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1886, and for other purposes;

An act (H. R. 7585) for the relief of William M. Gardner;

An act (H. R. 7584) for the relief of A. B. Montgomery;

An act (H. R. 5479) to prevent unlawful occupancy of the public lands;

An act (H. R. 6816) for the relief of Nathan J. Shark;

An act (H. R. 483) for the erection of a public building at Keokuk, Iowa; and

An act (H. R. 7498) for the relief of Wehrle, Werk & Son.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. HUNT. I move to reconsider the vote just taken; and also move that the motion to reconsider be laid on the table.

Mr. WHITE, of Kentucky. On that I call for the yeas and nays. The yeas and nays were ordered.

Mr. PAYSON. I desire to inquire upon what question the vote is now to be taken.

The SPEAKER. The Chair was about to state it. The gentleman from Louisiana [Mr. HUNT] moves to reconsider the vote by which the amendment was disagreed to; and also moves to lay that motion on the table. The question is upon laying on the table the motion to reconsider, on which the yeas and nays have been ordered.

Mr. WAIT. Pending that, I move that the House now adjourn.

The motion of Mr. WAIT was not agreed to, there being—ayes 45, noes 124.

The SPEAKER. The Clerk will now call the roll.

Mr. HEWITT, of Alabama. I rise to a parliamentary inquiry. Can not the motion to reconsider, and to lay that motion on the table, be withdrawn by the gentleman who made it?

The SPEAKER. The gentleman has a right to withdraw it before the vote is taken; but he has not withdrawn it.

Mr. HUNT. I withdraw it.

The SPEAKER. The gentleman withdraws his motion.

Mr. ANDERSON. I renew the motion to reconsider.

Mr. WILLIS. I move to lay that motion on the table.

The SPEAKER. The gentleman from Kansas [Mr. ANDERSON] moves to reconsider the vote by which the House refused to agree to the amendment; and the gentleman from Kentucky [Mr. WILLIS] moves to lay that motion on the table.

Mr. WHITE, of Kentucky. I rise to a point of order. The gentleman from Louisiana [Mr. HUNT] made a motion to reconsider, and on that motion I demanded the yeas and nays, which were ordered. The Speaker had directed the Clerk to proceed with the call of the roll. Now I make the point that the gentleman from Louisiana can not withdraw his motion without unanimous consent.

The SPEAKER. The point of order is made too late; but at any rate the same question is still pending, because the gentleman from Kansas [Mr. ANDERSON] has renewed the motion to reconsider, and the gentleman from Kentucky [Mr. WILLIS] has moved to lay that motion on the table. The same question is presented.

Mr. MILLS. I desire to ask whether the gentleman from Kansas voted with the prevailing side upon agreeing to the amendment? Does the record show that? If not, he has no right to make the motion to reconsider.

The SPEAKER. The gentleman from Kansas voted in the negative, which was the prevailing side.

Mr. WILLIS. Then I move to lay the motion to reconsider on the table.

The SPEAKER. That motion has been stated by the Chair.

Several MEMBERS. Yeas and nays.

Mr. BAYNE. The yeas and nays have already been ordered.

The SPEAKER. Not on this question. The motion on which the yeas and nays were ordered was withdrawn.

Mr. BAYNE. Then I call for the yeas and nays.

The yeas and nays were ordered, 51 voting in favor thereof.

The question was taken; and it was decided in the affirmative—yeas 145, nays 133, not voting 46; as follows:

YEAS—145.

Aiken,	Davidson,	Jeffords,	Rosecrans,
Alexander,	Davis, L. H.	Jones, J. H.	Shively,
Bagley,	Dibble,	Jones, J. T.	Skinner, T. G.
Ballentine,	Dibrell,	King,	Snyder,
Barbour,	Dockery,	Lamb,	Springer,
Barksdale,	Dowd,	Lanham,	Stevens,
Belford,	Dunn,	Lewis,	Stewart, Charles
Belmont,	Ellis,	Libbey,	Stockalger,
Bennett,	Ellwood,	Lore,	Sumner, C. A.
Bisbee,	Ermentrout,	Lowry,	Talbot,
Blanchard,	Ferrell,	McCoid,	Taylor, J. M.
Bland,	Findlay,	McMillin,	Thomas,
Blount,	Follett,	Maybury,	Tillman,
Bratton,	Foran,	Miller, J. F.	Tucker,
Breckinridge,	Forney,	Mills,	Tully,
Broadhead,	Funston,	Money,	Turner, H. G.
Buchanan,	Garrison,	Morgan,	Turner, Oscar
Buckner,	George,	Moulton,	Vance,
Budd,	Gibson,	Muldrow,	Van Eaton,
Cabell,	Gilcock,	Murphy,	Wallace,
Caldwell,	Goff,	Nelson,	Ward,
Campbell, J. R.	Graves,	Oates,	Warner, Richard
Cassidy,	Green,	Ochiltree,	Wellborn,
Clardy,	Guenther,	O'Neill, J. J.	Weller,
Clay,	Halsell,	Paige,	White, Milo
Clements,	Hancock,	Peel,	Wilkins,
Converse,	Hardeman,	Pettibone,	Willis,
Congrove,	Hatch, W. H.	Pierce,	Wilson, W. L.
Covington,	Hemphill,	Post,	Wise, G. D.
Cox, S. S.	Henley,	Pryor,	Wood,
Cox, W. R.	Herbert,	Reagan,	Woodward,
Craig,	Hewitt, G. W.	Reid, J. W.	Young,
Crisp,	Hill,	Reese,	
Culbertson, D. B.	Hoblittell,	Riggs,	
Culbertson, W. W.	Houk,	Robertson,	
Curtin,	Houseman,	Rogers, J. H.	
Dargan,	Hunt,	Rogers, W. F.	

NAYS—133.

Adams, G. E.	Arnot,	Bayne,	Boutelle,
Adams, J. J.	Atkinson,	Beach,	Brainerd,
Anderson,	Barr,	Bingham,	

Breitung,	Hardy,	Milliken,	Spooner,
Brewer, F. B.	Harmer,	Mitchell,	Spriggs,
Brewer, J. H.	Hart,	Morrill,	Steele,
Brown, W. W.	Hatch, H. H.	Morse,	Stephenson,
Browne, T. M.	Haynes,	Muller,	Stewart, J. W.
Burleigh,	Henderson, T. J.	Murray,	Stone,
Campbell, J. M.	Hepburn,	Mutchler,	Storm,
Cannon,	Hewitt, A. S.	O'Hara,	Strait,
Carleton,	Hiscock,	O'Neill, Charles	Struble,
Cobbs,	Hitt,	Parker,	Sumner, D. H.
Conolly,	Holman,	Payton,	Swope,
Cook,	Holmes,	Payson,	Taylor, J. D.
Cullen,	Hooper,	Peters,	Valentine,
Davis, G. R.	Hopkins,	Phelps,	Van Alstyne,
Davis, R. T.	Howey,	Poland,	Wadsworth,
Deuster,	Hutchins,	Potter,	Wait,
Dingley,	James,	Price,	Wakefield,
Dixon,	Kean,	Pusey,	Warner, A. J.
Dunham,	Keifer,	Randall,	Weaver,
Eaton,	Kelley,	Ranney,	Wemple,
Eldredge,	Ketcham,	Ray, G. W.	White, J. D.
Elliot,	Lacey,	Reed, T. B.	Whiting,
English,	Lawrence,	Rockwell,	Wilson, James
Evans,	Le Fevre,	Rowell,	Winans, E. B.
Everhart,	Long,	Russell,	Winans, John
Fiedler,	Lyman,	Saney,	Worthington,
Finerty,	McComas,	Seney,	Yaple,
Geddes,	McCormick,	Seymour,	York,
Greenleaf,	Matson,	Smith, A. Herr	
Hanback,	Millard,	Smith, H. Y.	
	Miller, S. H.		

NOT VOTING—46.

Blackburn,	Holton,	Morrison,	Shaw,
Bowen,	Horr,	Neece,	Singleton,
Brumm,	Hurd,	Nicholls,	Skinner, C. R.
Burnes,	Johnson,	Nutting,	Sloum,
Campbell, Felix	Jones, E. W.	O'Ferrall,	Taylor, E. B.
Candler,	Jones, J. K.	Perkins,	Thompson,
Chalmers,	Jordan,	Rankin,	Throckmorton,
Cutcheon,	Kellogg,	Ray, Ossian	Townshend,
Dorshimer,	Kleiner,	Rice,	Williams,
Fyan,	Laird,	Robinson, J. S.	Wise, J. S.
Hammond,	Lovering,	Robinson, W. E.	
Henderson, D. B.	McAdoo,	Ryan,	

So the motion to reconsider was laid on the table.

The following additional pairs were announced:

Mr. CAMPBELL, of New York, and Mr. BOWEN, on this vote.

Mr. TOWNSHEND and Mr. SKINNER, of New York, on this vote.

The result of the vote was announced as above stated.

RETURN OF A BILL TO THE SENATE.

The SPEAKER. The Senate has requested the House to return to that body the bill (H. R. 5713) to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States. If there be no objection an order will be made directing the Clerk to return this bill to the Senate. The Chair hears no objection, and it is so ordered.

REPORT OF COMMISSIONER OF FISH AND FISHERIES.

The SPEAKER. In conformity with the statute, the Chair lays before the House a Senate concurrent resolution for reference to the Committee on Printing.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, February 24, 1885.

Resolved by the Senate (the House of Representatives concurring). That the report of the Commissioner of Fish and Fisheries for the year 1885 be printed, and that there be printed 11,000 extra copies, of which 3,000 shall be for the use of the Senate, 6,000 for the use of the House, 1,500 for the use of the Commissioner of Fish and Fisheries, and 500 for sale by the Public Printer, under such regulations as the Joint Committee on Printing may prescribe, at a price equal to the additional cost of publication and 10 per cent. thereon thereon added; the illustrations to be obtained by the Public Printer under the direction of the Joint Committee on Printing.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. WHITE, of Kentucky. Regular order.

The SPEAKER. The Clerk will report the next amendment.

Mr. WILLIS. I ask unanimous consent that all that part of the clause just voted on and restored to the bill in relation to Captain Eads be stricken out.

Mr. WHITE, of Kentucky. I object, and demand the regular order.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

After line 926, insert—

Mr. WAIT. I move that the House do now adjourn.

The question was taken.

Mr. REED, of Maine. On that I ask the yeas and nays.

The yeas and nays were ordered, 46 members voting therefor, and 124 in opposition.

The question was taken; and there were—yeas 76, nays 176, not voting 72; as follows:

YEAS—76.

Adams, G. E.	Bingham,	Collins,	Dixon,
Anderson,	Boutelle,	Cook,	Dunham,
Atkinson,	Brewer, J. H.	Cullen,	Everhart,
Barr,	Brown, W. W.	Davis, G. R.	Fyan,
Bayne,	Campbell, J. M.	Davis, R. T.	Hanback,
Belford,	Cannon,	Deuster,	Hart,

Haynes, Henderson, T. J. Hepburn, Hewitt, A. S. Hiscock, Hitt, Holmes, Howey, James, Kean, Keller, Kelley, Lawrence,	Long, McComas, Millard, Miller, S. H. Milliken, Morgan, Morrill, Morse, Murray, O'Neill, Charles Parker, Peters, Phelps,	Potter, Price, Ranney, Ray, G. W. Reed, T. B. Rockwell, Rowell, Russell, Skinner, C. R. Small, Smith, H. Y. Spooner, Stephenson,	Strait, Strubie, Sumner, D. H. Taylor, J. D. Wadsworth, Wait, Wakefield, White, J. D. White, Milo Whiting, Wilson, James Winans, E. B. Winans, John.
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NAYS—176.

Adams, J. J. Alexander, Arnold, Bagley, Baillentine, Barbour, Barksdale, Beach, Belmont, Bennett, Bisbee, Blanchard, Bland, Blount, Boyle, Brainerd, Bratton, Breckinridge, Breitung, Brewer, F. B. Broadhead, Browne, T. M. Buchanan, Buckner, Budd, Burlingame, Cabell, Caldwell, Campbell, J. E. Carleton, Cassidy, Clardy, Clay, Clements, Cobb, Connolly, Converse, Cosgrove, Covington, Cox, S. S. Cox, W. R. Craig, Crisp, Culbertson, D. B.	Culbertson, W. W. Curtin, Dargan, Davidson, Davis, L. H. Dibble, Dibrell, Dowd, Dunn, Eldredge, Elliott, Ellis, Ellwood, English, Ermentrout, Evans, Lyman, McCoid, McMillin, Maybury, Miller, J. F. Mills, Mitchell, Moncy, Muldrow, Muller, Mutchler, Nelson, Nutting, Ochiltree, O'Hara, O'Neill, J. J. Paige, Patton, Payne, Peel, Pierce, Perkins, Pettibone, Poland, Post, Pryor, Pusey, Randall, Reagan,	Hunt, Jones, B. W. Jones, J. H. Jones, J. T. Ketcham, King, Lacey, Lamb, Lanham, Le Fevre, Lewis, Libbey, Lore, Loving, Lowry, Lyman, McCoid, McMillin, Maybury, Miller, J. F. Mills, Mitchell, Moncy, Muldrow, Muller, Mutchler, Nelson, Nutting, Ochiltree, O'Hara, O'Neill, J. J. Paige, Patton, Payne, Peel, Pierce, Perkins, Pettibone, Poland, Post, Pryor, Pusey, Randall, Reagan,	Reid, J. W. Reese, Rogers, J. H. Rogers, W. F. Rooserans, Seney, Seymour, Shively, Skinner, T. G. Snyder, Springer, Steele, Stevens, Stewart, Charles Stockalager, Dargan, Davidson, Dingley, Dorshimer, Eaton, Talbot, Taylor, J. M. Thomas, Tilman, Townsend, Tucker, Tully, Turner, H. G. Turner, Oscar Valentine, Van Alstyne, Vance, Van Eaton, Wallace, Warner, Richard Washburn, Weaver, Wellborn, Wemple, Wilkins, Willis, Wilson, W. L. Wise, G. D. Wolford, Yaple, Young.
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NOT VOTING—72.

Aiken, Blackburn, Bowen, Bramm, Burnes, Campbell, Felix Candler, Chalmers, Cutcheon, Dingley, Dockery, Dorshimer, Eaton, Fiedler, Finerty, Funston, Hammond, Harmer,	Henderson, D. B. Hobbitz, Holton, Hooper, Hopkins, Horr, Hou., Hurd, Hutchins, Jeffords, Johnson, Jones, J. K. Jordan, Kellogg, Kleiner, Laird, McAdoo, McCormick,	Matson, Morrison, Moulton, Murphy, Neece, Nicholls, Oates, O'Ferrall, Payson, Rankin, Ray, Ossian Rice, Riggs, Robertson, Robinson, J. S. Robinson, W. E. Ryan, Shaw,	Singleton, Slocum, Smith, A. Herr Spriggs, Stewart, J. W. Storm, Taylor, E. B. Thompson, Throckmorton, Ward, Warner, A. J. Weller, Williams, Wise, J. S. Wood, Woodward, Worthington, York.
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So the House refused to adjourn.

Mr. WILLIS. I ask unanimous consent to dispense with the reading of the names.

Several members objected.

The Clerk then recapitulated the names of those voting.

The following additional pairs were announced:

Mr. O'FERRALL with Mr. MCCORMICK, on this vote.

Mr. OATES with Mr. FIEDLER, on the river and harbor appropriation bill. Mr. OATES would vote "ay" on the bill, Mr. FIEDLER "no."

The result of the vote was then announced as above recorded.

Mr. MILLER, of Pennsylvania. I move that the House take a recess until 10 o'clock to-morrow.

Mr. WILLIS. I hope gentlemen will let us get on with this bill to-night.

The SPEAKER. Debate is not in order.

The question was taken; and on a division there were—ayes 29, noes 80.

Mr. MILLER, of Pennsylvania. No quorum.

The SPEAKER. No quorum having voted, the Chair will order tellers.

Mr. MILLER, of Pennsylvania, and Mr. WILLIS were appointed tellers. The House again divided; and the tellers reported—ayes 22, noes 131.

Mr. MILLER, of Pennsylvania. Still no quorum.

Mr. WHITE, of Kentucky. I move a call of the House.

The motion was agreed to.

The Clerk proceeded to call the roll, when the following members failed to answer to their names:

Adams, J. J. Aiken, Atkinson, Barksdale, Beach, Belford, Bennett, Blackburn, Blanchard, Blount, Brainerd, Breitung, Brewer, F. B. Brewer, J. H. Brunn, Campbell, Felix Candler, Chalmers, Cobb, Collins, Converse, Covington, Cox, S. S. Cox, W. R. Cutcheon, Dargan, Davidson, Dingley, Dorshimer, Eaton,	Ermentrout, Ferrell, Fiedler, Finerty, Funston, Fyan, Geddes, George, Glascok, Hammond, Hancock, Harmer, Henderson, D. B. Henderson, T. J. Henley, Herbert, Hewitt, A. S. Hobbitz, Holton, Hooper, Hopkins, Houk, Hurd, Johnson, Jones, J. K. Jordan, Kelley, Kellogg, Laird, Long,	Lovering, McCoid, McCormick, Matson, Milliken, Mitchell, Money, Morgan, Morrill, Morrison, Morse, Moulton, Murray, Neece, Nicholls, Oates, O'Ferrall, Perkins, Peters, Pettibone, Poland, Post, Randall, Rankin, Ray, G. W. Ray, Ossian Reagan, Rice, Robertson, Robinson, J. S.	Robinson, W. E. Rockwell, Rowell, Russell, Shaw, Shively, Singleton, Skinner, T. G. Slocum, Spriggs, Springer, Stewart, J. W. Stockalager, Storm, Struble, Sumner, C. A. Taylor, E. B. Thompson, Throckmorton, Tilman, Tully, Van Alstyne, Wadsworth, Warner, A. J. Whiting, Williams, Wise, J. S. Wood.
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The SPEAKER. The Doorkeeper will now close the outer doors of the Hall. The Chair will state that this is the proper time to offer excuses for absentees.

Mr. YORK. I will state that my colleague from North Carolina, Judge BENNETT, not feeling very well, has gone to his hotel to get a cup of tea, with the intention of returning presently.

Mr. MILLS. I ask if a quorum has responded.

The SPEAKER. The Chair will see.

Mr. WHITE, of Kentucky. The chairman of the Committee on Rivers and Harbors not being present, and as I understand a quorum is not present, I move that the House do now adjourn.

The SPEAKER. The call of the roll shows that there are two hundred and five members present.

Mr. WILLIS. I move to dispense with further proceedings under the call.

Mr. WHITE, of Kentucky. I move that the House do now adjourn.

The SPEAKER. The gentleman from Kentucky [Mr. WILLIS] moves to dispense with further proceedings under the call, and pending that the gentleman from Kentucky [Mr. WHITE] moves that the House do now adjourn.

The question being taken on the motion to adjourn, it was not agreed to.

The SPEAKER. The question recurs on the motion of the gentleman from Kentucky [Mr. WILLIS] to dispense with further proceedings under the call.

The question was taken; and there were ayes 65.

Before the negative vote was counted,

Mr. WHITE, of Kentucky, said: I rise to a question of order.

The SPEAKER. The House is now dividing.

Mr. WHITE, of Kentucky. I rise to a question of order relative to the vote. I ask whether my colleague from Kentucky, the chairman of the Committee on Rivers and Harbors, who was not present here at the call to answer to his name, has the right to move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Kentucky [Mr. WILLIS] answered to his name on the call.

Mr. WHITE, of Kentucky. I think not.

The SPEAKER. The record shows he did.

The negative vote being called for, there were noes 18.

So further proceedings under the call were dispensed with.

The SPEAKER. The question recurs on the motion made by the gentleman from Pennsylvania [Mr. MILLER] that the House take a recess until to-morrow morning at 10 o'clock, on which no quorum voted.

The question being taken, there were—ayes 59, noes 62.

Mr. HEPBURN. No quorum.

The SPEAKER. A quorum not having voted, the Chair orders tellers, and appoints the gentleman from Nebraska, Mr. VALENTINE, and the gentleman from Kentucky, Mr. WILLIS.

The House again divided, and the tellers reported—ayes 59, noes 78.

Mr. HEPBURN. No quorum.

Mr. WILLIS. I move a call of the House.

The SPEAKER proceeded to put the question on the motion of Mr. WILLIS.

Mr. WHITE, of Kentucky. Pending that motion, I move that the House adjourn.

The SPEAKER. The House is now dividing.

The question being taken, it was decided in the affirmative; and a call of the House was ordered.

The Clerk proceeded to call the roll, when the following members failed to answer:

Adams, J. J.	Eaton,	Lowry,	Rockwell,
Aiken,	Ermentrout,	Lyman,	Rowell,
Atkinson,	Fiedler,	McAdoo,	Russell,
Bagley,	Finerty,	McCold,	Seymour,
Barbour,	Funston,	Millard,	Shaw,
Barksdale,	Geddes,	Milliken,	Shively,
Bayne,	Glascock,	Mitchell,	Singleton,
Beach,	Graves,	Money,	Skinner, T. G.
Belford,	Hancock,	Morgan,	Slocum,
Blackburn,	Hemphill,	Morrill,	Smith, A. Herr
Blount,	Henderson, D. B.	Morrison,	Spriggs,
Bowen,	Herbert,	Morse,	Springer,
Breitung,	Hewitt, A. S.	Moulton,	Stewart, J. W.
Brewer, J. H.	Hill,	Murray,	Stocksager,
Brown, W. W.	Hoblitzell,	Necce,	Stone,
Brum,	Holman,	Nelson,	Strait,
Burnes,	Holton,	Nicholls,	Struble,
Campbell, Felix	Hooper,	Oates,	Sumner, C. A.
Candler,	Hopkins,	Ochiltree,	Taylor, E. B.
Chalmers,	Houk,	Peel,	Thompson,
Collins,	Hurd,	Perkins,	Throckmorton,
Converse,	Jeffords,	Peters,	Townshend,
Cosgrove,	Johnson,	Pettibone,	Tully,
Covington,	Jones, J. K.	Phelps,	Wadsworth,
Cox, S. S.	Jordan,	Randall,	Washington,
Cox, W. B.	Kean,	Rankin,	Whiting,
Curtin,	Kelley,	Ranney,	Williams,
Cutcheon,	Kellogg,	Ray, G. W.	Wise, J. S.
Dargan,	Laird,	Reagan,	Wood,
Davidson,	Lamb,	Rice,	Young,
Dingley,	Long,	Robertson,	
Dockery,	Loving,	Robinson, J. S.	
Dorsheimer,		Robinson, W. E.	

The SPEAKER. The Doorkeeper will close the outer doors of the Hall and the Clerk will report the names of the absentees.

Mr. DUNHAM. Has the House been informed whether a quorum is present or not?

The SPEAKER. The House has not been so informed.

Mr. DUNHAM. That was done before.

The SPEAKER. The Chair has no objection to giving a y information to the House; but there is no rule requiring that information to be given.

Mr. DUNHAM. There may be no rule requiring that information to be given, but I presume the Chair will have no objection to letting the House know what is the fact as to a quorum being present.

The SPEAKER. The Chair will state what is the number of members present as soon as the Clerk reports the names of absentees. The names of absentees will now be called, and this is the proper time to offer excuses, if any.

Mr. DUNHAM. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DUNHAM. Is there any rule which prevents the Speaker from informing the House whether there is a quorum present or not?

The SPEAKER. There is not. The Chair has stated as soon as the list of absentees is certainly ascertained the Chair will make the announcement to the House.

Mr. DUNHAM. On the previous call of the House did not the Chair, on the request of the gentleman from Texas [Mr. MILLS], inform the House that there were something over two hundred members present?

The SPEAKER. The Chair did.

Mr. DUNHAM. Is the Chair willing to make the announcement now?

The SPEAKER. If there be no objection.

Mr. GIBSON and others objected.

The SPEAKER. The names of members who have not answered to their names will now be read, that excuses may be offered.

The Clerk read the names of absentees, as follows:

Mr. ADAMS, of New York: No excuse offered.

Mr. AIKEN: No excuse offered.

Mr. ATKINSON: No excuse offered.

Mr. BAGLEY: No excuse offered.

Mr. BARBOUR: No excuse offered.

Mr. BARKSDALE: No excuse offered.

Mr. BAYNE: No excuse offered.

Mr. BEACH.

Mr. SKINNER, of New York. My colleague, Mr. BEACH, went home sick. I ask that he be excused.

Mr. ELLIS. I object.

The SPEAKER. Objection being made, the question is on the motion of the gentleman from New York [Mr. SKINNER] that his colleague be excused from further attendance this day.

The motion was agreed to; there being—ayes 51, noes 43.

Mr. BELFORD: No excuse offered.

Mr. BLACKBURN.

Mr. CLAY. My colleague, Mr. BLACKBURN, is confined to his room by sickness. I ask that he be excused.

There being no objection, Mr. BLACKBURN was excused.

Mr. BLOUNT: No excuse offered.

Mr. BOWEN: No excuse offered.

Mr. BREITUNG: No excuse offered.

Mr. BREWER, of New Jersey: No excuse offered.

Mr. BROWN, of Pennsylvania: No excuse offered.

Mr. BRUMM: No excuse offered.

Mr. BURNES: No excuse offered.

Mr. CAMPBELL, of New York.

Mr. HARDY. My colleague, Mr. CAMPBELL, went home to attend the funeral of a friend who was to be buried to-day. I ask that he be excused.

There being no objection, Mr. CAMPBELL, of New York, was excused.

Mr. CANDLER.

Mr. CRISP. My colleague, Mr. CANDLER, has been confined to his room the last few days by sickness. I ask that he be excused.

There being no objection, Mr. CANDLER was excused.

Mr. CHALMERS: No excuse offered.

Mr. COLLINS: No excuse offered.

Mr. CONVERSE.

Mr. WALLACE. I ask that my colleague, Mr. CONVERSE, be excused from attendance. He went home very much indisposed.

The SPEAKER. The gentleman from Ohio [Mr. WALLACE] states that his colleague [Mr. CONVERSE] left the House on account of indisposition, and asks that he be excused.

A MEMBER. On account of what?

Another MEMBER. Indisposition.

The SPEAKER. Is there objection?

Several members objected.

The question being taken on excusing Mr. CONVERSE, it was not agreed to; there being—ayes 39, noes 44.

Mr. MILLER, of Pennsylvania. I rise to a parliamentary inquiry. Does the vote on excusing a member require a quorum?

The SPEAKER. It does not. A call of the House is now proceeding, and less than a quorum may compel the attendance of members or excuse members from attendance.

Mr. COSGROVE: No excuse offered.

Mr. COVINGTON: No excuse offered.

Mr. COX, of New York.

Mr. STEVENS. My colleague, Mr. COX, left the House stating to me that he was feeling quite indisposed; and he requested me, if there should be a call of the House, to ask that he be excused.

Mr. ELLIS. His indisposition was indisposition to stay here.

The SPEAKER. Objection is made; and the gentleman from New York [Mr. STEVENS] moves that his colleague [Mr. COX] be excused.

Mr. PAYSON. What is the reason assigned?

Mr. STEVENS. When my colleague left the House he stated to me that he was feeling quite unwell and indisposed; and he asked me, in case there should be a call of the House, to request that he be excused.

Mr. ELLIS. I have known that gentleman to be arrested, brought here, and then dodge the Doorkeeper, and go away.

The question being taken on the motion to excuse Mr. COX, of New York, it was not agreed to, there being—ayes 16, noes 56.

Mr. COX, of North Carolina: No excuse offered.

Mr. CURTIN.

Mr. MUTCHLER. My colleague, Governor CURTIN, left the House a short time ago, saying that he felt too unwell to remain. I ask unanimous consent that he be excused.

Several MEMBERS. That is right.

There being no objection, Mr. CURTIN was excused.

Mr. CUTCHEON.

Mr. HERR. My colleague [Mr. CUTCHEON] has indefinite leave of absence on account of sickness.

The SPEAKER. That is the fact. He is so marked.

Mr. DARGAN: No excuse offered.

Mr. DAVIDSON: No excuse offered.

Mr. DINGLEY: No excuse offered.

Mr. DOCKERY: No excuse offered.

Mr. DORSHEIMER: No excuse offered.

Mr. EATON.

Mr. SEYMOUR. I move that my colleague, Mr. EATON, be excused from attendance. His health is not strong enough to allow him to be out at night.

There being no objection, Mr. EATON was excused.

Mr. ERMENTROUT: No excuse offered.

Mr. FIEDLER.

Mr. FERRELL. I move that my colleague, Mr. FIEDLER, be excused from attendance this evening.

Mr. WILLIS. I object.

Mr. DUNHAM. Mr. Speaker, on what ground is this request made?

The SPEAKER. The Chair does not know.

The motion of Mr. FERRELL was not agreed to.

Mr. FINERTY: No excuse offered.

Mr. FUNSTON: No excuse offered.

Mr. GEDDES.

Mr. WELLER. I ask that the gentleman from Ohio, Mr. GEDDES, be excused. It is known to the House that he is in feeble health.

Mr. WILLIS. I ask the gentleman from Iowa whether he makes this proposition at the request of Judge GEDDES?

Mr. WELLER. No, sir. I make the motion because I think it a very proper one, from my knowledge of the condition of the gentleman's health.

Mr. KEIFER. The motion ought to prevail.

Mr. MATSON. Judge GEDDES told me during the last week that it was impossible for him to come here at night on account of the state of his health.

Mr. KEIFER. There is no doubt that is true.

There being no objection, Mr. GEDDES was excused.

Mr. GLASCOCK.

Mr. VANCE. The gentleman from California, Mr. GLASCOCK, has placed in my hands a request for leave of absence for the residue of this day, on account of sickness in his family.

Mr. FOLLETT. His wife has been seriously ill for the last two weeks, so that he has been able to attend only a portion of the time.

There being no objection, Mr. GLASCOCK was excused.

Mr. GRAVES.

Mr. BROWNE, of Indiana. The gentleman from Missouri, Mr. GRAVES, came to me requesting me to pair with him, stating that sickness in his family compelled him to be absent. I am sure he ought to be excused, and I make that request.

There being no objection, Mr. GRAVES was excused.

Mr. HANCOCK: No excuse offered.

Mr. HEMPHILL: No excuse offered.

Mr. HENDERSON, of Iowa.

Mr. PAYNE. The gentleman from Iowa, Mr. HENDERSON, has been confined to his room for two weeks. I supposed he had leave of absence.

The SPEAKER. The gentleman from Iowa has leave of absence, and will be so marked.

Mr. HENLEY: No excuse offered.

Mr. HERBERT.

Mr. HEWITT, of Alabama. I ask that my colleague, Mr. HERBERT, be excused from attendance this evening on account of sickness in his family.

There being no objection, Mr. HERBERT was excused.

Mr. HEWITT, of New York: No excuse offered.

Mr. HILL: No excuse offered.

Mr. HOBLITZELL: No excuse offered.

Mr. HOLMAN.

Mr. COBB. I move that my colleague, Judge HOLMAN— [Cries of "Object!" and laughter.]

The SPEAKER. The House will be in order. The gentleman from Indiana has a right to state his motion.

Mr. COBB. I move that my colleague, Judge HOLMAN, be excused.

Mr. MILLER, of Pennsylvania, and others objected.

Mr. WILLIS. If Judge HOLMAN were present, I know he would object. Representing him on this occasion, I object.

The question being taken on the motion of Mr. COBB, there were—ayes 54, noes 72.

Mr. DAVIS, of Illinois. I call for the yeas and nays.

On ordering the yeas and nays there were—ayes 25, noes 104—less than one-fifth voting in the affirmative.

Mr. HEPBURN. I call for the tellers on ordering the yeas and nays.

The tellers were not ordered.

So the yeas and nays were not ordered; and the motion of Mr. COBB was not agreed to.

Mr. HOLTON.

Mr. MCCOMAS. My colleague, Mr. HOLTON, has gone to Baltimore on account of sickness in his family. I ask that he be excused.

The SPEAKER. The gentleman from Maryland [Mr. MCCOMAS] asks that his colleague [Mr. HOLTON] be excused.

Mr. TALBOTT. On account of sickness in his family. I know that to be a fact.

There being no objection, Mr. HOLTON was excused.

Mr. HOOPER: No excuse offered.

Mr. HOPKINS: No excuse offered.

Mr. HOUK.

Mr. ADAMS, of Illinois. The wife of the gentleman from Tennessee, Mr. HOUK, is, as I am informed and believe, seriously ill. I think there is no question about the fact. I ask that he be excused.

Mr. GIBSON. Mr. HOUK, before he left, came to members of the committee and stated the cause of his leaving, as the gentleman from Illinois has stated it.

There being no objection, Mr. HOUK was excused.

Mr. HURD: No excuse offered.

Mr. JEFFORDS: No excuse offered.

Mr. JOHNSON.

Mr. WEAVER. The gentleman from New York, Mr. JOHNSON, has been confined to his room for several days by sickness. I ask that he be excused.

There being no objection, Mr. JOHNSON was excused.

Mr. JONES, of Arkansas: No excuse offered.

Mr. JORDAN.

Mr. FOLLETT. I think my colleague is absent on leave.

The SPEAKER. The Chair is advised that the gentleman's colleague [Mr. JORDAN] has no leave of absence.

Mr. FOLLETT. He obtained leave of absence, and has been gone some weeks on important business.

The SPEAKER. His leave has expired.

Mr. FOLLETT. I ask, then, that he be excused.

Mr. BRECKINRIDGE. I object.

The motion was disagreed to.

Mr. KEAN: No excuse offered.

Mr. HATCH, of Missouri. I ask that the gentleman from South Carolina, Mr. AIKEN, who is in the gallery, may be allowed to come into the Hall.

Mr. WELLER. He is accompanied by a lady, and I move that he be excused.

Mr. DUNHAM. There is no objection, provided the glass doors of the barber-shop are locked.

The SPEAKER. The Chair has instructed the doorkeepers under the rule of the House to close the outer doors.

Mr. WILLIS. And I hope that will be done whether they be glass doors or any other doors.

The SPEAKER. If there is any report made to the Chair that the order has been disobeyed the Chair will act promptly.

The motion of Mr. HATCH, of Missouri, was agreed to.

Mr. MILLER, of Pennsylvania. There are several gentlemen at the doors who want to come in, and I move that they be allowed to enter the Hall.

Mr. HEWITT, of Alabama. I object.

Mr. KELLEY.

Mr. O'NEILL rose.

The SPEAKER. The gentleman from Pennsylvania has obtained leave of the House to absent himself during evening sessions, and is therefore excused.

Mr. KELLOGG: No excuse offered.

Mr. LACEY: No excuse offered.

Mr. LAIRD.

Mr. ELLIS. I move that the gentleman from Nebraska be excused.

The SPEAKER. The gentleman from Nebraska had leave of absence, but has since appeared in the Hall. Is there objection to excusing the gentleman from Nebraska?

There was no objection, and it was ordered accordingly.

Mr. LAMB.

Mr. MILLER, of Pennsylvania. I move that Mr. LAMB be excused. He is up in the gallery, and he will be all right when he gets here. I move that he be excused.

The motion was disagreed to.

Mr. LONG: No excuse offered.

Mr. LOVERING: No excuse offered.

Mr. LOWRY: No excuse offered.

Mr. LYMAN: No excuse offered.

Mr. MCADOO: No excuse offered.

Mr. MCCOY: No excuse offered.

Mr. MILLARD: No excuse offered.

Mr. MILLIKEN: No excuse offered.

Mr. MITCHELL: No excuse offered.

Mr. MONEY: No excuse offered.

Mr. MORGAN: No excuse offered.

Mr. MORRILL.

Mr. ANDERSON. My colleague remained here until late and has gone home for dinner. I ask that he be excused for one hour.

Mr. BLANCHARD. I object.

Mr. MILLS. We will not object if the gentleman will substitute himself for his colleague.

Mr. MORRISON.

Mr. DUNHAM. I move that my colleague, Mr. MORRISON, be excused.

Mr. BRECKINRIDGE. Is not Mr. MORRISON absent on leave?

The SPEAKER. He has not a leave of absence.

Mr. ANDERSON. Will somebody be kind enough to say why Mr. MORRISON is absent? [Laughter.]

The SPEAKER. The Chair thinks the noes have it.

Mr. DUNHAM. I ask for a division on my motion.

The House divided; and there were—ayes 60, noes 41.

Mr. WHITE, of Kentucky, called for tellers.

Tellers were not ordered.

So the motion was agreed to.

Mr. MORSE: No excuse offered.

Mr. MOULTON: No excuse offered.

Mr. MURRAY: No excuse offered.

Mr. NEECE.

Mr. RIGGS. I would inquire whether my colleague has not leave of absence?

The SPEAKER. No leave of absence has been granted or asked for.

Mr. RIGGS. My colleague was suddenly called from the Hall by

telegram, and I move that he be excused. He has been uniformly constant in his attendance upon the sessions of the House, and under the circumstances he ought to be excused for the evening session.

Mr. DUNHAM. The House should know the reason of the gentleman's absence.

The SPEAKER. The House can not compel anybody to give a reason for him.

The House divided; and there were—ayes 37, noes 44.

So the motion was disagreed to.

Mr. HERR. Is it in order to go back to the list? [Cries of "Regular order!"] I ask that Mr. HANCOCK, of Texas, be excused, as it is well known to many of us he ought not to be here on account of his health, and it is not right to bring him here.

Mr. ELLIS. There is no objection.

Mr. HERR. I move that he be excused.

The motion was agreed to.

Mr. NELSON: No excuse offered.

Mr. NICHOLLS: No excuse offered.

Mr. OATES: No excuse offered.

Mr. OCHILTREE: No excuse offered.

Mr. PEEL: No excuse offered.

Mr. PERKINS: No excuse offered.

Mr. PETERS: No excuse offered.

Mr. PETTIBONE: No excuse offered.

Mr. PHELPS.

Mr. HITT. Mr. Speaker, the gentleman from New Jersey [Mr. PHELPS] was here the greater part of the afternoon, and went away feeling quite unwell. I know that he was severely indisposed, and I move that on account of his indisposition he be excused.

The motion was agreed to.

Mr. ELLIS. I ask that Judge POLAND, of Vermont, be excused.

The motion was agreed to.

Mr. GUENTHER. I ask that Mr. SPRINGER be excused on account of sickness in his family.

The motion was disagreed to.

Mr. RANDALL.

Mr. HAMMOND. I move that Mr. RANDALL be excused. He has been quite unwell for some time.

Mr. BRECKINRIDGE. I move that Mr. RANDALL be excused.

The SPEAKER. The gentleman from Georgia has already made the motion.

Mr. VAN ALSTYNE. I believe Mr. RANDALL is a member of a committee which is entitled to sit during the sessions of the House, and I venture to say he is now in his committee-room, and if advised he is wanted will come into the Hall.

The motion was agreed to.

Mr. RANKIN.

Mr. DEUSTER. Mr. RANKIN has leave of absence and is away from the city. I move that he be excused.

The motion was agreed to.

Mr. RANNEY: No excuse offered.

Mr. RAY, of New York. Night before last I was sick with a cold and confined to my bed, and to-day I have been suffering with a cough. I am not able to continue longer in this night's session, and therefore ask to be excused.

There was no objection, and it was ordered accordingly.

Mr. RAY, of New Hampshire.

Mr. HAYNES. Mr. Speaker, I was informed this morning that my colleague, Mr. RAY, was confined at home by sickness and unable to be here. He has a very bad cold and is unable to speak aloud. I think it is a case that justifies an excuse, and I ask that he be excused.

There was no objection.

Mr. REAGAN.

Mr. LANHAM. I move that my colleague, Mr. REAGAN, be excused from attendance to-night. He left here about an hour ago not feeling at all well, and stated that he was unable to attend. As is well known his health is not vigorous at best.

There was no objection, and Mr. REAGAN was excused.

Mr. RICE: No excuse offered.

Mr. ROBERTSON.

Mr. WOLFORD. My colleague, Mr. ROBERTSON, went away from here, as he said, sick; and in addition to that—

Mr. BROWNE, of Indiana. Do I understand the gentleman from Kentucky to say that his colleague is sick?

Mr. WOLFORD. He said he was.

Mr. BROWNE, of Indiana. Looking pale, I suppose? [Laughter.]

Mr. WOLFORD. In addition to that he has not seen his wife for a long time, and she is now here, having just come. I move that he be excused.

The motion was not agreed to.

Mr. WHITE, of Kentucky. Division.

Mr. POST, of Pennsylvania. I ask that the gentleman from Texas, Mr. OCHILTREE, be excused, as I understand, owing to some recent unpleasantness, it is not safe for him to be out after dark. [Laughter.] Objection was made.

Mr. WHITE, of Kentucky. I demanded a division on the motion to excuse my colleague, Mr. ROBERTSON.

The House divided; and there were—ayes 24, noes 63.

So the motion was not agreed to.

Mr. WELLER. I move that the gentleman from New York, Mr. ADAMS, be excused. [Cries of "Regular order!"]

Mr. CANNON. The gentleman from Connecticut, Mr. WAIT, is present, and has asked me to request that he be excused to-night.

Mr. WAIT. I have had a great deal of work to do in various ways to-day in the line of my duty, and I hardly feel as if I ought to stay here through the night, particularly when I know from experience in the past, and believe now, that no good results follow from such sessions. I have paired with the gentleman from Missouri, Judge BUCKNER, for whom I entertain a great deal of esteem, and ask that he also be excused.

Mr. ANDERSON. Let us have a division of the question.

Mr. HATCH, of Missouri. I demand a division of the question. I am perfectly willing to excuse the gentleman from Connecticut, but not the gentleman from Missouri.

The SPEAKER. The gentleman has a right to demand a division and a separate vote. The question is, Shall the gentleman from Connecticut be excused?

Mr. WAIT was excused.

The question recurred on the motion to excuse Mr. BUCKNER.

Mr. WHITE, of Kentucky. I move to amend that by excusing as many from our side as from the other. It is not fair to excuse gentlemen who are against the bill and keep all those here who favor it.

The SPEAKER. Debate is not in order.

Mr. GEORGE D. WISE. Would it be in order to move to amend by excusing the gentleman from Kentucky, Mr. WHITE?

The SPEAKER. It would not. The question is, Shall the gentleman from Missouri, Mr. BUCKNER, be excused?

The question was taken; and on a division there were—ayes 47, noes 60.

So the motion was not agreed to.

Mr. DAVIS, of Massachusetts. I had supposed my colleague [Mr. RICE] had leave of absence, until I heard his name called. It is well known that he has been ill for a long time, and he is now at his home in Massachusetts on that account.

There was no objection, and Mr. RICE was excused.

JAMES S. ROBINSON: No excuse offered.

WILLIAM E. ROBINSON: No excuse offered.

Mr. ROCKWELL: No excuse offered.

Mr. ROWELL: No excuse offered.

Mr. DUNHAM. I move that Mr. JAMES S. ROBINSON, secretary of state of Ohio, be excused.

Mr. HART. Mr. ROBINSON is not a member of the House, and has not been since the 12th of January.

Mr. BROWNE, of Indiana. I understand he is in this city, and as we need a quorum we might as well send for him.

Mr. CANNON. I ask that my colleague, Mr. ROWELL, be excused.

The SPEAKER. There is a question before the House.

The Chair will state to the gentleman from Ohio that the question as to whether or not his late colleague [Mr. ROBINSON] is a member of this House or not has been referred to the Committee on Elections by order of the House to settle that very point, and is still pending, no report having been made.

Mr. DUNHAM. Is he not a member of the House?

The SPEAKER. The Chair prefers not to decide the question which the Committee on Elections are instructed to investigate.

Mr. DUNHAM. Then I insist upon my motion that he be excused.

Mr. HART. Mr. Speaker, I suppose I will be permitted to make a suggestion at least. I stated to the House that Mr. ROBINSON was not a member of this House and had not been since January 12. That day he filed his resignation with the governor of the State of Ohio, and it has been entered upon the records there. The matter was referred here to the Committee on Elections and the report is ready to be presented as soon as it can be reached.

Mr. DUNHAM. Bring it in, then.

Mr. HART. You had better send for it.

Mr. BAYNE. I move to lay the motion on the table.

Mr. VAN ALSTYNE. I would like to call attention to one fact: If this man shall be arrested and is not a member of this House, we would be liable for false imprisonment.

Mr. COOK. The Sergeant-at-Arms would be.

The SPEAKER. This motion is not debatable.

The motion to lay on the table was agreed to.

Mr. POTTER. I move that my colleague, Mr. WILLIAM E. ROBINSON, be excused. He is a very old man and not able to be here to-night.

There was no objection.

Mr. RUSSELL: No excuse offered.

Mr. SHAW.

Mr. WORTHINGTON. I move that my colleague, Mr. SHAW, be excused. He has not been able to attend the House during this session.

Mr. PAYSON. I think Mr. SHAW has indefinite leave of absence, on account of sickness.

The motion to excuse Mr. SHAW was agreed to.

Mr. SHIVELY: No excuse offered.

Mr. SINGLETON.

Mr. MULBROW. I move that my colleague, Mr. SINGLETON, be excused.

There was no objection.

Mr. THOMAS G. SKINNER: No excuse offered.

Mr. SLOCUM.

Mr. WEMPLE. I move that my colleague, Mr. SLOCUM, be excused from further attendance this day. He is now engaged on the committee preparing for the inauguration.

The motion was agreed to.

Mr. SMITH, of Pennsylvania.

Mr. O'NEILL, of Pennsylvania. I ask that my colleague, Mr. SMITH, be excused from attendance at the night session.

There was no objection.

Mr. SPRIGGS: No excuse offered.

Mr. SPRINGER.

Mr. VAN ALSTYNE. The gentleman from Illinois, Mr. SPRINGER, is chairman of a committee that is privileged to sit during the session of the House. I know that to-day he was engaged with the business of that committee.

Mr. HENDERSON, of Illinois. And I know that Mr. SPRINGER's wife is sick.

Mr. PAYSON. Mr. SPRINGER is in attendance on his wife, who is ill, and has been so the entire winter. I move that he be excused.

There was no objection.

Mr. STEWART, of Vermont: No excuse offered.

Mr. STOCKSLAGER.

Mr. MATSON. I am informed by the gentleman from Michigan [Mr. MAYBURY] that my colleague, Mr. STOCKSLAGER, left the Hall within the last hour requesting him to see some of his colleagues and have him excused on account of ill-health. I know that Mr. STOCKSLAGER is in delicate health, and I think he ought to be excused.

There was no objection.

Mr. STONE: No excuse offered.

Mr. VAN EATON. I ask that the gentleman from Texas, Mr. OCHILTREE, be excused, on account of sickness in his family.

The SPEAKER. That request is not in order at this time.

Mr. STRAIT.

Mr. WAKEFIELD. I ask that my colleague, Mr. STRAIT, be excused. He is now standing outside the door.

Objection was made.

Mr. STRUBLE: No excuse offered.

Mr. SUMNER, of California.

Mr. BUDD. I ask that my colleague, Mr. SUMNER, be excused. He has been ill for several days and is not able to be out this evening.

Mr. GEORGE D. WISE. The gentleman's colleague [Mr. SUMNER] is in the lobby now. [Laughter.]

The SPEAKER. Does the gentleman from Virginia object?

Mr. GEORGE D. WISE. I do.

Mr. BUDD. I do not know whether my colleague is in the lobby or not, but I know he has been dangerously ill for several days. If he is in the lobby now it is because he has determined to discharge his duty, however sick he may be.

Mr. GIBSON. I know that Mr. SUMNER has been sick. I ask that he be allowed to come in.

The SPEAKER. The gentleman from California [Mr. BUDD] moves that his colleague [Mr. SUMNER] be excused.

The question was taken; and there were—ayes 65, noes 10.

So the motion was agreed to.

Mr. O'NEILL, of Pennsylvania. I ask that my colleague, Mr. ERMENROUT, be excused. I understand he is not well.

The SPEAKER. The name of Mr. ERMENROUT has been passed. The Chair will recognize the gentleman hereafter to make that request.

Mr. EZRA B. TAYLOR: Absent on leave.

Mr. THOMPSON: No excuse offered.

Mr. THROCKMORTON.

Mr. MILLS. I ask that my colleague, Mr. THROCKMORTON, be excused.

There was no objection.

Mr. TOWNSEND.

Mr. MCCOMAS. I move that Mr. TOWNSEND be excused. I understand he had to attend a conference.

The motion was not agreed to.

Mr. TULLY: No excuse offered.

Mr. WADSWORTH: No excuse offered.

Mr. WASHBURN: No excuse offered.

Mr. WHITING: No excuse offered.

Mr. WILLIAMS.

Mr. HEWITT, of Alabama. I ask that my colleague be excused on account of sickness. He has been sick all day.

There was no objection.

Mr. JOHN S. WISE: No excuse offered.

Mr. WOOD: No excuse offered.

Mr. YOUNG: No excuse offered.

Mr. WHITE, of Kentucky. I move that Mr. WOOD be excused.

Mr. WELLER. I would like to know the reason for the request to excuse Mr. WOOD.

The SPEAKER. The gentleman from Kentucky [Mr. WHITE] moves that the gentleman from Indiana [Mr. WOOD] be excused.

Mr. HATCH, of Missouri. I move as an amendment that the gentleman from Indiana [Mr. WOOD] be allowed to come from the gallery of the House.

The SPEAKER. That motion is not in order as an amendment. It requires unanimous consent.

Mr. HATCH, of Missouri. I ask unanimous consent.

The SPEAKER. The request for unanimous consent can not be entertained pending the motion that Mr. WOOD be excused.

The motion that Mr. WOOD be excused was not agreed to.

Mr. HATCH, of Missouri. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. WOOD] be allowed to come in. Several members objected.

Mr. ELLIS. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana, Mr. LOWRY, be permitted to come in. He was here all day. He went down to the restaurant to get some lunch and happened to miss answering to his name when called.

Mr. HISCOCK. Mr. Speaker, I ask the gentleman to include in that request the gentleman from Massachusetts, Mr. RANNEY, and the gentleman from New York, Mr. MILLARD.

Mr. ELLIS. Certainly.

Mr. WHITE, of Kentucky. Mr. Speaker, I ask unanimous consent that all members now in the lobby be admitted to the floor of the House.

Mr. BUDD. I object.

Mr. WILLIS. I hope that objection will be withdrawn.

Mr. BUDD (after a pause). I withdraw it.

The SPEAKER. There being no objection, the order will be made. The Doorkeeper will admit the gentlemen, and their names will be recorded by the Clerk.

A number of members who had been waiting in the lobby entered the Hall and were proceeding to their seats.

The SPEAKER. The Chair will state to the gentlemen who have just come in that unless they take their places in such order that the Clerk can distinguish them, their names will probably be included in the order of the House for the arrest of absentees by the Sergeant-at-Arms.

The following-named gentlemen appeared in front of the Clerk's desk and, as they were called, answered to their names: Messrs. ADAMS of New York, BAGLEY, BROWN of Pennsylvania, DINGLEY, ERMENROUT, HENLEY, LONG, LOWRY, MILLARD, MITCHELL, MONEY, OCHILTREE, RANNEY, ROWELL, STRAIT, SHIVELEY, SKINNER of North Carolina, TULLY, and WOOD.

Mr. WILLIS. Mr. Speaker, I move the adoption of a resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its members as are now absent without the leave of the House.

Mr. WHITE, of Kentucky. Mr. Speaker, I move to dispense with all further proceedings under this call.

The SPEAKER. That motion is not in order at this time. The question is upon the adoption of the resolution offered by the gentleman from Kentucky [Mr. WILLIS].

Mr. MILLER, of Pennsylvania. Mr. Speaker, I rise to ask whether or not a quorum is now present in the House, according to the count? [Cries of "Regular order!"]

The SPEAKER. The Chair thinks there is more than a quorum. The question is on the adoption of the resolution offered by the gentleman from Kentucky [Mr. WILLIS].

Mr. WHITE, of Kentucky. I move to lay that resolution on the table.

Mr. HISCOCK. Mr. Speaker, ought not the names of the absent members to be included in the resolution?

The SPEAKER. The Chair thinks that is not usual.

The question was taken on the resolution offered by Mr. WILLIS; and it was agreed to.

Mr. HATCH, of Missouri. Mr. Speaker, I move to dispense with all further proceedings under the call. [Cries of "No!" "No!"]

Mr. HATCH, of Missouri. We have a quorum now present.

A MEMBER. No matter.

The SPEAKER. The gentlemen from Missouri moves to dispense with further proceedings under the call.

Mr. WILLIS. I hope that motion will be withdrawn. We want to pass this bill.

The SPEAKER. The question is on the motion made by the gentleman from Missouri [Mr. HATCH].

Mr. WILLIS. I hope it will be voted down.

The question was taken on the motion of Mr. HATCH to dispense

with further proceedings under the call; and on a division there were—
ayes 39, noes 93.

So the motion was not agreed to.

After a pause, during which the Clerk was engaged in making out the warrant for the arrest of the absentees, the following proceedings occurred.

Mr. LONG. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. LONG. A few moments ago, returning from my dinner and attempting to enter this Hall, officers of the House refused me admittance. I claim that that is a violation of my privileges as a member of this House. I understand the rule to be that—

In the absence of a quorum, fifteen members, including the Speaker, if there is one, shall be authorized to compel the attendance of absent members, and in all calls of the House the names of the members shall be called by the Clerk, and the absentees noted; the doors shall then be closed, and those for whom no sufficient excuse is made may, by order of a majority of those present, be sent for and arrested, wherever they may be found, by officers to be appointed by the Sergeant-at-Arms for that purpose, and their attendance secured; and the House shall determine upon what condition they shall be discharged.

That is, absent members who are under arrest for violation of the order of the House shall be discharged on rendering proper excuse. I claim that I was here not under arrest; that I presented myself at the door and sought to enter, and that I was excluded—

The SPEAKER. What motion does the gentleman submit?

Mr. LONG. It might be said that the House was justified in excluding me because of the constitutional provision which says that the House shall make rules to regulate its proceedings. The first question is: What are the proceedings there referred to? Whether they are the ordinary transaction of business, or whether those "proceedings" go so far as to include the matter of the attendance or the exclusion of members.

It should be remembered that this is a personal right; that the constitutional provision and all rules and laws relating to personal rights should be construed very strictly; and that no member, either in his representative or his personal capacity, should be excluded unless the right to exclude him is very clear. Now, it is doubtful whether the constitutional provision applies any further than to the ordinary proceedings of the House, the transaction of business, and whether it applies at all to the regulation of the movement of members; and further than that, I take it that the constitutional right of each House to regulate its own proceedings does not apply to the personal attendance of members, because there is another provision in the Constitution which regulates that matter.

The provision is that the House may compel the attendance of absent members. That provision also must be construed strictly, because it affects a personal right. It gives the House no power over the persons of members present, no authority with regard to keeping members in the Hall; it simply gives the House power to compel the attendance of absent members, and a member must be absent before the House has, in this way, any constitutional right over him. I claim that I was not an absent member, that I was here, not under arrest, not in contempt, not absent in any sense, but a member of the House present and seeking to enter this Hall, and that my privilege was impaired by not permitting me to enter.

The SPEAKER. Under Rule IX questions of privilege are defined, and there must be some question presented in order to constitute a question of privilege. Does the gentleman make any motion?

Mr. ADAMS, of Illinois. Mr. Speaker, if it is in order I will submit a resolution expressive of the sense of the House. I think it raises a practical question, and an important one. Nothing should be done under the guise of the constitutional right of members to prevent a small part of this House from compelling the attendance of absent members, but it is not necessary, when a gentleman returns here and offers voluntarily to come into the Hall of the House, that he should be prevented from so doing; and the rule of the House requiring the doors to be closed might be construed, and in my opinion ought to be construed, as providing a means whereby members who are here present and whose presence is needed should be prevented from leaving the House—which I take to be a legitimate exercise of the authority of the House. [Cries of "No!" "No!"] Therefore, Mr. Speaker, if it is in order, I will submit the following resolution:

Resolved, That it is the sense of this House that the rule requiring the doors to be closed upon a call of the House should not be so construed as to prevent members from voluntarily returning to the Chamber, provided they are not under arrest by the Sergeant-at-Arms.

Mr. WILLIS. Mr. Speaker, I make the point of order upon that resolution that it would change existing rules.

Mr. KING. I move that that resolution be referred to the Committee on Rules.

Mr. MUTCHLER. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. MUTCHLER. I desire to inquire whether at this time there is anything in order except a motion to adjourn or further proceedings under the call.

The SPEAKER. There are various motions which might be in order, such as questions relating to excusing members, imposing fines upon members, or other conditions upon which they might be released—

Mr. MUTCHLER. Mr. Speaker, I raise the point of order that the

resolution offered by the gentleman from Illinois [Mr. ADAMS] is not in order at this time.

The SPEAKER (continuing). But the effect of the resolution offered by the gentleman from Illinois [Mr. ADAMS] appears to be an instruction to the Doorkeeper during these proceedings to admit to the floor of the House all members who are not under arrest. The Chair thinks the resolution affects the proceedings now going on.

Mr. McMILLIN. In order to determine the facts I would like to ask a question. The gentleman from Massachusetts [Mr. LONG] has risen to a question of privilege and made his point. The doors of the House were closed pursuant to the order of the House after a call of the House under the rules. What I desire to ask the gentleman is whether he was present when his name was called as a member and answered?

Mr. LONG. I will answer the gentleman, I was not present.

Mr. McMILLIN. He was not. Then it was for the purpose of securing the attendance of those in the same condition that the call of the roll was had.

Mr. WILLIS. I ask that clause 1 of Rule VIII be read.

Mr. PAYSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAYSON. Is the motion of my colleague subject to amendment?

The SPEAKER. The Chair has not decided yet whether the motion is in order.

Mr. PAYSON. Is a point of order pending?

The SPEAKER. It is. The Clerk will read clause 1 of Rule VIII. The Clerk read as follows:

1. Every member shall be present within the Hall of the House during its sittings, unless excused or necessarily prevented.

The SPEAKER. Now, another rule of the House provides that when members are not present in the House during its sitting, and it is so disclosed by the call of the roll, the doors shall be immediately closed, and that, the Chair thinks, is what was done to-day. The Chair does not understand the gentleman from Massachusetts to contend that any rule of the House has been violated, but that the rule which was adopted was perhaps beyond the power of the House.

Mr. LONG. That is the point.

The SPEAKER. Therefore there is no question for the Chair to decide. If any question is presented it must be decided by the House.

Mr. LONG. The rules of the House are not valid unless they are authorized by the Constitution. My point is in regard to the first rule, which has been read, which says that every member shall be present and shall not absent himself without leave of the House; that no power is given by the Constitution to the House to so far abridge the personal liberty of a member that he can not go and come as he pleases, but if he goes and is absent then the power is given by the Constitution to the House to compel his attendance.

Mr. ADAMS, of Illinois. I have reduced my resolution to writing, and ask it be read.

The Clerk read as follows:

Resolved, That hereafter the order of the House that the doors be closed and absent members be sent for shall not be so construed as to prevent members not in arrest from voluntarily entering the Hall of the House.

The SPEAKER. The Chair thinks that resolution is not in order, because that is a proposition either to change or to construe a rule for all time to come in the House. The Chair does think any proposition which is in the form of instruction to doorkeepers as to what course they shall pursue on the present occasion during these proceedings would be in order. If the House adopted such a resolution it would be taken as a precedent for the guidance hereafter, as a matter of course.

Mr. ADAMS, of Illinois. I ask unanimous consent to say a few words and submit the reference of that resolution to the Committee on Rules.

The SPEAKER. It can not be referred while the House is proceeding under a call of the House.

Mr. MILLER, of Pennsylvania. I rise to a parliamentary inquiry. I find in the Digest, page 242, the following:

At the conclusion of the call of the roll, the names of the absentees are called over, and a list of those for whom no sufficient excuse is made and furnished the Sergeant-at-Arms, and thereupon the doors are closed.

Now, the inquiry I wish to make is, Was it proper to close the doors until the call had been made for members to make their excuses? I understand the doors had been closed.

The SPEAKER. The Clerk will read Rule XV, page 195, clause 2. The Clerk read as follows:

In the absence of a quorum fifteen members, including the Speaker, if there is one, shall be authorized to compel the attendance of absent members.—RULE XV, clause 2. But where less than that number are present, a motion for a call can not be entertained.—*Journal*, 1, 23, page 885.

Mr. MILLER, of Pennsylvania. As I understood, the doors were closed while the Clerk was calling the roll for excuses.

The SPEAKER. The rule says the names of the members shall be called and the absentees entered, and then the doors shall be closed, and after that members for whom no excuse was offered may be brought in.

Mr. MILLER, of Pennsylvania. I hold the latest edition of the Manual in my hand, and it is different from that on page 242.

The SPEAKER. Then it is in opposition to the rules of the House. Mr. O'NEILL, of Pennsylvania. Several members are at the door

waiting to come in. I think the House should permit them to do so as we did with others a while ago.

Mr. ROGERS, of Arkansas. I object.

Mr. WILLIS. I hope that will be done, their names being called as before.

The was no objection, and it was ordered accordingly.

Mr. ADAMS, of Illinois. I desire to offer a resolution.

The SPEAKER. The Clerk will first call the names of gentlemen who are entitled to admission under the unanimous consent given.

The Clerk called the roll of the following gentlemen, who responded to their names, and were entered, as present: Mr. PETTIBONE, Mr. TILLMAN, Mr. SPRIGGS, Mr. DAVIDSON, Mr. BARKSDALE, Mr. FINKERTY, Mr. RUSSELL, Mr. WHITING, Mr. COLLINS, Mr. STREUBLE, Mr. HILL, Mr. COSGROVE, Mr. BURNES, and Mr. DOCKERY.

Mr. ADAMS, of Illinois. I now ask to offer the resolution which I send to the desk.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the doorkeepers be, and they hereby are, instructed to admit any member in the House who may present himself, and who is not under arrest.

Mr. ADAMS, of Illinois. That, Mr. Speaker, will not relieve any member who is absent and who does not voluntarily return before being served with a process of arrest by the Sergeant-at-Arms.

Mr. COSGROVE. But that is a change of the rule, and I make the point of order on it.

The CHAIRMAN. The Chair thinks not. It simply relates to the proceeding now going on under the call of the House. It is the same precisely as the unanimous consents which have been given some two or three times to-night to admit members who were at the doors of the House after a call of the House had been ordered.

Mr. ADAMS, of Illinois. The adoption of that resolution, Mr. Speaker, will not relieve any member from the penalty for being absent without leave. It will simply relieve him from the physical inconvenience of waiting in the lobby until there shall be a number of members gathered and somebody asks unanimous consent to let them in. When any member comes in under this resolution his name can be reported, and there is no practical inconvenience to result from it, while on the other hand there is great practical inconvenience to result from the adoption of that instruction.

Mr. BAYNE. I hope that resolution will be adopted. I think it important hereafter to be regarded as a precedent in cases of this kind. For that reason I believe the rule which contemplates the arrest of members for absence without leave is intended to apply to those who willfully, or, it may be, contumaciously, absent themselves without the consent of the House. It has often occurred that members, as I have observed on many occasions during the years I have been a member of this House, have gone out temporarily, intending to return, or leave the House perhaps in the belief that it would soon adjourn, and as soon as they learned that the House was in session, or that a call of the House was going on, or that their presence was needed, have made haste to get back to be in attendance.

On all such occasions they have been stopped by this order which the resolution now before us seeks to set aside; and I believe the spirit and the meaning of the rule would be embraced in that proposition, and that when any member not under arrest comes to the door of the House and presents himself desiring to be admitted, it should be the rule of the House, and if it is not the rule that it should be so amended or construed as to allow the member to be admitted without being subjected to the indignity of being arrested and brought before the bar of the House to offer an excuse, or perhaps, as is usually the case on such occasions, to be made a mere butt of ridicule by the members.

I hope for these reasons that this resolution will be adopted, because I think it is a proper resolution and one that will commend itself to the judgment of the House.

Mr. MATSON. Mr. Speaker, I can not agree with the gentleman from Massachusetts or with the gentleman from Illinois in their construction of this rule. More than that, it seems to me that the adoption of the resolution proposed by the gentleman from Illinois would be to establish a bad precedent, for the reason that it would necessarily encourage absenteeism.

Whenever it is known that a member may absent himself from the House, and that if he can possibly escape the Sergeant-at-Arms he may return at will without being arrested, it will have the effect of inviting members to stay away. It ought to be well understood that if a member is absent without leave and in contempt of the House, he subjects himself to arrest and is liable to be called upon to answer at the bar of the House an account of his absence.

Mr. ROGERS, of Arkansas. I agree fully with the views expressed by my friend from Indiana who has just taken his seat. If it is an indignity to be arrested, an indignity which members of Congress desire to avoid, they can readily do so by being present during the sessions of the House and avoid absence without leave. It is also a very great indignity for them to go and leave other members of the House here to transact the public business without a quorum.

Mr. Speaker, I believe the custom heretofore adopted in arresting

members of Congress who had absented themselves without leave during its session, and of releasing them here by making a farce of the whole proceeding, is a custom that is more honored in the breach than in the observance. We ought to enforce or change that rule, and have it understood that when a member of the House during its sessions leaves the House without its consent and leaves the House without a quorum during its sessions, to the detriment of the public business and the inconvenience of other members, he should not only be subjected to the indignity of arrest, but he should be punished and made to attend the sessions of the House. That is my view.

We have sat here several nights during this session of Congress without a quorum because members of Congress have neglected their duties and left the House without leave. The rule now is bad enough in itself. But this resolution which is presented by the gentleman from Illinois will simply allow members hereafter to absent themselves without leave, and when they have gone from the presence of the House to return and slip in at one of the doors so as to avoid the Sergeant-at-Arms, thereby preventing our ascertaining when we have reached a quorum to go on with the public business.

Now, Mr. Speaker, I do not mean to say that when a gentleman has sat here for six, or eight, or ten hours he should not be permitted to go to the restaurant or some other place to get his dinner. What I mean to say is that when a man willfully and deliberately leaves this body and goes to his room understanding that the House is in session and leaves us without a quorum for the discharge of our public duties he ought to be subjected to the indignity of a public arrest for not being here, because he is in contempt of the dignity of this body.

Mr. BROWNE, of Indiana. The rules of the House have never been enforced so far as this question of absenteeism is concerned. The coercive power of the rule amounts to nothing. For eight years past I have seen on repeated occasions members arrested; no one has ever been punished or even reprimanded because of his absence. I do not believe that this rule ought to be continued any longer by the House. It were better that we leave representatives of the people upon their honor to be present here in the discharge of their public duties.

I assert, as within the experience of all of us, that when there has been a call of the House, and the officers have been sent to arrest those who are absent, they come or remain away, as they please. If they please to do so, they disregard the orders of the House, and decline to accompany its officers. I know that that has been the experience of the officers of the House during the present session of this Congress. Where is the necessity, let me ask, of continuing a rule that has never been enforced, that we laugh at, that we sneer at? When men have been arrested and brought into the presence of the Speaker, and have been inquired of as to the reason of their absence, there then begins a stupendous farce, all of us who are now putting ourselves on our dignity joining in it. Even my distinguished friend from Arkansas [Mr. ROGERS], I have no doubt, would enjoy himself with the rest in bringing reproach and ignominy upon the rules and upon the authority of the House. [Cries of "Vote!" "Vote!"]

The rule is perhaps good enough, but we have made it exceedingly absurd in the manner in which we have sought to enforce it; and I predict that if members are arrested by the Sergeant-at-Arms and brought before the House to-night there will be such an exhibition as ought at least to gratify every gentleman who has a proper sense of the dignity of his position. I call your attention to what will happen in the event members are arrested; and after we have gone through with these proceedings, I would then like to see some gentleman get up in his place and say we ought to preserve the dignity of the House and secure the transaction of its public business by the enforcement of these rules.

Mr. COSGROVE. I move to lay the resolution on the table.

The question being taken, there were—ayes 100, noes 36.

Mr. VALENTINE. I call for the yeas and nays.

On the question of ordering the yeas and nays, there were ayes 9—not a sufficient number.

So the resolution was laid on the table.

Mr. GEORGE D. WISE. I move to dispense with all further proceedings under the call.

Mr. WHITE, of Kentucky. I desire to present a motion precedent to that.

The SPEAKER. The gentleman from Kentucky will state his motion.

Mr. WHITE, of Kentucky. I do not know if it will be in order until I submit it to the Chair. It is that the Sergeant-at-Arms, having been directed not to arrest the members who voluntarily—

The SPEAKER. There is a motion pending to dispense with all further proceedings under the call.

Mr. WILLIS. I ask my friend from Virginia to withhold that motion for three or four minutes.

The question being taken on the motion of Mr. GEORGE D. WISE, the Speaker stated that in the judgment of the Chair the "noes" had it.

Mr. GEORGE D. WISE. I call for a division.

The House divided; and there were—ayes 66, noes 88.

Mr. GEORGE D. WISE. I call for the yeas and nays.

On the question of ordering the yeas and nays, there were—ayes 27, noes 117.

So (the affirmative not being one-fifth of the whole vote) the yeas and nays were refused, and the motion to dispense with further proceedings under the call was not agreed to.

Mr. WHITE, of Kentucky. I rise to make a privileged motion.

The SPEAKER. The gentleman will state it.

Mr. WHITE, of Kentucky. Clause 2 of Rule XV, which has been read by the Speaker, provides as follows:

2. In the absence of a quorum, fifteen members, including the Speaker, if there is one, shall be authorized to compel the attendance of absent members, and in all calls of the House the names of the members shall be called by the Clerk, and the absentees noted; the doors shall then be closed, and those for whom no sufficient excuse is made may, by order of a majority of those present, be sent for and arrested, wherever they may be found, by officers to be appointed by the Sergeant-at-Arms for that purpose, and their attendance secured; and the House shall determine upon what condition they shall be discharged.

Now, Mr. Speaker, we have had the roll called; we have had the absentees ascertained; we have ascertained who are still absentees; and I now move that the Sergeant-at-Arms be directed to bring in the absentees but that he shall not arrest any member who voluntarily presents himself at the door of the House for admission. And I desire to make a few remarks on that point.

Mr. Speaker, I call attention to section 5 of the Constitution (page 4 of the Manual), which provides that—

Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members in such manner and under such penalties as each House may provide.

Now, Mr. Speaker, the House has provided by Rule VIII (which is on page 167 of the Manual) that "every member shall be present within the Hall of the House during its sittings"—

Mr. BLAND and Mr. WILLIS addressed the Chair.

Mr. WHITE, of Kentucky. Mr. Speaker, I hope I shall have order. [Laughter.]

The SPEAKER. The gentleman from Kentucky [Mr. WHITE] has the floor.

Mr. WHITE, of Kentucky. Mr. Speaker, I was calling attention to the first clause of Rule VIII, which provides that—

Every member shall be present within the Hall of the House during its sittings, unless excused or necessarily prevented; and shall vote on each question put, unless, on motion made before division or the commencement of the roll-call and decided without debate, he shall be excused, or unless he has a direct personal or pecuniary interest in the event of such question.

[Cries of "Vote!" "Vote!" "Louder!" "Louder!"]

Mr. WHITE, of Kentucky. I would like to have order, Mr. Speaker. I am clearly speaking upon the question before the House.

The SPEAKER. The House will be in order.

Mr. WHITE, of Kentucky. Mr. Speaker, I have called attention to the fact that under the rules which I have read and under the Constitution we have the right to compel the attendance of members. Now, sir, when any member is here and seeking to enter this Hall it is not necessary that we should compel his attendance. These provisions are designed for that class of members who are at Welcker's, who are at the theaters, who are in one place or another away from their duties; they are designed to enforce the attendance of such members as, in the language of the chairman of the Committee on Rivers and Harbors, have been away "making cabinets" for the next administration [laughter]; such men as the chairman of the Committee of Ways and Means, who is now disturbing the Illinois Legislature. [Renewed laughter.]

I desire to call the attention of the House also to sections 40 and 41 of the Revised Statutes, which were passed in order to enforce the attendance of members; and in order to rest my voice, which is feeble [laughter], I ask the Clerk to read.

The Clerk read as follows:

SEC. 40. The Secretary of the Senate and Sergeant-at-Arms of the House respectively shall deduct from the monthly payment of each Member or Delegate the amount of his salary for each day that he has been absent from the Senate or House respectively, unless such Member or Delegate assigns as a reason for such absence the sickness of himself or of some member of his family.

Mr. VAN EATON. Mr. Speaker, I rise to a parliamentary inquiry. I desire to inquire whether the gentleman from Iowa [Mr. WELLER] is present? [Laughter.]

Mr. WHITE, of Kentucky. Mr. Speaker, before asking the Clerk to read the next section, I will say to the gentleman from Mississippi [Mr. VAN EATON] that even Mr. WELLER, if he were present, would know how to behave himself.

Mr. WEAVER. Mr. Speaker, I desire to know if it necessarily follows that the man who has the most mouth is entitled to all the time of this House? [Laughter.]

The SPEAKER. The House will be in order.

Mr. WHITE, of Kentucky. Mr. Speaker, I think the suggestion of the gentleman from Nebraska is correct, and as soon as I get through I will yield to him. [Renewed laughter.]

Now, Mr. Speaker, I desire the House to listen to the reading of these two short sections of the Revised Statutes to which I have called attention. They are not welcome sections to some gentlemen here, but they

are in the Revised Statutes, and they bear directly on this question of compelling the attendance of members. By the provisions of those sections of the Revised Statutes the House has the right (which as a means of compelling the attendance of members is worth much more than all this performance here to-night) of withholding the salary of a member who is absent without proper excuse. That is the point I want to make. You smoke your cigars, gentlemen; you lie back in your seats and jeer at me, but the RECORD will show to-morrow morning whether I have spoken the truth or not. I now ask the Clerk to read these two sections, section 41 and also section 40, again, because members did not hear it; and I ask the Speaker to preserve order.

The Clerk read as follows:

SEC. 40. The Secretary of the Senate and the Sergeant-at-Arms of the House, respectively, shall deduct from the monthly payment of each Member or Delegate the amount of his salary for each day that he has been absent from the House or Senate respectively, unless such Member or Delegate assigns as the reason for such absence the sickness of himself or of some member of his family.

SEC. 41. When any Member or Delegate withdraws from his seat and does not return before the adjournment of Congress, he shall, in addition to the sum deducted for each day, forfeit a sum equal to the amount which would have been allowed by law for his traveling expenses in returning home; and such sum shall be deducted from his compensation, unless the withdrawal is with the leave of the Senate or House of Representatives, respectively.

Now, Mr. Speaker, to these gentlemen who have laughed here so eloquently [laughter], and to this committee, which is doing nothing here to-night because it lacks a quorum, and to those who would arrest a member who appears at the door asking to be admitted, I commend a careful reading of these two sections of the Revised Statutes.

If you are going to compel the attendance of members, enforce the law. You can withhold the salary of every member who does not attend on this floor. No member has a right to be absent from a roll-call unless he is excused. But, sir, from whose salary has there been any deduction made? The gentleman from Nebraska [Mr. WEAVER] rises here and makes fun of me for calling attention to these laws; yet he stands in contempt of the House—in violation of Rule XIV, clause 7, on page 195, which says that no gentlemen shall smoke on the floor of the House. [Laughter.] Any man can play the part of a boor; but to a gentleman—

Mr. WEAVER. I suggest to the gentleman from Kentucky that it is necessary for a person to do something to keep from being bored to death. [Laughter.]

Mr. WHITE, of Kentucky. Anybody can discover that he is a boor. Upon such gentlemen I have no time to waste.

Now, Mr. Speaker, what is the situation? Here we are without a quorum, with the river and harbor bill upon our hands. It reminds me very much of a little anecdote I once heard. During that remarkable contest in 1876, when it was a question whether Tilden had the one majority or whether Hayes had the one majority, Zack Chandler, the great hero of Michigan, was Secretary of the Interior. One of the clerks in the Interior Department drew a picture of the elephant that was supposed to be on Mr. Zack Chandler's hands as chairman of the national Republican committee—

A MEMBER. Will the gentleman allow me to ask a question?

Another MEMBER. Oh, let him finish his anecdote.

Mr. WHITE, of Kentucky. I was talking about an elephant, Mr. Speaker. I will attend to the other animals by and by. [Laughter.]

Mr. Speaker, I was saying that we had the river and harbor bill on our hands, and that it reminded me of a little anecdote. This clerk drew the picture of Zack Chandler; and the hands of Mr. Chandler were represented as holding to the scandal appendage of the elephant. [Laughter.] Mr. Chandler was driving the elephant across a bridge. The bridge had broken down; and Mr. Chandler was represented with one foot on each pillar on which the bridge had been supported. The question was whether Mr. Chandler would be able to get his elephant across. Mr. Chandler thought this picture so good a joke that he presented it to General Grant, then President, and asked him whether he thought he would be able to deliver the elephant. General Grant told him he thought he would if the tail-hold did not break. [Great laughter.]

Now, Mr. Speaker, here is the situation we are in. For seventy years the Democratic party has told us that it was unconstitutional to appropriate money out of the public Treasury for river and harbor improvements. Away back when the old Cumberland turnpike road was appropriated for it was declared by the Democratic party unconstitutional to make such an appropriation. A few years ago, Mr. Speaker, you and the chairman of this committee and a few other prominent gentlemen on this floor to-day, together with other gentlemen of the country, entered your solemn protest against the passage of a river and harbor bill which was as far superior in merit to this one as the angel of light is to the fiend of infernal darkness.

Now we have the elephant on the hands of this Speaker, and on the hands of this chairman of the River and Harbor Committee to-day who made that protest, but whom I now hear urging us to pass a bill which the elegant and eloquent gentleman from Arkansas says has for its backbone the Mississippi River Commission and the Mississippi River appropriation, which has for its ribs the tentacles of that Mississippi River Commission—\$150,000,000 to be sunk in the fruitless work which the gentleman from Arkansas describes, which has in the past been begun

on the Mississippi River. Here is your elephant. Now the question is, can you in the next five days of this Forty-eighth Congress get your elephant across the bridge? Look at the gentleman from Arkansas, and my colleague, the chairman of this committee, and their cohorts who are supporting them, and say, do you think they will be able to deliver the elephant? Not even if the tail-hold hangs in place!

Mr. VAN EATON. I rise to a privileged motion.

The SPEAKER. The gentleman will state it.

Mr. VAN EATON. Mr. Speaker, I understand that the successor of the gentleman from Kentucky is present. I move that he now be sworn in. [Laughter.]

Mr. WHITE, of Kentucky. Mr. Speaker, I will say to the gentleman that if there had been a fair election in his district his face would never have been seen in this Hall. If there had been a fair election in his State there would have been no representative to interrupt and insult me on this floor.

Mr. VAN EATON. If there had been a fair, intelligent election in the gentleman's district he never would have been here. [Laughter and applause.]

Mr. WHITE, of Kentucky. I want to say to the gentleman in behalf of my successor that he is a gentleman, and that is more than I can say of the gentleman from Mississippi. [Laughter.]

Mr. VAN EATON. It is more than I can say for his predecessor. [Renewed laughter.]

Mr. WHITE, of Kentucky. I shall not be diverted from my purpose. [Laughter and applause.]

Mr. KING. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KING. My point of order is this: What is the order of business before the House?

The SPEAKER. The gentleman from Kentucky makes a motion to instruct the Sergeant-at-Arms in execution of the order of the House.

Mr. KING. I move that it be laid upon the table.

The SPEAKER. The gentleman has not the floor.

Mr. KING. Then let us proceed to business.

Mr. O'NEILL, of Missouri. I make the point of order that the gentleman from Kentucky is not confining himself to the question before the House.

The SPEAKER. That point of order is well taken. The gentleman from Kentucky made a motion to instruct the Sergeant-at-Arms not to arrest gentlemen who were at the doors of the House seeking admission, and that is the only question before the House.

Mr. WHITE, of Kentucky. I submit to you as a fair-minded man that I was not digressing from my subject.

The SPEAKER. The gentleman was discussing the river and harbor bill.

Mr. WHITE, of Kentucky. I will state to the Chair—if he will keep the member from Mississippi who holds a position on this floor contrary to the will of the people of his district from interrupting me—that he will bear in mind that I did not digress from the resolution until I was interrupted repeatedly by the gentleman—if the House will allow me to call him so—from Nebraska [laughter] and the member from Mississippi.

Mr. HAMMOND. I demand the words of the gentleman from Kentucky be taken down. Under the rule he will now take his seat until the words have been taken down.

Mr. BROWNE, of Indiana. Then we should take down almost all the words that have been said this evening.

Mr. WHITE, of Kentucky. If it be unparliamentary, I will withdraw the expression.

The SPEAKER. The gentlemen will proceed in order. The Chair will state that the gentleman from Kentucky can not be interrupted without his consent, and the Chair will protect him.

Mr. WHITE, of Kentucky. I hope the Chair will do so.

The SPEAKER. The gentleman must confine himself to the question before the House.

Mr. HAMMOND. What has become of my demand?

The SPEAKER. The gentleman has withdrawn his language.

Mr. GIBSON. I ask whether a member can rise and be impudent and offensive and then withdraw his remarks and proceed?

The SPEAKER. It is always in the power of the House to take such action as it sees proper concerning any gentleman who violates its rules: The withdrawal of the remarks by the gentleman does not deprive the House of the right to take any course it sees proper in reference to the matter; but it does, the Chair thinks, dispense with the taking down the language.

Mr. GIBSON. I wish to ask whether if under the parliamentary law, when a gentleman has transgressed the rules by offensive and unparliamentary remarks, simply by withdrawing them he can go on, or whether it is in the power of the House to stop the gentleman until those remarks can be acted on by the House.

Mr. SPEAKER. But no proposition has been made to take any action in regard to the gentleman from Kentucky.

Mr. GIBSON. I object.

Mr. BOUTELLE. I rise to a point of order, that this whole proceeding is out of order.

Several members rose to interrupt.

Mr. BOUTELLE. I am not, I believe, obliged to answer for my remarks to any gentleman who may interject questions from the floor. I am addressing the Speaker of this House, and I have every confidence I will be fully protected in my rights by that official. My point of order is that objection having been made to the remarks of the gentleman from Kentucky and a motion made that his words be taken down, the gentleman from Kentucky thereupon having withdrawn the expressions against which objections were urged, and having been permitted to do so and pursued his line of remark in order, it is not now in order for any gentleman to raise the point against him.

The SPEAKER. It is not, unless the gentleman offers some proposition in regard to the matter.

Mr. HAMMOND. May I be permitted to make one remark?

Mr. WHITE, of Kentucky. This does not come out of my time? [Laughter.]

The SPEAKER. It will not be taken out of the gentleman's time.

Mr. HAMMOND. As soon as the gentleman from Kentucky withdrew his remark I had no further thought of any motion, because I desire to state, while I think the gentleman's remarks were out of order, the gentleman from Kentucky had been greatly provoked. [Cries of "That is true!" and applause.]

The SPEAKER. The gentleman from Kentucky will proceed.

Mr. O'NEILL, of Missouri. I rise to a point of order, that before the gentleman can debate the question his motion should be submitted and stated by the Chair.

The SPEAKER. The Chair has stated it more than once.

Mr. WHITE, of Kentucky. I hope I shall be allowed before proceeding to return my sincere thanks to the gentleman from Georgia for his very sincere and kind remark. I would not have departed from this subject but from frequent and unkind interruptions. The House will bear me witness when I rose to discuss this question I was met by jeers and laughter and cries of "Vote!" which culminated in gentleman after gentleman rising to interrupt me. Up to that time I assert, and to-morrow morning you will find by the RECORD, without correction by me, that I had not digressed one iota from the resolution which is on the Clerk's desk, which is as to how we shall compel the attendance of absent members.

Now we are here wasting hours, you say, but we are not wasting the hours if you with seventy majority can not produce a quorum. If a member gets to that door and wishes to be admitted I do not want a page to put his hand on his breast, as one did on me a few moments ago, and as another officer did on the distinguished ex-governor of Massachusetts, and say you shall not come in because the rules show you were not present.

On further examination they found that I had been present, and that I had not been absent from any roll-call, and had simply gone down to get a meal of victuals and had returned before the completion of the roll. I say, sir, a member who wants to attend here and is at the door waiting to enter should not be prohibited from entering.

Now, the objection is made to the resolution of the gentleman from Illinois [Mr. ADAMS] that it was a change of the rule. I am endeavoring to show that under the rule and under the general statutes, if the rules and the laws were enforced by fining members—not fining them, but by withholding their pay if they are absent without leave, or if absent without an excuse—that you will never find yourselves without a quorum. Members of Congress must eat. Members of Congress in order to eat in this city must draw their pay of about \$17 a day under this law which I have read.

A MEMBER. No, not \$17, but \$14.

Mr. WHITE, of Kentucky. I am told that it is less than \$14. I think it is between \$16 and \$17. But that does not matter.

Now, under this section 40 it is provided:

That the Sergeant-at-Arms of the House shall deduct from the monthly payment of each member the amount of his salary for each day that he has been absent from the House, unless such Member or Delegate assigns as the reason of such absence the sickness of himself or some member of his family.

That is the law. Here is our rule, Rule VIII, upon the same subject, which goes further and says that he shall vote on all questions unless he shall be excused, or unless he has some pecuniary interest in the matter. Now what I want to do is to let members come in who want to come in.

But the members who are in Illinois, the members who are away making cabinets, who are giving big dinners at Welcker's, who are at the theaters, and who are absent without excuse and who are not sick, who in justice to their constituents and in justice to you and to me, who are endeavoring to make a quorum here for the transaction of the public business, ought to be in their seats, I say they should not be permitted to draw their salaries under the law, and should be brought here under that clause of the Constitution to which I have called your attention, and the other clause which provides that a majority of each House shall constitute a quorum to do business. Without a quorum we can not do business.

If they are absent we have not a quorum. If you enforce the law, and deduct the pay from their salary for each day they are absent without leave or excuse, you will make much better headway.

I speak here, sir, for a personal reason. It has been alleged through your Democratic press, through your mercenary press, that I am here

obstructing public business. Has it come to this, that one member on this floor under the rules of this House can obstruct the business when you have a majority of 70 over my head and over the heads of the Republican minority who occupy seats on this floor? And, sir, do you believe the people of this great nation are such fools that they will believe your newspaper liars on that subject?

It occurs to me, sir, that another reason holds in this case. Every member knows that when you fill that lobby with members who voluntarily present themselves there, with the Sergeant-at-Arms closing the door in their faces, that when they come in here it is to go through a simple farce; for they are excused, they are permitted to take their seats and are rehabilitated with all the power vested by the Constitution and the people in a member on this floor. Now, I say you should not prohibit those persons from entering. Let them come in, the sooner the better; and have your Sergeant-at-Arms not go through a mere empty form, but in reality arrest members that are not earning their pay.

Let him arrest those who are away seeking to interfere with a State Legislature; seeking to corrupt the President-elect, who, the last time I heard from him, was in a saloon in Buffalo telling, as they say, a few of "the boys" he could not be with them at a dinner, and was very sorry for it. [Hisses on the Democratic side.] Oh you may hiss, but it has never been denied—it has never been denied—and I pause. I will not consider it an interruption if any gentleman on this floor will rise in his place and say he denies that the President-elect was in a saloon in Buffalo and wrote on a piece of paper—

Mr. WILLIS. I rise to a question of order. The gentleman is proceeding without order.

The SPEAKER. The gentleman will confine himself to the question before the House, which is on the motion as to how the Sergeant-at-Arms shall be directed to arrest absent members.

Mr. GIBSON. It is disgraceful.

Mr. WHITE, of Kentucky. I would like, Mr. Speaker, for the Clerk to state how many are absent, as shown from the last roll-call, if it be in order, in my time.

The SPEAKER. The gentleman can have it read as a part of his remarks.

Mr. GIBSON. Mr. Speaker—

Mr. WHITE, of Kentucky. I do not want to have the names read; I only want to have the number given by the Clerk.

The SPEAKER. The Clerk can not, except by unanimous consent, make a statement.

Several members objected.

The SPEAKER. The gentleman has a right to have anything read in his time.

Mr. WHITE, of Kentucky. I ask that the number be read.

The SPEAKER. Objection is made.

Mr. WHITE, of Kentucky. I do not wish to advertise those who are absent. They may have good excuses.

Mr. TULLY. Give him the names if he wants them.

Mr. GIBSON. The gentleman shall not utter deliberate falsehoods on this floor.

Mr. BROWNE, of Indiana. I ask that the words of the gentleman from West Virginia be taken down.

Mr. GIBSON. I do not take them back. I repeat them.

Mr. BROWNE, of Indiana. I ask that the additional statement of the gentleman from West Virginia be taken down also.

The SPEAKER. That will be done.

Mr. GIBSON. And if the House—

Mr. MILLER, of Pennsylvania. I ask that the gentleman whose words are being taken down be required to take his seat.

The SPEAKER. The rules require that the gentleman whose language has been ordered taken down should take his seat.

The reporter proceeded to write out the words ordered to be taken down.

Mr. BOUTELLE. I submit that under the rules the gentleman whose words are being taken down shall take his seat.

The SPEAKER. The rule will be enforced.

Mr. BLAND. I ask that I be excused from further attendance. I have been here all day and have been sick all evening, and am not able to continue in attendance.

There was no objection, and Mr. BLAND was excused from further attendance.

Mr. YORK. I have been here all day and all evening, but am very unwell. I ask to be excused from further attendance.

Mr. BROWNE, of Indiana. It is well known the gentleman from North Carolina [Mr. YORK] has been in bad health for a long time.

The SPEAKER. If there be no objection the gentleman from North Carolina will be excused.

There was no objection.

Mr. WELLER. I desire to make a similar request on behalf of the gentleman from North Carolina, Mr. VANCE. His wife is very ill.

Mr. WILLIS. I hope that request will be granted.

The SPEAKER. The gentleman from Iowa [Mr. WELLER] asks unanimous consent that the gentleman from North Carolina [Mr. VANCE] be excused on account of sickness in his family. Is there objection?

There was no objection.

The SPEAKER. The Clerk will now read the language of the gentleman from West Virginia which was ordered to be taken down.

The Clerk read as follows:

Mr. GIBSON. The gentleman shall not utter deliberate falsehoods on this floor. Mr. BROWNE, of Indiana. I ask that the words of the gentleman from West Virginia be taken down.

Mr. GIBSON. I do not take them back. I repeat them.

Mr. BROWNE, of Indiana. I am not surprised that in the confusion which prevailed in the House the reporters should have been somewhat inaccurate in repeating the language of the gentleman from West Virginia. I took it down at the time. His language to which I excepted was this:

And the gentleman has been standing here to-night uttering deliberate falsehoods.

The SPEAKER. The Chair did not in the confusion hear the language to which exception was taken—that is, the first part of it—and is therefore unable to say whether the language has been accurately taken down or not.

Mr. MILLS. I ask that the language of the gentleman from Kentucky [Mr. WHITE] to which the gentleman from West Virginia replied be coupled with the language of the gentleman from West Virginia, which has been taken down.

Several MEMBERS. Too late.

Mr. MILLS. It is not too late.

The SPEAKER. The Chair will cause the rule to be read.

The Clerk read clauses 4 and 5 of Rule XIV, as follows:

4. If any member, in speaking or otherwise, transgresses the rules of the House, the Speaker shall, or any member may, call him to order; in which case he shall immediately sit down, unless permitted, on motion of another member, to explain, and the House shall, if appealed to, decide on the case, without debate; if the decision is in favor of the member called to order, he shall be at liberty to proceed, but not otherwise; and if the case require it, he shall be liable to censure or such punishment as the House may deem proper.

5. If a member is called to order for words spoken in debate, the member calling him to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the House; but he shall not be held to answer, nor be subject to the censure of the House therefor, if further debate or other business has intervened.

The SPEAKER. The Chair thinks the gentleman from Texas [Mr. MILLS] is, under the rule, too late in asking the language of the gentleman from Kentucky [Mr. WHITE] to be taken down.

Mr. MILLS. I do not ask to have the language of the gentleman from Kentucky taken down in order to put him on trial; but I desire that the language of the gentleman from Kentucky shall be read in connection with the reply made by the gentleman from West Virginia.

The SPEAKER. That may be done as a matter of debate.

Mr. BROWNE, of Indiana. I submit the first question that concerns the House is to ascertain the language used by the gentleman from West Virginia, and then to determine whether or not it is parliamentary.

Mr. GIBSON. Mr. Speaker, may I be allowed to correct the statement of my friend from Indiana [Mr. BROWNE] as to the language I used. I used the word "advertise."

Mr. KEIFER. Mr. Speaker, I make the point of order that the gentleman from West Virginia [Mr. GIBSON] should not participate in this discussion. I make the point as much for his protection as for the enforcement of the rule.

The SPEAKER. The gentleman from West Virginia can not take part in the discussion without the consent of the House.

Mr. ELLIS. Mr. Speaker, the language used by the gentleman from West Virginia [Mr. GIBSON] has been misquoted here, and if he has not a right to be heard, I state for him that the gentleman from Indiana [Mr. BROWNE] is mistaken as to the language used. The gentleman from West Virginia [Mr. GIBSON] says that he used the word "advertised."

Mr. KEIFER. Oh, we heard him.

Mr. BROWNE, of Indiana. Will the gentleman from Louisiana [Mr. ELLIS] state his recollection of the entire sentence?

Mr. ELLIS. I did not catch the language, but I am contending for the right of the gentleman from West Virginia [Mr. GIBSON] to utter his correction.

Mr. BROWNE, of Indiana. Mr. Speaker, I am entirely willing that the gentleman from West Virginia should do so. I do not submit this question in malice or with the least ill-will.

Mr. ELLIS. Then, Mr. Speaker, I ask that the gentleman from West Virginia [Mr. GIBSON] be allowed to state the language he did use.

Mr. KEIFER. That can only be done by unanimous consent.

Mr. GIBSON. Mr. Speaker, I did say— [Cries of "Regular order!"]

The SPEAKER. The House will be in order.

Mr. BROWNE, of Indiana. Mr. Speaker, I understand that the House has consented that the gentleman from West Virginia shall correct the language that I have attributed to him wherein he deems that there is inaccuracy in my statement of it.

The SPEAKER. The Chair has been endeavoring to secure order so that these proceedings may go on in a regular way. The gentleman from West Virginia [Mr. GIBSON] asks consent to make a statement.

Mr. MILLER, of Pennsylvania. No; not to make a statement. I object to that.

Mr. TALBOTT. Mr. Speaker, under the rules the gentleman has a right to make a statement.

The SPEAKER. He has no right to make any statement without the consent of the House.

Mr. ELLIS. Consent is asked only for the gentleman to reiterate what he said.

The SPEAKER. That, the Chair supposes, can be done only by a statement.

Mr. BUCKNER. Mr. Speaker, there is no misunderstanding among several gentlemen here, including myself, as to what the gentleman from West Virginia [Mr. GIBSON] said. We understand that he used the word "advertise."

Mr. BROWN, of Pennsylvania. What was the balance of the statement?

A MEMBER. "Deliberate falsehood."

Mr. BROWNE, of Indiana. I am willing to take it that way; "and the gentleman has been standing on the floor to-night advertising deliberate falsehood."

Mr. VALENTINE. He did not say that.

A MEMBER. He said "utter;" there is no question about that.

Mr. MORSE. Admit that, and then it is true.

The SPEAKER. Is there objection to allowing the gentleman from West Virginia [Mr. GIBSON] to make a statement simply as to what he did say.

Mr. AIKEN. Mr. Speaker, does that require unanimous consent?

The SPEAKER. The Chair is asking unanimous consent—

Mr. AIKEN. I object.

The SPEAKER (continuing). But the House by a vote has a right to permit the gentleman to make a statement.

Mr. AIKEN. If it requires unanimous consent I object.

Mr. ELLIS. Then, Mr. Speaker, I move that the gentleman from West Virginia [Mr. GIBSON] be allowed to proceed to make his statement.

The SPEAKER. The gentleman from Louisiana [Mr. ELLIS] moves that the gentleman from West Virginia [Mr. GIBSON] be allowed to make a statement as to what he said at the time his language was objected to.

The motion was agreed to.

The SPEAKER. The gentleman from West Virginia [Mr. GIBSON] has permission of the House to make a statement as to what he did say when his language was objected to.

Mr. BROWNE, of Indiana. Let me suggest, Mr. Speaker—

The SPEAKER. The House will be in order. The gentleman from West Virginia [Mr. GIBSON] has the floor.

Mr. GIBSON. Mr. Speaker, I said: "I submit that the gentleman from Kentucky has no right to stand on this floor and advertise a deliberate falsehood." [Applause on the Democratic side, and cries of "Regular order!"]

The SPEAKER (after a pause). What order will the House take with reference to this matter?

Mr. HAMMOND. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. HAMMOND. The gentleman who requested that the words of the gentleman from West Virginia [Mr. GIBSON] should be taken down makes no motion, and there is nothing pending before the House.

Mr. BROWNE, of Indiana. I have been waiting, Mr. Speaker, for the purpose of ascertaining, if we could, what the language employed by the gentleman from West Virginia [Mr. GIBSON] was.

Mr. HAMMOND. And the gentleman from Indiana [Mr. BROWNE] had it read from the RECORD and said that was wrong, gave his own version of it, and then consented that the gentleman from West Virginia [Mr. GIBSON] should state it himself. The gentleman from West Virginia [Mr. GIBSON] stated it, and the House has waited in vain for a motion, and there is nothing now pending before the House. [Cries of "Regular order!"] We wait for a motion.

The SPEAKER. The Chair has asked what action the House will take in the matter.

Mr. BROWNE, of Indiana. I ask the Speaker under the rules to determine whether or not the language of the gentleman from West Virginia [Mr. GIBSON] was in order, whether it was parliamentary?

A MEMBER (to Mr. BROWNE, of Indiana). Now offer your resolution.

Mr. BROWNE, of Indiana. I do not care whether the language was as I understood it, or as understood by the reporter, or as now stated by the gentleman from West Virginia himself.

The SPEAKER. If the gentleman from Indiana will examine the rule he will find that in cases where exception is taken to the language of a member and it is reduced to writing, it is for the House to determine whether the member shall be censured, or what other course shall be taken with reference to the matter.

Mr. BROWNE, of Indiana. I move, therefore—

Mr. MILLS. Now, Mr. Speaker, in order that the House—

The SPEAKER. The gentleman from Indiana has the floor.

Mr. BROWNE, of Indiana. I move, therefore, that it is the judgment of this House that the language used by the gentleman from West Virginia was unparliamentary and in violation of its rules, and that he is subject to the censure of the House.

Mr. HAMMOND. And I move to lay that proposition on the table.

Mr. MILLS. Now, Mr. Speaker, I desire to have read the utterance of the gentleman from Kentucky which preceded the remark of the gentleman from West Virginia.

The SPEAKER. But the motion to lay on the table is not debatable.

Mr. MILLS. I hope the gentleman from Georgia will not make the motion until the language of the gentleman from Kentucky has been read.

Mr. BROWNE, of Indiana. I had not yielded the floor.

The SPEAKER. If the gentleman from Indiana says he had not yielded the floor the Chair must respect his right to the floor.

Mr. HAMMOND. My only purpose is to cut off debate. I am perfectly willing to yield such time as will allow the gentleman from Texas [Mr. MILLS] to have the other language read; and I am perfectly willing to yield for a reasonable time to the gentleman from Indiana if then the motion to lay on the table can be voted upon. My whole purpose is not to waste time in talk.

The SPEAKER. The gentleman from Indiana had the floor—

Mr. STEELE. I make the point of order that my colleague [Mr. BROWNE] had the floor.

The SPEAKER. The Chair had so decided. The gentleman will proceed.

Mr. BROWNE, of Indiana. I do not intend—and I never do, I hope—to waste the time of this House. When I asked that the language of the gentleman from West Virginia be taken down I was inspired to do so because I believed it was an insult to the House itself and to its dignity. I had no hope that the gentleman would be censured by the House, whatever language he might have employed.

Mr. WILLIS. Let me ask the gentleman, in order to determine our judgment, what was his opinion of the language used by my colleague?

A MEMBER. That is not before the House.

Mr. BROWNE, of Indiana. Whenever I am called upon in a proper way to give an expression of my opinion of the conduct of the gentleman's colleague, I shall do so freely and frankly.

Mr. WILLIS. I do not think the gentleman within parliamentary rules can do so.

Mr. BROWNE, of Indiana. Now, Mr. Speaker, I think I can get through much more speedily if gentlemen will not interrupt me. I said that when I asked to have this language taken down and when I submitted this resolution I had no expectation that the gentleman would be censured by any vote or expression of opinion on the part of the majority of this House. The time has come when a member here may charge upon his fellow-member that he is a liar, a scoundrel, or anything else within the catalogue of invective, yet it is not a violation of the decorum of this dignified body.

I have seen exhibitions of this kind repeatedly during the brief period of my service here. I have heard language used on this floor by one member against another that would have disgraced the vilest pot-house in this iniquitous city; and while temporarily we became very indignant, we have permitted the offending member to make some lame apology or to withdraw his offensive language, and the dignity of the House was vindicated.

If these things are to continue let it be so understood. [Derisive laughter.] I am not conscious, Mr. Speaker, that I have said anything that should have excited the laughter of any gentleman in this House. I suppose, however, it is in keeping with the dignity of our proceedings.

The SPEAKER. The House will be in order.

Mr. BROWNE, of Indiana. The Speaker takes upon himself, I think, too onerous and burdensome a duty in attempting to keep order in this House. I state that; and I am willing to take whatever share of the odium of our proceedings may belong to me.

I shall not detain the House a minute longer. I think it is time that we should put our disapprobation upon such scenes as have occurred repeatedly here to-night—not in this instance alone, but in language employed by other gentlemen whose names I shall not mention. I say our rules have been violated repeatedly; and if now we are to express no disapproval of such proceedings, then, so far as I am concerned, I shall to the end of my short service here believe that it is decorous and entirely in order for one gentleman to say of another whatever he chooses. That is it. Let us turn this thing into really what it is.

Now, gentlemen, I hope that no member will accuse me of having said this because I entertain the slightest feeling of hostility to the gentleman from West Virginia or any other member of this House; but the time has come when this House should maintain some degree of respect for its own character and dignity of its proceedings. If we do not respect ourselves we deserve the contempt of our constituents.

Mr. PETTIBONE. Correct.

Mr. BROWNE, of Indiana. I said here a winter or two ago I regretted each of our constituents could not be assembled on some night like this in these galleries to watch our proceedings and pass judgment upon them. We do here what we would not attempt in the presence of those people by whose suffrages we occupy seats here.

Now, I have said all I desire to, and I close as I began, with the expression of the belief that the gentleman from West Virginia will not be censured, not because he is not subject to a reprimand on the part

of the House, but because a fellow-feeling makes us wondrous kind. Scarcely one but expects, if these things continue, he will be in like position.

So far as I am concerned, I hope during my service here I have at no time under any sort of provocation used a single unparliamentary expression or said anything that was calculated to wound the feelings of the most sensitive gentleman who may have heard me.

I yield the balance of my time, if I have any, to my friend from South Carolina [Mr. TILLMAN].

The SPEAKER. The gentleman has forty-five minutes left.

Mr. HISCOCK. Mr. HEWITT, of New York, has come to the House voluntarily, but is unwell. I ask he be excused from further attendance.

The SPEAKER. That can not be done now, except by unanimous consent.

Mr. HISCOCK. I ask unanimous consent for that purpose.

There was no objection, and Mr. HEWITT, of New York, was excused.

Mr. TILLMAN. Mr. Speaker, for about four hours this House has been engaged in a very extraordinary proceeding, in what I shall call a minority veto of the river and harbor bill. Most people who read our Constitution superficially think there is but one veto power on legislation, and that the President has it—that it is a one-man power only. There is such a one-man power in analogy to the veto of the tribune of Rome; but, sir, our Constitution recognizes two other legislative veto powers: First, a minority of one-fifth of the House can prevent the action of the other four-fifths; and second, one-fifth of the Senate can thwart the will of the other four-fifths. In other words, we have what I shall call a minority veto. If the House will bear with me I will quote the Constitution to show how it is we are entangled and estopped in public business, and endeavor to call members back to the proprieties of legislative action, and ask them to act in a becoming manner.

The third clause of the fifth section of the first article of the Constitution reads as follows:

Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one-fifth of those present, be entered on the Journal.

I ask members to mark the language: "And the yeas and nays of the members of either House on any question shall, at the desire of one-fifth of those present, be entered on the Journal."

Now, sir, whenever one-fifth of the members of this House of Representatives or one-fifth of the Senators in the other end of the Capitol deliberately make up their minds to defeat any measure that the other four-fifths of either body are in favor of passing, the Constitution gives that one-fifth a veto power to baffle the other four-fifths by calling the yeas and nays and having them entered upon the Journal until the term of the Congress shall have expired, if they think proper to do it.

Shortly after 6 o'clock this evening it was very evident that more than one-fifth of the members on this floor had unalterably decided that the river and harbor bill should not become a law, and the gentlemen of the majority, with whom I co-operated on that bill, may sit here until 12 o'clock on the 4th day of March protesting against the veto of one-fifth of the members on this floor in trying to coerce them, and they will protest in vain.

Sir, as a member or as a contestant or contestee I have been a constant observer or participant in the proceedings of this body for eight years, and I have never yet seen a determined filibustering minority who meant business beaten or driven from their resolution to veto the pending measure.

Mr. WILLIS. I am compelled very reluctantly to make the point of order on my friend. We are here in good faith, and the moment I get the floor I propose—

Mr. TILLMAN. I hope I will not be taken from the floor. I have a right to introduce my remarks and present them in any way I wish, if I do it decorously.

The SPEAKER. If the gentleman confines himself to the question under debate.

Mr. TILLMAN. I propose to come to the question under debate as speedily as practicable.

The SPEAKER. It is on the resolution of the gentleman from Indiana, which proposes to declare the language of the gentleman from West Virginia as out of order and subject to the censure of the House.

Mr. TILLMAN. I am coming to it, sir, and I propose to come to it in my own time and in my own way.

The SPEAKER. But the gentleman from Kentucky makes the point of order that the rule shall be enforced which requires each member addressing the House to confine himself to the question before the House.

Mr. TILLMAN. I suppose I can talk some common sense and make some philosophic or general comments on the situation. [Laughter.]

The SPEAKER. It becomes the duty of the Chair in enforcing the rule to call the attention of the member addressing the House to the fact that the point of order is made against his remarks and to request him to confine himself to the subject before the House. It is always difficult for the Chair to decide whether the gentleman is doing so or not, because a gentleman may make an argument totally irrelevant in

the opinion of the Chair, but which, in his own opinion, has direct relation to the subject pending. The Chair, therefore, can only say to the gentleman in general terms under the rules of the House he must confine his remarks to the pending question.

Mr. TILLMAN. I propose to do that. I suppose the gentleman from Indiana who took the floor had an hour's time, and that he consumed some fifteen or twenty minutes of it. He then yielded the remainder to me. If I choose to discuss principles germane to the subject under consideration, I think I have a right to do so in that time.

Now, sir, I have made these remarks with a view to try to get this House to quiet its excitement, act as the representatives of 55,000,000 of American citizens ought to act, and adjourn at a decent hour tonight, so that we can come back here refreshed to-morrow for the transaction of the public business.

As long as there is crimination and recrimination allowed to go on and mere personalities to be indulged in, nothing in the way of the public business can be done; and this disgraceful struggle of the four-fifths majority attempting to coerce the vetoing one-fifth of this body, even if every member of the House were present, should have an end.

During the eight years of my observation in this House, as I said before when I was interrupted, I have never known a resolute vetoing minority of one-fifth who were willing to face the responsibility to the country and their constituents for preventing the passage of a particular law to be defeated in their purpose. And, sir, when the majority attempts to coerce such a minority, who under the Constitution choose to assert their rights and face their constituents and be responsible to them for it, it simply becomes a question of physical endurance as to which party shall yield, and when the contest resolves itself into that jakkasses are superior to the most intellectual statesmen. [Laughter.]

Therefore, sir, to make the application, whenever the majority who are in favor of a measure that commands even four-fifths of the House find out that the vetoing minority are fixed in their purpose to defeat the pending legislation, such majority, after putting the vetoing members on record, ought to be satisfied and adjourn. Ay, not only that, not only ought they to be satisfied, but they must be satisfied, because they can not help themselves. Most of the ill-temper, most of the unseemly personalities that are exhibited on such occasions, arise from the helpless impotency of baffled rage. Every intelligent member of the majority here must be absolutely conscious that he can not coerce the vetoing minority, that is bent upon defeating this river and harbor bill.

It can not be done because that vetoing minority has, under the ægis of the Constitution, this power which permits them, on motions to adjourn or to take a recess or to lay upon the table or to reconsider, authority to demand roll-call after roll-call, and have the yeas and nays recorded during the whole term of Congress, if they choose to take the responsibility.

It is a question between them and their constituents. It is a privilege they have not under the rules of the House, as many seem to think, but under the Constitution, and we ought to rejoice that it is so. Any proposed measure which one-fifth of the people's representatives here are so violently opposed to that they are willing to take the sole responsibility of defeating in all probability ought not to pass. A majority is often the result of a conspiracy, and the minority ought to be able to thwart it. The Constitution and the rules of this House were both framed to protect minorities, because majorities can protect themselves.

Let us stand by the great charter of our liberties. There is only one instance in our history so far where the vetoing minority has been deprived of its power to veto the action of the four-fifths majority, when the minority determined to do so, and that was in the last Congress, when the revolutionary Republican party suspended the constitutional right of the minority to veto the will of the majority in election cases, but still that bold, reckless party did not dare to override the veto of the minority on any other question.

Therefore, in order not to consume the time of the House further and to appeal to the good sense of gentlemen to cease this wrangle that never can accomplish any good, I hope that the majority will first move to dispense with all further proceedings under the call and then adjourn. And if I am in order, I will offer such motion. But as I would not be in order to make the motion now, I shall move to dispense with all further proceedings under the call, as soon as I can get the opportunity.

Mr. WILLIS. I have been waiting to make that motion for some time.

Mr. TILLMAN. And now I yield the remainder of the time back to the gentleman from Indiana, thanking him for his kindness, and apologizing to the House for having occupied so much time.

Mr. HAMMOND. As I understand the gentleman from Indiana [Mr. BROWNE] yielded the balance of his time to the gentleman from South Carolina [Mr. TILLMAN].

Mr. BROWNE, of Indiana. And the gentleman from South Carolina has returned to me that portion of the time which he has not used. But I do not intend to occupy a moment of it unless something shall be said requiring a response, in which case I may give what time remains to me to some of my friends.

The SPEAKER. Does the gentleman from Indiana reserve his time?

Mr. HAMMOND. I hope the gentleman will use his time now.

Mr. BROWNE, of Indiana. I will say in good faith I have no intention of talking further on this question. If gentlemen on the other side desire to discuss it they may discuss it, and meanwhile I will reserve my time for some gentleman who may desire to respond. But if the gentleman from Georgia [Mr. HAMMOND] will make his motion now to lay the resolution on the table I will yield to him for that purpose.

Mr. HAMMOND. The gentleman from Indiana can not control me in that way.

The SPEAKER. The Chair will state if the gentleman from Georgia [Mr. HAMMOND] obtains the floor in his own right he can proceed to debate the proposition and then he can make any proper parliamentary motion he sees fit.

Mr. REED, of Maine. I suppose the gentleman from Indiana [Mr. BROWNE] has the right to open and close debate on this subject.

The SPEAKER. The gentleman from Indiana is entitled to an hour under the rules of the House.

Mr. WILLIS. I beg to state that the gentleman from Indiana [Mr. BROWNE] yielded the balance of his time to the gentleman from South Carolina.

Mr. TILLMAN. He did so on condition that I should return to him any time that I did not consume.

Mr. BROWNE, of Indiana. I merely desire to reserve the balance of my time.

The SPEAKER. But the Chair desires that the gentleman from Indiana shall not be under any mistake about the position. If another gentleman obtains the floor in his own right, the Chair can not prevent that gentleman from making any proper parliamentary motion he sees fit to make; and that may result in depriving the gentleman from Indiana of the privilege of using the remainder of his time.

Mr. BROWNE, of Indiana. How much time have I?

The SPEAKER. The gentleman has twenty-two minutes of his time remaining.

Mr. REED, of Maine. Why should not the gentleman from Indiana yield to the gentleman from Georgia [Mr. HAMMOND] the time that gentleman wants?

Mr. BROWNE, of Indiana. I understood the gentleman from Georgia desired to occupy his own time.

Mr. HAMMOND. The gentleman from Georgia does not desire to be indebted to the gentleman from Indiana for the privilege of speaking. I say so politely, because I want my own time and not his.

Mr. BROWNE, of Indiana. The gentleman from Georgia is always polite.

Mr. HAMMOND. Now, will the gentleman from Indiana politely answer me whether he desires to go on now or whether I shall go on?

Mr. BROWNE, of Indiana. As I have the floor, and I presume have the right to do so under the rules, I now move the previous question on the resolution.

The SPEAKER. The gentleman from Indiana demands the previous question on the adoption of the resolution.

The question being taken on the motion for the previous question, there were—ayes 86, noes 52.

Mr. BLANCHARD. I call for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 19—not a sufficient number.

Mr. BLANCHARD. I call for tellers on ordering the yeas and nays.

Tellers were not ordered, only 21 members voting therefor—not one-fifth of a quorum.

So the previous question was ordered.

Mr. GIBSON. I rise to a question of privilege.

Mr. KEIFER. I think the gentleman from West Virginia has not the right to do that pending this proceeding.

The SPEAKER. The proposition before the House is, that certain language used by the gentleman from West Virginia was out of order and that that subjects him to the censure of the House. The Chair thinks that pending that proposition the gentleman can not proceed under the rules of the House except by the consent of the House. The House has ordered the previous question on the resolution, which cuts off all debate.

Mr. HAMMOND. I now make the motion to lay the whole proceeding on the table.

Several MEMBERS. Too late!

The SPEAKER. The Chair will cause the rule to be read.

The Clerk read clause 4 of Rule XVI, as follows:

4. When a question is under debate, no motion shall be received but to fix the day to which the House shall adjourn, to adjourn, to take a recess, to lay on the table, for the previous question (which motions shall be decided without debate), to postpone to a day certain, to refer or amend, or to postpone indefinitely, which several motions shall have precedence in the foregoing order.

The SPEAKER. There is nothing in the rule which prevents the motion at this time to lay on the table, which motion, of course, is not debatable.

Mr. BROWNE, of Indiana. There is no objection on the part of myself, or I think on the part of gentlemen on this side—

Mr. HAMMOND. I object to further argument. If we are not allowed to debate we insist there shall not be debate on the other side.

Mr. BROWNE, of Indiana. What I wish to say is that we have no objection to hearing the gentleman from West Virginia if he wants to be heard. That is all.

The SPEAKER. The question is on the motion of the gentleman from Georgia [Mr. HAMMOND] to lay the resolution on the table.

The question being taken, the Speaker stated that in the judgment of the Chair the "ayes" had it.

Mr. BROWNE, of Indiana. I call for a division.

The House divided; and there were—ayes 92, noes 51.

Mr. BROWNE, of Indiana. Although not at all disappointed in the result [cries of "Regular order!"], I will ask for the yeas and nays.

The SPEAKER. The gentleman from Indiana asks for the yeas and nays.

The yeas and nays were ordered, 43 members voting therefor—more than one-fifth of the last vote.

Mr. WELLBORN. Mr. Speaker, I desire to submit a request for unanimous consent that my colleague, Mr. MILLER, who is now in the Hall but quite unwell, be excused from further attendance upon this sitting of the House.

The SPEAKER. That can be done only by unanimous consent.

Mr. HISCOCK. If there be objection to letting in all the gentlemen who have come here voluntarily—

The SPEAKER. This is a proposition to excuse a gentleman who is present in the Hall.

Mr. WELLBORN. He has been here all evening, and he is now quite sick.

Mr. COBB. Mr. Speaker, the Sergeant-at-Arms, who has called upon my colleague, Judge HOLMAN, reports that he found him sick in bed and unable to attend here this evening. Therefore I ask unanimous consent that he be excused.

The SPEAKER. Is there objection? [After a pause.] No objection being made, it is so ordered.

The question was taken on the motion of Mr. HAMMOND, and there were—yeas 132, nays 66, not voting 126; as follows:

YEAS—132.

Adams, J. J.	Eldredge,	Le Fevre,	Shively,
Alken,	Elliott,	Lewis,	Snyder,
Alexander,	Ellis,	Lore,	Springgass,
Arnold,	English,	Lowry,	Stewart, Charles
Bagley,	Ferrell,	McMillin,	Storm,
Barkdale,	Findlay,	Matson,	Sumner, C. A.
Blanchard,	Finerty,	Maybury,	Sumner, D. H.
Boyle,	Follett,	Mills,	Swope,
Bratton,	Foran,	Mitchell,	Talbot,
Breckinridge,	Forney,	Money,	Taylor, J. M.
Broadhead,	Fyan,	Morse,	Tillman,
Buchanan,	Garrison,	Muldrow,	Tucker,
Budd,	Graves,	Muller,	Tully,
Buckner,	Green,	Murphy,	Turner, H. G.
Cabell,	Greenleaf,	Mutchler,	Turner, Oscar
Caldwell,	Halsell,	Ochiltree,	Van Eaton,
Campbell, J. E.	Hardy,	O'Ferrall,	Wallace,
Carleton,	Harmer,	O'Neill, J. J.	Ward,
Cassidy,	Hatch, W. H.	Paige,	Warner, Richard
Clardy,	Hemphill,	Palton,	Wellborn,
Clay,	Hemley,	Pierce,	Weller,
Clements,	Hewitt, A. S.	Post,	Wempe,
Cobb,	Hewitt, G. W.	Potter,	Wilkins,
Collins,	Hill,	Pryor,	Willis,
Connolly,	Houseman,	Pusey,	Wilson, W. L.
Cook,	Hunt,	Reid, J. W.	Winans, E. B.
Davidson,	Jones, B. W.	Reese,	Winans, John
Deuster,	Jones, J. H.	Riggs,	Wise, G. D.
Dibble,	Jones, J. T.	Rogers, J. H.	Wolford,
Dibrell,	King,	Rogers, W. F.	Wood,
Dockery,	Kleiner,	Rosecrans,	Woodward,
Dowd,	Lamb,	Seney,	Worthington,
Dunn,	Lanham,	Seymour,	Yaple.

NAYS—66.

Adams, G. E.	Dickson,	Keifer,	Rockwell,
Anderson,	Dunham,	Ketcham,	Rowell,
Barr,	Ellwood,	Lawrence,	Russell,
Bayne,	Evans,	Long,	Smalls,
Bingham,	Everhart,	McComas,	Steele,
Bisbee,	Hanback,	McCormick,	Stephenson,
Boutelle,	Hart,	Millard,	Strait,
Brewer, F. B.	Hatch, H. H.	Miller, S. H.	Taylor, J. D.
Brown, W. W.	Haynes,	Nutting,	Thomas,
Browne, T. M.	Henderson, T. J.	O'Hara,	Valentine,
Cannon,	Hepburn,	O'Neill, Charles	Wakefield,
Craig,	Hiscock,	Parker,	White, J. D.
Culbertson, W. W.	Hill,	Payne,	White, Milo
Cullen,	Holmes,	Pettibone,	Whiting,
Davis, G. R.	Horr,	Price,	Wilson, James
Davis, R. T.	Howey,	Ranney,	
Dingley,	James,	Reed, T. B.	

NOT VOTING—126.

Atkinson,	Blackburn,	Brumm,	Converse,
Ballentine,	Bland,	Burleigh,	Cosgrove,
Barbour,	Blount,	Burnes,	Covington,
Beach,	Bowen,	Campbell, Felix	Cox, S. S.
Belford,	Brainerd,	Campbell, J. M.	Cox, W. R.
Belmont,	Breitung,	Candler,	Crisp,
Bennett,	Brewer, J. H.	Chalmers,	Culbertson, D. B.

Curtis,
Cutcheon,
Dargan,
Davis, L. H.
Dorsheimer,
Eaton,
Ermentrout,
Fiedler,
Fulton,
Geddes,
George,
Gibson,
Glascok,
Goff,
Guenther,
Hammond,
Hancock,
Hardeman,
Henderson, D. B.
Herbert,
Hoblitzell,
Holman,
Holton,
Hooper,
Hopkins,
Houk,
Hurd,
Hutchins,
Jeffords,
Johnson,
Jones, J. K.
Jordan,
Kean,
Kelley,
Kellogg,
Lacey,
Laird,
Libbey,
Lovering,
Lyman,
McAdoo,
McCold,
Miller, J. F.
Milliken,
Morgan,
Morrill,
Morrison,
Moulton,
Murray,
Neece,
Nelson,
Nicholls,
Oates,
Payson,
Peel,
Perkins,
Peters,
Poland,
Randall,
Rankin,
Ray, G. W.
Ray, Ossian
Reagan,
Rice,
Robertson,
Robinson, J. S.
Robinson, W. E.
Ryan,
Shaw,
Singleton,
Skinner, C. R.
Skinner, T. G.
Slocum,
Smith, A. Herr

Smith, H. Y.
Spoonor,
Springer,
Stevens,
Stewart, J. W.
Stockslager,
Stone,
Struble,
Taylor, E. B.
Thompson,
Throckmorton,
Townshend,
Van Alstyne,
Vance,
Wadsworth,
Wait,
Warner, A. J.
Washburn,
Weaver,
Williams,
Wise, J. S.
Young.

Cobb,
Collins,
Connolly,
Cook,
Craig,
Culbertson, W. W.
Cullen,
Davis, G. R.
Deuster,
Dingley,
Dixon,
Dockery,
Dunham,
Eldredge,
English,
Evans,
Everhart,
Ferrell,
Fiedler,
Finerty,
Fulton,
Fyan,
Garrison,
Hanback,
Hardy,
Harmer,
Hart,
Hatch, H. H.
Haynes,
Henderson, T. J.
Hepburn,
Hill,
Hiscock,
Hitt,
Holmes,
Hopkins,
Horr,
Howey,
Hutchins,
James,
Jones, B. W.
Kean,
Keifer,
Long,
Lovering,
Lyman,

McAdoo,
McComas,
McCormick,
Maybury,
Millard,
Miller, S. H.
Murphy,
O'Neill, Charles
Parker,
Patton,
Payson,
Pettibone,
Post,
Potter,
Price,
Pusey,
Raney,
Reed, T. B.
Rowell,
Russell,
Seney,
Skinner, C. R.
Spriggs,

Steele,
Straight,
Struble,
Sumner, D. H.
Swope,
Taylor, J. D.
Tillman,
Tully,
Van Alstyne,
Wadsworth,
Wakefield,
Wallace,
Ward,
Weller,
Wemple,
White, J. D.
White, Milo
Whiting,
Wilson, James
Winans, E. B.
Winans, John
Worthington.

NAYS—110.

Adams, J. J.
Alexander,
Bagley,
Barksdale,
Bisbee,
Blanchard,
Bratton,
Breckinridge,
Buchanan,
Budd,
Burnes,
Cabell,
Caldwell,
Carleton,
Cassidy,
Clardy,
Clements,
Davidson,
Dibble,
Dibrell,
Dunn,
Elliot,
Ellis,
Ellwood,
Findlay,
Follett,
Foran,
Forney,
George,
Gibson,
Goff,
Green,
Greenleaf,
Guenther,
Halsell,
Hatch, W. H.
Hemphill,
Henley,
Hewitt, G. W.
Houseman,
Hunt,
Jeffords,
Jones, J. H.
Jones, J. T.
Kellogg,
King,
Klesner,
Lamb,
Lanham,
Lewis,
Lore,

Lowry,
McMillin,
Matson,
Mills,
Mitchell,
Money,
Muldrow,
Mutchler,
Nutting,
Ochiltree,
O'Ferrall,
O'Hara,
O'Neill, J. J.
Paige,
Payne,
Pierce,
Pryor,
Reid, J. W.
Reese,
Riggs,
Rogers, J. H.
Rogers, W. F.
Rosecrans,
Seymour,
Shively,
Smalls,
Snyder,
Stephenson,
Stevens,
Stewart, Charles
Storm,
Talbot,
Taylor, J. M.
Thomas,
Tucker,
Turner, H. G.
Turner, Oscar
Van Eaton,
Warner, A. J.
Warner, Richard
Weaver,
Wellborn,
Wilkins,
Willis,
Wilson, W. L.
Wise, G. D.
Wolford,
Woodward,
Yaple.

NOT VOTING—108.

Atkinson,
Ballentine,
Barbour,
Beach,
Belford,
Belmont,
Bennett,
Blackburn,
Blair,
Blount,
Bowen,
Brewer, F. B.
Brewer, J. H.
Broadhead,
Brumm,
Burleigh,
Campbell, Felix
Campbell, J. M.
Candler,
Chalmers,
Converse,
Cosgrove,
Covington,
Cox, S. S.
Cox, W. R.
Crisp,
Culbertson, D. B.
Curtis,
Cutcheon,
Dargan,
Davis, L. H.
Davis, R. T.
Dorsheimer,
Dowd,
Eaton,
Ermentrout,
Geddes,
Glascok,
Graves,
Hammond,
Hancock,
Hardeman,
Henderson, D. B.
Herbert,
Hewitt, A. S.
Hoblitzell,
Holman,
Holton,
Hooper,
Houk,
Hurd,
Johnson,
Jones, J. K.
Jordan,
Kelley,
Ketcham,
Lacey,
Laird,
Lawrence,
Le Fevre,
Libbey,
McCold,
Miller, J. F.
Mills,
Milliken,
Morgan,
Morrill,
Morrison,
Morse,
Moulton,
Muller,
Murray,
Neece,
Nelson,
Nicholls,
Oates,
Peel,
Perkins,
Peters,
Phelps,
Poland,
Randall,
Rankin,
Ray, G. W.
Ray, Ossian
Reagan,
Rice,
Robertson,
Robinson, J. S.
Robinson, W. E.
Rockwell,
Ryan,
Shaw,
Singleton,
Skinner, T. G.
Slocum,
Smith, A. Herr
Smith, H. Y.
Spoonor,
Springer,
Stewart, J. W.
Stockslager,
Stone,
Sumner, C. A.
Taylor, E. B.
Thompson,
Throckmorton,
Townshend,
Valentine,
Vance,
Wait,
Washburn,
Williams,
Wise, J. S.
Wood,
Young.

So the motion to adjourn was not agreed to.

Mr. WELLER (when the roll-call had been concluded). I ask unanimous consent that the reading of the names be dispensed with.

Mr. McMILLIN. I object.

Mr. DUNHAM. I ask the gentleman from Tennessee [Mr. McMILLIN] whether, out of regard for the clerks whose voices during this prolonged session have been subjected to severe labor, he will not have the kindness to withdraw his objection to dispensing with the reading of the names.

Mr. McMILLIN. I should be very glad indeed to relieve the clerks; but this is a close vote, and I think the names should be read.

The names having been read,

Mr. ROCKWELL. I desire to withdraw my vote. I understand that I am paired with the gentleman from California [Mr. SUMNER]. Mr. BREWER, of New Jersey. I voted "ay," but I believe I am paired with the gentleman from Maryland [Mr. COVINGTON]; and I withdraw my vote.

The result of the vote was announced as above stated.

Mr. MILLER, of Pennsylvania. I rise to make a privileged motion.

Mr. WILLIS. I move that the House take a recess till to-morrow morning at 10 o'clock.

The SPEAKER. The motion of the gentleman from Kentucky [Mr. WILLIS] is not in order while the House is acting under a call.

On motion of Mr. HAMMOND, the reading of the names was dispensed with.

The following additional pairs were announced:

Mr. BALLENTINE with Mr. BURLEIGH, on this vote.

Mr. YOUNG with Mr. YORK, for the rest of the day.

Mr. SINGLETON with Mr. MORRILL, for this day.

Mr. RANDALL with Mr. KELLEY, for this day.

Mr. AIKEN with Mr. BELFORD, for this day.

Mr. SMITH, of Pennsylvania, with Mr. COX, of New York, for this day.

Mr. WAIT with Mr. BUCKNER, for this evening.

Mr. REAGAN with Mr. POLAND, for this evening.

Mr. SUMNER, of California, with Mr. ROCKWELL, for this evening.

Mr. TOWNSHEND with Mr. SKINNER, of New York, until changed by mutual consent. Mr. TOWNSHEND would vote "yea" and Mr. SKINNER would vote "nay" on this vote.

Mr. SPRINGER with Mr. COSGROVE, for the remainder of this day.

Mr. STOCKSLAGER with Mr. KEAN, for this vote.

Mr. BLAND with Mr. SMITH, of Iowa, for this day.

Mr. COVINGTON with Mr. BREWER, of New Jersey.

Mr. ERMENTROUT with Mr. MCCORD, for this day.

Mr. HARDEMAN with Mr. ATKINSON.

The result of the vote was announced as above stated.

Mr. WELLER. I move that the House do now adjourn.

Mr. MILLER, of Pennsylvania. Pending that motion I move that when the House adjourns it be to meet on Friday next at 12 o'clock.

The SPEAKER. That would change the regular order of the House fixing 11 o'clock as the hour of meeting each morning.

Mr. MILLER, of Pennsylvania. Then I will change my motion and move that when the House adjourns it adjourn to meet at 11 o'clock on Friday next.

The House divided; and there were—ayes 15, noes 106.

So the motion of Mr. MILLER was not agreed to.

Mr. HERR. Now, Mr. Speaker, I renew the motion that the House adjourn.

The SPEAKER. That motion is now pending.

Mr. HEWITT, of Alabama. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HEWITT, of Alabama. I would like to know what becomes of the order if this motion to adjourn shall prevail.

The SPEAKER. What order does the gentleman mean?

Mr. HEWITT, of Alabama. The order for a call of the House.

The SPEAKER. Of course all proceedings under the call of the House terminate with the adjournment of the House. The question is upon the motion to adjourn.

The question being taken on the motion to adjourn, there were—ayes 104, noes 73.

Several MEMBERS. Tellers.

Mr. WILLIS. I call for the yeas and nays.

The yeas and nays were ordered, 60 voting in favor thereof.

Mr. WHITE, of Kentucky. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. WHITE, of Kentucky. At the time this interruption occurred I was occupying the floor, and I did not yield it.

The SPEAKER. But the gentleman did not resume the floor when the proceedings terminated, and the Chair thought, of course, that he had surrendered the floor. Several motions have since been made and voted on.

Mr. WHITE, of Kentucky. What becomes of my resolution?

The SPEAKER. The gentleman's resolution is pending.

The question on the motion to adjourn was taken; and it was decided in the negative—yeas 106, nays 110, not voting 108, as follows:

YEAS—106.

Adams, G. E.
Aiken,
Anderson,
Arnold,
Barr,
Bayne,
Bligham,
Boutelle,
Boyle,
Brainerd,
Breitung,
Brown, W. W.
Browne, T. M.
Buckner,
Campbell, J. E.
Cannon,

Mr. WILLIS. I move, then, to dispense with further proceedings under the call.

Mr. MILLER, of Pennsylvania. I move that when the House adjourns to-day it adjourn to meet on Saturday next at 11 o'clock.

The SPEAKER. The motion of the gentleman from Kentucky to dispense with further proceedings under the call takes precedence.

Mr. WHITE, of Kentucky. I desire to resume my remarks, if I am entitled to the floor now. [Laughter.]

The SPEAKER. The gentleman is not entitled to the floor. He did not resume the floor, and the House proceeded with the transaction of other business, in which it has been engaged for the last half-hour.

Mr. WHITE, of Kentucky. My resolution is still before the House.

The SPEAKER. It is still pending; but the gentleman from Kentucky [Mr. WILLIS] has made a motion that takes precedence.

Mr. WHITE, of Kentucky. What is the motion?

The SPEAKER. To dispense with further proceedings under the call. The motion of the gentleman from Kentucky [Mr. WHITE], which relates to the call of the House, will be dispensed with if this motion be adopted.

The motion of Mr. WILLIS was agreed to.

Mr. WILLIS. I now move that the House take a recess until 10 o'clock to-morrow morning.

Mr. WELLER (at 11 o'clock and 50 minutes). I move that the House adjourn.

The SPEAKER. The motion to adjourn has precedence over the motion for a recess.

The question being taken on the motion of Mr. WELLER, there were—ayes 83, noes 80.

Mr. WILLIS. I call for tellers.

Tellers were ordered, 47 voting therefor; and Mr. WELLER and Mr. WILLIS were appointed.

The House again divided; and the tellers reported—ayes 92, noes 82.

So the motion of Mr. WELLER was agreed to; and accordingly (at 11 o'clock and 55 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk under the rule, and referred as follows:

By Mr. BAGLEY: Petition of manufacturers of matches, asking payment of commission to those who furnished private dies—to the Committee on Appropriations.

By Mr. BARKSDALE: Papers relating to claim of Naomi J. Fowler, of Jefferson County, Mississippi—to the Committee on War Claims.

By Mr. BAYNE: Petition of the Women's Foreign Missionary Society of the Sandusky Baptist church, of Allegheny, Pa., urging early action by Congress for checking the evil of Mormonism—to the Committee on the Judiciary.

Also, petition of W. Robinson and others, of Allegheny County, Pennsylvania, urging speedy action by Congress for checking the evil of Mormonism—to the same committee.

By Mr. BINGHAM: Petition of citizens of Philadelphia, Pa., asking that the citizens of South Carolina, Alabama, Mississippi, Louisiana, Tennessee, and Missouri may have all the rights guaranteed under article 4, section 2, clause 1 of the Constitution of the United States—to the same committee.

By Mr. F. B. BREWER: Petition of citizens of Chautauque County, New York, in regard to the Mormon question—to the same committee.

By Mr. BUDD: Memorial of the Grand Army of the Republic, Department of California, favoring placing General U. S. Grant on the retired-list of the Army—to the Committee on Military Affairs.

By Mr. CLEMENTS: Petition of Joel R. Prewett, of Paulding County, Georgia, for reference of his claim to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. DEUSTER: Memorial of the Legislature of the State of Wisconsin to place the name of General U. S. Grant upon the retired-list of the Army—to the Committee on Military Affairs.

By Mr. HAMMOND: Petition of D. T. Estes and others, citizens of Atlanta, Ga., for the prevention of Mormonism—to the Committee on the Judiciary.

By Mr. HOLMAN: Petition of Rev. John G. Chaffee and 33 others, citizens of Brookville, Franklin County, Indiana, for effective legislation against polygamy—to the same committee.

By Mr. HOLMES: Petition of John C. Hall and 179 others, citizens of Boone, Iowa, praying for additional legislation against the continuance of polygamy in the United States—to the same committee.

By Mr. KEIFER: Petition of H. A. Ketchum and 35 others, citizens of Urbana, Ohio, praying for legislation to eradicate the evils of Mormonism—to the same committee.

By Mr. LACEY: Petition of William L. Cobb and 18 others, citizens of Middleville, Mich., for the increase of the rate of pensions to widows and dependent relatives of Union soldiers—to the Committee on Pensions.

By Mr. LONG: Various petitions in aid of, and memorial of Womans'

National Indian Association, for education and citizenship of Indians—to the Committee on Indian Affairs.

By Mr. MULBROW: Petition of Harriet F. McPeters, of Alcorn County, Mississippi, for reference of her case to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. PETTIBONE: Petition of A. M. Cloud, administrator of Ben. F. Cloud, deceased, of Claiborne County, Tennessee, asking reference of claim to the Court of Claims for rehearing, under the provisions of the Bowman act—to the same committee.

By Mr. ROGERS: Petition of Charles A. Gould and others, citizens of Buffalo, N. Y., in reference to the Mormon question—to the Committee on the Judiciary.

By Mr. ROSECRANS: Petition of A. W. Hicks, messenger to Military Committee House of Representatives, for arrears of pay, extra session Forty-fifth Congress and part of regular session—to the Committee on Claims.

By Mr. RYAN: Petition of Rev. P. S. Cleland and others, of Topeka, Kans., for legislation suppressing polygamy in the Territories—to the Committee on the Judiciary.

By Mr. VALENTINE: Petitions of J. H. McCall and 86 others, and of Ferdinand Zimeven and 60 others, citizens of Nebraska, praying for law granting bounty-land warrants to soldiers of the late war—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. MILO WHITE: Petition from James M. Goodwin Post, No. 81, Grand Army of the Republic, Owatona, Minn., in favor of purchase by the Government of Miss Ransom's portrait of General George H. Thomas—to the Committee on the Judiciary.

By Mr. WOOD: Petition of citizens of the tenth judicial district of Indiana, for bounty land—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. KEIFER: Of James McCafferty and 38 others, citizens of Vienna Cross Roads, Ohio.

By Mr. VALENTINE: Of William H. Thompson and 48 others, citizens of Custer County; of H. F. Hill and 33 others, citizens of Holt County; of O. Graves and 74 others, citizens of Merrick County; of Joseph Westervelt and 17 others, citizens of Custer County; of A. A. Sherman and 50 others, citizens of Sherman County; of H. M. Grimes and 31 others, citizens of Holt County; of William Terhune and 61 others, citizens of Howard County; of J. H. Skinner and 32 others, citizens of Brown County; of James D. Russell and others, citizens of Buffalo County; of William Young and 31 others, citizens of Holt County; of F. F. Rexford and 10 others, citizens of Cass County; of W. H. Staley and 62 others, citizens of Saline County; of A. W. Powers and 61 others, citizens of Wheeler County; of J. F. Woods and 55 others, citizens of Colfax County; of C. L. Harris and 48 others, citizens of Boone County; of Charles Harlocker and 61 others, citizens of Burt County; of H. H. Haven and 62 others, citizens of Buffalo County; of Samuel Monroe and 61 others, citizens of Holt County; of C. H. Moulton and 28 others, citizens of Red Willow County; of W. H. Webster and 57 others, citizens of Merrick County; of W. H. Bristol and 32 others, citizens of Custer County; of John A. Wood and 63 others, citizens of Holt County; of L. W. Harris and 130 others, citizens of Valley County; of Fred. Wright and 65 others, citizens of Hall County; of T. M. Kirby and 140 others, citizens of Washington County; of A. C. Abbott and 61 others, citizens of Burt County; of J. M. Ellington and 30 others, citizens of Holt County; of William Watts and 23 others, citizens of Boone County; of Jacob Rounds and 29 others, citizens of Valley County; of J. S. Cramer and 126 others, citizens of Dixon County; and of W. C. Sutton and 45 others, citizens of Boone County, Nebraska.

SENATE.

THURSDAY, February 26, 1885.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

CREDENTIALS.

The PRESIDENT *pro tempore* presented the credentials of JOHN F. JONES, chosen by the Legislature of Nevada a Senator from that State for the term commencing March 4, 1885; which were read, and ordered to be filed.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting appropriation estimates submitted by the Secretary of the Navy for completing the new naval cruisers and dispatch-boat; which, with the accompanying estimates, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a report of the allowance, by the accounting officers of the Treasury, of the twelfth installment of the war claims of the State of Pennsylvania in the sum of \$4,378.30, now awaiting an appropriation for its payment; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a communication from the Secretary of the Interior, transmitting, in answer to a resolution of the 23d instant, a report of the Commissioner of Education regarding the progress of Indian education and civilization. If there be no objection the letter will be printed, and, with the accompanying report and papers, referred to the Committee on Printing. The papers seem to be quite voluminous, and unless some other direction is suggested the Chair will refer them to the Committee on Printing.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a memorial of the Legislature of Wisconsin; which was read, and referred to the Committee on Appropriations, as follows:

Memorial to Congress.

To the Senate and House of Representatives in Congress assembled:

The memorial of the Legislature of Wisconsin respectfully represents—That at the last session of Congress an appropriation of \$50,000 was made for the purpose of experiments in sorghum machinery and improved methods of making sugar; therefore your memorialists respectfully ask that the unexpended balance of said appropriation be made for the purpose as will enable the Agricultural Department to continue and extend the experiments contemplated by said appropriation.

SAM. S. FIFIELD,

President of the Senate.

HIRAM O. FAIRCHILD,

Speaker of the Assembly.

J. M. RUSK, Governor.

Approved February 19, 1885.

STATE OF WISCONSIN,
Department of State, ss:

To all to whom these presents shall come:

I, Ernst G. Timme, secretary of state of the State of Wisconsin, do hereby certify that the foregoing has been compared by me with the original in this office, and that the same is a true and correct copy thereof, and of the whole of such original.

In testimony whereof, I have hereunto set my hand and affixed my official seal, at the capitol, in the city of Madison, this 23d day of February, in the year of our Lord 1885.

[SEAL.]

ERNST G. TIMME,

Secretary of State.

The PRESIDENT *pro tempore* presented a petition of the Chamber of Commerce of New Orleans, La., praying that J. W. Pearce, of that place, be appointed United States minister to Liberia; which was referred to the Committee on Foreign Relations.

He also presented the petition of Reuben N. Hill, of Summum, Fulton County, Illinois, praying that he may be allowed a pension; which was referred to the Committee on Pensions.

Mr. SHERMAN. I present the petition of Barber & Peckham, William Gates's Sons, F. P. Newton, and others, citizens of Ohio, Massachusetts, New York, and other States, praying for the refunding of taxes erroneously collected. As the petition is based upon a claim founded upon a judgment of the Supreme Court, I move that it be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. SHERMAN presented a resolution of the Toledo (Ohio) Produce Exchange, favoring the acquisition by the Government of title to Lake Superior and Portage Lake Canals; which was referred to the Committee on Commerce.

Mr. JACKSON. I present a petition of members of the Tobacco Board of Trade of Clarksville, Tenn., praying that the tobacco report of J. B. Killebrew, prepared for the census reports of 1880, may be published in full by the Census Bureau. The petition is addressed to my colleague [Mr. HARRIS] and myself, but is evidently intended for the Senate, and I ask that it be received and referred to the Select Committee to make provision for taking the Tenth Census and ascertaining the results thereof.

The PRESIDENT *pro tempore*. If there be no objection, the petition will be received, and so referred.

SUPPLIES TO MINNESOTA SIOUX INDIANS.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate a message from the House of Representatives, returning Senate bill No. 94 with an amendment. The title of the bill will be read.

The CHIEF CLERK. A bill (S. 84) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof.

The PRESIDENT *pro tempore*. The amendments of the House of Representatives will be read.

The amendments of the House of Representatives were, in line 5 of section 1, to strike out "August" and insert "June 1;" in line 8, after the word "sixty," to insert "one;" in line 3 of section 2, before

the word "thousand," to strike out the words "and twenty;" and on the end of the bill to add the following proviso:

Provided, however, That said sum shall only be paid out of money which heretofore belonged to said tribe, if any, and has been confiscated by the United States.

Amend the title by striking out "August, 1860," and inserting "June 1, 1861;" so as to make the bill read:

A bill to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to June 1, 1861, and prior to the massacre of August, 1862, and providing for the payment thereof.

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to investigate and determine the amounts due licensed traders, citizens of the United States, for supplies furnished, in the course of trade and business, to the Sioux or Dakota Indians of Minnesota subsequent to June 1, 1861, and prior to the outbreak and massacre by said Indians in August, 1862, and for which damages were not awarded by the commissioners appointed under the act entitled "An act for the relief of persons for damages sustained by reason of depredations and injuries by certain bands of Sioux Indians," approved February 16, 1863, for the reason that said act limited the action of said commissioners to claims arising from depredations, and did not authorize them to act upon claims arising upon contract or upon accounts for supplies furnished; and the said claims, when ascertained, shall be paid by the Secretary of the Interior out of the money hereby appropriated.

SEC. 2. That for the purpose of enabling the Secretary of the Interior to carry out the provisions of the foregoing section the sum of \$100,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated: *Provided, however,* That said sum shall only be paid out of money which heretofore belonged to said tribe, if any, and has been confiscated by the United States.

Mr. CAMERON, of Wisconsin. I move that the Senate disagree to the House amendments to the bill, and ask the House for a conference on the disagreeing vote of the two Houses.

The motion was agreed to.

Mr. CAMERON, of Wisconsin, subsequently said: Upon further examination, I have concluded that I am in favor of concurring in the amendments made by the House of Representatives to Senate bill 84. I therefore move to reconsider the vote by which the Senate disagreed to the amendments and asked for a committee of conference.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves that the vote of the Senate disagreeing to the amendments of the House of Representatives to the bill (S. 84) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof, be reconsidered. The question is on agreeing to the motion to reconsider.

The motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the motion of the Senator from Wisconsin that the Senate disagree to the amendments of the House of Representatives.

Mr. CAMERON, of Wisconsin. I withdraw that motion, and move that the Senate concur in the House amendments.

The PRESIDENT *pro tempore*. The Senator from Wisconsin withdraws the motion to disagree, and moves that the Senate concur in the amendments of the House of Representatives. The question is on agreeing to that motion.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. HARRISON, from the Committee on Military Affairs, to whom was referred the bill (H. R. 1266) for the relief of Alexander D. Schenck, reported it without amendment, and submitted a report thereon.

Mr. HARRISON. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 2637) to authorize the Secretary of the Interior to release a right of way across lands of the United States at Carlisle, Pa., to report it favorably.

With the indulgence of the Senate I desire to say that this is the military reservation or establishment at Carlisle, which under the law is now used by the Interior Department as an Indian school. An important line of railroad has been surveyed and must go through those grounds. The Secretary of the Interior and the superintendent of the school have agreed upon a location and upon terms. The bill authorizes the Secretary of the Interior to allow the railroad to go through; and as it must pass the other House I am requested by the Senator from Pennsylvania [Mr. MITCHELL] to ask for the present consideration of the bill. It is very brief and well guarded.

The PRESIDENT *pro tempore*. Is there objection?

Mr. ALLISON. I think we had better finish the morning business.

The PRESIDENT *pro tempore*. Objection is made. The bill will be placed on the Calendar.

Mr. SEWELL, from the Committee on Railroads, to whom was referred the bill (H. R. 7081) to amend section 17 of an act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," reported it without amendment.

He also, from the Committee on Military Affairs, to whom the subject was referred, reported a joint resolution (S. R. 133) authorizing the President of the United States to grant permission to one or more

officers of the Army to accept temporary service under the Government of Corea; which was read twice by its title.

Mr. GORMAN, from the Committee on Indian Affairs, to whom was referred the bill (S. 1963) for the relief of J. G. Fell, Edward Harper, and George Burnham, reported it without amendment.

He also, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 6122) to extend the time specified in an act approved June 27, 1882, entitled "An act to authorize the Southern Maryland Railroad Company to extend a railroad into and within the District of Columbia," reported it without amendment.

Mr. HALE. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. 8239) making appropriations for the naval service for the fiscal year ending June 30, 1886, and for other purposes, to report it with sundry amendments. There is a report accompanying the bill, and I ask that the bill and report be printed. I give notice that I shall endeavor to call up the bill to-morrow morning.

SENATE ELECTION CASES.

Mr. JONES, of Nevada. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred a resolution providing for a compilation and digest of contested-election cases in the Senate, to report it favorably without amendment. I ask that the resolution may be immediately acted upon.

By unanimous consent the Senate proceeded to consider the resolution, as follows:

Resolved, That the Committee on Privileges and Elections be directed to cause to be prepared a compilation and digest of the contested-election cases which have arisen in the Senate since its organization, and to report the same to the Senate at the December session of Congress, and be authorized for that purpose to employ a clerk at the usual compensation until December 1, 1885, to be paid from the contingent fund of the Senate.

Mr. HOAR. I ask leave to make a statement. The contested-election cases of the Senate have not been collected since 1865. The cases which had arisen both in the House and Senate were collected in 1834 and again in 1865; but that compilation is an exceedingly imperfect one, owing to the imperfection of the reports. There is a great deal of valuable matter found in Niles's Register which is not found in those volumes. Since 1865 those cases which arose in the House have been separately published four times, once in 1871—those which had arisen for the then past six years—again in 1876, again in 1880, and again in 1882; but there has been no collection of the cases which have arisen in the Senate since 1865; and, as Senators are aware, there have been very numerous and important cases of that class.

If the resolution passes I expect to have the compilation made under my own supervision and care.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

A. L. SINGLETON.

Mr. JONES, of Nevada. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate to report favorably a resolution directing a payment out of the contingent fund to the widow of A. L. Singleton, and I ask that the resolution may be immediately acted upon.

The Senate, by unanimous consent, proceeded to consider the resolution; which was read, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to the widow of A. L. Singleton, deceased, late a fireman in the heating department of the United States Senate, a sum equal to three months' salary as fireman aforesaid, at the rate of \$1,095 per annum, this amount to be considered as including the funeral expenses of A. L. Singleton and all other allowances.

The resolution was agreed to.

REPORT OF COMMISSIONER OF EDUCATION.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. Res. 320) authorizing the printing of the report of the Commissioner of Education for 1883 and 1884, to report it without amendment, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORTS OF BUREAU OF ETHNOLOGY.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred the joint resolution (S. R. 127) to authorize the printing of the reports of the Bureau of Ethnology, to report it without amendment, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. COCKRELL. I wish to ask a question in regard to this matter. I should like to ask the Senator from Nebraska, the chairman of the Committee on Printing, why it is that the previous volumes of this work have not been furnished us for distribution? They were ordered to be printed, it seems to me, a year or two ago. I have constant applications for them, and they are not in the document-room. Is there any reason known why they should not have been furnished long ago?

Mr. MANDERSON. There is none known to me. The consideration of that matter did not come before the committee in connection with this joint resolution. It may be that the volumes are not yet issued from the Printing Office. I shall be very glad to make inquiry for the Senator.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPORTS OF GEOLOGICAL SURVEY.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred the joint resolution (S. R. 128) to authorize the printing of the reports of the Geological Survey, to report it without amendment, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred the joint resolution (S. R. 129) to authorize the printing of the reports of the Geological Survey, to report it without amendment, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COMMITTEE ON RULES.

Mr. FRYE. I am instructed by the Committee on Rules to report a resolution continuing the Committee on Rules during vacation. I ask the reference of the resolution to the Committee on Contingent Expenses.

The PRESIDENT *pro tempore*. The resolution will be read.

The resolution was read, as follows:

Resolved, That the Committee on Rules be, and is hereby, continued and authorized to sit during the recess of Congress, and that the necessary expenses thereof be paid out of the "miscellaneous items" of the contingent fund of the Senate.

Mr. HOAR. Would that include anything more than the recess between the present session of the Senate and the called session of the 4th of March?

Mr. FRYE. I find the resolution all right upon examination; it speaks of the "recess of Congress." I move that it be referred to the Committee on Contingent Expenses.

The motion was agreed to.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MAHONEY, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SHERMAN, from the Committee on the Library, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MITCHELL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

Mr. McMILLAN and Mr. VANCE submitted amendments intended to be proposed by them respectively to the sundry civil appropriation bill; which were referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. WALKER and Mr. PLATT submitted amendments intended to be proposed by them respectively to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. WALKER submitted two amendments intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

JOHN H. IVERS.

Mr. CONGER. I move to reconsider the vote by which the bill (H. R. 6399) granting a pension to John H. Ivers, alias John H. Wilson, was indefinitely postponed, and that the case be placed on the Calendar.

The PRESIDENT *pro tempore*. When was the action taken?

Mr. CONGER. I find that the report was made on the 24th instant.

I suppose the bill was reported on the 24th.

The PRESIDENT *pro tempore*. The Senator from Michigan moves to reconsider the vote indefinitely postponing the bill (H. R. 6399) granting a pension to John H. Ivers, alias John H. Wilson. The vote was taken on the 24th instant, and the Senator is in time, the Chair understands. The question is on agreeing to the motion to reconsider.

The motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the motion to indefinitely postpone the bill.

Mr. COCKRELL. Does the Senator from Michigan desire the bill to go on the Calendar or to have action upon it now?

Mr. CONGER. I desire to have it go on the Calendar. I stated that before.

The PRESIDENT *pro tempore*. The Senator from Michigan desires that the bill, with the motion to indefinitely postpone, be placed on the Calendar. That order will be entered if there be no objection.

BILLS INTRODUCED.

Mr. HOAR introduced a bill (S. 2663) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act, and to provide for a settlement of the claims growing out of the issue of bonds to aid in the construction of certain of said railroads, and to secure to the United States the payment of all indebtedness of certain of the companies therein mentioned; which was read twice by its title.

Mr. HOAR. The bill contains the provisions of a bill which has been popularly called the funding bill, dealing with the question of proper and further security for the debt due from the subsidized Pacific Railroads, with several amendments and changes which have been suggested by experience to Senators while that bill has been upon the Calendar. That bill stands as the order of business which I suppose would be next taken up in course, except the appropriation bills and the silver bill, but that statement indicates that it is very unlikely that it can be considered at the present session of the Senate. It is a matter which deserves and undoubtedly would receive great attention and considerable discussion.

I think, therefore, that it would be useless to have this bill referred to the Committee on the Judiciary, and I introduce it for the information of the public. I hope that before the first session of the next Congress this matter will receive full attention from the business men of the country, so that any suggestion as to its justice or injustice which they see fit to make may reach Congress. I move that the bill be printed and lie on the table.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 8255) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1885, and for prior years, and for other purposes; in which it requested the concurrence of the Senate.

ORDER OF BUSINESS.

Mr. MORRILL. I desire to ask consent that we may take up the bill (H. R. 48) providing for the erection of a building to contain the records of the library and museum of the Medical Department, United States Army. It is a bill that in substance and for the same amount has heretofore passed the Senate. It will not take two minutes to read it and have it passed, I think.

Mr. HILL. Has the regular morning business been concluded?

The PRESIDENT *pro tempore*. It has not.

Mr. HILL. I call for the regular order.

The PRESIDENT *pro tempore*. Objection is made to the request of the Senator from Vermont. The introduction of bills and joint resolutions is still in order.

Mr. INGALLS. It is important that there should be a brief executive session. I move that the Senate do now proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the Senate proceed to the consideration of executive business.

Mr. BECK. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 31, nays 23; as follows:

YEAS—31.

Allison,	Dolph,	McMillan,	Pendleton,
Blair,	Edmunds,	Mahone,	Pike,
Bowen,	Frye,	Manderson,	Platt,
Cameron of Wis.,	Harrison,	Miller of Cal.,	Sewell,
Chace,	Hawley,	Miller of N. Y.,	Sherman,
Conger,	Hoar,	Mitchell,	Van Wyck,
Cullom,	Ingalls,	Morrill,	Wilson.
Dawes,	Lapham,	Palmer,	

NAYS—23.

Bayard,	Gibson,	Jackson,	Slater,
Beck,	Gorman,	Jonas,	Vance,
Call,	Groome,	McPherson,	Vest,
Coke,	Hampton,	Morgan,	Walker,
Fair,	Harris,	Pugh,	Williams.
George,	Hill,	Saulsbury,	

ABSENT—22.

Aldrich,	Colquitt,	Kenna,	Riddleberger,
Brown,	Farley,	Lamar,	Sabin,
Butler,	Garland,	Logan,	Sawyer,
Canden,	Hale,	Maxey,	Voorhees.
Cameron of Pa.,	Jones of Florida,	Plumb,	
Cockrell,	Jones of Nevada,	Ransom,	

So the motion was agreed to; and the Senate proceeded to the con-

sideration of executive business. After thirty-seven minutes spent in executive session the doors were reopened.

ILLEGAL LAND ENTRIES IN CALIFORNIA.

Mr. ALLISON. Mr. President—

The PRESIDENT *pro tempore*. Concurrent and other resolutions are now in order.

Mr. ALLISON. I do not wish to interfere with morning business.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution offered on a previous day by the Senator from Colorado [Mr. HILL] which has not yet been laid before the Senate. The resolution will be read.

The Chief Clerk read the following resolution, submitted by Mr. HILL on the 24th instant:

Resolved, That the Secretary of the Interior be directed to furnish to the Senate copies of the reports of Special Agent of the Land Department Wilson T. Smith, with accompanying affidavits and papers, sent to the Commissioner of the General Land Office in August and September, 1883, which reports, affidavits, and papers referred to the illegal timber-land entries and fraudulent issuance of titles under the act of June 3, 1878, in the Humboldt land district, California, said entries being confined to townships 8, 9, 10, 11, and 12 north, range 1 and 2 east H. M., and townships 7 north, range 2 east, and 13 north, range 1 east H. M., and embracing over 100,000 acres of redwood timber land.

Also copies of the reports of Special Agents George D. Orner and W. H. Goucher, of the Land Department, sent to the Secretary of the Interior and Commissioner of the General Land Office, which refer to the same illegal timber-land entries in Humboldt County, California, and inform the Senate what action has been taken by the Commissioner and Secretary of the Interior, as to the cancellation of the illegal timber-land entries in the above-described townships, and if any patents have been issued by the Commissioner since June 1, 1883, under the act of June 3, 1878, for timber lands in the above-enumerated townships, to give the date of their issuance, name of entry-men, and description of land.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

DEBATE ON APPROPRIATION BILLS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution offered by the Senator from Iowa, Mr. ALLISON, on the 24th instant, which went over under objection. It will be read.

The Chief Clerk read as follows:

Ordered, That during the remainder of the present session of the Senate it shall be in order to move at any time that debate on any amendment, or all amendments, to any appropriation bill then before the Senate be limited to five minutes for each Senator, and that no Senator shall speak more than once on the same amendment in form or substance. The question on such motion shall be determined without debate.

Mr. PLUMB. I hope that resolution will lie over. I think it will excite some debate.

Mr. ALLISON. Very well, let it lie over.

The PRESIDENT *pro tempore*. It is moved that the consideration of the resolution be postponed until to-morrow.

The motion was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. 8255) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1885, and for prior years, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

Mr. COCKRELL. I think we ought to ask that the Public Printer have the bill printed immediately, so that the committee may consider it this evening.

The PRESIDENT *pro tempore*. The Chair will give directions for its immediate printing.

EVENING SESSIONS.

Mr. FRYE. I offer the following resolution and ask for its present consideration:

Resolved, That, until otherwise ordered, the Senate take a recess each day at 6 o'clock to 8 p. m.

The PRESIDENT *pro tempore*. The Senator from Maine asks that the resolution be now considered.

Mr. COCKRELL. Let it lie over and be printed.

The PRESIDENT *pro tempore*. The resolution will go over and be printed.

ARMY MEDICAL MUSEUM.

Mr. MORRILL. If there be no further "concurrent or other resolutions," I ask for two minutes and a half of the Senate merely to pass a bill that has once been passed by the Senate and now comes from the House of Representatives. It will take no longer than to read the bill—not over two minutes probably.

The PRESIDENT *pro tempore*. If there be no further resolutions that order is closed. The Senator from Vermont is recognized.

Mr. MORRILL. I ask that House bill 48 be taken up for present consideration.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senate proceed to the consideration of the bill (H. R. 48) providing for the erection of a building to contain the records, library, and museum of the Medical Department, United States Army.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NAVAL OFFICERS' MILEAGE.

Mr. VOORHEES. I ask leave to offer the following resolution, to be printed and lie over until to-morrow:

Resolved, That the Secretary of the Treasury be directed to inform the Senate on what character of evidence the claims of naval officers for mileage reported by him to Congress in House Executive Documents 35 and 193 of the present session have been allowed by the accounting officers.

The resolution *pro tempore*. The resolution will be printed and go over.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 8130) making appropriations for the support of the Army for the fiscal year ending June 30, 1886, and for other purposes, further insisted on its disagreement to the twenty-third amendment of the Senate insisted on by the Senate to the said bill, agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. W. H. FORNEY of Alabama, Mr. R. W. TOWNSHEND of Illinois, and Mr. J. WARREN KEIFER of Ohio managers at the further conference on the part of the House.

The message also announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1609) to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich.

The message further announced that the House had non-concurred in the amendment of the Senate to the fifth amendment of the House to the bill (S. 66) providing for allotment of lands in severalty to the Indians residing upon the Umatilla reservation, in the State of Oregon, and granting patents therefor, and for other purposes, agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MELVIN C. GEORGE of Oregon, Mr. OLIN WELBORN of Texas, and Mr. R. S. STEVENS of New York managers of the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. 1810) for the erection of a public building at Sacramento, Cal.;

A bill (S. 229) to authorize the Secretary of the Treasury to erect a public building in the city of Key West, Fla.; and

A bill (S. 2009) granting a pension to Isabella Turner.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. ALLISON, Mr. DAWES, Mr. VEST, Mr. VOORHEES, and Mr. WILLIAMS submitted amendments intended to be proposed by them respectively to the general deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, reported two amendments intended to be proposed to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. MCPHERSON and Mr. MAHONE submitted amendments intended to be proposed by them to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of House bill 8179, being the legislative, executive, and judicial appropriation bill.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate proceed to the consideration of House bill 8179. The question is on agreeing to the motion.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

The PRESIDENT *pro tempore*. The pending question is on agreeing to the amendment proposed by the Senator from Virginia [Mr. MAHONE] to the amendment offered by the Senator from Indiana [Mr. HARRISON] as amended.

Mr. HARRISON. I ask the Senator from Iowa to yield for a moment that I may ask consent to take up the bill I reported from the Military Committee this morning and put it on its passage.

Mr. ALLISON. I hope the Senator from Indiana will not ask that until we have finished this bill. Then there will be no trouble.

Mr. HARRISON. I have no interest in it. The result will be that it will not come up at all. That is all there is of it.

Mr. ALLISON. Before the pending amendment is taken up I ask unanimous consent to offer two amendments of the Committee on Appropriations which were omitted and to present some which were sub-

mitted to the committee last night. On page 5, line 109, I move to insert "two hundred" after the word "thousand;" so as to read:

One clerk in the folding-room, at \$1,300.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent pending the present question to offer an amendment on page 5, line 109, after the word "thousand" to insert "two hundred." Is there objection? The Chair hears none. The amendment is agreed to.

Mr. ALLISON. Now on page 32, line 767, I move to strike out "five" and insert "four."

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent to amend the bill on page 32, line 767, by striking out "five" and inserting "four;" so as to read:

Four copyists and counters.

Is there objection? The Chair hears none.

Mr. ALLISON. In line 768, I move to strike out "one" and insert "two" where it first occurs.

The PRESIDENT *pro tempore*. The Chair would suggest to the Senator from Iowa that in line 767, the word "copyist" should be made plural. If there be no objection the word "copyist" will be made to read "copyists." It is agreed to.

Mr. MORGAN. Let me ask the Senator about line 768.

Mr. ALLISON. In line 768, I propose to strike out "one" and insert "two" and add the letter "s" to the word "messenger;" so as to read "two assistant messengers."

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent, in line 768, to amend by striking out "one" and inserting "two," and after "messenger" to insert the letter "s;" so as to read "two assistant messengers." Is there objection? The Chair hears none, and the amendment is agreed to.

Mr. ALLISON. On page 60, I offer this amendment: In line 1461, I move to strike out "one" and insert "two;" so as to read:

For the actual and necessary expenses of the judge, marshal, and attorney, when traveling in the discharge of their official duties, \$2,000.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and the amendment is agreed to.

Mr. ALLISON. I also move to amend the bill on the same page, after line 1461, by inserting:

For rent of office for the marshal, fuel, books, stationery, and other incidental expenses, \$1,000.

The PRESIDENT *pro tempore*. Is there objection to this amendment? The Chair hears none, and the amendment is received and agreed to.

Mr. ALLISON. In line 1464, on the same page, I move to strike out the words "one thousand five hundred" and insert in lieu thereof "three thousand;" so as to read:

For incidental and contingent expenses of the Territory, to be expended under the direction of the governor, \$3,000.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none. The amendment is agreed to.

Mr. ALLISON. On page 82, line 2015, I move to strike out "one thousand" and insert "two thousand five hundred;" so as to read:

For professional books for Department library, \$2,500.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent to amend the bill on page 82, line 2015, by striking out "one" and inserting "two;" and in line 2016, after the word "thousand," inserting "five hundred;" so as to read:

For professional books for Department library, \$2,500.

Is there objection? The Chair hears none, and the amendment is agreed to.

Mr. ALLISON. I have one more amendment. On page 56, line 1357, in the appropriations for the mint at San Francisco, Cal., I move to strike out "sixty" and insert "forty."

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent to amend the bill on page 56, line 1357, by striking out "sixty" and inserting "forty;" so as to read:

For incidental and contingent expenses, \$40,000.

Is there objection? The Chair hears none, and the amendment is agreed to.

Mr. HALE. I offer an amendment to come in on page 31.

The PRESIDENT *pro tempore*. The Chair must inform the Senator from Maine that the amendment proposed by the Senator from Virginia [Mr. MAHONE] to the amendment of the Senator from Indiana [Mr. HARRISON] is still pending. These amendments of the Senator from Iowa have been made by unanimous consent pending that question.

Mr. HALE. I thought the road was clear.

The PRESIDENT *pro tempore*. It is not clear.

Mr. SHERMAN. I have consent of the Senator from Virginia to offer an amendment which has been several times before adopted by the Senate. On page 19, after line 451, I move to insert:

To enable the Librarian of Congress to arrange, select, edit, and prepare for publication the historical manuscripts in the Library of Congress collected by the late Peter Force for the publication known as the fourth and fifth series of the American Archives, not heretofore published, and to incorporate such additional manuscript or rare unpublished materials relating to the period embraced as may be approved by the Joint Committee on the Library, the same

to be printed in folio form, at the Government Printing Office, under the supervision of the Librarian of Congress, \$4,000.

The PRESIDENT *pro tempore*. Is there objection to receiving and agreeing to this amendment? The Chair hears none, and it is agreed to.

Mr. SHERMAN. I wish to say just a word so as to impress upon the conferees who will represent the Senate in this matter the importance of this proposition. This amendment has been four times reported by the unanimous vote of the Committee on the Library, composed of many different Senators and Members of the House as well. These documents for the continuation of the American Archives, a well-known work, have been prepared and should be now collected, and we have arranged to print one volume a year, so that in ten years the archives will be completed.

Mr. BECK. I rise to ask unanimous consent to reconsider an amendment on page 65, beginning in line 1594, and going down to and including line 1606, striking out the provision of the House relative to the Territory of Wyoming. I do this on a statement made to me by the Delegate a moment ago, which I have not had time to lay before the committee. The last Legislature failed to make an apportionment of the Territory. The Legislature elected last fall was illegal, and has been so declared by the legal authorities. New counties have been organized that have no representation, and others have grown until their representation is not one-third what it ought to be. The legislation in the House bill is absolutely necessary to give them a Legislature at all. I was not aware of it until just now.

Mr. ALLISON. I would say to the Senator from Kentucky that that is a seriously controverted question about which there is great division in the Territory of Wyoming, and it is a party question.

Mr. BECK. I did not know that.

Mr. ALLISON. And this is legislation. So I shall have to object to a reconsideration.

Mr. BECK. I can bring it up in the Senate and move to insert the clause because they have no Legislature there.

The PRESIDENT *pro tempore*. The Chair thinks the Senator from Kentucky is entitled to make a motion to reconsider. The Chair is informed there was no division on this question; and the Chair therefore thinks the Senator from Kentucky has a right to move now to reconsider the vote.

Mr. BECK. I move to reconsider the vote whereby this amendment was agreed to, striking out the provision of the House bill.

The PRESIDENT *pro tempore*. The Senator from Kentucky moves to reconsider the vote of the Senate agreeing to the amendments of the Committee on Appropriations to amend the bill by striking out from line 1594 to 1606 inclusive. The question is on the motion to reconsider.

Mr. HALE. I ask the Senator to postpone his motion for a few moments, as I am called out on a conference committee and desire to offer an amendment, or to ask unanimous consent, as I do, to offer an amendment at this time to come in on page 31, at the end of line 751.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent pending this question that the bill be amended on page 31. The amendment will be read.

The CHIEF CLERK. At the end of line 751 it is proposed to add:

That the port of Mount Desert Ferry, in the town of Hancock, in the State of Maine, be, and the same is hereby established as a port of entry, subject to the same regulations, privileges, and facilities as other ports of entry in the United States: *Provided*, That the official duties of said port shall be performed under the direction of the collector of customs for the district of Frenchman's Bay and by a deputy detailed by him for that purpose.

The PRESIDENT *pro tempore*. Is there objection to this amendment?

Mr. ALLISON. Mr. President—

Mr. HALE. Will the Senator before he objects hear me for a moment?

Mr. CAMERON, of Wisconsin. Will the Senator give way for one moment so that I may ask the Chair to lay before the Senate the unfinished business?

The PRESIDENT *pro tempore*. The Chair will request unanimous consent for action on that bill when this is disposed of.

Mr. CAMERON, of Wisconsin. Very well.

Mr. HALE. I have offered this amendment at a place in the bill where the Senate inserted a clause of this nature making a port of entry. The amendment which I have offered has passed the Senate in a separate bill after having been regularly considered by the committee having the subject in charge, and it is offered now in the terms and language of that bill which has already passed the Senate. I should not have thought of offering it had not the Senate put on the provision that immediately precedes line 751. Under these circumstances I hope the Senator from Iowa will not feel called upon to object.

Mr. ALLISON. I shall feel constrained to object to that amendment if I have the power to do it.

Mr. HALE. Does the Senator raise the point of order?

Mr. ALLISON. I raise the point of order.

Mr. HALE. It is the precise subject-matter which the Senate has considered and has passed upon, and so far as it can has made an enacted law.

Mr. FRYE. At the present session.

Mr. HALE. At the present session.

The PRESIDENT *pro tempore*. The Senator from Iowa makes the point of order. Does the Senator object to unanimous consent?

Mr. ALLISON. I do not object to the amendment being offered at this time, but I make the point of order whether it is admissible.

The PRESIDENT *pro tempore*. Is there objection to the Senator from Maine offering this amendment, another question being pending at this time? The Chair hears none.

Mr. ALLISON. Now I make the point of order.

The PRESIDENT *pro tempore*. The Senator from Iowa makes the point of order that the amendment proposed by the Senator from Maine conflicts with the rule regarding legislation. The Chair submits that question to the Senate.

Mr. HOAR. Let the amendment be read again.

The PRESIDENT *pro tempore*. The amendment will be again read. The Secretary again read the amendment of Mr. HALE.

The PRESIDENT *pro tempore*. The question is, Is the amendment of the Senator from Maine in order? The Chair submits it to the Senate for the reason that the Senate in acting upon the body of the bill appears to have been of opinion that certain clauses should be retained. The Chair therefore leaves it to the Senate to decide whether this species of legislation is in order.

Mr. FRYE. The only ground of course under which by any possibility the amendment could be held to be in order is the portion of Rule XVI which authorizes and makes in order as an amendment to an appropriation bill a resolution or bill under certain circumstances which has passed the Senate during the same session.

I will take advantage of the opportunity to say a word touching the merits of the amendment, as that seems to be usual in the Senate. The Maine Central Railroad, the leading New England railroad, last season extended its road to Mount Desert Ferry, which is the best harbor probably on the coast of Maine. As soon as the road was extended there the company built extensive buildings and depots, and an immense trade has sprung up between that port and the ports of Canada. There are now in progress negotiations for a regular steam line between there and Europe. The regular port of entry is forty miles above, away up a river. It must be a port of entry in order to enable vessels carrying a foreign flag to discharge their cargoes at Mount Desert Ferry. The amendment is entirely in the interest of the Government; it is entirely in the interest of our revenues.

Mr. HALE. It has been submitted to the Treasury Department.

Mr. FRYE. It has been submitted to the Committee on Commerce, was unanimously reported by the committee, was submitted to the Treasury Department, was recommended by the Treasury Department, and has been passed by the Senate without division, after a full understanding. There is no objection to it anywhere. It has been submitted to a committee elsewhere and unanimously regarded favorably there. There can not possibly be any objection to it. It is an absolute necessity to commerce. I hope the Senate will allow it to go on to the bill.

The PRESIDENT *pro tempore*. The question is, Is the amendment submitted by the Senator from Maine [Mr. HALE] in order?

The question being put, there were on a division—ayes 17, noes 16; no quorum voting.

Mr. ALLISON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SHERMAN. I hope that by unanimous consent the amendment will be put on, and that we shall not be called upon to vote on the proposition of order. I have no objection to its being put on by unanimous consent.

Mr. HALE. Suppose the Senator asks for unanimous consent.

Mr. SHERMAN. I do. I ask it now.

Mr. ALLISON. I made the point of order on the amendment. I wish to know whether it is in order or not. I will simply say to the Senator from Maine and other Senators that there are a great many bills here and a great many suggestions that are not in order which I should be glad to insert on this bill. The Senate during the last session passed a bill with absolute unanimity increasing the compensation of the judges of the district courts of the United States; and there is an item of appropriation in the bill for the compensation of those judges; yet under the rules of the Senate we can not appropriate the sum necessary to properly compensate those judicial officers, because it is not within our rule. If we can put on these things by unanimous consent, I think we ought to put on as many of the bills that the Senate has passed as possible, in order that they may reach the other House for consideration.

Mr. HALE. Let me ask the Senator if he does not think the attitude of the Senate different, after it has deliberately, upon a yeas-and-nays vote, admitted a clause of this kind coming from the House of Representatives creating a port of entry and delivery? Has not the Senate thereby declared that legislation of that kind for the time being is appropriate in an appropriation bill? But for that I should not have offered the amendment. It was only in accordance with the will of the Senate expressed on this particular bill that I introduced a germane amendment.

Mr. FRYE. A full Senate did it yesterday.

Mr. HALE. The Senate has been doing it all the time, for that matter.

Mr. ALLISON. The Senate can do it now.

The PRESIDENT *pro tempore*. The question is, Is the amendment proposed by the Senator from Maine [Mr. HALE] in order under the rules of the Senate? On this question the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. KENNA (when his name was called). I am paired on all questions with the Senator from Minnesota [Mr. SABIN].

The roll-call having been concluded, the result was announced—yeas 21, nays 24; as follows:

YEAS—21.			
Brown,	Gibson,	Miller of Cal.,	Sewell,
Call,	Hale,	Miller of N. Y.,	Van Wyck,
Camden,	Jackson,	Palmer,	Williams.
Coke,	Mahone,	Pike,	
Conger,	Manderson,	Pugh,	
Frye,	Maxey,	Riddleberger,	
NAYS—24.			
Allison,	Garland,	Hoar,	Plumb,
Bayard,	Gorman,	Ingalls,	Ransom,
Beck,	Groome,	Jonas,	Sherman,
Cokquitt,	Hampton,	McPherson,	Slater,
Edmunds,	Harris,	Morgan,	Vest,
Fair,	Harrison,	Morrill,	Wilson.
ABSENT—31.			
Aldrich,	Cullom,	Jones of Nevada,	Platt,
Blair,	Dawes,	Kenna,	Sabin,
Bowen,	Dolph,	Lamar,	Saulsbury,
Butler,	Farley,	Lapham,	Sawyer,
Cameron of Pa.,	George,	Logan,	Vance,
Cameron of Wis.,	Hawley,	McMillan,	Voorhees,
Chace,	Hill,	Mitchell,	Walker.
Cockrell,	Jones of Florida,	Pendleton,	

The PRESIDENT *pro tempore*. The Senate holds that the amendment is not in order. The question now is on the motion of the Senator from Kentucky [Mr. BECK] to reconsider the vote of the Senate agreeing to the amendment of the Committee on Appropriations on page 65, striking out the words from line 1594 to line 1606.

Mr. BECK. Mr. President—

The PRESIDENT *pro tempore*. Debate on a motion to reconsider, the rule says, is not in order.

Mr. BECK. I beg pardon.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion to reconsider. [Putting the question.] The yeas appear to have it.

Mr. BECK. I desire to ask if I can renew my motion in the Senate.

The PRESIDENT *pro tempore*. The question can be raised again in the Senate.

Mr. BECK. Then I do not care about it now.

The PRESIDENT *pro tempore*. The yeas have it, and the motion to reconsider is not agreed to. The Senate resumes consideration of the amendment proposed by the Senator from Virginia [Mr. MAHONE] to the amendment offered by the Senator from Indiana [Mr. HARRISON].

Mr. MAHONE. Mr. President—

Mr. VAN WYCK. If the Senator from Virginia will allow me before he proceeds I desire to state that I suggested last evening an amendment which will not occupy much time, and I trust the Committee on Appropriations will assent to it. I think it will be a pleasure for the Senate to assent to it. In line 99 I propose to move to strike out "\$2,592" and insert in lieu thereof "\$3,000." That is for the compensation of Amzi Smith, who is in charge of the document-room of the Senate.

I trust that while we are adding to the number and increasing the salaries of other officers we shall at least pause long enough to do justice to Mr. Smith. Every member of the Senate knows probably more than I can say in behalf of this proposition. No more valuable man is connected with this branch of the Government—only one other man possibly. He is like Mr. Spofford, the Librarian, and like the clerk of the Committee on Appropriations. Mr. Amzi Smith stands as those two gentlemen stand. We are paying \$2,220 to clerks in this body who really do no public business, as every member of the Senate knows.

Mr. PLUMB. Cut them down.

Mr. VAN WYCK. Cut them down! No, sir; you can not do that. Why do not the members of the Committee on Appropriations seek to cut them down? That can not be done; but do not let that prevent us from doing an act of stern justice. The loss to the Senate of the three men whom I have named would be a public calamity greater than the loss of two or three Senators; I mean those who do not belong to the Committee on Appropriations, of course. It would be a public calamity to the country.

I do not even know what State Mr. Smith is from. I do not know his politics. He is not asking for this proposed increase, neither does he know that this little amendment is to be offered; but I trust now that when a man who has made himself so valuable, and is wearing his life out very evidently in the document-room, the Senate will not refuse to increase his pay. Every Senator has been benefited by the value of his services. Take the clerk of the Committee on Appropriations, Mr. Spofford the Librarian, and Mr. Smith, and you can not

measure the services of such men in dollars. I trust the Senate will not hesitate a moment to do to this man this little act of justice.

The PRESIDING OFFICER (Mr. SHERMAN in the chair). The Senator from Nebraska asks unanimous consent at this time to offer the amendment indicated by him. Is there objection?

Mr. ALLISON. I object just for the moment. I think we had better dispose of the pending question.

The PRESIDING OFFICER. Objection being made, the question recurs on the amendment of the Senator from Virginia [Mr. MAHONE] to the amendment of the Senator from Indiana [Mr. HARRISON].

Mr. MAHONE. Mr. President, the proposition before the Senate is to amend the amendment which undertakes to put certain clerks of committees on the roll of annual clerks. Three amendments to that effect were proposed by their respective committees in conformity with the rules of the Senate; they were referred to the Committee on Appropriations, and that committee thought it wise and expedient to leave them out. Those propositions of amendment have now come before the Senate. The Senate has substantially given evidence of its intention to adopt two of the propositions, and in the amendment which I offer on behalf of the Committee on Public Buildings and Grounds I ask the Senate to adopt the third. I wish only to say that it will occur to the Senate, I think, that there is as much propriety in making the clerk of the Committee on Public Buildings and Grounds an annual clerk as there is in making the clerks which have already been in substance adopted as annual by the Senate.

The PRESIDING OFFICER. The Secretary will report the amendment proposed by the Senator from Virginia as an amendment to the amendment proposed by the Senator from Indiana.

The SECRETARY. It is proposed, after the words "the clerk of the Committee on Territories, and the clerk of the Committee on Agriculture and Forestry," to add the words "and the clerk of the Committee on Public Buildings and Grounds."

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

Mr. RIDDLEBERGER. Before the question is put, after the word "grounds" I propose to insert, as an amendment, "and the clerk of the Committee on Manufactures."

The PRESIDING OFFICER. That amendment will not be in order until the question is taken on the pending amendment.

Mr. RIDDLEBERGER. I wish to reserve the right to offer it then.

Mr. COCKRELL. Why is it not in order? This is only an amendment to the amendment.

The PRESIDING OFFICER. The Chair understands that an amendment to the amendment is now pending.

Mr. COCKRELL. How is it?

The PRESIDING OFFICER. The Chair is informed by the clerks that the pending amendment is an amendment to an amendment. The amendment proposed by the Senator from Indiana [Mr. HARRISON] has been amended, and now a second amendment is pending to the amendment proposed by the Senator from Indiana, and until the question is taken upon the amendment to the amendment no further amendment is in order. The question is on agreeing to the amendment proposed by the Senator from Virginia [Mr. MAHONE].

Mr. RIDDLEBERGER. I think, sir, we ought not to adopt any of these amendments. I do not think that any one Senator on this floor would like to put himself in the attitude of discriminating between the clerks of these committees, and especially discriminating in favor of those who do the least work. That is what we are doing now. I can take the very committees the clerks of which it is proposed to increase the pay of, and I can demonstrate from the record of those committees that they do the least work of any in this body.

If there should be a proposition here to increase the pay of all the committee clerks and make them all annual clerks I should vote for it; but I am not willing for one to take the Committee on Agriculture and Forestry, from which committee there have been four bills reported during this whole session, and the Committee on Public Buildings and Grounds, which meets possibly once a week, and to say that they shall have annual clerks, and that the clerks of all the other committees now excluded from the annual list shall be per diem clerks. I am as liberal as any Senator on this floor, but I am not liberal to the extent of giving the man the most money who does the least work. If there shall be brought in a proposition from the Committee on Appropriations to make all the committee clerks annual I shall vote for it.

Mr. MAHONE. I should like to be allowed to interrupt the Senator.

The PRESIDING OFFICER. Does the Senator from Virginia yield to his colleague?

Mr. RIDDLEBERGER. Certainly.

Mr. MAHONE. It seems to me he would be singularly falsifying his position in proposing to amend this amendment by putting on the Committee on Manufactures which he told us yesterday met once in two years. I doubt very much whether he has seen his clerk in the last three months.

Mr. RIDDLEBERGER. Very well and very playfully said, Mr. President. I am not trying to take care of my clerk. If he is not here, possibly he is boarding. I am not asking the Senate to increase his pay;

I am not asking the Senate to make him an annual clerk. I am opposing making an annual clerk of him who is the clerk of the Committee on Public Buildings and Grounds. But I say that if we are going to make one an annual clerk, let them all be annual clerks. Why should we make the clerk of the Committee on Agriculture and Forestry an annual clerk? I should like to have some Senator assign a reason for it except the mere fact that the proposition is made. Why should we make an annual clerk of him who writes for the Committee on Public Buildings and Grounds? Make them all annual clerks or leave them just as they are. I undertake to say that if the yeas and nays are called on a proposition of this sort the Senate will not adopt any of these amendments.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Virginia [Mr. MAHONEY] to the amendment of the Senator from Indiana [Mr. HARRISON].

Mr. MAHONEY. I ask for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. ALLISON (after having voted in the negative). I voted in the negative, forgetting for the moment that I am paired with the Senator from Massachusetts [Mr. HOAR]. Therefore I withdraw my vote.

The result was announced—yeas 24, nays 30; as follows:

YEAS—24.

Aldrich,	Conger,	Ingalls,	Mitchell,
Blair,	Cullom,	Jones of Nevada,	Palmer,
Bowen,	Dolph,	Lapham,	Sawyer,
Brown,	Fair,	Mahoney,	Sewell,
Call,	Harrison,	Miller of Cal.,	Van Wyck,
Chace,	Hill,	Miller of N. Y.,	Wilson.

NAYS—30.

Bayard,	Gorman,	Mazey,	Saulsbury
Beck,	Groome,	Morgan,	Sherman,
Cockrell,	Hampton,	Morrill,	Slater,
Coquitt,	Harris,	Pendleton,	Vance,
Dawes,	Hawley,	Pike,	Vest,
Frye,	Jackson,	Platt,	Walker.
Garland,	Jonas,	Pugh,	
Gibson,	McPherson,	Riddleberger,	

ABSENT—22.

Allison,	Edmunds,	Kenna,	Ransom,
Butler,	Farley,	Lamar,	Sabin,
Camden,	George,	Logan,	Voorhees,
Cameron of Pa.,	Hale,	McMillan,	Williams.
Cameron of Wis.,	Hoar,	Manderson,	
Coke,	Jones of Florida,	Plumb,	

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Indiana as amended.

Mr. VAN WYCK. I suppose now the amendment which I presented last night, and which has been printed, will be in order, to insert after the word "Senate," in line 72, the words:

And clerks to each of the other standing committees of the Senate.

That, I think, will commend itself to the idea of equity which ought to prevail in this body. I do not desire to prolong the discussion which followed upon that proposition last night when my amendment was ruled out of order. Because of that ruling I submitted it and had it printed.

The PRESIDING OFFICER. The Chair will inform the Senator from Nebraska that the amendment would not now be in order. The amendment of the Senator from Indiana is in a different part of the bill.

Mr. VAN WYCK. The same part, I think.

The PRESIDING OFFICER. A previous line. The amendment of the Senator from Indiana is in line 71, after the words "Indian Affairs," while the amendment proposed by the Senator from Nebraska comes in on line 72, at a different place.

Mr. VAN WYCK. Will the Secretary state where the amendment of the Senator from Indiana is to be inserted?

The SECRETARY. In line 71, after the words "Indian Affairs."

Mr. VAN WYCK. Mine comes in on the next line, after the word "Senate." It is germane to this amendment and was intended to be an amendment to the amendment of the Senator from Indiana.

The PRESIDING OFFICER. It can be offered as an amendment to the amendment of the Senator from Indiana, if the Senator desires.

Mr. VAN WYCK. I trust there will be no point on that.

Mr. ALLISON. I desire to make the point of order on this amendment. I understand it was simply referred by the Senator from Nebraska, and was not the report of a standing or select committee of the Senate. I presume, therefore, it is not in order.

The PRESIDING OFFICER. Does the Senator from Nebraska offer the amendment as a Senator, or does it come from some committee?

Mr. VAN WYCK. Not from a committee. I offered it yesterday as a Senator in this body, and had it printed and referred to the Committee on Appropriations.

The PRESIDING OFFICER. Under the sixteenth rule it would not be in order unless it came from a committee. The rule will be read.

The Secretary read as follows:

RULE XVI.

AMENDMENTS TO APPROPRIATION BILLS.

1. All general appropriation bills shall be referred to the Committee on Appropriations, except bills making appropriations for rivers and harbors, which shall be referred to the Committee on Commerce; and no amendments shall be

received to any general appropriation bill, the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the Departments.

Mr. VAN WYCK. Then do I understand that a Senator has no power to offer an amendment to an appropriation bill?

The PRESIDING OFFICER. The Senator from Indiana [Mr. HARRISON] reported from the committee of which he is chairman the amendment proposed by him, and that was in order; but the motion of the Senator from Nebraska is not in order unless he has authority from a committee to report it.

Mr. VAN WYCK. Is it not in order to present an amendment to the amendment presented by the Senator from Indiana?

The PRESIDING OFFICER. It would be in order, the Chair thinks, but for the fact that the same rule governs amendment to amendment as original amendments; the proposition must be reported from a committee. Such the Chair is advised is the practice.

Mr. VAN WYCK. Then do I understand that a member of the Senate, as an individual, has no power at any time to offer an amendment to an appropriation bill? Is that the rule, and has that been the practice of the Senate?

The PRESIDING OFFICER. The rule is as stated by the Chair, and such has always been the practice of the Senate, that an amendment can not be offered by a Senator if it involves a new appropriation or an increased expenditure, unless it is reported by direction of a standing or select committee.

Mr. VAN WYCK. I submit whether this is not carrying out the rules and regulations of the Senate already. The Senate have directed the appointment of certain committees of this body, and as an incident to that they have appointed clerks to those committees. The Senate have done this. From the fact of the establishment of the committees first and from the fact of the appointment of clerks to those committees is not as a necessary incident thereto this matter properly in order? The only question is for what length of time the clerk shall be compensated. Everything else has been provided for, the establishment of the committee and the appointment of its clerk. Now, this amendment merely proposes to make a little more effective what the Senate has already ordered to be done.

I think it is important we should take the sense of the Senate on this matter. Some Senator has said, particularly to the Committee on Appropriations who have charge of this matter, that we had better reduce expenses and level down salaries. That would do very well; but that will never be done. The only way of reaching a just and equitable and honest distribution is that we shall put it in such a shape that the Senate will be forced or the Committee on Appropriations will be forced to do a little nearer justice in this matter.

Now I ask unanimous consent that this amendment, of which notice was given yesterday, be received and considered.

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent to offer this amendment at this time.

Mr. HAWLEY. What is the amendment?

The PRESIDING OFFICER. The amendment will be again read.

Mr. HAWLEY. Making annual clerks to all the other committees?

The PRESIDING OFFICER. Yes.

Mr. HAWLEY. I object.

The PRESIDING OFFICER. Objection being made, the Chair is of opinion that it is not now in order. Does the Senator from Nebraska appeal from that decision?

Mr. VAN WYCK. No, sir.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Indiana [Mr. HARRISON] as amended.

Mr. MILLER, of New York. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. HARRIS. Let the amendment be read.

The PRESIDING OFFICER. The amendment as amended will be read.

The SECRETARY. After the words "Indian Affairs," in line 71, it is proposed to add:

Clerk to the Committee on Territories, and clerk to the Committee on Agriculture and Forestry.

Mr. RIDDLEBERGER. Before the vote is taken I may be pardoned, perhaps, for asking of the Chair how one objection can control the Senate of the United States on a matter that goes only to a rule of the Senate. I perfectly understand that the limit of legislative authority is fixed by the Constitution of the United States, and it is not fixed by any rule of the Senate, and no one objection is equivalent to a majority vote of this body. I submit that now as a proposition, not from the foundation, but from the top down. If when a Senator here offers an amendment to an appropriation bill the objection of one Senator shall say that it is not in order, then there is no use of our being here. I say that a majority of this body fixes its own rules—let him who will deny that proposition—and the only limit to our authority here is fixed by the Constitution itself.

Mr. CAMERON, of Wisconsin. Allow me to suggest that the trouble

with the arguments of the Senator from Virginia is that the Senate has fixed its own rules, and under those rules the amendment to which he refers was not in order. The Senate can alter or amend those rules so that such amendments may be in order, but it has not done that yet.

Mr. RIDDLEBERGER. The trouble with the Senator from Wisconsin is that he does not seem to comprehend the difference between what one Senator does and what another tries to do.

Mr. CAMERON, of Wisconsin. Oh, yes; I have discovered that.

Mr. RIDDLEBERGER. I am glad of it. I care not how many rules the Senate may adopt, they can not limit or fix a limit to the action of the Senate. Why, sir, if I may be permitted to do what members of a committee here do, violate one of the fundamental principles of parliamentary law and tell what transpires in committee, which is often done here, I may be permitted to say that I went to the Appropriations Committee last year and I found not only a rule of the Senate but what they called a courtesy obtaining between the two committees of the two Houses of the United States Congress, and they said to me, "You must go to the House of Representatives and get the *imprimatur* of the chairman of the committee there before you can have an appropriation here."

The point that I want to make is this—and if I give away this point I and every other Senator here had just as well be at home and leave all the business to the Committee on Appropriations—that no rule can be prescribed outside of the Constitution itself that binds any Senator on this floor, and no one objection can prevent me from offering and having entertained by this body an amendment to an appropriation bill. I insist upon it, sir, that no rule can be prescribed by this Senate or any other that will inhibit the amendment proposed by the Senator from Nebraska. I care nothing about his amendment. I should vote against it; I shall vote against all these amendments; but I am not willing for one to say that there can be a rule which can circumscribe my action here; and there can be no valid rule under which the presiding officer can say that I am not entitled to any privilege that any Senator on this floor has, whether I be a member of one committee or another.

Sir, I submit that any amendment offered to this bill is in order and no one objection can preclude it; no one objection can defeat it. A majority of this body alone can say whether an amendment is to be put upon the bill or not. That is the point I am making.

The PRESIDING OFFICER. The Chair does not see that the Senator from Virginia presents any point of order. The Chair is trying to enforce the rules as he finds them. The question now is on the amendment of the Senator from Indiana [Mr. HARRISON] as amended. The yeas and nays have been ordered, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR]. If he were here, I should vote "nay."

Mr. MANDERSON (when his name was called). I am paired with the Senator from Florida [Mr. JONES]. If he were here, I should vote "yea."

The roll-call having been concluded, the result was announced—yeas 23, nays 26; as follows:

YEAS—23.

Blair,	Fair,	Lapham,	Pike,
Bowen,	George,	Mahone,	Sawyer,
Chace,	Harrison,	Miller of Cal.,	Sewell,
Conger,	Hill,	Miller of N. Y.,	Van Wyck,
Cullom,	Ingalls,	Mitchell,	Williams,
Dawes,	Jones of Nevada,	Palmer,	

NAYS—26.

Bayard,	Gorman,	Morgan,	Slater,
Beck,	Groome,	Morrill,	Vance,
Camden,	Hampton,	Platt,	Vest,
Coekrell,	Harris,	Pugh,	Voorhees,
Coke,	Jackson,	Riddleberger,	Wilson,
Colquitt,	Jonas,	Saulsbury,	
Gibson,	McPherson,	Sherman,	

ABSENT—27.

Aldrich,	Dolph,	Hoar,	Maxey,
Allison,	Edmonds,	Jones of Florida,	Pendleton,
Brown,	Farley,	Kenna,	Plumb,
Butler,	Frye,	Lamar,	Ransom,
Call,	Garland,	Logan,	Sabin,
Cameron of Pa.,	Hale,	McMillan,	Walker,
Cameron of Wis.,	Hawley,	Manderson,	

So the amendment was rejected.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. Shall the vote upon the amendments made as in Committee of the Whole be taken in gross?

Mr. BECK. I ask for a separate vote on the amendment on page 65 striking out of the bill the lines from 1594 to 1606, inclusive.

The PRESIDING OFFICER. That amendment will be reserved.

Mr. ALLISON. Unless some other amendment is reserved, I hope the question will be taken on the other amendments in gross.

The PRESIDING OFFICER. The Chair will put the question on concurring in all the amendments except the one reserved at the request of the Senator from Kentucky [Mr. BECK].

The amendments were concurred in.

The PRESIDING OFFICER. The reserved amendment will now be read.

The CHIEF CLERK. In Committee of the Whole the Senate struck out the following clause:

Provided, That on the first Monday of September, A. D. 1885, or within ten days thereafter, the governor of the Territory and the presiding officers of the houses of the last Legislature shall meet and reapportion the Territory in accordance with the population, as ascertained by the best possible means; and that in accordance with such new apportionment members shall be elected to the Ninth Legislative Assembly, on the second Tuesday of November, 1885, in accordance with the election laws of the Territory; and the members of the council and house of representatives so elected shall be the legal members and constitute the Ninth Legislative Assembly of the Territory.

Mr. BECK. I think it was a mistake to strike out that provision, and for reasons which I shall state.

The last Legislature of the Territory of Wyoming failed to pass an apportionment law; and a Legislature was elected last fall which is believed by nearly all the prominent people in the Territory to be illegal, and I believe it is illegal. Unless this provision is made the Territory of Wyoming can have no Legislature next year. The provision which the House inserted allows a proper apportionment to be made and a legal Legislature to be elected under that apportionment. New counties have been organized within the last few years that have no representation at all at this time, while other counties have grown far out of proportion to other parts of the Territory since the last apportionment.

I have a letter in my hand addressed to Hon. M. E. Post, the present Delegate from Wyoming, from, I suppose, the leading Republican lawyer of that Territory, Mr. Corlett, who was at one time the Delegate here, in which he expresses the belief that the last election for a Territorial Legislature was illegal and unwarranted, and that to avoid any question provision ought to be made, which he drew himself and sent to the present Delegate, who offered it in the House. This letter shows all the facts; and the Delegate laid the correspondence before the House of Representatives, and the House inserted in this bill the provision which the Senate has stricken out.

The reason why the Delegate brought it to me, I assume, is that I was a member of the Committee on Appropriations and that I have been in the habit of going to that Territory for the last three or four years, having a son residing in Northern Wyoming.

The county of Johnson, where he resides, illustrates pretty well what the necessity of this legislation is. The county of Johnson has grown up from a population of two hundred in the last four or five years to somewhere near 5,000 actual, *bona fide* settlers, opening farms, irrigating the land, raising crops, with sheep and cattle and everything that farmers have about them. That county has grown, perhaps, more than any other three counties, but there being no apportionment it has only one representative, while perhaps it is entitled to three. The county of Carbon, which has been organized since that, has none, although it is growing very rapidly.

I do not see why we should not authorize an apportionment to be had and representatives elected in accordance with law, so as to remove all doubts and allow the people of that Territory to pass legislation for their own good. Their legislation is generally confined to the building of bridges, the establishment of school-houses, and to doing matters which will aid them in their material advancement. There is very little politics in it as far as I know or believe.

It seems to me that in view of these facts the Senate ought to agree to the provision made by the House.

Mr. HARRISON. Will the Senator from Kentucky allow me to ask him a question?

Mr. BECK. Certainly.

Mr. HARRISON. What is the particular matter that is thought to affect the legality of this Legislature?

Mr. BECK. The Legislature that adjourned two years ago failed to pass an apportionment bill to apportion the representation in the Territory, and their failure to do this is believed to have made the last election illegal.

Mr. HARRISON. Then, if I understand it, it is upon the basis that the apportionment once made does not continue until it is changed by a new apportionment?

Mr. BECK. I judge not, from the letter that Mr. Corlett, who is the best lawyer there and a former Delegate, wrote to the present Delegate. I have not had time to make a personal investigation of the subject, but knowing these gentlemen and relying upon them I believe that is the fact. That is all there is in the case as far as I know. I think we had better agree with the House. It can not do any harm, I think.

Mr. HARRISON. So far as I know—and the Senator from Kentucky will correct me if I am wrong—this proposition has not been submitted to the Committee on Territories of the Senate.

Mr. BECK. Not that I know of. I am not aware of it.

Mr. HARRISON. I do not think it has been in any form. I do not know how it is that the emergency for this legislation has been so recently discovered. I do not know how it may have come about; but if there was this condition of things in that Territory, it is strange that the people should not have been advised of it in time to enable the Committee on Territories to consider the question and to report some appropriate legislation.

The proposition here is to give to certain executive officers of the

Territory, and to the presiding officers of the two houses of the Territorial Assembly power to make an apportionment. In an exigency where the Legislature had for some reason or other lost control over this subject, of course a resort to that method to secure a new apportionment might be justifiable; but I think the Senator from Kentucky will agree with me that it is not a good method of apportioning a Territory for legislative purposes. It gives a few persons, some of them appointed to executive offices, the right to apportion a Territory, and upon their apportionment the next Legislature is to be chosen. There may be always in that case some risk of partiality or unfairness of one sort or another, at least they are not the chosen representatives of the people to do this sort of thing. The Legislature of the Territory of Wyoming is the proper body to make an apportionment for the Legislature that is to succeed it, and I do not see myself that there is in this case, such an exigency as to justify us, without any information from the committee that has this subject in charge, in authorizing these men to make a reapportionment for legislative purposes.

I may say that, without any personal knowledge of the subject at all, there has been placed in my hands this morning by Judge Carey, the Delegate-elect from the Territory of Wyoming, a telegram signed by a dozen or more individuals, whom he represents to me to be leading citizens, in which they protest against this measure as an injustice and a needless expense to the Territory. I do not myself know what the facts are, and I do not know upon what line the citizens of that Territory are divided upon this question. I do not know whether it is a political division or upon what lines they divide, but it seems clear that they are divided in opinion as to whether this ought to be done. And it seems to me that, aside from the objection of the Appropriations Committee, that they are charged with a matter which appropriately belongs elsewhere, and that there has been an insufficient investigation, the committee ought to adhere to the same rule they applied in the case of Dakota, namely, strike out the provision. The legislation in the case of Dakota, which provided for an increase of the number constituting the Territorial council and house of representatives, the committee have stricken out. That legislation had been favorably reported by the Committee on Territories, and the necessity for it was apparent, for, as the Senator from Kentucky knows, there are probably 500,000 people in that whole Territory, and they are governed by a council that consists of twelve men and a house that consists of twenty-four.

The Senate can see how inadequate the representation of the people must be in a Legislature representing so vast a Territory and so large a population; and yet the Committee on Appropriations have stricken out that legislation here, though it had secured the support of the particular committee of this body having the subject in charge, and we have made no resistance. Though we think that legislation ought to be passed we have not sought to retain it in this bill. In the other case there seems for some reason to be a divided sentiment in the Territory of Wyoming as to whether the legislation ought to be had, and it is a question that no one here seems to have investigated sufficiently to justify putting it in the shape of law.

Mr. DAWES. I do not know anything personally of this matter; but I received yesterday a telegram from a gentleman a resident of that Territory who has resided there some time, a former resident of Massachusetts, whom I know to be a man of great intelligence and integrity, and who knows as well as any one man can the interests of the Territory, and he very strongly urges that this measure be rejected. He is very much opposed to the proposition contained in this clause of the House bill. He has identified himself and has for some time been a leading citizen of that Territory, and expects it to be his home for the future. Identified with its interests, he is very much opposed to this measure.

Mr. BECK. I am not able to answer whether there is any political matter in this or not. The Senator from Iowa thought there was. My only information comes from the Delegate from the Territory [Mr. Post], who handed me the papers which I have submitted to the Senate. Both he and a former Delegate and the lawyers of that Territory who understand their Territorial laws believe that the Legislature purporting to have been elected last fall was illegally elected and can not therefore act as the Territorial Legislature. If this is so, it ought to be remedied. The county of Carbon, to which my attention has been called, has no representation; a former Delegate from the Territory in the House, evidently a fair man, says there is no representation from that county. Another county which is entitled to three members has only one. If the Legislature elected can not meet because of illegality, the defect ought to be remedied. The House has remedied it; but the Senate has stricken out the clause proposed by the House. I think it was a mistake to do that. I believe the clause ought to be allowed to remain.

I know personally the importance of very much legislation by that Territorial Legislature. Actual settlers are going in there with their families, many of them people of means, people of education. They want bridges over their rivers and streams, public highways, and many other things that the Legislature must provide for. If because of the illegality of the last election they are to be deprived of the right of having a Legislature for two or three years to come, there being only biennial sessions, it will be a great deprivation to those people. While a protest comes to the Senator from Indiana on the ground of expense,

it should be remembered that the expense is a very small matter compared to the benefits to be derived from it. That is all I care to say about it.

Mr. HARRISON. In referring to the legislation in this bill in reference to Dakota I did it without more than glancing at it. I find the legislation contained in the bill was to enable the Territory to apportion their members of the council in single districts instead of as now two in a district, something that of course ought to be done, but it was obnoxious to the rule of the Senate and went out of this bill. We did not retain it notwithstanding it is undoubtedly wise legislation.

Mr. ALLISON. As I understand this question—and the Senator from Kentucky can correct me if I am mistaken—a Legislature of Wyoming was elected at the last election and will be known as the Ninth Legislature. This provision in the bill legislates that Legislature out of office and provides that next year a new apportionment shall be made and a new Legislature elected which shall be the Ninth Legislature. In view of the fact that there are serious difficulties in the way, and in view of the fact also that a very large number of the people of Wyoming, including the Delegate-elect, protest against this legislation and insist that the Legislature already elected is the proper Legislature of the Territory, it seems to me rather dangerous for us to interfere with the subject on an appropriation bill. If I am mistaken in my facts, the Senator from Kentucky can correct me.

Mr. BECK. I am advised that the reason for the House legislation is that while there were members elected to the Legislature last fall, that election was in fact illegal, null, and void by reason of the law requiring an apportionment to be made before an election could be had. If that is the case, nothing will come of the election.

Mr. ALLISON. But the Senator must see that the gentlemen who have been elected claim that the election was legal; and I think there is in the committee-room of the Committee on Appropriations now a telegram from one of the members elected to this Legislature to that effect. We are undertaking here without a hearing and without full information of the facts to annul the election of last year and provide for an entirely new election next year. I do not think that ought to be done in this summary manner.

Mr. CALL. It seems, on the statement of the Delegate from Wyoming and the action of the House in the bill now before the Senate, that there has been an election in the Territory of Wyoming under an apportionment law which has ceased by its terms to exist, and that that election has left a very large portion of the people of Wyoming unrepresented. The letter read by the Senator from Kentucky was from a Republican lawyer of eminence, as I understand, in the Territory of Wyoming, a former Delegate; and I understand it to be very largely the wish of the people of that Territory that there should be left no doubt as to the legality of the election of the Legislature that is to meet. The bill of the House simply proposes to add to that Legislature a representation made upon an apportionment of the population so as to make it a full representation.

Mr. ALLISON. I do not so understand the provision. It provides for the election of an entirely new Legislature and says that shall be the Ninth Legislature of the Territory of Wyoming.

Mr. CALL. But only for the purpose of introducing the new representation of people who have not been represented in the apportionment.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole, striking out the words which have been read.

Mr. BECK. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. SAULSBURY. I desire to ask whether an amendment striking out the word "ninth" would be in order. I shall make that motion if it is in order, because I do not like to pass here by my vote on the question of whether the existing Legislature is a legal Legislature or not, but I am in favor of making some provision for another Legislature upon a new apportionment, inasmuch as a doubt exists as to the legality of the present Legislature. If it is in order, I make that motion.

The PRESIDENT *pro tempore*. Which word "ninth" does the Senator from Delaware move to strike out? There are two words "ninth."

Mr. SAULSBURY. I move to strike it out in both cases.

The PRESIDENT *pro tempore*. The Senator from Delaware moves to amend the paragraph proposed to be stricken out by striking therefrom the word "ninth," occurring in two places, in line 1601 and in line 1605.

Mr. SAULSBURY. By adopting my amendment and retaining the clause we do not pass on the question of the legality of the existing Legislature, but make provision for the election of another Legislature under a new apportionment; and that is what I desire.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Delaware.

Mr. CONGER. If the amendment should prevail and the Senate should insist upon striking out, then these two words would be left in the bill, as I understand.

The PRESIDENT *pro tempore*. If the motion of the Senator from Delaware prevails those words will already have been stricken out. Then if the recommendation of the Committee of the Whole should be

agreed to, all the rest of the words would be stricken out. The question is on the amendment of the Senator from Delaware to strike out the word "ninth" in two different places.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question now recurs on agreeing to the recommendation of the Committee of the Whole to strike out the whole paragraph, on which the yeas and nays have been ordered.

The Secretary called the roll.

Mr. MANDERSON. My pair with the Senator from Florida [Mr. JONES] has been transferred to the Senator from Minnesota [Mr. McMILLAN].

The result was announced—yeas 33, nays 15; as follows:

YEAS—33.

Aldrich,	Frye,	Lapham,	Riddleberger,
Allison,	Garland,	Manderson,	Sawyer,
Blair,	Gorman,	Miller of N. Y.,	Sewell,
Cameron of Wis.,	Harris,	Mitchell,	Sherman,
Chace,	Harrison,	Morrill,	Van Wyck,
Conger,	Hawley,	Palmer,	Wilson.
Cullom,	Hoar,	Pike,	
Dawes,	Ingalls,	Platt,	
Edmunds,	Jones of Nevada,	Plumb,	

NAYS—15.

Bayard,	Coke,	Jackson,	Vest,
Beck,	Colquitt,	Maxey,	Walker,
Brown,	George,	Sanbury,	Williams.
Call,	Hampton,	Vance,	

ABSENT—28.

Bowen,	Farley,	Kenna,	Morgan,
Butler,	Gibson,	Lamar,	Pendleton,
Camden,	Groome,	Logan,	Pugh,
Cameron of Pa.,	Hale,	McMillan,	Ransom,
Cockrell,	Hill,	McPherson,	Sabin,
Dolph,	Jonas,	Mahone,	Slater,
Fair,	Jones of Florida,	Miller of Cal.,	Voorhees.

So the amendment was concurred in.

Mr. ALLISON. In line 137, I ask that the footing may be corrected to correspond to an amendment agreed to by the Senate. Before the word "hundred" I move to strike out "six" and insert "eight;" so as to read "\$51,821.80."

The PRESIDENT *pro tempore*. That correction will be made, if there be no objection.

Mr. ALLISON. In line 769, I also wish to change the footing to correspond to the action of the Senate. Before the word "hundred" I move to strike out "nine" and insert "eight;" and before the word "dollars" to strike out "ninety" and insert "ten;" so as to read "\$88,810."

The PRESIDENT *pro tempore*. This amendment will be agreed to, if there be no objection.

Mr. VAN WYCK. I now ask unanimous consent to offer an amendment to increase the compensation of the superintendent of the document-room, Amzi Smith, named in the bill. In line 99, I wish to move to strike out "\$2,592" and insert "\$3,000." I have already made some suggestions to the Senate in that behalf, and the matter was laid over on the request of the Senator from Iowa.

The PRESIDENT *pro tempore*. The Senator from Nebraska asks unanimous consent that the bill be amended, in lines 99 and 100, by striking out "\$2,592" and inserting "\$3,000;" so as to read:

Superintendent of the document-room (Amzi Smith), \$3,000.

Is there objection?

Mr. ALLISON. Mr. Amzi Smith is a very competent and worthy officer, but I think I shall be obliged to object.

The PRESIDENT *pro tempore*. The Chair did not hear the Senator from Iowa. Does the Senator from Iowa object?

Mr. ALLISON. I object.

The PRESIDENT *pro tempore*. Objection is made, and the amendment can not be received.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed

PUBLIC BUILDING AT DETROIT.

Mr. MAHONE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1609) to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich., after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from their disagreement to the amendment of the House, and agree to the same with an amendment as follows: Add as an additional provision to said House amendment the following: "And provided further, That nothing herein contained shall be construed in any event to increase the cost of the site and building, including approaches, when completed, beyond the sum of \$300,000, as provided in this section;" and the House agree to the same.

WM. MAHONE,
ANGUS CAMERON,
G. G. VEST,
Managers on the part of the Senate.
S. M. STOCKSLAGER,
JAS. H. HOPKINS,
EDWARD BREITUNG,
Managers on the part of the House.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following joint resolutions; in which it requested the concurrence of the Senate:

Joint resolution (H. Res. 338) providing for printing additional copies of the sixth and seventh annual reports of the Director of the United States Geological Survey;

Joint resolution (H. Res. 339) providing for printing the sixth and seventh annual reports of the Director of the Bureau of Ethnology;

Joint resolution (H. Res. 340) providing for printing monograph 2 of the publications of the United States Geological Survey; and

Joint resolution (H. Res. 342) to authorize the printing of 400,000 copies of the annual report of the Commissioner of Agriculture for the year 1885.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 256) granting a pension to Mary A. Land;

A bill (H. R. 891) granting a pension to Reuben J. Ebberman;

A bill (H. R. 1219) granting a pension to Charles Hendrix;

A bill (H. R. 1653) granting a pension to John R. Hurlburt;

A bill (H. R. 1898) granting a pension to Harriet Armstrong;

A bill (H. R. 2398) granting an increase of pension to Mrs. Anne W. Mulvey;

A bill (H. R. 2538) granting a pension to Christiana Almer;

A bill (H. R. 2540) granting a pension to Priscilla J. Small;

A bill (H. R. 2627) granting a pension to Noah Caton;

A bill (H. R. 3108) to protect fish in the Potomac River in the District of Columbia, and to provide a spawning-ground for shad and herring in said Potomac River;

A bill (H. R. 3336) for the relief of Sherman C. Perry;

A bill (H. R. 3355) for the relief of Mary Mulholland;

A bill (H. R. 3751) granting a pension to Francis Curran;

A bill (H. R. 3994) granting a pension to William Strickland;

A bill (H. R. 4263) granting a pension to Elizabeth Hood;

A bill (H. R. 4869) for the relief of Morris Geld;

A bill (H. R. 5123) granting a pension to Frederick Braunwald;

A bill (H. R. 5374) granting a pension to Phillip Wiggins;

A bill (H. R. 5925) granting a pension to Margaret A. Berry;

A bill (H. R. 6287) for the relief of John H. Johnson;

A bill (H. R. 6596) granting a pension to John Hazelwood;

A bill (H. R. 6798) granting a pension to Lloyd W. Hixon;

A bill (H. R. 6928) granting a pension to Leonard King;

A bill (H. R. 6948) granting a pension to George W. Eagles;

A bill (H. R. 7002) for the relief of Harriet L. Stevens;

A bill (H. R. 7026) granting a pension to Jeremiah P. Swartzell;

A bill (H. R. 7292) to increase the pension of Jacob Wiener;

A bill (H. R. 7373) for the relief of Sarah A. Burchfield;

A bill (H. R. 7696) granting a pension to Thomas D. Fitch;

A bill (H. R. 7769) granting a pension to Joseph R. Dodds; and

A bill (H. R. 7869) granting a pension to Emeline L. Fitch.

COINAGE OF SILVER DOLLARS.

Mr. MORRILL. I move that the Senate proceed to the consideration of the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT *pro tempore*. The pending question is on the motion of the Senator from Kansas [Mr. INGALLS] to strike out section 5 of the amendment reported by the Committee on Finance.

Mr. CULLOM. I ask the Senator from Vermont if he will not yield to me to take up a little bill.

Mr. BECK. I desire the yeas and nays upon the motion to strike out.

The PRESIDENT *pro tempore*. The Chair is hearing the Senator from Illinois on another request.

Mr. BECK. I thought the bill was up.

The PRESIDENT *pro tempore*. The bill is up and the question is pending, pending which the Senator from Illinois rose to address the Chair.

Mr. CULLOM. I appeal to the Senator from Vermont if he will not allow the bill to be informally laid aside so that I may call up House bill 7659.

Mr. BECK. I object before hearing the title of the bill. I do not know what the bill is, but I object.

The PRESIDENT *pro tempore*. Objection is made. The regular order is called for. The pending question is on agreeing to the motion to strike out section 5 of the amendment reported by the Committee on Finance, on which the yeas and nays are demanded by the Senator from Kentucky [Mr. BECK].

The yeas and nays were ordered.

Mr. SHERMAN. I believe upon that, or upon the pending question, whatever it is, I have the floor.

The PRESIDENT *pro tempore*. The Chair believes that the Senator from Ohio has the floor on the pending question.

Mr. SHERMAN. I should like to have that section read.

The PRESIDENT *pro tempore*. The section will be read which it is moved to strike out.

The CHIEF CLERK. In the amendment of the committee it is proposed to strike out section 5, which is in the following words:

SEC. 5. That in case no such treaties as aforesaid shall have been made and ratified prior to August 1, 1886, then and thereafter so much of the act of February 28, 1873, entitled "An act to authorize the coinage of the standard silver dollar and to restore its legal-tender character," as authorizes and directs the Secretary of the Treasury to purchase from time to time of silver bullion, at the market price thereof, not less than two million dollars' worth per month nor more than four million dollars' worth per month, and cause the same to be coined into such dollars monthly as fast as so purchased, shall be suspended.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion to strike out the words which have been read, on which the Senator from Ohio [Mr. SHERMAN] is entitled to the floor.

Mr. SHERMAN. Mr. President, it has been so long since this bill was before the Senate for consideration that no doubt the Senate have lost much of their interest in it. The feeling has prevailed that it would be ineffective to press upon the attention of the Senate the important questions involved in the silver coinage of the United States. Still if the Senator from Vermont thinks it is possible to pass any bill upon the subject at this session I desire to submit some remarks, but I do not wish to do so merely for the sake of making a speech. My views upon this question are pretty well understood, and I certainly have no desire to agitate the question unless it is the intention of the Senate to vote upon the bill.

This is a House bill, which has been amended and greatly improved by the Senate Finance Committee, and as it now stands I should be willing to support the bill in the amended form. It presents only two questions, both of which are important from the amount involved and also from the principles involved.

The first question is whether the trade-dollars should be redeemed at their par in gold. The second is whether the coinage of the standard silver-dollar should be discontinued in August, 1886. Upon these two questions only do I wish to make my observations. On account of the lapse of time that has occurred I propose, in order to condense my remarks, to confine myself mainly to what I have written, although I shall be very willing at any time as I proceed to answer any question that may arise in the progress of my remarks.

The House bill as it came to us is based upon the assumption that the United States is under a moral obligation to receive and redeem without exception or limitation all the trade-dollars issued under the coinage act of February 12, 1873.

I am convinced that no such obligation exists on the part of the United States; that the trade-dollar was coined for dealers in silver bullion at their expense, for their benefit, to enable them to secure a better market for their bullion by putting it in convenient form for exportation; that the only obligation assumed by the United States was to guarantee that each dollar issued contained 420 grains of standard silver; that the limited legal-tender quality given to these coins was repealed before they were in circulation in the United States, and that, with few exceptions, those now in the hands of the people were coined after they ceased to be a legal tender, and when they were what their name denotes, silver bullion in convenient form, for which the United States was no more liable than for the silver bars issued from the mints and assay-offices of the United States, and that these dollars in the hands of the holders should be taken only at their market bullion value, or be exported according to the object of their origin.

Mr. MITCHELL. Will the Senator at that point allow me to ask him a question?

Mr. SHERMAN. Yes; if it will not tend to prolong my remarks.

Mr. MITCHELL. The Senator states that these coins were not in circulation in the United States prior to the passage of the joint resolution of 1876. Is it not a fact that they were in circulation before that time, at the close of the year 1875, on the Pacific coast, and that the Senator, while he was Secretary of the Treasury, so stated in a letter which was communicated to the public?

Mr. SHERMAN. Undoubtedly they were in circulation to a limited extent, but to a very limited extent, indeed; and I shall show hereafter the reason why they were not in circulation.

As the various petitions to Congress asking for the redemption of the trade-dollar at its nominal par in gold indicate a strong and no doubt sincere opinion that the United States is bound in honor to so redeem these coins, and some of these petitions charge the Government with fraud and repudiation for its neglect to do so, I deem it proper to more fully state the grounds of my opinion that neither honor nor public policy require or would justify Congress in giving to silver bullion in the form of trade-dollars any preference, advantage, or value over other forms of silver bullion daily purchased at its market value.

The coinage of this dollar was authorized by the coinage act of February 12, 1873, in words as follows:

That any owner of silver bullion may deposit the same at any mint to be formed into bars or into dollars of the weight of four hundred and twenty grains troy, designated in this act as trade-dollars, * * * and the charges for converting standard silver into trade-dollars * * * shall be fixed from time to

time by the Director [of the Mint], with the concurrence of the Secretary of the Treasury, so as to equal, but not exceed, in their judgment, the actual average cost to each mint and assay-office of the material, labor, wastage, and use of machinery employed in each of the cases aforesaid.

As its name indicates, the purpose of this coin was for trade, not for circulation, though by classifying it with other silver coins the law made it a legal tender to the amount of \$5 in any one payment.

At the time of the passage of the act the actual value of this dollar, including the charge of 1½ cents for coinage, was a little more than \$1.04 in gold, or \$1.18 in United States notes.

Under such circumstances there could be no object for the owner to put the coins into circulation, and consequently they were exported mostly to China, where, from lack of a circulating medium, these pieces, convenient in size, and bearing the guarantee of a great Government as to their weight and fineness, obtained an extensive circulation, and created a market for the silver of the Pacific States, as intended by the act.

After a few months, however, an unforeseen depreciation in the value of silver bullion occurred, and in the early part of 1876 this depreciation reached such a point that one dollar in gold would purchase more than the necessary amount of silver for a trade-dollar and pay for its coinage.

Under such conditions dealers in bullion found a profit in putting trade-dollars into circulation at par in the Pacific States, where the currency was upon a gold basis, but the coin being a legal tender for only \$5, its circulation was necessarily limited in amount as well as restricted in locality.

The people of the Pacific States, however, objected to its use at all for circulation, and the attention of Congress having been called to the matter, on the 8th of May, 1876, Hon. SAMUEL J. RANDALL, of Pennsylvania, introduced into the House a bill the third section of which repealed the legal-tender quality of these coins.

On the 10th of June following, Hon. S. S. COX, of New York, reported the measure to the House, urging its adoption.

No objection was raised, and it became a law July 22, 1876, without modification or an opposing voice or vote in either House, and is as follows:

That the trade-dollar shall not hereafter be a legal tender; and the Secretary of the Treasury is hereby authorized to limit from time to time the coinage thereof to such an amount as he may deem sufficient to meet the export demand for the same.

Mr. President, remember that up to this date the people of the United States east of the Nevada range had taken no interest in the trade-dollar. It was the people of the Pacific States who demanded the coinage of the trade-dollar to enable them to convert their silver bullion into a convenient form for exportation. When a few of these coins were issued and circulated among the people of the Pacific coast they remonstrated against that, and it was upon their remonstrance that a bill was introduced by Mr. RANDALL in the House and finally passed taking away from the trade-dollar all quality whatever as money, leaving it to stand where the law made it, a trade-dollar, to be coined for the benefit of the merchants or the owners of bullion and to be transported to China for the Chinese trade.

Up to that time probably no single citizen east of the Nevada range had the slightest interest in or care for the trade-dollar, for the simple reason that up to the time when the legal-tender quality was taken away from it it was worth from 10 to 15 per cent. more than the currency of the United States, and therefore it would not circulate East. What I said at the beginning is absolutely true as a fact, that up to the time of the taking away of the legal-tender quality of the trade-dollar there were none in circulation east of the mountains. All that were circulated east of the mountains and all that were coined after the 22d of July, 1876, were made at a time when the trade-dollars were not received by the Government, were not paid by the Government, and were not practically a legal tender to the extent of a single farthing.

Mr. McPHERSON. Would it interfere with the Senator to answer a question?

Mr. SHERMAN. Oh, no.

Mr. McPHERSON. I do not wish to interfere with the continuity of the Senator's remarks, but there is one question which suggests itself.

Mr. SHERMAN. It does not interfere, except that it tends to the prolongation of the few remarks I proposed to submit.

Mr. McPHERSON. There is one question which suggests itself to me right here. The Senator admits that Congress had passed a law providing for the coinage of the trade-dollars and making them coins of the United States; that from 1873 to 1876 they were coins of the United States and a legal tender. I wish to ask the Senator if he thinks it was honorable on the part of a great Government to take away the legal-tender quality of the trade-dollars without providing for their retirement at the time of the passage of the law of 1876.

Mr. SHERMAN. To have talked about the retirement of the trade-dollar at that time would have been simple folly. At the time the legal-tender quality was taken away from it the trade-dollar was worth 13 cents more than any dollar of the money of the United States then in circulation. Perhaps it would have been better if Mr. RANDALL had provided in his measure that the holder of the trade-dollar might con-

vert it into a greenback, but that would have been simply a ludicrous and ridiculous proposition which would have been rejected with scorn, because the trade-dollar was then worth 13 cents more than the paper dollar.

Mr. MCPHERSON. But I submit to the Senator that if the greenback currency or national-bank currency, or any of the paper money of the United States, was worth less than gold at that time, that is no reason at all for the Government commencing the coinage of a monetary metal, and then in the end demonetizing it or robbing it of all its value as a circulating medium.

Mr. SHERMAN. On and after the 22d of July, 1876, it would have been folly to call the trade-dollar money. It was money neither by law nor by custom.

Mr. MCPHERSON. Did the Government continue to coin it?

Mr. SHERMAN. I am afraid I shall never get through if my friend continues to interrupt me.

Mr. MCPHERSON. I wish to make my meaning plain, and I hope the Senator will bear with me. After the passage of the joint resolution of 1876, which only robbed the trade-dollar of its legal-tender value and still left it a coin of the United States, the Senator says it had no value at all, and that people should not have received it. What notice did you give to the people? Take the coin and the law, compare the two things together, and show me how any man in this country would know from either the coin or the law that it was not a legal-tender coin of the United States to the extent of \$5.

Mr. SHERMAN. The Senator propounds quite a number of questions. What notice did we give the people? We gave them the notice of the law. What notice can Congress give to the people except in the law plainly written? Under the law as it stood after the 22d of July, 1876, the trade-dollars ceased to be a legal tender. They were only issued upon the demand of the holders of bullion, who brought their bullion to the mint, and at their cost, for their benefit, without any profit to the Government of the United States, those trade-dollars were issued, under a law which expressly made them the private property of the individual depositor, and under a law too which took away from them the temporary quality they had had of being a legal tender.

Mr. MCPHERSON. As to those issued prior to 1876?

Mr. SHERMAN. As to those issued after that time the law gave notice, and except those which have been brought back from China—there may be a few exceptions here and there—all that were issued after the 22d day of July, 1876, were issued simply upon bullion owned by private parties.

Mr. MCPHERSON. If the Senator will bear with me a moment more, the Director of the Mint in his report in 1879 reports that of the number of trade-dollars issued up to that time, something like fifteen million in amount, about twelve million had been exported, showing plainly and clearly that under that issue three million were in circulation among the people of the country. The people certainly were deceived as to the three million that had not been exported. As to the twelve million of which the Senator speaks as being designed expressly for export, they were designed no more for export than the three million which remained in the country. What matters it, let me ask the Senator, as to the issue prior to 1876, if every one of them had been exported and returned to the country the next day, or the next week, or the next month, they were coins of the United States of a legal-tender value, and for the Government to repudiate them seems to me to be very strange.

Mr. SHERMAN. The only objection I have to an interruption, because I am a very patient man and I can take it very leisurely and it does not disturb me, is that it tends to prolong the discussion and scatters my argument instead of confining it, as I wish to confine it, to as brief a period as possible.

Mr. MCPHERSON. If the Senator will make that thing plain, I shall not interrupt him again.

Mr. SHERMAN. I do not object to the interruption, and I intended to go on and state the points to which the Senator has called my attention.

Mr. MCPHERSON. I hope the Senator will make that thing plain. If he will do that, I shall certainly not interrupt him again.

Mr. SHERMAN. I make a marked distinction between the trade-dollars issued before the 22d of July, 1876, and those issued afterward. Before the 22d of July, 1876, they were a nominal legal tender, and the Government had pledged its faith to receive them to the extent of \$5 in a single payment, and that was all; but after that time the Government of the United States did not undertake to do anything with them except to issue them to the holders of bullion who brought their bullion to the mint and to give them back in trade-dollars the identical silver that they brought to the mint, unless they preferred or were in a hurry to get an advance payment, when they would be paid out of the trade-dollars on hand.

The fact must not be forgotten that the Government of the United States never received the trade-dollar into its Treasury; it never paid out a trade-dollar from its Treasury after the act of July 22, 1876; it never put these dollars in circulation except as it coined them for the benefit of the holders of silver bullion. This day any citizen of the United States has a right to go to the mint and have his gold coined and have the identical bullion put into coin without cost and receive

it; and also any citizen I believe (it used to be the law and I think it is so yet) may go to the mint and get any coin of the United States in order to preserve it in a collection, merely by paying its actual cost.

I have here a table which is familiar to all Senators of the amount of coinage of the trade-dollar before the legal-tender quality was taken away and afterward. These coins were issued as follows:

During the fiscal year ending June 30—

1874.....	\$1,588,903
1875.....	5,697,500
1876.....	6,132,650
1877.....	9,162,900
1878, but prior to October 20, 1877.....	11,378,010

Total..... 35,959,360

It will be seen by this table that the total amount of trade-dollars issued prior to the passage of the law of July 22, 1876, was a little over 15,000,000, and it can be safely asserted that these, with the exception of a small number in circulation on the Pacific coast and a few held as curiosities at a time when coin was not in circulation, had been exported to foreign countries. If they are now in the United States they must have been imported since. A Senator stated that 80,000 trade-dollars, issued while they were a legal tender, were in the hands of a banker in New York. If so he probably imported them since July, 1876. More than 20,000,000 have been coined since, without any pretense whatever that it was a legal-tender coin of the United States for any amount, or that it bore the sanction or credit of the United States, except the guarantee that it contained 420 grains of standard silver, issued under a law which confined it to an amount sufficient to meet the export demand for silver. In this respect it was regarded by the law and the mint precisely like silver bars, as to which no pretense is made that the United States is bound, except only as to their weight and fineness; but substantially the whole of the trade-dollars now in circulation in the United States are part of the \$20,000,000 issued since the legal-tender quality was taken away from them.

Owing to the appreciation of the paper currency, however, in the fall of 1877, the trade-dollar became of less value than the paper dollar, and in December of that year a large number of them were put into circulation, at their face value, at a profit to the owners of the bullion.

Apprehensive of such misuse of the coins, on the 15th of October in that year the Secretary of the Treasury ordered the discontinuance of their coinage at the mint at Philadelphia, and four days later at the other mints.

Mr. WILLIAMS. What year was that?

Mr. SHERMAN. In October, 1877. At that time they first commenced appearing in our circulation, because under the policy then adopted the notes of the United States were rapidly appreciating in value. The notes soon rose above the market value of the trade-dollars, and a year or more after the legal-tender quality of the trade-dollars had been taken away dealers and people, who could make a little money by getting the trade-dollars or taking bullion to the mint and having it coined into trade-dollars, began to issue the trade-dollars because they could make a little money by doing it, the paper money of the country having advanced above the market value of the trade-dollar.

Then they commenced circulating in our country. It was for the purpose of profit that the owners of silver bullion then rushed their silver into the mints and had it converted into trade-dollars, and issued those trade-dollars, and the people took them, although there was no law which justified their being passed as current money. They were issued because they were cheaper to the bullion dealer than the paper money of the United States—they could pass them off on a par with the paper money of the United States, and thus make a profit. There was the commencement of this trouble.

Appreciating that, the Secretary of the Treasury, in October, 1877, under the law which I have already read, stopped the coinage of them; but in the few months from the 1st of July, 1877, to the 20th of October, 1877, when the then Secretary of the Treasury discontinued the coinage, there had been issued \$11,378,010 in those three or four months, in order to make the difference between the market value of the trade-dollar and the current value of the United States notes. The coinage was then stopped. Since that time no trade-dollars have been issued except occasionally as keepsakes or as curiosities, &c.; for under the law now anybody can go to the mint and get any of the coins of the United States in that way.

This is the history of the trade-dollar. I must confess my desire to oblige the many people who hold these trade-dollars; I appreciate their feelings; I know they are hearing me now; I sympathize with them in their loss; but I say, in spite of all that, they have no more right to complain of us or to call upon the Government to repair their losses in a failing speculation than they would if they had invested their money in wheat, or corn, or barley, or rice. To all the world except so far as the United States were concerned after the 22d of July, 1876, the silver in the trade-dollars was bullion, and if it fell in market value it was like other silver bullion mined by the miner, or held by anybody else, and it ought to have been so treated. The Government of the United States had no part or lot in this matter after the 15th of October, 1877.

Sometimes tables are misleading, as was shown in the case of even

my friend from Delaware [Mr. BAYARD], who is usually so very accurate in his remarks. In his remarks on this bill I agree, except that he made a mistake in the date; he supposed that this coinage was continued until 1878. It was continued into the fiscal year 1878, because the fiscal year 1878 commenced on the 1st of July, 1877; but the coinage of the trade-dollar was discontinued on the 20th of October, 1877, in Philadelphia, and three or four days afterward in California, as soon as by course of mail the order to discontinue might reach the mint at San Francisco.

In the use of the trade-dollars as money the United States has never had any interest or derived any profit. For the expense of their coinage the owner of the bullion reimbursed the Government, and this ended the connection of the Government with the transaction. At no time and on no account have they ever been received or paid out by the Treasury, and it is a cause of regret that so many of our people should have accepted them at more than their bullion value, thus enabling their owners to put them into circulation at a considerable profit.

The coinage act does not authorize their receipt or payment. The Government has uniformly treated them as bullion put in convenient form for the use of private parties. It has had no agency in their issue except to stamp them of legal weight and fineness. There is no equitable ground upon which the Government could be held to pay them, to redeem them, or to receive them except as four hundred and twenty grains of standard silver. Their market value has been ascertained and stated by the Director of the Mint from time to time. They are purchased at the mint as other silver bullion at current market rates.

This, so far as I am concerned, would end my argument on the silver question, but I know that a great many plausible arguments have been introduced. It is said that the credit of the Government is involved. I am sure if I thought so I would rather spend \$5,000,000 than to vote to tarnish it in the slightest degree. But where is the credit of the Government involved? Where has the Government after the act of July 22, 1876, promised to pay the trade-dollars in anything? Indeed the law was plain and known to everybody. It was published all over the world. These dollars circulated around among the people, although they were tarnished and fell sometimes more or less below the par line. Then they got in large masses into the hands of persons who received them as an inducement for trade and held them as bullion, believing either that they could be passed off by being exported or that the Government of the United States would redeem them.

Sir, I have myself seen, as you have seen, published in the newspapers "trade-dollars received at par." Why was that done? It was because legally they had fallen below par. They were bullion, they were not at par, and as inducement to trade, especially by the butchers, by the grocers, and by the various retail dealers of the country, they were invited in as an inducement for trade, and probably a little extra price was put on the article sold. That would be the natural order of things.

Bullion dealers bought them as silver bullion. They were always worth a little more than their weight in other silver, because there was an indefinite idea that the Government would redeem them; but from 1876 to 1882, a period of six years, there was no demand made upon the Government of the United States to redeem the trade-dollars, although during all that time they were more or less falling in value. But when they had become aggregated by the refusal of the banks to receive them and they were then being bought up in masses and held, this demand was made upon us for their redemption.

I do not speak about our being bound to redeem them in clear law, because there is no pretense that there is any legal obligation to redeem them; but if we are bound in honor to redeem them, if we have deceived our people, if we have misled them, or if the Government had ever said anything in the world that would indicate that it was bound to pay the trade-dollars in gold coin or in its equivalent, I should vote to pay them if it took the last dollar in the crib. But there was no such obligation made; it is all inferential. If you choose to pay \$5,000,000 to redeem the trade-dollars, well and good; it will make good some bad bargains of bullion dealers; that is about all there is of it.

There were 35,000,000 trade-dollars issued. They are worth now about 85 cents on the dollar, although one very intelligent and able gentleman, whom I respect very highly, tells me he thinks they are not worth that much now in market value. I assume that they are worth about 85 cents on the dollar as bullion. The Government has taken them as bullion. We have bought some of them as bullion, just like any other bullion. Ever since the passage of the law of 1878, in the purchases of silver which have been made in the last six years we have bought more or less of these trade-dollars as bullion. We have fixed their price. The Director of the mint has from time to time fixed their market value and announced it, and they are taken as bullion.

If the holders of the trade-dollars wish, they can now turn every one of them into the Treasury at the bullion value fixed every month by public advertisement, I may say; that is, at the lowest bid every week for the purchase of bullion to be coined into money. There is no difficulty now in the holder of bullion converting this form of bullion into money, and that will stop the interest. Some of these gentlemen say they have held this bullion so long that they have lost more in interest than the difference between the market value and the nominal value. That is their fault. The Government was willing to buy trade-dollars

at the bullion price always. Still I say if there could be shown any moral obligation because of any false inducement made by the Government or even by the officers of the Government I should not hesitate at all to make good their losses. But there is none, sir.

My desire is, if possible, to avoid any controversy with any holder of anything bearing the impress of the eagle of the United States, but I have come to the conclusion that there is no moral obligation on the part of the United States to buy this bullion at any other price than is paid for that of the miner. Why should we?

It is admitted on all hands that three-fourths, yes, four-fifths (I think the Senator from Kentucky has insisted, and most of those who believe that this measure ought to pass have insisted, that four-fifths) of these trade-dollars are in foreign lands, and yet it is proposed to pay \$1 in gold, I may say, or the equivalent of gold, for 420 grains of silver in the hands of the Chinese and the Japanese and the other foreign nations which hold these coins and in the hands of our own bullion brokers, while we will only pay \$1 for 485 grains in the hands of the hardy miner who digs this precious metal from the bowels of the earth.

In other words, we discriminate against our own miners, our own citizens, our own workmen, and give a higher price for bullion in the hands of the money-dealers here and in foreign lands. It is true the Senator from Kentucky seeks to obviate that, and to the extent he goes I am willing to vote with him, by providing that wherever the Chinese have stamped the trade-dollar with their own insignia in order to give it additional credit there it shall not be redeemed. Although I do not see any reason in morals why if one ought to be redeemed the other ought not to be redeemed, yet, as I am opposed to the redemption of any, I am inclined to vote for the amendment of the Senator from Kentucky, because that will lessen the number to be redeemed. He seems to think that many of these coins have gone into the melting-pots or have been stamped by Chinese characters, and that where they are so marked we can avoid the redemption of them; but in morals, if we are bound to redeem any one of them, we are bound to redeem them all, those in the hands of the Chinese as well as those in the hands of Americans.

There is another ridiculous feature about this measure. I think my friend from New Jersey was guilty of the solecism of suggesting that we do not propose to pay them in gold, but we propose to pay them in the standard silver dollar of 412½ grains. So say some of these gentlemen, "We will not redeem them in gold, but we will give you another dollar which contains 412½ grains." If that was all the value in the standard dollar of 412½ grains you could not get the Chinaman or anybody else to exchange 420 grains for 412½ grains. Such a bargain as that would all be on one side; it would be laughed at as frivolous and ridiculous. But we know very well that the coin of 412½ grains of standard silver means more than 412½ grains of silver; it means a dollar in gold, unless we intend to go back to the silver standard in this country. Four hundred and twelve and one-half grains of silver are worth about 84 cents in gold. It would be no favor to the holders of the trade-dollar to pay them 412½ grains for 420 grains, but it is because that standard dollar has an artificial value growing out of the fact that we maintain it at par with gold, that we receive it for all purposes, that we practically make it a legal tender, the equivalent of gold; it is because that standard dollar represents not only 412½ grains of silver, but it represents the promise and faith of the United States to make it as good as gold. Then the proposition to convert the 420 grains of silver in one form into 412½ grains in the other becomes a very different proposition. It involves the strange solecism of saying, "Oh, well, we will only give them 412½ for 420," when we give them in addition to the 412½ grains a promise of the United States to make it good, because the 412½-grain dollar is a legal tender, receivable for all public dues.

Mr. President, I would not care so much about this bill, nor would I have detained the Senate to make a speech upon it, if the trade-dollar were all there was in it. If Senators choose to give anywhere ranging from one and a half million dollars to five million three hundred thousand dollars to the holders of the trade-dollars, well and good; the Government can stand it; it will not break us up.

It is thought, and by my friend from New Jersey especially, that nearly all these dollars are circled around Philadelphia. That is the place of a great many good things, and nearly all the trade-dollars, I believe, now have in the course of commerce probably come within a radius of one hundred and fifty or two hundred miles of Philadelphia and New York, taking them together. They are held there as bullion in large masses, and I have no doubt that Senators representing those communities are very sensitive now about the honor and good faith of the United States, but I think they are far more sensitive to the interests of the constituents they represent. I do not blame them at all. If the Senate chooses under all the circumstances to redeem the trade-dollars, well and good; it is only a matter of dollars and cents.

If the bill stood as the House sent it to us I would not vote for it, but as it is now amended on the motion of the Senator from Iowa [Mr. ALLISON] it contains a proposition of infinitely greater importance than all this dispute about the trade-dollar; that is, it declares that after the 1st of August, 1886, the standard silver dollar shall no longer be coined.

Mr. MITCHELL. Will the Senator allow me to interrupt him before he passes from the consideration of the other question?

Mr. SHERMAN. Certainly.

Mr. MITCHELL. The Senator stated that this coin is largely held in and about Philadelphia, and in that connection he stated that it is held as bullion. Is the Senator not informed of the fact that a very careful inquiry was made in respect to the holding of this coin in Pennsylvania since the subject has been under consideration and while it was under consideration in the House of Representatives, and that as the result of that inquiry it was found from the returns from bankers and business men and people at large in Pennsylvania that of \$2,500,000 held in that State less than \$100,000 had been taken at less than their face value?

Mr. SHERMAN. I have seen in the Philadelphia papers which have been sent to me that they were taken at par nominally, and some of the largest dealers there advertised that they would take them at par as an inducement to trade. In that way they were taken at par; but the bullion dealers never dealt with them at par. They never bought them at par. The market men and the clothing men and barbers and the liquor-sellers and a great many other classes of people took them as an inducement for business.

Mr. MITCHELL. If the Senator will allow me I will inform him of the fact, at least as I understand it, that before the trade-dollar came into the hands of these dealers so largely as they may now be in their hands, this inquiry was made by actual communication, by letter, with persons who hold that coin, persons all over the State of Pennsylvania, in almost every county, I think, and that the computation was made from the facts as stated in those letters by a member of the House of Representatives, who himself made the inquiry.

Mr. SHERMAN. Well, I have said all I care to say about the trade-dollar.

All business transactions in the United States, both foreign and domestic, are now based upon the gold dollar, weighing 25.8 grains of standard gold.

The silver dollar, worth in market value .859 in gold, is maintained at par in gold by a limit to its issue, and its receipt into the Treasury for all debts, public and private. The market value of silver bullion has been slowly and steadily declining since the passage of the act providing for the coinage of the standard dollar. No serious effect has thus far been caused by the widening difference between the two standards of value, but it is manifest that if the result of this difference should lead to the large exportation and hoarding of gold, the sole standard of value would in time be based upon the market value of the silver bullion in the standard dollar. Already the occasional exportation of gold is one of the causes of financial stringency. By a law as immutable as fate, the gold dollar, demonetized, would then be quoted at a premium, and all current business transactions would be based upon a silver standard alone.

What would be the effect of this? The immediate effect would be a contraction of the currency so sharp and abrupt as to extend its shock to every village in the country. Gold is now held here in such vast sums that it might not at once be exported, but it would be hoarded and sold only at a premium, while the volume of silver and paper money redeemable in silver being insufficient to meet the current wants of business would be used for the payment of all labor, but its purchasing power would gradually decline until it reached the level of its market value measured by gold—illustrated by what occurred in 1877-'79. This depreciated currency would then take the place of the hoarded gold and gold certificates, and yet be insufficient for the wants of business.

We would then have a monometallic currency composed of silver alone as the standard of value of United States notes and bank notes, and another standard of value. Gold coin and certificates based upon such coin would be quoted at a premium. The laborer will receive his hire in the depreciated coin. The capitalist would stipulate for gold. All foreign commerce would be based upon gold. The pound sterling would be quoted at \$5.56 instead of \$4.84. All domestic exchanges would vary according to the kind of coin used in payment. In regions where the silver dollar is so greatly favored by popular opinion they would be paid in such dollars and be cheated in the purchasing power of their dollar. The mysteries of exchange which have been the basis of nearly all the financial fallacies of mankind will lead them to sell their productions at gold prices and buy their supplies at silver prices, and the bankers and brokers—the middlemen, who can see at a glance the chance of a profit—will make the difference. Then after the injury is done we will have an outcry for the redemption of the standard dollars in gold just as we now have for the redemption of the trade-dollars.

And that cry will be just and right. The standard dollar, unlike the trade-dollar, was issued by the United States to maintain the bimetallic policy, at the profit of the United States as the coequal of gold coin, to be received and paid in all respects and for all purposes like gold coin. If it is issued in excess of the demand, or for any reason falls below its coequal standard, then the United States are bound in honor as well as policy to redeem it or put enough silver in it to make it equal in the market to gold coin. Now the silver dollar represents 85 cents in actual value and 15 cents in faith that the United States will not allow it to fall below the gold coin. If that faith is doubted, the silver dollar will decline. If that faith is broken, then it will fall to 85 cents, and we will have two metallic standards.

I assume that in any event the Government of the United States would not willingly debase the standard of value upon which all contracts made since 1837 have been based. This unquestionably has been the gold dollar, the unit of value, which though for a time not in actual circulation, yet has always since been the nominal basis of silver and minor coins, and of all forms of paper money as well as of all contracts between private citizens. To take advantage of the fall in the value of silver bullion and base our contracts upon silver alone would be to reduce the commercial value of our dollar compared with the coin of other nations, derange the purchasing power of all annuities and of all bonds and securities, and enormously contract the currency by converting gold and gold certificates into articles of merchandise instead of active agents in commercial exchanges, and, whether designed or not, to bring dishonor upon the public credit and public securities.

The changing relations between gold and silver have continued for near four hundred years—since the discovery of America. During all that time, with slight pulsations, silver has steadily declined. Nations have many times changed the coinage ratio between the two metals. It is a matter of reproach that despotic governments have taken advantage of this change to reduce the standard of value in order to supply the extravagance of the court and waste of war, but it is hardly to be supposed that the United States, a free Government, founded upon the consent of the people, and desiring only to do equal and exact justice to all, would resort to an expedient so damaging to its own credit and so injurious alike to the laborer and the holder of property.

It is the true interest of all classes and all industries to maintain a circulation of both of the precious metals. The aggregate of both is necessary to form the basis of money, but it must be coined according to their respective market value, as near as may be. The miner sells his bullion according to its market value, and the Government should coin it according to the same value. To purchase it at market value and coin it at a fictitious value, known to be above its real value, with a view to make a profit on coinage, would seem to be bad alike in morals and in public policy. To debase the coinage, or to adopt the cheaper metal merely to make profit to the Treasury, can not be defended. The silver coin, in order to be freely taken, exported, or dealt in, must have the full, equal market value possessed by the gold coin. This alone constitutes bimetallic money. Any departure from this rule fills the market with cheaper money and drives out the better money. It is believed that the demonetization of either of the precious metals would be a wide-reaching calamity, extending to all quarters of the globe.

If there is any pressing question pending in our politics it is this question of making our standards of coin equal to each other according to their market value. This can only be done either—

First, by an international agreement with other nations to maintain a free coinage of silver at a fixed ratio; or

Second, by suspending the coinage of silver until it is demanded by the wants of business; or

Third, by the adoption of an American bimetallic policy of the free coinage of silver and gold according to their market value.

The Committee on Finance does not seem inclined to meet this broad economic problem, though, in my judgment, it is wise at this moment not only to suspend the coinage of the silver dollar, but boldly to proclaim the purpose of the United States to maintain bimetallic money, even if it stands alone in that position among the nations of the earth. As the chief producer of both gold and silver we are better able to establish this new policy than any other country. France did it in 1795 and, with the aid of the Latin nations, preserved the equilibrium upon a given ratio of silver and gold for two generations. The same policy adopted now will, I confidently believe, secure steadiness in the relative market value of these two metals for a long period of time.

If any slight change occurs, the metal too highly valued will be retained here and the metal too cheaply valued will be exported. Slight mutations in this exportation between the two metals may from time to time exist with no material injury, but the substantial convertibility of one into the other in all the multiplied business of our country and the uniform steadiness of our paper money based upon both metals, including certificates based upon the deposit of both gold and silver, will secure us a currency of uniform value and steadiness, both of coin and paper, greatly superior to that enjoyed by any other nation in the world.

But the policy I have indicated is, perhaps, at this time in advance of the sentiment of the country and of Congress, and, therefore, I do not seek to press it now, but am content to deal with such propositions as will give us some safeguard against what I regard as the great threatened evil, that of the demonetization or hoarding and exporting of gold.

I do not have much faith, and never had, that we could negotiate for an international ratio, for the first step in such a negotiation with the Latin nations would be to stipulate for the old ratio of 15½ to 1. Without the concurrence of Great Britain such a ratio could not be obtained, and I have no hope of such a concurrence, nor do I believe such a ratio is wise or could long be maintained. What we want now is to give to our own people assurance and confidence that we intend to maintain our silver and gold coins as equal and convertible standard—that a dollar of one shall be equal to a dollar of the other. In the absence of

such an assurance, and in view of the enormous accumulations of silver coin in the Treasury and the evident disposition to select silver coin and silver certificates for payment to the Treasury, there is danger that a continued coinage of the silver dollar may precipitate its decline in market value.

To check this tendency the Finance Committee propose by the amendment offered by the Senator from Iowa [Mr. ALLISON] to renew negotiations with the Latin Union and with other foreign powers to secure such co-operation as will enable these nations to open their respective mints to the free coinage of silver at an agreed ratio, and it provides that in case such treaties can not be concluded prior to August 1, 1886, then the coinage of the silver dollar of the United States shall be suspended. This important amendment will, in my judgment, arrest the tendency of the depreciation of the silver dollar by giving assurance that within a limited time the threatened danger will be averted. With this amendment I should vote for the bill, though it involves the payment of the trade-dollar, a measure of preference of one form of silver bullion to which it is not entitled.

Mr. BECK. Mr. President, I had expected that the Senator from Colorado [Mr. HILL] would reply to the Senator from Ohio [Mr. SHERMAN], and I shall detain him but a few moments.

I am prepared to stand on the argument I made the other day, but since the Senator from Ohio, who has himself been a distinguished Secretary of the Treasury, has reasserted with great emphasis that we are under no sort of obligation to retire the trade-dollar, that no one was misled by it, that no one has the trade-dollars except speculators and men who obtained them at less than par, and who want to substitute standard silver dollars for them, I desire to read what Hon. Charles J. Folger, late Secretary of the Treasury, in his report to Congress on the 3d day of December, 1883, said in regard to this matter, and there I will leave it between the two Secretaries, both distinguished representatives of the party that I differ with in many things. Mr. Folger said:

Here I may speak of "the trade-dollar," the debased coin to which attention has been drawn by public clamor and discussion. Doubtless the legislative purpose in creating it was to make a piece of money that would find favor with Asiatic people, and not one for use at home. That purpose was not made known, however, by the letter of the law under which it issued from the mint. The act of 1873, under which the coinage of it began, has these words: "The silver coins of the United States shall be a trade-dollar; a half-dollar, or fifty-cent piece; a quarter-dollar, or twenty-five-cent piece; a dime, or ten-cent piece." The act further declares that the relative proportion of pure metal and alloy in the trade-dollar, and the devices and legends upon it, shall be the same as those of the other coins of the United States. That act, and a later one of 1877, made it a crime to counterfeit any of our coins, and, as the trade-dollar was declared to be a coin, made it a crime to counterfeit it.

The act of 1873 made the silver coins of the United States, and hence the trade-dollars, a legal tender at their nominal value for any amount not over \$5. Thus the reading of the laws taught the people that the trade-dollar was a coin of their sovereignty, and for the redemption of which, at an unabated value, their Government was bound. The real legislative purpose is to be blindly sought for in tradition or in the record of Congressional discussion, and is indicated in the joint resolution of 1876, which took away from this coin the legal-tender quality of it, and held down the coinage of it to the call for it for exportation. It is plain that a busy people, finding this coin afloat in the channels of business styled a coin of the United States, would readily believe that it was an authentic issue of the Government, and to be redeemed by the Government the same as other money put out by it. From time to time, however, as it suits scheming men and the occasion fits, a hue and cry is raised against it; it is discredited in the market, and unwary holders suffer loss or inconvenience.

As it is a coin of the United States, having the image and superscription thereof, sanctioned as such by penalties upon the counterfeiting of it, and once dignified as a legal tender in payment of debts and dues, it should be restored to its first state, or called in at its nominal value and melted. In the judgment of this Department, it should be thus called in and melted. And why not? First: It has been claimed officially that it did not go into home circulation until after the passage of the joint resolution above spoken of, whereby the legal-tender quality of it was taken from it. Hence, it is said it is no duty to our people to redeem it at more than the value of it as silver bullion."

Then he says:

The first of these contentions—

The one I have read—

The first of these contentions is too technical and close for use in dealing with so practical a matter, and one in which the prime action and continued silent enfeeblement of the Government has been so misleading.

That is the way he disposed of that argument. Again he said:

It is calculated that five-sixths thereof went abroad in the beginning, and it is believed that but a small part of that has come back, and that there is now held by our people but from five to eight millions. Of that which remained abroad there is good authority for saying that much of it found its way from China to India, and into the melting-pot at the mint in Calcutta, and has been there cast into the coin of that country.

That is all I care to take the time of the Senate in reading on that branch of the question. The Secretary proceeded:

A thorough and effective redemption of it can be brought about in this way: Let authority be given by Congress to the Treasury Department to barter for trade-dollars at their nominal value standard dollars at their nominal value, and melting the trade-dollars to recoin them into standard silver dollars, counting the trade-dollars got in this way as a part of the silver bullion which the act of 1876 empowers and directs to be bought and coined monthly.

That is precisely what I propose to do in the amendment referred to by the Senator from Ohio and precisely what the Senate Committee on Finance report, following the recommendation of Secretary Folger. Again that Secretary said:

This Department would rather see all the trade-dollars that are afloat anywhere brought in and made bullion of, even at a cost to the Government, if thus we may be rid of a discredited and debased coin; but if this may not be, it

still will wish that those in the hands of our people be redeemed in the mode recommended, with safeguards against foreign holders.

That is what my amendment to the original bill proposes, and not to readopt those which have been stamped by foreign nations as their own. Again the Secretary said:

And if the receipt of the trade-dollars by the exchange in any month shall be, when treated as bullion, more in sum than would be a purchase of two millions' worth of bullion, then the excess thereon can be carried forward from month to month, so far as need be to keep within the direction of the act of 1873 for monthly purchases.

And we have guarded that in the amendment applying only \$500,000 a month.

Mr. MORRILL. Will the Senator from Kentucky yield to me for a question?

Mr. BECK. Certainly.

Mr. MORRILL. I desire to know if the whole proposition as stated by the Secretary of the Treasury was not to pay a small premium of about 2 per cent.

Mr. BECK. No, sir. The Senator from Vermont the chairman of the committee will see before I am done reading—and I will only read a little more—that he proposed to take them dollar for dollar and exchange standard dollars for them. I have read that already, he repeats it again in a passage which I will now proceed to read.

Mr. MORRILL. That was the position of the President—I was thinking about his message—and of the present Secretary of the Treasury.

Mr. BECK. This is the report of Secretary Folger in December, 1883, to the Congress of the United States:

And if the receipt of the trade-dollars by the exchange in any month shall be, when treated as bullion, more in sum than would be a purchase of two millions' worth of bullion, then the excess thereon can be carried forward from month to month, so far as need be to keep within the direction of the act of 1873 for monthly purchases. And this would be more or less likely to come into play as the limit of time for redemption is shorter or longer. If, indeed, no limit of time was fixed, or it was made as long as a twelvemonth, this Department could be empowered to refuse redemption in one month of a sum more than enough to meet the requirement of that act, and still make full redemption of all that is likely to be brought in therefor.

If it be said that much of this coin—

As seems to be now the scarecrow that is being used by gentlemen who oppose the view I take—

If it be said that much of this coin, discredited and practically debased, is in the hands of speculators who have taken it at a discount, and that they would profit by legislation which would increase the actual value of it, while it may not be denied that lamentably this is too far the case, still it is to be answered that such is the luck brought by all debased coin when at last it is fairly redeemed. Speculators will make by a depreciation and following appreciation. A law for a fair redemption must have, with its good, the evil of helping some to gain who ill deserve it. The fault is not much more with the speculative trader than with the legislation that has given him the chance for ignoble gain. His profit is a light incident, calling slightly for attention, because of the great general good to come from calling in a discredited coinage.

Besides, leave this coin unredeemed, and by and by, when public attention is at a lull again, it will be once more set afloat at nominal value, to be in fullness of time once more discredited and lowered in purchasing power to the harm of good people. Moreover, the information which I have from practical and reliable men, who are at the sources of knowledge on this head, is that those known as tradesfolk, and most of the working people not in straits, uncompelled by necessity to part with the trade-dollar at a loss, have held it during panics, looking and waiting for action by the Government; and that the amount stored by brokers is a small part of what is in domestic ownership, the larger part being held by those who took them at full face for labor and in traffic in legitimate and honorable dealing. It is best, once for all, to call it in and put it out of possible use.

That is the opinion given us by the Senator from New Jersey, and by others who appeared before the committee and by facts that have been exhibited, that there are many thousands of trade-dollars coined before 1876 yet held by the people who took them then, and this is the bill that I have advocated and now advocate. The Secretary concludes:

This Department does not recommend that a legal-tender quality be again given to the trade-dollar, to the sudden increase of the legitimate silver money of the country, with the inconvenience and incongruity of two dollars circulating together, of the same metal, of unequal real value and of different devices, yet of equal value in payment of debts and of purchase of property. It recommends that authority be given for the redemption of the trade-dollar in the standard silver dollar dollar for dollar of nominal value—

Does the Senator from Vermont hear that declaration with emphasis by the Secretary?—

for the recoinage of the metal so received into a standard silver dollar to accord with the law for that coin, and for a reduction of the amount of silver bullion resulting from the exchange from the quantity of bullion required to be got by monthly purchases, for the purpose of coining under the act of 1873. In the judgment of this Department that legislation is safe, and is demanded by the character of this issue, and by the need of the people for relief from the confusion and exposure to recurring loss caused by its presence in the monetary system of the country.

Mr. President, I lay the plain, practical, honest views of that Secretary of the Treasury before the Senate as a full answer to all that has been said by the Senator from Ohio.

In regard to the section sought to be stricken out, I do not care to argue it any further than to say that whatever may happen hereafter this Congress should deal with the question carefully after full examination, but in the last hours of this Congress we ought not to be striking down our silver coinage in the mode proposed by telling foreign nations that if they can so far intervene as to keep the Latin Union or the silver-using countries from agreeing with us, then England and Germany shall have their way against silver and strike it down. And far less do

I think of any proposition that is being made to say to any President that he may in his discretion suspend or strike down the coin of the country, which every State, and every municipality, and every corporation, and every individual has a right to have coined by the United States. It was because the States and the people believed the United States would coin silver that they gave that power to the General Government. I would as soon think of giving to any President, no matter how much faith I might have in him, the power to declare war as to give him the power to strike down or suspend the coinage of this country; and I am glad to be able to say that there is no danger of its being done; that elsewhere in a body that has power, on an attempt that was made this very day, it has failed and failed unmistakably.

Mr. HILL. Mr. President, in replying to Senators who have in this debate advocated the extraordinary amendment proposed by the Finance Committee to the pending bill I must take up successively some of the points which they have made, and this will necessarily give to my remarks somewhat of a desultory character.

The Senator from Vermont [Mr. MORRILL] praises the Secretaries of the Treasury for "pushing and industrious zeal" in attempting, as he thinks unsuccessfully, to get silver into circulation. Among these displays of zeal does he count the acquiescence of successive Secretaries in the action of the New York Clearing-House, the principal point of Government payments, in the rule adopted by it on the 12th of November, 1878, under which neither silver dollars nor silver certificates were to be received at all for clearing-house balances?

Does he regard this assent of the Treasury Department to the tabooing of silver as money, at the place where the bulk of the Government disbursements is made, as being compensated for by its show of favor to the silver dollars, in sending them to the few people who may happen to make special application for them? In what light does he regard the action of the Treasury Department in 1882, and down to the present time, in tacitly agreeing, and in strictly acting upon its tacit agreement, not to offer silver in discharge of its balances at the New York Clearing-House after the New York banks had been compelled by Congress to repeal the rule under which silver was made non-receivable? Did this show a "pushing and industrious zeal" in circulating silver, or even a decent regard of the Treasury Department to the law-making power?

The violation by the banks of New York of the plain intent of the act of 1882 in respect to the settlement of clearing-house balances in silver certificates and the palpable connivance of the present Secretary of the Treasury and of his immediate predecessor in this misconduct of those institutions have been many times pointed out in this Chamber. An occurrence which took place on the 9th of this month adds to their misdoings very aggravating features of evasion and hypocrisy. On the day referred to, and as is believed by a preconcert between the banks and the Treasury Department, the assistant treasurer at New York tendered to the banks in part settlement of the clearing-house balances a small sum in silver certificates, stated by the New York papers to be \$120,000, and the banks accepted it.

The local editor of the New York Tribune, a paper which has been distinguished for its zeal in supporting the refusal of the banks to receive silver certificates, gives in that paper of February 11 the following account of the motives of the banks in seeming on the 9th to have relaxed in their exclusion of silver:

It is understood that the Monday payment by the subtreasury was intended to accomplish two objects, to soothe any jealousy on the part of country banks and to enable the Secretary of the Treasury to answer satisfactorily the Congressional inquiry whether any national banks or clearing-house associations refused to accept silver or silver certificates. As the New York Clearing-House has now accepted silver in payment of balances, both it and the subtreasury have complied with the Federal law. It is generally understood by bank officers that payment in silver will not be repeated except in cases of emergency.

This acceptance of silver certificates on the 9th instant is thus admitted to have been partly a temporary sham to enable the Secretary of the Treasury to answer troublesome inquiries from Congress, and partly a soothing measure to keep banks in other cities from complaining that they are compelled to take silver certificates, while the New York banks are paid in gold and Treasury notes.

The country will understand, as this writer admits that the New York bank officers understand, that the New York Clearing-House will not hereafter be asked to accept silver certificates "except in cases of emergency," and that things will run along in their old course after Congress adjourns, unless the new administration shall enforce the act of 1882 in good faith, which is evidently not expected by the banks.

But is the Senator from Vermont quite sure that with all the ill-will to silver of successive Secretaries of the Treasury, apparently most malignant on the part of a free-trade doctrinaire and ex-London and New York banker who now presides over the Treasury by a mysterious dispensation of the power of President Arthur, there has been no success in getting silver into circulation? With all his painstaking attention to figures, is it not remarkable that the Senator from Vermont has overlooked the fact that of the silver dollars so far coined no greater proportion is owned by the Treasury Department than it owns and holds of the existing gold money, and that as great a proportion of the silver is in circulation, outside of the Treasury, in either the metallic or certificate form, as there is of the gold money?

At the close of business on the 31st of January, 1885, the Treasury

held and owned of gold, after deducting the amount belonging to the holders of outstanding certificates, \$125,187,578, while it held and owned of the silver dollars, deducting the amount belonging to the holders of outstanding certificates, \$36,783,343. If we adopt the estimate that there is now in the country \$610,000,000 of gold money, and it is generally regarded as a correct estimate, one-fourth of it, within a minute fraction, was held and owned by the Treasury January 31, and only three-fourths of it was in circulation. But at the same date, of the \$192,000,000 of silver coined, a little less than one-fifth was held and owned by the Treasury, and slightly more than four-fifths was in circulation. And, furthermore, of the silver dollars and silver certificates outside of the Treasury, nearly the whole was in circulation from hand to hand, because the banks as a rule make it a point to keep as little silver as possible among their reserves; whereas of the gold outside of the Treasury a large part is locked up in the vaults of the banks.

Even if he has not examined the figures, how can the Senator from Vermont have failed to know, what is a matter of universal observation and knowledge, that the rarest thing to be seen in the circulation this side of the Pacific coast is a piece of gold money?

As a part of his objection to the silver dollar the Senator from Vermont takes occasion to say that "all of our people prefer a paper-money currency, if it is only the equal of our standard coins."

That is exactly what the framers of the silver law of 1878 knew and acted upon when they provided that the holders of silver dollars could, at their option, have them represented by silver certificates in "money-note form" of the denomination of \$10 and upward. Nothing can be more nearly equal to standard coin, and more perfectly combine the convenience of paper with the safety of coin, than a certificate of gold or silver deposited in the Treasury of the United States, and required to be kept unused until the owners call for it.

During the last session of Congress I submitted a bill making such description of paper, backed by coin dollar for dollar, a legal tender. I have only been restrained from pressing it by the belief that the Senator from Vermont and those who act with him upon questions of currency would oppose it by all the resources of legislative delays.

It is certain that President Arthur, both the Secretaries of the Treasury of his appointment, and numerous other official and unofficial persons, with whom the Senator from Vermont is in the habit of acting, have recommended, in addition to stopping the further coinage of silver dollars, that the issue of certificates for such dollars already coined shall not be hereafter permitted. I have reason to believe that the Senator from Vermont will support these recommendations when I notice that he stigmatizes the silver certificates as a "queer form of paper money," and says that it is a form of money which is "rapidly increasing and usurping the place of United States notes as well as of national-bank notes," and finally declares that "it is by far the dearest and most expensive paper currency ever invented."

There is no mistaking the animus of a Senator who denounces as "queer" a currency of silver certificates when he has been since 1863 an assenting and supporting party, in either this or the other branch of Congress, to legislation providing for gold certificates, which are identical in character and principle with the silver certificates.

There is no mistaking the animus when he asserts that silver certificates are "usurping the place" of United States notes and national-bank notes, when the plain truth known of all men is that they have not taken the place of either class of notes, but have been a useful and much-needed addition to both. Within a few weeks after the passage of the silver law of 1878 Congress fixed absolutely by law the volume of United States notes, and it has not been varied by one single dollar from that day to this from the usurpation of their place by silver certificates, or in any other way.

The circulation of bank notes to-day is about the same in volume as it was when the silver law of 1878, with its provision for silver certificates, was enacted. During the time which has passed since 1878 the volume of bank notes first increased and has since decreased, but neither the increase nor the decrease was caused by the existence of silver certificates or of gold certificates. Their volume is now declining, but, as everybody knows, it is from the high premium which Government bonds have attained and from the small profits to be made from purchasing such bonds at their present prices as the basis for bank-note circulation.

Among the other amazing declarations made by the Senator from Vermont is the following, which I read in the exact language in which it appears in the RECORD: "Certainly no one has ever pretended that it [the silver law of 1878] could be successful without the co-operation of other nations, and it should not be charged to the friends of bimetalism (the supporters of the silver law of 1878) that they intended an insidious measure to separate the United States from the great commercial nations of the world by fastening upon us the silver standard of monometallism."

It is true that the supporters of the silver law of 1878, who were the great body of the people and of the representatives in Congress of the States and the people, did not intend by the law of 1878 to fasten upon the country "the silver standard of monometallism." It is also true that that law has not produced any such result, but that, on the contrary, the volume of gold in the country has more than doubled since the law was passed, and that the prospect for an indefinite future

is that it will continue to increase. But the supporters of the silver law were and are determined that a gold "standard of monometallism" shall not be fastened upon the country, and as one of them I declare for myself that if we must have monometallism in any form, which I do not believe and to which I am opposed, I prefer silver monometallism to gold monometallism, because the latter will most completely sacrifice the interests of producers, laborers, and tax-payers to aggrandize the moneyed creditors and income classes.

When the Senator from Vermont says that the supporters of the silver law of 1878 believed its success to be dependent upon the co-operation of the "great commercial nations"—by which he means England and Germany—or that the law must be abandoned, unless we could make a bimetallic treaty with some of the nations of Europe, which is constantly becoming a less important part of the world, he must have totally forgotten the discussions which preceded and attended the passage of that law.

In the report of the United States monetary commission, appointed by Congress in 1876, the concluding language of the majority who recommended the remonetization of silver was:

The commission believe that the facts that Germany and the Scandinavian States have adopted the single gold standard, and that some other nations may possibly adopt it, instead of being reasons for perseverance in the attempt to establish it in the United States, are precisely the facts which make such an attempt entirely impracticable and ruinous. * * * The attainment of such a standard becomes difficult, precisely in proportion to the number and importance of the countries engaged in striving after it; and it is precisely in the same proportion the ruinous effects of striving after it are aggravated.

The provision for an international monetary conference with European powers was voted on as an amendment (February 15, 1878) of the bill for silver coinage sent up by the House. The vote on the amendment was yeas 40, nays 30. Of the Senators in favor of a gold standard, and who finally voted against the bill after the amendment was adopted, twenty-one voted in favor of the amendment, and only one [Mr. EDMUNDS] voted against it. Mr. EDMUNDS objected that the proposed conference was limited to an effort to regulate a double standard, whereas he was opposed to a double standard, and believed that the conference should be empowered to agree upon a single standard. His language was:

The commission is tied up; the matter is decided in advance to the theory of a double standard of value, which the experience of this country and every other has shown from the beginning to be only fraught with disaster to everybody who engages in it.

Of the Senators in favor of silver coinage, and whose votes passed the bill at last over the President's veto, 19 voted for the amendment and 29 voted in the negative. It thus appears that the amendment was carried by the unanimous votes, with one exception, of the Senators opposed to silver remonetization, combined with the vote of a minority of the Senators who were in favor of silver remonetization.

One view taken by the Senators who were in favor of silver coinage, and who voted against the amendment, was, as the record of the debate will show, that the amendment might be construed as an admission that the success of silver coinage in the United States depended upon European co-operation, which they utterly denied and repudiated. Another view was that it was unwise to fetter by treaty stipulation the free exercise at all times of the constitutional power of Congress over the coinage of money.

As respects the great body of the Senators who were in favor of silver coinage and who voted for the amendment, there is no reason to doubt that their opinions were fairly expressed by Senator Ferry, of Michigan, who said: "My view is that it is desirable to secure the co-operation of foreign powers, but if they decline it we can stand alone." How extraordinary it will appear in the face of these authentic evidences of the opinions of the supporters of the silver coinage during the struggle which preceded the law of 1878 that it shall now be said that nobody ever maintained that we could coin silver in this country unless certain European nations, such as England and Germany, should also agree to coin it, or unless the larger part of the specie-paying European nations could enter into bimetallic arrangements with us!

Undoubtedly the supporters of silver money in the United States would have been willing in 1878 to admit that without some foreign co-operation silver could not be supported as one of the moneys of the world. But it was true then, as it is true to-day, that silver is the exclusive metallic money of the larger part of the human race; and it is impossible that the supporters of silver coinage in this country could have doubted in 1878, or that they now doubt, the entire feasibility of sustaining silver, with the assured aid of Asia and of the great and advancing countries south of us in North and South America, and in the presence of the further fact that there is in Europe, which can not be exchanged for gold, more than eight hundred million dollars in full-tender silver coins.

The Senator from Vermont affirms that the law of 1878 has been "of no benefit to our silver mines," and that it "has not sustained the price of silver," by which he means the value of silver in exchange for gold, or, in other words, the gold price of silver. But if there is any undisputed truth in political economy it is that the prices of everything depend upon the play against each other of the two forces of demand and supply, and it would be a waste of words to combat the proposition which the Senator advances that a new demand at our mints for silver

to an extent of more than one-fourth of the world's total product has not helped to sustain its price and has not benefited the miners. To prevent a fall of 10 per cent. when it might otherwise have been 20 per cent. is a benefit to producers equal in importance to that which would arise from raising it 10 per cent. British India, the principal silver market in the world, absorbed during the fiscal year ending March 31, 1878, the extraordinary amount of \$73,331,675 of silver, while it absorbed during its fiscal year ending March 31, 1879, only \$19,853,475.

It was the unusually great India demand during the year immediately preceding the American silver law of February 28, 1878, which brought up the price of silver from the point of depression which it had reached in 1876, and which was lower than it had reached before or has reached since, to the comparatively high point at which it stood when our silver law was passed. The price fell in 1878, after February 28, because the Indian demand fell off by a greater sum than the amount of the coinage at our mints, and the price would have fallen very much more if our coinage of silver had not prevented it. If the Senator really expects to carry his plan of closing our mints to silver by making either Congress or the country believe that a monthly demand of our mints for \$2,000,000 worth of silver bullion does not sustain the price of silver, and does not benefit those who mine it, he has undertaken an enterprise in which, with all his ability and all his perseverance, he will certainly fail.

The Senator admits that silver certificates, and of course silver dollars, which can at any time at the option of the holder be converted into silver certificates, are at a parity with gold, but he says that is only because the Treasury receives them "on the par of gold in the payment of duties." Without doubt the receivability of silver for all Government debts and taxes, including custom-house duties, assists the currency of silver, and so does also the function of being a legal tender for private debts assist it; but it is no more true of silver than it is of other descriptions of money that their currency and acceptability as mediums of exchange depend upon the functions of legal-tender and tax-paying power with which the law endows them.

But without following the Senator into the mazes of a theoretical discussion of the causes of the actual parity of value in the markets between silver and gold coined money, it is sufficient that he admits that the parity exists, and that he also admits that men of business are constantly exchanging gold for silver certificates at the United States Treasury offices on equal terms, dollar for dollar, on account of the superior convenience in the use of such certificates.

But while admitting that silver dollars are to-day, and have been during the seven years since the coinage was resumed, of equal value with gold dollars, he not only insists that this equality can not long exist, but he undertakes to fix the date beyond which it can not be expected to be maintained. Disclaiming the intention of being an alarmist he declares that the depreciation of silver, the expulsion of gold, and the bringing the country to a silver standard may not happen "in the present year, possibly not in the next," thus indicating that it is only barely "possible," but by no means probable, that the calamity can be averted beyond the end of 1886, but he abstains, and it seems to me very prudently abstains, from stating the reasons which have led his mind to that conclusion.

At the present rate of coinage we will have coined at the end of 1886 246,000,000 silver dollars. Is it conceivable that that number of silver dollars will depreciate when they are receivable on the par of gold for the taxes of every description of a government with an annual revenue of \$300,000,000, and when they are a tender for all the private debts of 57,000,000 of people who have no equals on the face of the globe in the activity, number, and magnitude of their industries, exchanges, and credit transactions? And especially can we conceive of this result when we know that France, with only two-thirds of our population and one-eighteenth of our territorial area, does to-day sustain, at a perfect parity with gold, \$537,000,000 of full-tender silver coins, containing 3 per cent. less of silver, as compared with its gold coins, than is contained in the silver coinage of our mints?

The Senator says that "the Latin nations have kept silver on a par with gold by a limitation of its coinage, or by ceasing to coin it in excess." But neither France nor any other of the Latin nations has found by experience that its silver coinage was "in excess," and no one of them has melted down or withdrawn in any way any part of its silver coins. It is true that they have stopped their silver coinage at certain limits (and that this limit in the case of France was fixed at the amount of \$537,000,000) from mixed motives, of perhaps excessive caution, and of antagonism to Germany, whose operation of exchanging silver for gold the French people preferred rather to obstruct than to facilitate. But can it be gravely argued that because France has, from whatever motives, suspended its silver coinage at a certain limit, we ought either now or eighteen months hence to suspend our coinage, when we are not within twenty years of reaching that limit at our present rate of coinage, taking into account relative differences of area and population and the rapid growth of this country in all the elements of numbers, trade, and wealth which occasion a demand for money?

What evidence is there that there is an "occasional surplus" of silver in France which "has to be gathered up and held as is done by the Bank of France?" What French or other authority does the Senator

cite in support of the statement that the Bank of France was ever obliged to gather up and hold a single dollar of silver because silver dollars were in excess, or ever took in a dollar of silver except in the course of its business and for the purpose of protecting its own safety, solvency, and solidity as a coin-paying institution? There is no such evidence and there is no such fact.

While there is no public man in France who suggests the withdrawal of either the whole or any part of its coined silver money, the Bank of France has been from the beginning and is to-day the sturdiest and most pronounced opponent of any such impossible and suicidal policy. Instead of regarding the silver of France as a burden, which the Bank of France must carry, its managers regard it as the best bulwark of the safety of the institution over which they preside and of the finances and prosperity of their country.

I do not charge the Senator from Vermont, who has served so long, so usefully, and so honorably in the highest councils of his country, with any set purpose of exciting alarms, false in themselves and dangerous to public confidence. Nevertheless his declaration that "silver certificates may ultimately prove less valuable than United States notes" must have the effect with those who believe that the declaration has any good foundation to induce them to receive such certificates with reluctance and to impair their acceptability and usefulness as a currency.

But it is too plain that a certificate promising to pay silver dollars, and also promising to keep always on hand and unused the full amount of silver dollars promised, can never be less valuable than a note which is redeemable in silver at the option of the same Government, but for which the silver in which it is redeemable is not kept on hand. The act of 1875 directing the resumption of specie payments January 1, 1879, ordered the greenbacks to be then and thereafter paid in coin. There is not the slightest ground for pretending that at any time or in any act the Government ever made any promise, express or implied, to pay them in gold; and any Secretary of the Treasury who should dare to pay them in gold, if that method of payment was more onerous to the country, ought to be impeached and punished for it.

The notes of the United States are a perfectly safe currency, but they can not become a more valuable currency than silver certificates until our laws relating to currency and finances are fundamentally changed.

The Senator from Vermont says that "the vital spark in business industries is the solid and unchanging character of the money in circulation."

Without doubt frequent changes in our monetary system are attended with many mischiefs, and they can rarely be necessary; but the remark which I have quoted seems hardly a suitable one to come from a Senator who is the reporter and leading manager of a proposition to unsettle all that was deliberately done in 1878.

That proposition is to strike down the only coin we have ever had under the Constitution of the United States which has never been changed in its essential feature. The amount of pure silver which it contains, originally fixed by Alexander Hamilton at 371½ grains in 1792 is the same now as it was then. The gold eagle has been twice changed in the amount of pure metal which it contains, but the silver dollar has never changed in that particular, and has therefore come to be naturally regarded and spoken of as the "standard silver dollar."

If we have any old and time-honored landmark in monetary and financial affairs it is the silver dollar.

It is as old within three years as the beginning of George Washington's first Presidential term, and yet we have a proposition to destroy it from a Senator who tells us that nothing is more essential to business industries than the "unchanging character of the money in circulation."

If the efforts of the Senator from Vermont to introduce changes can be defeated, as I feel assured they will be, it can be said of this Congress that it left the currency laws as it found them, and that if it had done no good in that particular it had done no harm.

The Senator from Delaware [Mr. BAYARD] has favored this body with a speech upon the pending bill. Rather more than half of it was devoted to a demonstration that this Government is not under the slightest obligation to redeem the trade-dollar at more than its bullion value, but closes with a declaration that he was ready to vote to pay for them at their nominal value, at a cost or loss to the Government of something like \$1,500,000, for the purpose of giving the country a moral lesson of some kind or other. I have never heard before that Congress had any right to appropriate the money of the tax-payers except to provide for carrying on the Government and paying its debts. No warrant is found in the Constitution for appropriating money for the purpose of giving moral lessons to anybody. The Senator from Delaware will doubtless explain to the Senate, and to his constituents, in his own way and at the proper time, on what political or ethical basis he will vote \$1,500,000 to individuals whom he says have no just claim to it.

A part of the speech of the Senator from Delaware is in support of the proposition to stop the coinage of silver dollars, to the resumption of which in 1878 he was one of the strongest opponents, and which he has never ceased to denounce from that day to this. He reiterates statements which have been shown over and over again to be completely erroneous, and principles of political economy which are not

supported by a single good authority, and which are incomprehensible as a matter of reasoning.

He says that the standard silver dollar, as compared with the trade-dollar, is "confessedly less in actual value," when all market quotations and the knowledge of everybody proves it to be about 15 per cent. higher. The trade-dollar is worth a good deal less than a gold dollar, but I do not believe that the Senator from Delaware ever purchased a standard dollar at less than its face value in gold, or that he can name any market in the United States where it can now be purchased for less. If there is anybody who has confessed that the silver dollar is of less "actual value" than the gold dollar the Senator from Delaware does not name him. I am certain that no supporter of the double standard has ever "confessed" that the actual market and exchangeable value of the silver dollar is inferior to that of the gold dollar, or believes that it is likely to become so for an indefinitely long period to come.

If confessions of that kind have been made it must have been by the clearing-house bankers of New York or similar classes of persons.

The Senator from Delaware quotes, adopts, and indorses the statement of Mr. McCulloch, the Secretary of the Treasury, that the Government is under certain gold obligations. That statement is wholly gratuitous and without a shadow of foundation.

From the Secretary of the Treasury, who is an executive official, and bound to obey the laws enacted by Congress, it was an unwarrantable statement, inasmuch as Congress declared seven years ago that the silver dollar should discharge all public debts except where it was otherwise stipulated in the contract, and neither Mr. McCulloch nor anybody else has or can show any existing bond, contract, note, or other obligation in which the Government has stipulated to pay gold.

The Senator from Delaware also quotes, adopts, and indorses the prediction of Mr. McCulloch that unless the coinage of silver is soon stopped it will cause the total disappearance of gold by export or hoarding, or both, and a "severe contraction," which the Senator himself enlarges and emphasizes by predicting "a most severe contraction, convulsing all business."

And to fortify these ominous predictions the Senator declares that they are confirmed by his correspondence from the money centers, doubtless meaning by that such sources of intelligence as Chestnut street in Philadelphia, State street in Boston, and last, but not least, Wall street in New York.

The following is an account in the Senator's own language of the statement of these letter-writers:

They all say to me that there is a great apprehension that the evils depicted by Mr. McCulloch of the contractions to follow our embarkation upon the monometallic basis of silver will convulse business, and the other evil, that the prices of what is needed by the laboring classes necessarily will be increased by the measurement in the less valuable metal.

Elsewhere in his speech the Senator adopts his own and amplifies the theory that while the expulsion of gold will contract currency and convulse business, it will at the same time raise prices by causing them to be stated and estimated in a less valuable kind of dollar. To quote his exact language:

What will measure prices when gold is gone? In what will be the estimate of the cost of living for these for whom I am sure our hearts are anxious? Sir, the measure of prices will be in silver, and silver being of lesser value, those prices must be nominally increased to make up for the deficiency of real value. The scale will be higher.

It is not unnatural that the Senator from Delaware and his correspondents from the "money centers" whose "hearts are anxious" for the laboring classes should have had their fears concentrated upon the one point that a silver standard would increase the prices of the necessities of life. It is nevertheless plain that if prices rise as a consequence of the depreciation of money, the prices of everything, luxuries as well as necessities, will be raised, and that wages, the price of labor, will also be raised.

The mere statement of these propositions of Mr. McCulloch, of the Senator from Delaware, and of his correspondents from the "money centers" shows how untenable they are.

The coinage of silver can not possibly tend to contract the volume of money. On the contrary, to the extent of it the tendency must be to expand the volume of money in the world and to make our share of it absolutely greater. The coinage of silver will be followed by the expulsion of gold under only one or the other of the two following conditions:

First. That our silver coinage shall so expand our prices relatively to prices abroad as to cause an unfavorable balance of trade. We know that the balance has been since 1878, and still is, heavily in our favor.

Second. That the banking and moneyed interests hostile to silver coinage shall by deliberately concerted action create a panicky fear of an impending depreciation of silver and a belief that the hoarding of gold would result in a profit from the premium upon it within some near period, and thereby cause the locking up of large quantities of gold.

In respect to a withdrawal of gold from circulation by hoarding, it is not impossible that it might be brought about to some extent if the banking classes should combine as a unit and instigate others who are

under their influence to co-operate with them. But bankers as a body have too much prudence and know too well how large a share they must themselves bear of any calamity falling upon the business interests of the country to be concerned in getting up a panic in respect to an approaching premium on gold.

The hoarding of \$610,000,000 of gold for the purpose of profiting by an expected premium upon it would cost the banks and individuals engaged in it \$30,500,000 annually in interest, if we count it at 5 per cent. At the same time there would be no certainty that such a hoarding would of itself cause a premium on gold. Silver, greenbacks, and national-bank notes perform all the offices and answer all the purposes of money for domestic uses. Until there arose some demand for gold for foreign purchases and payments nobody would have any inducement to pay a premium on it. The present state of our trade enables us to pay gold abroad at less cost, by the method of using bills of exchange, than by shipping gold; and the time when gold will be in demand for foreign shipment is indefinitely remote.

The loss of interest in hoarding it is a certainty. The gain is prospective, doubtful, and really improbable. Bankers, who are not apt to be governed by their passions, will be slow to embark in such an enterprise considered in the aspect of a plan for making money.

In all events, if the gold now in circulation is expelled, in whatever way it may be done, the money remaining in circulation, which will then consist of silver and of paper representing silver, must increase largely in value and purchasing power, because the total volume of the circulation will have been largely reduced. It is not enhanced prices of commodities which we shall then see, but prices lowered, and to such a degree that gold would flow here from all parts of the world.

It was not my intention to address the Senate at length at this time on the questions involved in this bill and in the amendments proposed by the committee. I presented my views upon the general subject somewhat fully at an earlier day in the session.

In closing, I desire to call the attention of the Senate to the unadvisedness of attempting to dispose of such an important measure, affecting as it does the volume of the currency, and to the impossibility of doing so even if it is advisable, in the closing days of the session.

The pending bill was reported to the Senate on the 27th of January, when there remained only thirty-one working days of the life of this Congress, and with no warning or reason to expect that the Senate would be called upon during the brief remainder of this session to discuss any such measure as that of suspending either absolutely or contingently the coinage of the standard silver dollar. On the 27th of January, when the committee agreed to report the pending bill with amendments relating to entirely different subjects, it did not have before it by any reference made by the Senate the question of the continuance or discontinuance of the silver-dollar coinage.

At the beginning of the last session that question was before the committee by reference of a bill submitted by the senior Senator from Vermont (Mr. MORRILL), covering various things connected with the mints and the coinage, and containing among its provisions one for the suspension of the silver-dollar coinage. In the course of the last session the committee acted upon and reported that bill after having stricken from it that part which suspended the coinage of silver dollars, and by no subsequent vote of the Senate, within my knowledge, has that subject been referred to the committee. I feel justified, therefore, in saying that their report on the 27th of January of a silver-dollar suspension law was without warning; that it was gratuitous and unauthorized, and, as it seems to me, violates good parliamentary practice, by attempting to foist upon a bill referred to it a measure not germane and relating to a totally different subject-matter.

The trade-dollar was wholly deprived of the monetary function in 1876, and has since then formed no part of the money of the country. The bill sent up by the House proposes the purchase and withdrawal of the trade-dollar on certain terms, and has no provision in it relating to the currency to which such a proposition as arresting the further issue of legal-tender silver dollars can by any possibility be germane. The bill, with the amendment proposed, was for the first time called up for consideration with only twenty-three working days of the session remaining, with the Calendars of both branches of Congress loaded with important measures, and with some of the most important of the regular appropriation bills for the support of the Government as yet scarcely touched.

It must be quite obvious that under such circumstance very little time can be given to the consideration of the bill and proposed amendment in the Senate, and still less time to the consideration in the House of the amendment if it should be adopted here and sent to the other branch of Congress for its concurrence. The repeal or, what is the same thing, the suspension for an indefinite period of the silver-coinage law of 1878 is a measure of as much importance as the original passage of that law. It involves the same points of discussion; and unless the deliberations which preceded that enactment were protracted beyond all reason, the time now proposed in which to consider the repeal is totally inadequate.

The law of 1878 was debated by two successive Congresses, and it was considered inexpedient to take final action until a monetary commission had been appointed to hear such testimony and suggestions as might

be offered from any part of this country or from foreign countries, and until that commission in addition to reporting such testimony and suggestions had submitted their own opinion in an exhaustive and able review of the whole subject.

How thorough and elaborate the debates in Congress were may be judged from the fact that during the session when the law was passed there were forty-one set speeches made in the Senate upon the law as a whole, in addition to the discussion of the various amendments proposed to it. It was not then considered that too much time was given to the subject, because everybody saw that it involved all the questions of a sufficiency of the money volume, of the prices of land, labor, and commodities, of the pressure of public debts, of the interest of tax-payers, and of the preservation of justice and equity in the relations between classes and geographical sections. All these questions are involved, and in an equal degree, in the repeal of the law of 1878, which is now proposed to be accomplished by a side blow in the form of an amendment of a bill on another subject.

With no disposition to impute motives to committees or members of this body, it is true and it is proper to be said that if not so intended the late day at which this measure has been sprung upon the Senate is calculated to favor a plan which may have been formed in certain quarters to secure snap judgment in this body and in the other House against the coinage of silver by the aid of the machinery which exists in such quarters for sounding and resounding false intelligence and false alarms through subsidized, unscrupulous, and widely circulated daily newspapers. Abundant motives for such planning and plotting are found in the enormous gain which would result to banks and bankers and creditor and income classes generally from that appreciation of the value of the money certain to be caused by confining coinage to the single metal, gold, the total current production of which from the mines is now swallowed up by consumption in the arts.

The pending bill as it came from the House, and when it was confined to the trade-dollar, was very objectionable and could not have failed to have provoked lengthy debates in the Senate. I refer to the proposition to give a price gratuitously enhanced 15 or 20 per cent. for approximately eight millions of trade-dollars, the present holders of which obtained them as a rule, although doubtless with some exceptions, at not more than their bullion value.

President Arthur and Mr. Folger, the late Secretary of the Treasury, both recommended that no more should be offered for the trade-dollar than a slight premium above its bullion value, barely sufficient to induce the holders to bring them to the mints.

Objectionable as the bill was as it came from the House, the amendment proposed by the Finance Committee in respect to the trade-dollar makes it very much worse. The House bill gave a 15 or 20 per cent. gratuity to the holders of the trade-dollars, but not at the expense of the Treasury or the tax-payers. By making the standard dollars coined out of the trade-dollars an addition to the present coinage of standard dollars it gave the gratuity to the holders of trade-dollars out of the profit upon the additional number of standard dollars. But the amendment of the Finance Committee throws the burden of the gratuity, which will be approximately one and a half millions of dollars, upon the Treasury and the tax-payers. A proposition so offensive as that, and presented in this sudden way, after the bill itself to which we are asked to attach it had been held back in the Finance Committee for nearly a year, ought to be more thoroughly scrutinized than there is time for during the closing days of the Forty-eighth Congress.

If there is any justice in treating the trade-dollar as part of the money of the country, and not merely as so much stamped bullion, let the question be considered on its merits and by itself. It is in any view we may take of it a matter of but slight importance, except to a comparatively few persons who hold these dollars. The amendments proposed by the committee involve the monetary system and the monetary policy of this Government, and their hasty consideration may lead to disastrous results.

Mr. ALDRICH. The familiarity of the Senator from Colorado with these questions, and the fact that he is accepted as the representative of a particular class of the friends of silver, gives great weight to his opinions on these questions; and I should be very glad if he would permit me to ask him one or two questions. I should like to ask him if I understood him aright to say that he believes the United States can, unaided or aided only by the countries using a single silver standard, maintain a parity between silver and gold with the free coinage of silver at the present ratio?

Mr. HILL. I will say in reply to the Senator that I do not make that statement. I did not go so far as to say that we could sustain the parity of the coins with the free coinage of silver under the existing conditions. I believe, however, that within a very short time, and as soon as arrangements can be made with certain other countries which use silver money mainly or solely, we could maintain such parity. I do not know that the Senator's question will cover the remark I propose to make now, but in my belief at the present rate of coinage we alone can sustain permanently a parity between the value of the gold and silver coins of this country for any length of time.

Mr. ALDRICH. One other question. Did I understand the Senator correctly to say that if it had not been for the limited coinage provided

by the act of February, 1878, the price of silver bullion would have declined at least 20 per cent. more than the decline which has taken place since the passage of that act?

Mr. HILL. I did not make such a statement.

Mr. ALDRICH. I certainly so understood the Senator.

Mr. HILL. As an illustration, I said if the coinage of silver had prevented a decline of more than 10 per cent. when it would otherwise have been 20 per cent., it was equivalent to raising the price 10 per cent. No one can say what the decline would have been if we had not coined silver under the law of 1878.

Mr. ALDRICH. I understood the Senator to give it as his opinion that a further decline of 20 per cent. would have taken place in the price of silver bullion had it not been for the legislation of 1878.

Mr. HILL. No; I did not intend to make such a statement. It would be presumptuous for any one to say definitely what the decline would have been.

Mr. COKE. Mr. President, the House bill "for the retirement and recoinage of the trade-dollar" meets my approval. The holders of this coin have in my judgment a right to the relief proposed, to wit, to receive standard legal-tender silver dollars in exchange for the trade-dollars held by them. Rather than see a failure to pass any bill on this subject I am willing to accept the bill so far as it relates to this subject as amended by the Senate committee. The fourth section of the amendment to the House bill, authorizing the President to renew negotiations with the States of the "Latin Union" and other foreign powers for the purpose of securing the co-operation of those States in the free coinage of silver with full legal-tender power at an agreed ratio to gold, I favor because the object is a desirable one.

But the fifth section of the Senate committee amendment, which provides that in case no such treaties as are provided for in the fourth section can be made and ratified prior to August 1, 1886, the coinage of silver under existing laws shall from that date be indefinitely suspended, I am opposed to, and if not stricken out I shall oppose the entire bill. We have made repeatedly such efforts as section 4 provides for, and have always failed. While I am willing to renew the effort, I am not willing to make the continued coinage of silver dependent upon the contingency of its success. I do not propose to go into a discussion of the silver question, as I have on two occasions since I have been a member of this body addressed the Senate at length on that subject, and have nothing now to add to what I have heretofore said.

I rise now simply to say that my opinions have undergone no change, except to be confirmed and strengthened, and that the experience of the country under the act of 1878 remonetizing silver has to the fullest extent vindicated the judgment of the advocates of that law and falsified the predictions and refuted the arguments of those who opposed it. That this is true is notorious, yet we find in the debate on this bill the same old stale and exploded theories and arguments rehearsed and rehabilitated by the same Senators who urged and pressed them in opposition to the bill enacted into law in 1878. If there is anything fixed and settled and irrevocably determined in the minds of the great body of the American people it is that the silver dollar of 412½ grains is and shall continue to be legal-tender money.

No one doubts or questions but that this is the well-considered and immovable judgment and will of the American people. Notwithstanding this, we find on every occasion, in season and out of season, the national bankers who opposed the remonetization of silver, and the Senators on this floor who used every possible means to defeat the act of 1878, agitating the question of repealing, or what amounts to the same thing, suspending the law providing for the coinage of silver. The Finance Committee of the Senate has never, within my knowledge, had an opportunity to strike a blow at silver money that has not been delivered promptly and with all the force it could command, with one single exception, and that was the last session of this Congress.

The House bill providing simply for the redemption of trade-dollars in legal-tender silver dollars, which the committee propose to substitute with the pending bill, came from the House and was referred to that committee on the 3d day of April, 1884. Congress sat until in July some time, and instead of reporting it so that it could be passed the bill was permitted to sleep in committee until this session. It is now reported with an amendment suspending the coinage of silver. The year 1884 was Presidential year, and the people were scanning the merits of parties and aspirants preparatory to their choice in November last, and it was not a propitious time for an attack upon a policy so highly favored by the people of all political parties, and for once the Senate committee forebore to strike; but since the election has passed, and another is four years distant, it is by the vigor of its assault now making up for lost time.

Why this attack upon silver now? Is it believed that this bill as it comes from the committee can be passed into law? No sane man can believe it or does believe it. The only argument against the further coinage of silver, the sole reason alleged for suspending the coinage of that metal, is that the bullion out of which the silver dollar is coined is worth in the market only about 85 cents as compared with gold; all the other arguments used are simply corollaries from this. Is our silver dollar worth as much as the gold dollar? Will it buy as much of any commodity in the market as the gold dollar? These questions

all men will answer in the affirmative, because it is true that the purchasing power and the debt-paying power of the silver dollar is, in all respects and every particular, equal to that of the gold dollar.

Nobody denies this. Fifteen and one-half grains of silver to 1 of gold is the ratio throughout Europe, while our ratio is 16 grains of silver to 1 of gold. Our silver dollar contains a greater proportion of pure silver than any other silver coin in the world except that of Mexico. Throughout Europe the silver coin circulates by the side of gold at par and without discount. The bank of France, which regulates the circulation in France, as we are informed by the report of the Comptroller of the Currency, has in its vaults \$205,837,867 of silver and only \$210,927,912 of gold, while in our Treasury there is by the latest official report of the Secretary of the Treasury, from which I read, as follows:

	Total assets.	Liabilities.	Available assets.
Gold coin and bullion.....	\$222,536,360 43		
Gold certificates.....	32,477,750 00		
	255,014,110 43		
Less gold certificates outstanding.....		\$120,343,320 00	
Standard silver dollars and silver bullion.....	147,573,221 89		\$134,670,790 43
Silver certificates.....	30,814,970 00		
	178,388,191 89		
Less silver certificates outstanding.....		131,536,531 00	
			46,851,660 89

From this statement it will be seen that France circulates very much more silver in proportion to gold than we do, and that the silver in our Treasury is represented by \$131,556,531 of silver certificates outstanding against it and in active circulation among the people, performing all the offices of good money, while the gold, largely in excess of the silver, is represented by only \$120,343,320 of gold certificates. In the face of this fact, so clearly shown in his report, the Secretary of the Treasury on the very next page of his report makes the statement I now read, which, while literally true as to the amount of silver in actual circulation, is utterly erroneous and misleading in the impression made on the country when it is remembered that the silver certificates in circulation represent the silver dollars in the Treasury which he says can not be circulated. I read the statement and leave the Senate to judge from it the character of warfare made on silver by the high officials of our Government.

The coinage of silver dollars under the act of February 28, 1878, has now reached the very large amount of \$184,730,829, being an increase of \$28,009,590 for the year ending November 1, 1884. The amount of these dollars in actual circulation is \$41,326,736. The increase in the circulation for the year has only been \$1,260,346, against an increase of \$4,136,321 for the previous year. These figures of themselves are an insuperable argument against the continued coinage of silver dollars.

Why did not the honorable Secretary of the Treasury tell the country that the silver in actual circulation is very greatly in excess of the gold in actual circulation—perhaps four or five dollars of the former to one of the latter? And why did he not say, what is true, that neither metal is much circulated in actual coin, but is stored away in bank and Treasury vaults to make good and current and redeemable the more convenient and portable paper circulation of the country, and that for this purpose silver is as good as gold?

Not only is the silver dollar in every conceivable aspect as good and valuable as the gold dollar, but silver certificates, redeemable in silver dollars, are frequently preferred to gold, as is shown by the response of the Secretary of the Treasury to a Senate resolution of January 14, 1884, in which that official states that from December 31, 1880, to December 31, 1883, \$79,754,000 of gold coin was received into the Treasury in exchange for the same amount of silver certificates. These silver certificates, it may be observed, represented on the 31st December, 1883, about half, or nearly so, of all the silver dollars coined up to that time. If the honorable Secretary had covered the time up to the 31st December, 1884, with his statement, it doubtless would have appeared that more than half of the silver certificates issued have been exchanged for gold.

The honorable chairman of the Finance Committee [Mr. MORRILL], not to be outdone by the Secretary of the Treasury, makes in his speech of February 4 a statement, remarkable as an illustration of the power of language literally true to convey an impression absolutely erroneous and untrue. I read from page 5 of the speech:

In eighty-five years, or up to 1878, the whole amount of silver dollars coined at our mints was only \$3,045,838, and the amount in circulation must have been far less. Since 1878 we have coined the immense sum of \$191,947,194, and have got into circulation, according to the Director of the Mint, \$41,320,040, or about five times as much as was ever coined in all our previous history. If this does not show a pushing and industrious zeal on the part of the Treasury Department to get the silver dollar into circulation I know not what would.

No man uninformed on the subject can read the first clause of that statement without concluding that the \$3,045,838 of silver, which is

correctly said to be all the silver dollars coined during the period named, without concluding that the amount named was our entire stock of silver money, and even all of that is said not to have been in circulation. Now, the whole truth on this subject, as was conclusively shown by the Senator from Kentucky [Mr. BECK] in his able speech on this bill a few days ago, is that during the period named by the honorable chairman of the Finance Committee, while we did coin only the amount of standard silver dollars named, we also coined \$100,000,000 of half-dollars, \$40,000,000 of quarters, and a sufficient amount of smaller coins to make in all \$184,280,941.40 up to 1877, and all of it, with a large amount of the Spanish milled dollars, was in circulation.

The second clause of the statement, to the effect that out of \$191,947,194 we have been able to force into circulation only about \$41,350,040, is made in the face of the fact shown in the report of the Secretary of the Treasury, before adverted to, that silver certificates representing the silver dollars in the Treasury are in active circulation among the people, maintaining the prices of property, the wages of labor, and doing good service as ready instrumentalities in the business and commerce of the country. If anything were needed to complete the fullness and rotundity of this most remarkable statement it is found in the next proposition of the speech, in which it is said:

It is evident that all of our people prefer a paper currency, if it is only the equal of our standard coins. It is far more convenient, as the whole commercial world have ascertained, and the whole world, therefore, has not suddenly changed its habits, notwithstanding the oversanguine expectations of the promoters of the silver bill of 1878, who were unquestionably honest in their zeal, and who will be ready to claim that it has accomplished a great and important service.

Is not the fact that about one-half of the silver certificates issued have been exchanged dollar for dollar for gold coin evidence that this form of paper money is acceptable to our people and that it is "the equal of our standard coin?"

Mr. MORRILL. Will the Senator from Texas allow me to say a word?

Mr. COKE. Certainly.

Mr. MORRILL. Does not the Senator from Texas know that the silver certificates would not be in circulation except from the fact that they are the equivalent of gold in paying duties upon imports?

Mr. COKE. Neither would gold be at par or worth anything unless it was money and could be used as such in paying debts and public dues.

Mr. MORRILL. Not one dollar of these certificates will ever be redeemed in silver, but they will all be used for the purpose of paying duties where gold is required otherwise.

Mr. COKE. I will proceed.

This great fact can not be explained away, nor its significance be clouded. It makes no difference why it is true; the fact remains that it is true, and that is sufficient. Silver certificates measure fully up to the standard for good paper money prescribed by the honorable Senator. It is an axiom in mathematics that "things equal to the same thing are equal to each other." Silver certificates, the representatives of and redeemable in silver dollars, for which gold coin is every day being exchanged on equal terms, can not be held otherwise than as the equal in value of the gold coin.

If the honorable chairman of the Finance Committee had really desired to force the actual silver coin into circulation why did not he and his coworkers bring in a bill retiring all notes of denominations under \$10 or even under \$5. This would force silver dollars and small gold coins into circulation if enacted into law. It is in this way that such coins are maintained in circulation in Europe. This would increase the demand for both silver and gold, but would to that extent supersede the necessity for bank notes, and of course will not be recommended by those who in the interest of the banks bitterly opposed the remonetization of silver and have in every possible way disparaged it since that metal was remonetized.

The European quotations for silver bullion control the price of that commodity in the American market. Silver bullion is as cheap there as here. When their silver coin in the ratio of 15½ of silver to 1 of gold maintains itself without discount in circulation by the side of gold, ought we to be alarmed about our silver dollar of 16 of silver to 1 of gold? It seems to me not.

The fact has been adverted to in this debate that many of the European states have ceased to coin silver, and the conclusion is drawn that we should also cease for the same reasons. The conditions surrounding this country are widely different from those prevailing in Europe. The states of Europe reached their highest point of development many years ago. They are now stationary in population, in commerce and production, while this country is advancing with wonderful rapidity in all those respects. Europe has enough of silver to answer all the needs of trade and population, and is content for the present. The United States, with enough for to-day, must provide an increased amount for increased population, increased commerce, and increased industrial activities certain to need it the next year, and so on with each recurring year as this vast country and its teeming wealth is populated and developed.

On page 33 of the latest report of the Secretary of the Treasury that official says: "The production of gold is diminishing; that of silver has practically reached its maximum, and there are strong indications that

from this time the yield of both gold and silver mines will speedily decline." The insufficiency of the world's supply of gold as a basis for the necessary supply of paper circulation is admitted on all sides. The decline in its production, if silver is discarded as money, will necessarily restrict the paper circulation, which is based upon it as a redemption fund. A contraction of the circulation means an increased purchasing power for money, lower wages, lower prices for property, an increased oppressiveness for debt; in a word, that the rich are made richer, and the poor made poorer. It is the duty of this Government to do all that is possible to avert such calamitous consequences, and the wisest and best method of preventing them is to continue its coinage of silver, thereby insuring a sufficient metallic basis for a safe, redeemable, and adequate paper circulation.

We coin only \$28,000,000 per annum, and this the Senate amendment proposes shall cease, because forsooth the silver bullion in the dollar is worth only about 85 cents, when, as I have shown, the silver dollar and silver certificates are in every respect equal in value to the gold. European governments preserve the interconvertibility of silver and gold, notwithstanding the discount on bullion, by limiting, regulating, and at times stopping the coinage of silver. Adopting this idea, the remonetizing act of 1878 placed the limitation upon silver coinage, under which a fraction over \$2,000,000 per month has been coined. The facts to which I have adverted show conclusively that the limitation was unnecessarily restrictive, and that the industrial progress, the advance in population and wealth, and the enterprise in this country would equally well have maintained interconvertibility between silver and gold had the amount coined been much greater, or indeed if the coinage of silver had been made free.

The power of the Government brought to its aid in this way would also have buoyed and appreciated the value of bullion and destroyed the margin between it and coin. It has been asserted in this debate that if silver coinage is not suspended the result will be to transfer our gold to Europe, and that we will be left with an exclusively silver currency. This argument is met and refuted so completely in the able speech of the Senator from Colorado, Mr. HILL, delivered a few weeks ago, that I will content myself with reading what he says:

It is often said that in dealing with European nations we must liquidate in gold the balances of trade when they are against us, because silver has no rights of coinage, and is therefore not a money metal in Europe; and that, on the other hand, when the balances of trade are in our favor we will be paid in silver. Paying Europe in gold but being paid by Europe in silver would sooner or later transfer our gold to the other side of the Atlantic. But in truth Europeans can no more pay us in silver than we can pay them in that metal. They could pay us in our silver dollars if they possessed any, but they have none, and they can not get any except at the price of gold dollars. Their own silver coins can not be disposed of in this country at a better rate than 80 per cent. of their value at home. As to silver bullion, it is as commercially impossible that it should be sent here from Europe as that coals should be sent to Newcastle.

We are the chief silver-mining nation in the world, and our total home demand for silver in the arts and at the mints (with our annual coinage of \$28,000,000) is less by about ten millions annually than the home production. The excess, whatever it is, must be sold abroad, and must always be, as it is now, put at a price which will force its sale in foreign markets. During the three fiscal years ending June 30, 1884, the excess of our exports of silver over imports was \$29,584,783, or at the rate of about \$10,000,000 annually. The flow of silver from the United States to the London market will continue constant until all the facts of the situation are changed. It is as idle to apprehend an import of silver coin or bullion from Europe as to apprehend an import from the same quarter of timber, wheat, petroleum, naval stores, or cotton. No silver from Europe will ever be "dumped" upon this country until commodities move from dearer to cheaper markets.

The necessary effect of the whole situation is what we know as a fact of observation, that the money balances due to us from Europe are received always in gold, and in nothing else. The other kinds of money which we use, namely, silver dollars, greenbacks, and national bank notes, would be accepted by us with equal readiness, but foreigners possess neither, and can not obtain either at less than their face value in gold. Our position is precisely like that of France, in which silver francs are, at home, of the same value as gold francs, but are worth only four-fifths as much anywhere outside of the Latin Union. When the state of the exchanges requires the transmission of money from Paris to London, or to New York, it is only gold which can be sent, because it is only gold which will be accepted. But it is equally true that when London and New York send money to Paris it can only be gold, because they have no French silver francs.

I remember well in the debate in 1878 it was vehemently predicted that silver, being the cheaper metal, would expel gold from the country just as this reason is given now with great emphasis for repealing or suspending the law of that date, when the official reports show since that time an increase net of three hundred and fifty million seven hundred and ninety-three thousand five hundred and thirty dollars in the stock of gold in this country. Not only is this true, but the same official reports show that our monthly imports of gold in payment for balances due on our foreign trade, together with the product of our mines are largely in excess of our monthly silver coinage, more than double, thus maintaining up to the present moment the same ratio of increase of gold that has obtained ever since the silver law of 1878 was passed. If the law of 1878 had not been enacted—and it was enacted over the earnest and combined opposition of those now demanding its repeal—the condition of this country in respect of its currency would have been most deplorable. I read from the last report of the Secretary of the Treasury:

It will be noted that the circulation decreased \$25,156,432 during the year. The bonds deposited to secure circulation, which decreased \$9,613,350 in 1883, were still further reduced \$25,442,200 during 1884—a reduction of \$35,055,650 in two years.

The 3 per cent. bonds of the United States have now been reduced to less than two hundred millions, and they will be further reduced through the operations of the sinking fund by nearly fifty millions each year.

The market prices of the 4 per cent. and the 4½ per cent. bonds of the United States have declined somewhat during the past year; but that these bonds are still too high to enable banks to base circulation upon them at a profit is plain, from the fact that the circulation has been voluntarily decreased more than \$25,000,000 during the year.

Among the measures of relief recommended in the last report were an increase of the issue of notes to the face value of the bonds deposited, a bill to authorize which passed the Senate during the last session of Congress; the acceptance of the 3.65 per cent. bonds of 1924 of the District of Columbia, the payment of which is guaranteed by the United States; and a repeal of the tax on circulation. I earnestly commend these propositions to the wisdom of Congress, believing that, if adopted, they will enable banks which now contemplate a surrender of their circulation in consequence of the calling of their 3 per cent. bonds to maintain it on the long-time bonds with a small profit, or at least without loss.

Inasmuch as about \$135,000,000 of the circulation of banks is based upon our 3 per cent. bonds, which are now redeemable and being rapidly redeemed, remedial action can not be postponed beyond the present session if a rapid reduction of our bank-note circulation is to be avoided. The subject is a very important one, and should receive immediate attention.

This statement shows a contraction of bank circulation for the last two years of \$35,955,650. It shows that of the less than two hundred millions of 3 per cent. bonds \$135,000,000 of them are the basis of bank circulation, that all of them are now redeemable and "being rapidly redeemed," and that they will continue to be redeemed at the rate of \$50,000,000 a year. It urges some vigorous action at this session of Congress in order to arrest a ruinous reduction of bank circulation. The law providing for the recoinage of silver has taken monthly from the dead surplus buried in the vaults of the Treasury a little upward of \$2,000,000 for the purchase of silver bullion and put it in circulation.

The silver has been coined and put in the Treasury, but silver certificates representing it have been issued and put in circulation, making \$2,000,000 more monthly, the two amounts aggregating about fifty millions a year addition to the circulation. This process has been going on since 1878, and has made a difference of about \$300,000,000 in the active circulating medium of the country, about one hundred and eighty-five millions of it, the coined silver, being a permanent addition to our stock of money. While the banks have been reducing their circulation silver and silver certificates have been much more than making up the loss. Had it not been for this constant addition to our circulation under the silver law, it is morally certain that the country would have suffered all the evils which flow from an insufficient circulation.

I presume I will be told that if the silver law had not passed the banks would have supplied the needed currency; indeed we have been informed to that effect by the report of a Secretary of the Treasury, not the present incumbent, but one of his predecessors. Exactly; and the meaning of this ceaseless war on silver is to put that metal and silver certificates out of the way, and leave the entire field clear to the national banks, so that they may furnish our currency on their own terms and contract or expand it at pleasure. These institutions fought savagely against the remonetization of silver, and when their representatives meet, as they do annually, in convention, they always denounce silver money and demand the repeal of the law. They are about as incessant and determined and untiring in their attacks as the Senate Finance Committee, except that they are not discreet like the latter in being silent just before Presidential nominations are made, for at their convention last summer they demanded a repeal of the silver law.

The denunciations of these people and the tirades in the messages of the Presidents, the reports of the Secretaries of the Treasury and of the Comptrollers of the Currency, have done more to discredit silver and degrade it than all other agencies combined, creating the apprehension that it could not be maintained as money against such powerful influences. It is simply wonderful that silver bullion under such combined and powerful assaults is not depressed to a lower point than it has yet reached; and that the silver dollar is still current and at par with gold and silver certificates preferred to gold is still more wonderful. If the same efforts had been directed to the maintenance of silver money that have been made to destroy it in the confidence of the world, and the banks had recognized and sustained it in their operations as the law requires them to do, and had not, in open violation of a positive law and with the consent and acquiescence of the Secretary of the Treasury, whose duty it was to enforce the law, kicked it out of the New York Clearing-House, silver bullion would to-day, in my judgment, and in that of others more competent than myself to form a correct opinion, be at par.

After waging a war upon silver which could only result in reducing it below par, the same persons now make the fact that it is discounted the chief, indeed the only, argument for discarding it; for that is the real purpose of the Senate amendment pending before us.

Now, Mr. President, if the amended bill before the Senate should pass, in what predicament will the country be left in respect to its circulating medium? I have read from the report of the Secretary of the Treasury that an annual contraction of fifty millions of the national-bank circulation is bound, under the operation of laws now on the statute-book, to ensue, and he urges remedial action at this session of Congress. This bill responds to his suggestion by contracting the currency fifty millions more per annum from the date when the suspension of silver coinage commences.

When asked to provide against contraction already commenced and certain to continue if we pass this bill, we have simply doubled the evil we are called on to avert. We then will be called on to refund the national debt in such way as to enable the national banks to issue and maintain an adequate supply of currency for the country, at least such will be the next step in the programme of those who would discard silver, and the outcome would be that the banks would have won the fight they have been making for years, and find themselves in possession of a clear field, with all the people and wealth of this country to operate on in their own way and on their own terms. Believing this, I shall oppose to the end the fifth section of Senate amendment to the House bill. I believe the people engaged in national banking are neither better nor worse than other people. They are a fair average of American citizenship.

I will never by my vote intrust them or any other living men with the unrestrained power over the prosperity of the country and the property and values and products of labor of the people which they would possess if permitted to dictate the amount and character of money to be used in this country, as they will have if we abolish the use of silver. God gave us gold and silver; the Constitution of the United States recognizes both metals, and declares that no State shall make any other a legal tender. Human labor is required to dig these metals out of the earth and human skill to refine and coin them, and when coined they are labor capitalized and represent intrinsic value. When these coins are stamped with the devices, and invested with the legal-tender qualities of money, and come within the protection of the laws against counterfeiting and alteration, they represent units and standards of value as prescribed by the supreme power of the Government. They differ from the bullion, out of which they are made, as the finely wrought fabric differs from the crude raw material from which it is worked. They are too far removed from the dirty ore, or the crude bullion, for the market values of the latter to determine their intrinsic value. This is as true of silver as it is of gold. These metals, both of them, are not more than sufficient to support the volume of redeemable paper money necessary for the trade, commerce, and business of the country.

To discard either will necessitate a reduction of volume of good, solvent, redeemable paper money, and this will increase the value of all money, will lessen the value of all the products of labor, will reduce wages and bring down all prices, and make debts doubly hard to pay.

Those who are urging the destruction of silver money are, in my judgment, forcing these disastrous results, and, if successful, will inevitably build up a formidable party in this country favoring the issue by the Government of an irredeemable paper currency, for the simple reason that an insufficient gold basis now, with a rapidly declining gold product, if confined to gold alone as a redemption fund, will so reduce our volume of paper money that the country will not stand the contraction, and will demand and seek relief wherever it may be found. Seven or eight States in the northern and eastern sections of this Union, which hold three-fourths of the bonds, the credits, and the money and active banking capital of this country, which would be immeasurably enhanced in value by the destruction of silver as money and whose representatives in both Houses of Congress are pressing this measure, will not be permitted, as long as any reasonable avenue of escape is left open, to hold this vast country in a condition of financial vassalage such as would ensue from the success of the pending measure.

It is because I foresee these results that I am opposed to this bill. The \$346,000,000 of legal-tender notes now in circulation, and the silver coin and silver certificates now in existence and annually increasing in a proportion not adequate, it is true, to annually increasing demands for money, are nevertheless a check upon the power of the banks and a reasonable provision against contraction which I will never willingly surrender.

I desire to see silver have a fair chance. It has been dishonored by our highest officials in the executive department of the Government and by the national banks—the Government's fiscal agents. The Secretaries of the Treasury have refused to pay this money to the public creditors, although our obligations, except about \$122,000,000 of outstanding gold certificates, are payable in coin, and can and ought to be paid in silver as well as gold, and the national banks have refused to recognize it in their operations in violation of express law. These gold certificates are the only gold obligations due by this Government to anybody. All other debts, bonds, and obligations are payable in coin, and may justly and honestly be paid in silver coin or in gold, or in both, at the option of the Government. With the incoming of a new administration I hope to see the laws on this subject obeyed and enforced. If they are bad laws, the best way to get rid of them is to enforce them. If good, this course will vindicate them.

The friends of the act of 1878 remonetizing silver have never ceased to demand an honest enforcement of the law, and have ever been anxious to subject it to the test, with the fullest confidence that its beneficial results can not fail to be as great as they have claimed they would be. When the national banks are compelled, as they ought to be, to recognize silver and silver certificates, as the laws require; when the Secretaries of the Treasury pay public debts equally with silver and gold, as they should, and when the denunciations of silver money cease to come annually from the national banks, from the White House and the Treasury Department, and from the Finance Committee of the

Senate, as they should, in deference to a public sentiment in favor of silver, believed to be fixed and immovable—when all these influences unite in sustaining silver coinage, as they are now and have been in breaking it down and dishonoring it, as they will be if the laws are obeyed and enforced, silver bullion will in a short time, both at home and abroad, in the opinion of many good judges, rise to par with the coined silver dollar, less the expense of coinage, thus removing the only pretext for suspending the coinage of silver.

The Senator from Alabama has proposed an amendment to this bill, reposing in the President the power at his discretion to suspend the coinage of silver. The framers of the Constitution deemed it wise to make the legislative, executive, and judicial departments of the Government separate from and independent of each other. I believe it wise to maintain these departments thus separate and independent. Dictatorial power over a great subject like this should not be reposed in the hands of any man, and will never be by my vote. I believe as firmly in the wisdom and patriotism of the President-elect as anybody can, and it is no disparagement of him to say that I will not so far as I am concerned consent that Congress shall abdicate its just powers and turn them over to his exercise and discretion. Besides, it is unjust to the new President to saddle this responsibility upon him which belongs to and should be fearlessly met by Congress. For one, I propose to take my share of the responsibility.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a concurrent resolution for printing 25,000 extra copies of the report and proceedings of the commission to provide suitable ceremonies for the dedication of the Washington Monument, together with the engraved card attached thereto.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 78) for the erection of a public building at La Crosse, Wis.; and it was thereupon signed by the President *pro tempore*.

BILL INTRODUCED.

Mr. GIBSON introduced a bill (S. 2664) making an appropriation to preserve the works on the Mississippi River and to continue the improvement of said river; which was read twice by its title, and referred to the Committee on Commerce.

HOUSE BILLS REFERRED.

The following joint resolutions were severally read twice by their titles, and referred to the Committee on Printing:

Joint resolution (H. Res. 338) providing for printing additional copies of the sixth and seventh annual reports of the Director of the United States Geological Survey;

Joint resolution (H. Res. 339) providing for printing the sixth and seventh annual reports of the Director of the Bureau of Ethnology;

Joint resolution (H. Res. 340) providing for printing monograph 2 of the publications of the United States Geological Survey; and

Joint resolution (H. Res. 342) to authorize the printing of 400,000 copies of the annual report of the Commissioner of Agriculture for the year 1885.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CULLOM, Mr. HOAR, Mr. PIKE, and Mr. VOORHEES submitted amendments intended to be proposed by them respectively to the general deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. BUTLER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GARLAND, and Mr. JONES, of Nevada, submitted amendments intended to be proposed by them respectively to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

WASHINGTON MONUMENT DEDICATION PROCEEDINGS.

The following concurrent resolution of the House of Representatives was referred to the Committee on Printing:

IN THE HOUSE OF REPRESENTATIVES, February 26, 1885.

Resolved by the House of Representatives (the Senate concurring), That 25,000 extra copies of the report and proceedings of the commission to provide suitable ceremonies for the dedication of the Washington Monument, together with the engraved card attached thereto, be printed; 8,000 copies for the use of the Senate, 16,000 copies for the use of the House of Representatives; 500 copies for distribution by Lieut. Gen. P. H. Sheridan, United States Army, to the civil and military organizations which participated in the procession; 400 copies for the Washington National Monument Association, for distribution among its members; and 100 copies to Col. Thomas L. Casey, engineer, for distribution among mechanics and workmen employed in the erection of the monument.

WITHDRAWAL OF PAPERS.

On motion of Mr. McMILLAN, it was

Ordered, That John Jones, late ordnance sergeant United States Army and captain Third Minnesota Battery, have leave to withdraw from the files of the Senate the papers in his case, subject to the rules of the Senate.

EXECUTIVE MESSAGES.

Several executive messages were received from the President of the United States, by Mr. PRUDEN, one of his secretaries.

GEOLOGICAL SURVEY REPORTS.

Mr. MANDERSON. I have three joint resolutions that have just passed the House which are identical with three Senate resolutions passed this morning, and I ask consent at this time to report favorably upon these resolutions from the Committee on Printing and have them put on their passage.

The PRESIDING OFFICER (Mr. FRYE in the chair). The Senator from Nebraska reports at this time a joint resolution, and asks for its present consideration. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. Res. 338) providing for printing additional copies of the sixth and seventh annual reports of the Director of the United States Geological Survey.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRINTING OF ETHNOLOGICAL REPORTS.

Mr. MANDERSON. I also report from the Committee on Printing the joint resolution (H. Res. 339) providing for printing the sixth and seventh annual reports of the Director of the Bureau of Ethnology, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MONOGRAPH SECOND OF GEOGRAPHICAL SURVEY.

Mr. MANDERSON. I also report from the Committee on Printing the joint resolution (H. Res. 340) providing for printing monograph second of the publications of the United States Geological Survey, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PLANTS FOR INAUGURATION DECORATIONS.

Mr. VOORHEES. I ask leave to introduce a joint resolution for present consideration.

The PRESIDENT *pro tempore*. Is there objection to the joint resolution being received at this time? The Chair hears none.

The joint resolution (S. R. 134) relative to the use of plants belonging to the public conservatories of the District of Columbia for inauguration ceremonies, was read the first time by its title and the second time at length, as follows:

Resolved, &c., That it shall be lawful to use for the approaching inauguration ceremonies and the decoration of the Executive Mansion and other public buildings such plants as may be spared without material injury by the officers in charge of the public conservatories of the District of Columbia.

The PRESIDENT *pro tempore*. The Senator from Indiana asks unanimous consent for the present consideration of the joint resolution. Is there objection?

Mr. HOAR. What is that that is to be used? I did not catch it. Mr. VOORHEES. Let the resolution be read again; it answers better than I can.

The joint resolution was again read.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARIA G. UNDERWOOD.

Mr. JONES, of Nevada. I ask leave to make a report from the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDENT *pro tempore*. If there be no objection the report will be received.

Mr. JONES, of Nevada. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, to report it favorably:

Resolved, That there be paid out of the contingent fund of the Senate, to Alice E. Underwood, executrix of the last will and testament of Maria G. Underwood, administratrix of John C. Underwood, deceased, the sum of \$5,000, in full compensation for the time and expenses of the said John C. Underwood, in prosecuting his claim to a seat in the Senate as a Senator from the State of Virginia.

The PRESIDENT *pro tempore*. The resolution will be placed on the Calendar.

DISTRICT TAX SALES.

Mr. ALDRICH. I ask unanimous consent to call up House bill 8236, Order of Business 1345, for present consideration. It is a House bill, which it is necessary should be passed immediately, as it is reported with amendments, in order to get the concurrence of the House in the amendments.

The PRESIDENT *pro tempore*. The Senator from Rhode Island asks

unanimous consent that the Senate now consider Order of Business 1345, being the bill (H. R. 8236) relating to sales for taxes in the District of Columbia. Is there objection to the present consideration of the bill? The Chair hears none.

The Senate as in Committee of the Whole proceeded to consider the bill.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment was, in line 10, after the word "deed," to strike out "shall vest in the grantee a good and valid title, and."

The PRESIDENT *pro tempore*. The question is on the amendment recommended by the Committee on the District of Columbia, which has just been read.

Mr. PLATT. I should like to hear the bill read as it will be with the amendment.

The PRESIDENT *pro tempore*. The Senator from Connecticut asks that the bill be read as it will stand with the amendment recommended by the Committee on the District of Columbia.

Mr. ALDRICH. There are two amendments. The last one ought to be read as well as the first.

Mr. PLATT. Let the bill be read as it will stand when amended in accordance with the recommendation of the committee.

The PRESIDENT *pro tempore*. The Chair understood that to be the request of the Senator from Connecticut. The bill will now be read as it would stand if amended as recommended by the committee.

The CHIEF CLERK. As proposed to be amended by the Committee on the District of Columbia the bill will read:

That hereafter sales of real estate, after advertisement as required by law, by the collector of taxes for the District of Columbia, for taxes or assessments levied by the commissioners of said District, or by other lawful authority, shall entitle the purchaser, his heirs or assigns, if the property be not redeemed within two years from the date of such sale, as provided by law, to a deed from the commissioners of the District, which deed shall be presumptive evidence in all controversies in relation thereto that the property so conveyed was subject to the taxes for which the property was sold, that such taxes were not paid, that the property was not redeemed before the execution of the deed, and that the manner of levy, notice, sale, and all the other prerequisites of law were complied with necessary and proper to make such deed and title valid; and unless suit shall be brought within one year after the execution and record of such deed to annul the same, the same shall be conclusive evidence that all the steps in the assessment and collection of such tax were valid, and the said deed shall vest complete and valid title in the purchaser.

Mr. SAULSBURY. I did not observe in the bill that there was any saving for persons under disability.

Mr. HARRIS. I rose for the purpose of informing the Senator from Delaware that I held in my hand an amendment that I propose to offer containing the saving clause that the Senator thinks necessary. I quite agree with him that it is.

Mr. HOAR. Has consent been given to the consideration of this bill at the present time?

The PRESIDENT *pro tempore*. Unanimous consent has been given that the bill be now considered.

Mr. HOAR. I did not so understand.

The PRESIDENT *pro tempore*. The Chair stated the question distinctly and paused for objection.

Mr. CALL. I did not understand that it was taken up.

Mr. ALDRICH. I will say that the amendment is offered by the Senator from Tennessee as the agent of the committee, and so far as I am able I am willing to accept it.

Mr. HOAR. My attention was called away at the time, and I did not understand that unanimous consent was given. It seems to me a very extraordinary and severe bill, a provision that as against the landowner the deed of the commissioners shall be *prima facie* evidence of everything necessary to be proved in a tax sale. I was not aware such a system existed anywhere in the country.

Mr. GEORGE. We can not hear the Senator from Massachusetts.

Mr. HOAR. I hope the bill may go over. I ask to have the bill read again as part of my remarks.

Mr. HARRIS. Before it is read I ask that the Secretary take the amendment that I shall propose when in order, and read that to come in at the end of the bill.

The PRESIDENT *pro tempore*. The bill will be again read if there be no objection.

The Chief Clerk read the bill.

The PRESIDENT *pro tempore*. The amendments recommended by the Committee on the District of Columbia will now be read for information.

The CHIEF CLERK. The first amendment is, in line 10, after the word "deed," to strike out "shall vest in the grantee a good and valid title and;" and the next amendment is, at the end of the bill, to insert:

And unless suit shall be brought within one year after the execution and record of such deed to annul the same, the same shall be conclusive evidence that all the steps in the assessment and collection of such tax were valid, and the said deed shall vest complete and valid title in the purchaser.

The PRESIDENT *pro tempore*. The amendment intended to be proposed by the Senator from Tennessee [Mr. HARRIS] will now be read for information.

The CHIEF CLERK. The proposed amendment is to add the following proviso:

Provided, That persons under legal disability shall not be precluded from bringing suit within one year from the removal of such disability.

The PRESIDENT *pro tempore*. The question is on the first amendment reported by the Committee on the District of Columbia.

Mr. HOAR. I hope the bill will not be pressed for consideration.

Mr. MORRILL. I hope the Senator from Rhode Island will withdraw his request.

Mr. HOAR. It is a very serious innovation on the present law to make as against the owner of real estate the simple deed of an official presumptive evidence, that is, I suppose, *prima facie* evidence, of the great variety of steps which are necessary to divest his title. It seems to me those things ought to be proved as facts. Here they are made conclusive evidence after the expiration of a single year, putting on him the burden of bringing a suit. A person in possession of real estate is made by this bill, as I understand it, subject to have his estate divested unless he is able to disprove the regularity of a variety of proceedings. It may be almost impossible to do it.

I trust the bill will be taken up at some time when the Senate can carefully consider it, and when the amendments proper to secure the rights of a citizen can be made. It seems to me, with great respect to the honorable Senator from Tennessee, that one year from the removal of a disability like that of coverture, or a disability like that of insanity, or a disability like that of infancy, is an exceedingly short time in which to have a conclusive presumption established. The party in possession of his estate all the time may never even have heard of the assessment or of the sale.

Mr. MORRILL. I hope the Senator from Rhode Island will withdraw his request to have this bill considered now.

Mr. ALDRICH. I am willing the bill shall go over until to-morrow morning.

Mr. MORRILL. I move that the bill be postponed until to-morrow.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the further consideration of the bill be postponed until to-morrow.

Mr. INGALLS. There are at the present time in this District about \$900,000 of delinquent taxes, and there is no possible power anywhere to enforce their collection. I know of no other community in which there is not some power lodged somewhere to enforce the payment of delinquent taxes, and I know of nothing that is more efficient than the issuing of a deed for property that is sold for taxes.

I heard the Senator from Massachusetts characterize this bill as vile and extraordinary. Sir, it is the mildest measure of the kind that I have ever heard of being recognized. Every guard that is possible has been thrown around the right of the citizen; the rights of those persons under disabilities are assiduously protected. The party has two years in which to set the deed aside.

Mr. HOAR. He may never have heard of it.

Mr. INGALLS. Who never has heard of it?

Mr. HOAR. He may never have heard of it.

Mr. INGALLS. True. If he never has heard of it that does not change the necessity of having some method of collecting taxes, I suppose?

Mr. HOAR. Will the Senator from Kansas yield to me for a question?

Mr. INGALLS. I do for the purpose of an interrogatory.

Mr. HOAR. The interrogatory is this: Does not the bill provide that a person within one year after the expiration of the disability of coverture or of infancy or of lunacy shall have his real-estate title divested by a conclusive presumption of the validity of these proceedings, the statute requiring no notice to the party whatever that they ever have existed, and there may be cases where they may never have heard of them?

Mr. INGALLS. In the schedule of human life I never have heard the payment of taxes considered as a luxury. I do not know that it can be counted as one of the comforts of human existence. I believe it is usually considered as one of the stern necessities. There is in this community as in every other community a class of people that do not intend to pay their taxes as long as they can help it. There is an abundance of property in this town loaded with delinquent taxes, allowed to remain there by persons amply able to pay them, who take the income from day to day and put it in their pocket rather than pay their taxes, because there is no way of enforcing taxes against delinquents.

Mr. HOAR. May I ask the Senator from Kansas if he is aware that he has not answered my question?

Mr. INGALLS. I do not intend to answer it, because it has no connection whatever with this subject. It is absolutely impossible to make any general law bearing upon this subject that does not hurt somebody. You can not enforce a law for the payment of taxes without in some way or other injuring somebody or hurting somebody's feelings. It is not a question whether somebody may be hurt by it, or whether somebody may be injured by it, or whether it may be inconvenient or uncomfortable to somebody to pay his taxes. It is a question whether there shall be machinery vested in the tax-levying power that shall be sufficient to compel the payment of taxes.

Mr. HARRISON. Will the Senator from Kansas, as we can not finish this discussion to-night, yield to a motion for an executive session?

Mr. INGALLS. If the Senator desires it. I do not wish to press this matter on the consideration of the Senate.

Mr. HARRISON. There are a number of nominations, a large list of military nominations, and the Committee on Military Affairs meets to-morrow morning, and if they are not referred to-night it will be difficult to get a committee meeting for their consideration.

Mr. INGALLS. With the understanding that this bill will be the unfinished business for to-morrow morning, I have no objection to an executive session.

Mr. VAN WYCK. Mr. President—

The PRESIDENT *pro tempore*. Does the Senator from Kansas yield to the Senator from Nebraska?

Mr. HARRISON. I understood the Senator from Kansas to yield to me.

Mr. INGALLS. I said that with the understanding that this bill might be the unfinished business for to-morrow morning I had no objection to yielding to a motion for an executive session.

The PRESIDENT *pro tempore*. Does the Senator from Kansas yield to the Senator from Indiana or not?

Mr. MORRILL. I call for the regular order.

The PRESIDENT *pro tempore*. Pending which the Senator from Vermont calls for the regular order.

Mr. HARRISON. I move that the Senate proceed to the consideration of executive business.

Mr. KENNA. Will the Senator from Indiana allow me to offer an amendment?

Mr. HARRISON. I yield for that purpose.

Mr. BAYARD. Allow me to offer an amendment.

Mr. KENNA. I desire to offer an amendment to House bill 1457.

The PRESIDENT *pro tempore*. Does the Senator from Indiana withdraw his motion?

Mr. HARRISON. No; I see the indications around are such that we shall be occupied for an hour, I think, if I do not insist on the motion.

The PRESIDENT *pro tempore*. Debate on the motion is not in order.

Mr. HOAR. I rise to a parliamentary inquiry.

The PRESIDENT *pro tempore*. The Senator from Massachusetts rises to a parliamentary inquiry.

Mr. HOAR. What will be the pending or unfinished business in the morning?

The PRESIDENT *pro tempore*. The Chair will answer that question in the morning; he is not obliged to do it at this moment.

Mr. VAN WYCK. Now I should like—

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. VAN WYCK. I do not rise to debate—

The PRESIDENT *pro tempore*. The Senator from Indiana has moved that the Senate proceed to the consideration of executive business and declines to withdraw the motion.

Mr. HARRISON. If it is the desire of Senators to offer some amendments to pending appropriation bills that ought to be in to-night I have no objection to yielding for that purpose.

The PRESIDENT *pro tempore*. Does the Senator withdraw his motion?

Mr. BAYARD. I will ask the Senator to withdraw the motion for a moment.

Mr. HARRISON. I withdraw it for that purpose.

The PRESIDENT *pro tempore*. The Senator from Indiana withdraws his motion, and the Chair recognizes the Senator from West Virginia [Mr. KENNA].

AMENDMENTS TO BILLS.

Mr. KENNA submitted an amendment intended to be proposed by him to the bill (H. R. 1457) to establish a department of agriculture; which was ordered to lie on the table and be printed.

Mr. BAYARD and Mr. MORGAN submitted amendments intended to be proposed by them respectively to the bill (H. R. 8236) relating to sales for taxes in the District of Columbia; which were ordered to lie on the table and be printed.

Mr. BOWEN, Mr. FRYE, Mr. GORMAN, and Mr. WILSON submitted amendments intended to be proposed by them respectively to the general deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also, from the same committee, reported an amendment intended to be proposed to the general deficiency bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MILLER, of California, submitted two amendments intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. COKE, Mr. HAWLEY, and Mr. LAMAR submitted amendments intended to be proposed by them respectively to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

COINAGE OF SILVER DOLLARS.

Mr. VAN WYCK. Mr. President—

Mr. HOAR. I call for the regular order.

The PRESIDENT *pro tempore*. The Senator from Nebraska.

Mr. HOAR. I call for the regular order.

The PRESIDENT *pro tempore*. The Senator from Massachusetts insists upon the regular order, which is the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar.

Mr. VAN WYCK. I trust the Senator will not insist on that.

The PRESIDENT *pro tempore*. Senators will please address the Chair and cease loud conversation to each other.

Mr. VAN WYCK. I desire to appeal to the Senator from Massachusetts in addressing the Chair.

The PRESIDENT *pro tempore*. Senators must address the Chair. The question is on agreeing to the motion of the Senator from Kansas [Mr. INGALLS] to strike out section 5 of the amendment proposed by the Committee on Finance.

Mr. VAN WYCK. Mr. President—

The PRESIDENT *pro tempore*. The Senator from Nebraska.

Mr. HOAR (in his seat). Now I withdraw my call for the regular order, having found out what it is.

The PRESIDENT *pro tempore*. The Senator from Massachusetts is not recognized. The Senator from Nebraska has the floor.

INDEBTEDNESS OF PACIFIC RAILROADS.

Mr. VAN WYCK. I desire to offer three provisos as amendments intended to be proposed to the bill introduced this morning by the Senator from Massachusetts [Mr. HOAR]. I offer them so that they may be printed, and I shall ask that for the present they lie upon the table, because if that bill is not to be acted upon, as it should be, at this session, as the Senator from Massachusetts has invoked the examination of the public to this matter, I desire that some other suggestions shall go out that the public generally may understand the status of the enormous debt of the Pacific railroads. These are three provisos. One is that no dividends shall be issued upon stock, and another is that the consolidation shall not be recognized. I ask to have them printed and laid upon the table.

The PRESIDENT *pro tempore*. The Senator from Nebraska asks leave to submit sundry amendments intended to be proposed to the Pacific Railroad settlement bill, introduced this morning by the Senator from Massachusetts. The Chair hears no objection. The amendments will be printed and laid on the table.

COINAGE OF SILVER DOLLARS.

Mr. HOAR. I wish to take the floor on the pending measure, and avail myself of my right to the floor long enough to express my astonishment at the very extraordinary response by the Chair to a courteous question as to what the pending measure would be to-morrow morning after the adjournment to-day.

The PRESIDENT *pro tempore*. The Chair does not feel called upon to make any reply. The Chair stated what the question was, and the question as to what will be the pending order to-morrow will depend upon the rules and will arise then. If the present occupant had been in the chair all the afternoon, and therefore had kept the run of the business, he would have been glad to have answered the question.

Mr. HOAR. I am happy to believe that no occupant of the chair since the organization of the Senate ever declined to answer that question before.

The PRESIDENT *pro tempore*. This will then be the first precedent.

Mr. HOAR. And the last, I have no doubt.

Mr. MAHONE. I ask leave to offer a resolution at this time.

The PRESIDENT *pro tempore*. If no objection be made, the resolution will be received.

PUBLIC BUILDINGS.

Mr. MAHONE submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Public Buildings and Grounds be directed to compile a statement showing the number of public buildings constructed and authorized to be constructed under existing laws for each State, the amount expended or authorized for each such building from the first public building constructed to the 4th of March, 1895, and to report such statement to the Senate in December next; and for such purpose the said committee be authorized to employ a clerk at the usual compensation until the 1st of December next; to be paid from the contingent fund of the Senate.

EXECUTIVE SESSION.

Mr. HARRISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and ten minutes spent in executive session the doors were reopened, and (at 7 o'clock and 20 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 26, 1885.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Clerk proceeded to read the Journal of yesterday.

Mr. HOLMAN. I move that portion of the Journal not connected with the actual transaction of legislative business be omitted in the reading.

There being no objection it was ordered accordingly.

The Journal was then approved.

MRS. LIZZIE D. CLARKE, OF NEW ORLEANS.

Mr. TUCKER. I ask, by unanimous consent, that I may be permitted to submit some reports this morning from the Committee on the Judiciary, not for present consideration but merely for reference.

The SPEAKER. The Chair hears no objection?

Mr. TUCKER, from the Committee on the Judiciary, reported the bill (H. R. 8275) for the relief of Mrs. Lizzie D. Clarke, of New Orleans; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

APPELLATE POWERS UNITED STATES SUPREME COURT.

Mr. TUCKER, from the Committee on the Judiciary, also reported a bill (H. R. 8276) to extend the appellate powers of the Supreme Court of the United States in certain cases; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

J. TAYLOR WOOD.

Mr. TUCKER, from the Committee on the Judiciary, also reported the bill (H. R. 8277) to remove the political disabilities of J. Taylor Wood, of Louisiana; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS R. WARE.

Mr. TUCKER, from the Committee on the Judiciary, also reported the bill (H. R. 8278) to remove the political disabilities of Thomas R. Ware, of Virginia; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JURISDICTION OF PROBATE COURTS, DAKOTA TERRITORY.

Mr. TUCKER, from the Committee on the Judiciary, also reported back favorably the bill (H. R. 8173) to increase the jurisdiction of probate courts of Dakota Territory; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. TUCKER. I ask whether there will be any objection to putting on their passage the bills reported from the Judiciary Committee merely for the removal of political disabilities?

The SPEAKER. Unless they are privileged matters the Chair, under the rule, can not entertain the request.

DEDICATION OF WASHINGTON MONUMENT.

Mr. DORSHEIMER. Mr. Speaker, I ask to submit the report of the joint committee in relation to the dedication of the Washington Monument and for the passage of the accompanying resolution.

The report is as follows:

The commission organized under the joint resolution approved May 13, 1884, "in relation to ceremonies to be authorized upon the completion of the Washington Monument," as notified by joint resolution approved December 18, 1884, respectively report that at a meeting of said commission, held in the room of the Joint Committee on the Library, June 19, 1884, Hon. JOHN SHERMAN was designated chairman, E. J. Babcock secretary, and F. L. Harney assistant secretary. An invitation was extended to Hon. Robert C. Winthrop to deliver an address in the House of Representatives on the occasion of the dedication, which was accepted. The correspondence relating thereto is herewith communicated. Special invitations were sent to the distinguished persons described in the joint resolution, and an engraved card of invitation was sent to a great number of civil and military organizations throughout the United States, the Regents of Mount Vernon, relatives of General Washington, and distinguished persons, a copy of which is herewith communicated.

Selections from the letters of acceptance and declination are also communicated. The commission invited Lieut. Gen. P. H. Sheridan to act as marshal of the day, with an aid-de-camp from every State and Territory. This invitation was promptly accepted, and General Sheridan entered with zeal and activity upon the performance of the duties assigned him.

An order of proceedings for the dedication of the monument, for the procession from the monument to the Hall of the House, and for the arrangements at the Capitol was provided by the commission and approved by concurring resolutions of the two Houses. This order of proceedings was executed in all its details without any accident, interruption, or change.

The thanks of the commission are justly due to General Sheridan for the admirable manner in which the order of procession was executed.

The addresses, prayers, and ceremonies are herewith communicated in the order in which they occurred.

Your commission feel that they will not have fully discharged their duty without reporting to the two Houses a resolution of thanks to Col. Thomas Lincoln Casey, Engineer Corps, United States Army, for his skill, ability, and fidelity, and to his associates, and the workmen for the admirable manner in which they have performed their respective duties in the erection and completion of the monument.

A monument has been erected to the name and fame of George Washington

more imposing, costly, and appropriate than ever before was erected in honor of any man, and without the loss of a life in its construction or any accident or event to mar the hearty satisfaction of the American people at its successful completion.

JOHN SHERMAN.
JUSTIN S. MORRILL.
WILLIAM B. ALLISON.
THOMAS F. BAYARD.
LUCIUS Q. C. LAMAR.
WILLIAM DORSHEIMER.
JOHN RANDOLPH TUCKER.
JOHN H. REAGAN.
PATRICK A. COLLINS.

NATHANIEL B. ELDRIDGE.
HENRY H. BINGHAM.
JOSEPH G. CANNON.
JAMES LAIRD.
W. W. CORCORAN.
JAMES C. WELLING.
JOSEPH M. TONER.
THOMAS L. CASEY.

Mr. DORSHEIMER. I ask the Clerk to read the resolution accompanying the report.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the thanks of Congress are hereby tendered to Col. Thomas Lincoln Casey, Corps of Engineers, United States Army, and to his assistants, and to the workmen for the admirable manner in which he and they have performed their respective duties in the completion of the monument to the name and fame of George Washington.

The SPEAKER. The Chair will state there is a concurrent resolution from the Senate to the same effect precisely, which if acted upon will dispose of the whole matter.

Mr. DORSHEIMER. Then let the resolution be laid aside and the Senate resolution taken up instead.

Mr. THOMAS. I object.

The SPEAKER. The question, then, is on the adoption of the concurrent resolution.

Mr. DORSHEIMER. Yes; I ask the adoption of the concurrent resolution.

The concurrent resolution was adopted.

Mr. DORSHEIMER. There is another resolution providing for the printing of the proceedings, which I ask the Clerk to read.

The Clerk read as follows:

Resolved, That 10,000 extra copies of the report and proceedings of the commission to provide suitable ceremonies for the dedication of the Washington Monument, together with the engraved card attached thereto, be printed, 3,000 copies for the use of the Senate, 6,000 copies for the use of the House of Representatives, 500 copies for distribution by Lieutenant-General P. H. Sheridan, United States Army, to the civil and military organizations which participated in the procession, 400 copies for the Washington National Monument Association for distribution among its members, and 100 copies to Col. Thomas Lincoln Casey, engineer, for distribution among the mechanics and workmen employed in the erection of the monument.

The SPEAKER. The Chair will state to the gentleman from New York by reason of the provision in relation to engraving it may be the House itself has not power to order that printing to be done, and therefore it ought to be a joint resolution.

Mr. DORSHEIMER. The view of the joint commission was that a concurrent resolution should be passed. The Senate has passed already this identical resolution.

Mr. HAMMOND. Why not pass the Senate resolution, then?

Mr. DORSHEIMER. I am willing to do so.

The SPEAKER. This is not a concurrent resolution. It is a simple House resolution.

Mr. DORSHEIMER. I submit, Mr. Speaker, the view in the joint committee was that concurring resolutions would be sufficient—not a concurrent resolution; but the Senate has passed such a resolution.

Mr. HAMMOND. Take up the Senate resolution, then.

The SPEAKER. Is there objection?

Mr. DORSHEIMER. I ask the resolution be amended so as to make it a concurrent resolution.

The SPEAKER. The gentleman has the right to make it a concurrent resolution.

Mr. THOMAS. Is it open to amendment? If so, I ask it be read as modified so we may see what it is.

The SPEAKER. The only modification is to make it a concurrent resolution.

Mr. THOMAS. I ask it be again read.

The resolution as modified, making it a concurrent resolution, was read.

Mr. THOMAS. I have no objection to that.

Mr. RUSSELL. I move to strike out "10,000" and insert "20,000."

Mr. WELLER. Mr. Speaker, I move to amend by inserting 25,000 copies, with the ratio of distribution changed to conform therewith.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. DORSHEIMER. I now suggest that the other numbers in the resolution be correspondingly changed; that is, that the same ratio of distribution shall prevail as was originally fixed in the resolution.

The SPEAKER. The gentleman had better suggest the numbers to the Clerk.

Mr. MILLS. What is to be the method of distributing these additional copies?

The SPEAKER. The gentleman from New York [Mr. DORSHEIMER] is preparing an amendment to conform to the increased number ordered to be printed.

Mr. THOMAS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. THOMAS. I wish to ask, in reference to the resolution offered just before this, whether it was a House or Senate resolution. I refer to the resolution just adopted.

The SPEAKER. It was a House resolution; the gentleman objected to the Senate resolution.

Mr. DUNHAM. Is it understood that this additional printing is to be proportionately divided?

The SPEAKER. The gentleman from New York is preparing an amendment.

Mr. DORSHEIMER. I now offer the following amendment so as to make the distribution of the additional numbers ordered printed conform to the distribution heretofore provided in the resolution.

The Clerk read as follows:

Insert: "Of which 8,000 copies shall be for the use of the Senate, 16,000 copies for the use of the House of Representatives, and 500 copies," &c.

The amendment was agreed to.

Mr. WELLER. I desire to know what became of the resolution preceding this.

The SPEAKER. It was passed. The question now is on the adoption of the resolution as amended.

The resolution was agreed to.

Mr. DORSHEIMER moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. THOMAS. Mr. Speaker, I now move to reconsider the vote by which the former resolution was adopted—the resolution tendering the thanks of Congress to Colonel Casey and others.

Mr. BELFORD. I rise to a question of personal privilege.

The SPEAKER. There is a question of privilege pending—a motion to reconsider.

Mr. DORSHEIMER. I move to lay that on the table, and on that motion call the previous question.

Mr. THOMAS. I have not yielded the floor to the gentleman to submit a motion.

The SPEAKER. The gentleman from Illinois [Mr. THOMAS] will proceed.

Mr. THOMAS. Mr. Speaker, the reason I move this reconsideration is that the resolution which has been adopted is a proposition to tender the thanks of Congress to this officer, Colonel Casey. It is admitted that his achievement is a great engineering achievement; but, sir, in all cases where Congress has granted its thanks heretofore it has been, with three exceptions, to which I shall presently refer, for great military achievements in the service of the country, and only in cases of that kind.

I think the thanks of Congress have been voted in thirty-eight different instances, and with the exception of three cases always for gallantry in the military service. These three instances were: In the first instance where a captain of an American man-of-war went into the harbor of Smyrna and demanded the release of Kosztá under the very guns of the fortress; next, the thanks of Congress were granted to the captain of an American man-of-war who rescued a transport loaded with American marines, and rescued a man-of-war which had been abandoned at sea; and again to Captain Dahlgren for the invention of the Dahlgren gun during the war. In all of the other instances this greatest of all honors was conferred for gallantry in action.

Now, the effect of this resolution, if adopted, is to extend the time of this officer on the active-list for ten years; and I want to know if this Congress is ready to grant this greatest of all honors that can be conferred upon an officer in the Army or the Navy and grant it together with all the privileges that go hand and hand with it, simply because he has succeeded in carrying out the plans of Capt. George W. Davis, which he admittedly did in the new foundation under the monument and completing it in accordance with the plans of Captain Davis. This resolution does not propose to give the thanks of Congress to Captain Davis, of the Corps of Engineers of the Army, who made and submitted the plan to the commission for its confirmation by which the foundation of the monument was strengthened and its completion made possible; but it proposes to give the thanks simply to a man who had executed that plan. I do not think, sir, it is right and proper. I think it is a step in the wrong direction. If the thanks of Congress are to be conferred at all, give them to Capt. George H. Davis, of the Army, who made the plans and furnished the specifications by which the foundations were strengthened, taking the old foundation from under the monument and replacing it with a new one more substantial and suitable.

Mr. HAMMOND. May I ask the gentleman a question?

Mr. THOMAS. Certainly.

Mr. HAMMOND. Who are embraced by the words of this resolution under "assistants" and "laborers"?

Mr. THOMAS. It is only those who were subordinates; but as far as they are concerned the resolution amounts to nothing. The precedents are that the thanks of Congress are granted to those who receive the thanks of Congress by name. What is the benefit to Captain Davis in passing a resolution of this character when his name is not mentioned?

I think he was the man who deserved the greatest credit for this great achievement.

I yield five minutes to the gentleman from Connecticut [Mr. WAIT].

Mr. WAIT. Mr. Speaker, I agree most heartily in all that the gentleman from Illinois has said in regard to the marked ability and scientific attainments of Captain Davis, as well as in respect to the valuable service rendered by him in the construction of the Washington Monument. I have long known Captain Davis personally, for he is a native of my State and born in the district which I have the honor to represent. I believe him to be an intelligent and admirably trained engineer, who by his ability, rare skill, and scientific acquirements added greatly to the possibility of the successful work which was done on this monument.

If I have been correctly informed he has had the constant oversight of the work, and his suggestions, the fruit of his intelligence and admirable professional training, have been most invaluable to Colonel Casey. And, Mr. Speaker, let me here say that I do not mean to detract one iota from the ability of Colonel Casey or his well-earned reputation as an accomplished engineer, or the credit which is certainly due to him for most valuable service rendered in the prosecution of this great national work. It is a pleasure to me to unite with other gentlemen in paying every tribute to his ability, fidelity, and efficiency. But when it is proposed to amend the pending resolution by placing in it the name of Captain Davis as the able and faithful associate of Colonel Casey—and I call to mind the fact that he was the man upon whom Colonel Casey leaned for counsel and for aid from the beginning to the end of this great work, and also call to mind the extent and great value of his services—I do feel that the House should not for a moment hesitate to associate the names of these two distinguished gentlemen in this resolution.

If I understand the facts, and the gentleman from Illinois will correct me if I am wrong, it was Captain Davis who arranged and perfected all the elevating machinery that carried the stones one after another from the surface of the earth as they went up toward the sky in the construction of the monument. It was his skill and rare ingenuity that invented this machinery, which was so vitally important as a most efficient agent in the rapid and successful prosecution of the work. I have no hesitation in saying that in the important matter of strengthening and perfecting the foundation of the monument Colonel Casey, as an honorable gentleman, would say that the suggestions, the counsel, and the assistance of Captain Davis were invaluable to him.

Captain Davis is one of the most meritorious officers connected with the Engineer Department of the Army. Few, if any, men connected with that branch of the service rank higher in point of intelligence and attainments than he does; and I certainly think that we only pay due respect to him and show a proper appreciation of his ability and his services if we associate his name with that of Colonel Casey in the resolution which is now pending.

Mr. THOMAS. I yield five minutes to the gentleman from New York [Mr. COX].

Mr. BLOUNT. I rise to a question of order. There is a great deal of confusion. I hope the House will be brought to order.

The SPEAKER. Order will be secured if gentlemen would resume their seats. Gentlemen will please do so.

Mr. COX, of New York. Mr. Speaker, my friend from Illinois [Mr. THOMAS] has doubtless drawn his precedents from some suggestions that came to us the other day in the Naval Committee as to thanking certain gentlemen connected with the Arctic expedition. We reported against giving them the thanks of Congress, because it tended to promotion in the first place, and in the second place because we did not want to make the thanks of Congress too cheap.

So far as I am concerned, I would give unstinted thanks to any one who has achieved anything very notable and great in connection with our people and our country; and I would not be quite so particular unless certain consequences followed. I do not believe in giving thanks merely for martial or for civic achievements. I believe that the engineering qualities of our time—the new forces that are being harnessed by civilization—call for some notice from the Congress of Americans sitting here in their connection with invention and physical progress. But there is nothing very great in this monument. In one respect it is the old Egyptian obelisk done over again and made a little higher. The lifting of these stones so praised by my friend from Connecticut [Mr. WAIT] is not a very great mechanical feat. It does not belong to the muse of mechanism, like the Eddystone light-house and some other things that might be mentioned. It only belongs to the plain old system of masonry known from the time of Cheops down. Therefore I do not so much aggrandize what has been done. But if thanks are to be given at all, do not let us discriminate against the men or the man, Captain Davis, who originated this proposition, who gave the plan, who fixed the foundation on which this grand superstructure has been erected. Let us, if you please, and I suggest it to my colleague [Mr. DORSHEIMER]—let us include both men in the thanks of Congress if any—

Mr. DUNN (in his seat). And then lay the whole matter on the table.

Mr. COX, of New York. And then, if you please, on a fair vote table

it. But when a resolution comes in here so well considered, and on so patriotic an occasion, and for so grand an object, I would not, I say, be stinted in the praise which belongs to the men who have done the work among so many vicissitudes and in so short a time.

Mr. THOMAS. I do not wish to detract anything from the achievements of Colonel Casey. I would be the last man on earth to do that. But I think if the thanks of Congress are to be given, the one who merits them most should not be left out in order that honor may be done to another officer who happens to be the superior in rank. And it was on that ground that I made the motion to reconsider, and on the further ground that I do not believe it safe, proper, or just to our officers engaged in the military service of this country to give the thanks of Congress to a man engaged in a purely civil enterprise over the heads of men fighting on the frontier and doing legitimate military duty. I do not think it right that his term of service on the active list should be increased ten years for rendering this simple civil enterprise, while officers are fighting the enemy on the frontier without receiving the thanks of Congress. It is upon that ground I object to it.

If an amendment should be offered here including the name of Captain Davis, and if I could be allowed to offer a proviso that the length of service on the active list shall not be increased thereby, then I should not object so much to the resolution. But I do not think we can afford, as the gentleman from New York [Mr. Cox] has said, to make the thanks of Congress, this greatest of our public honors, so cheap simply because a monument has been successfully erected to Washington.

Mr. Speaker, the gentleman from Georgia [Mr. BLOUNT] rose in his place a moment ago; if he desires to make any remarks I will yield to him.

Mr. BLOUNT. I do not.

Mr. THOMAS. Then I move the previous question on my motion.

Mr. DORSHEIMER. I hope the gentleman will not do that.

Mr. THOMAS. The gentleman from New York [Mr. DORSHEIMER] proposed to cut me off from debate a while ago.

Mr. DORSHEIMER. I did not propose to cut you off.

Mr. THOMAS. You moved the previous question.

Mr. DORSHEIMER. I did not. I moved to lay on the table, in order—

Mr. DUNHAM. Mr. Speaker, let the resolution be reported.

Mr. THOMAS. I am willing to yield five or ten minutes to the gentleman from New York [Mr. DORSHEIMER] if he desires.

Mr. DORSHEIMER. I wish the floor in my right.

Mr. THOMAS. Then I move the previous question.

Mr. DORSHEIMER. Very well. Then I ask my friends on this side of the House to vote it down.

Mr. DUNHAM. Mr. Speaker, is there any objection to having the resolution reported again?

The SPEAKER. It has been reported twice, and the question is not now upon the resolution; it is on a motion for the previous question.

The question was taken; and on a division, there were—ayes 71, noes 50.

Mr. DORSHEIMER. Mr. Speaker, I ask for the yeas and nays.

The question was taken on ordering the yeas and nays, and 19 gentlemen voted in the affirmative—not a sufficient number.

Mr. DORSHEIMER. Mr. Speaker, I ask for tellers upon the motion for the previous question.

The SPEAKER. The yeas and noes are refused, and the gentleman from New York demands tellers.

Mr. TOWNSHEND. Mr. Speaker, I make the point of order that no quorum has voted.

Mr. KEAN and others. Too late.

Mr. TOWNSHEND. I insist on the point, Mr. Speaker. [Cries of "Too late!"]

The SPEAKER. The result has not been announced, and the Chair is bound to take notice of the point made by the gentleman from Illinois [Mr. TOWNSHEND]. The Chair will appoint as tellers the gentleman from Illinois, Mr. THOMAS, and the gentleman from New York, Mr. DORSHEIMER.

Mr. DUNHAM. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DUNHAM. Is there enough in this to warrant filibustering?

The SPEAKER. That is not a parliamentary inquiry.

Pending the count by tellers.

Mr. VALENTINE. Mr. Speaker, I should like a statement of this question. The tellers disagree.

The SPEAKER. The Chair has stated the question very plainly, but if the House will be in order, so that the statement of the Chair can be heard, it will be repeated. The question upon which the House is now voting is the demand of the gentleman from Illinois [Mr. THOMAS] for the previous question upon his motion to reconsider.

Pending the announcement of the result of the vote by tellers.

Mr. THOMAS. Mr. Speaker, an agreement having been reached by which the gentleman from New York [Mr. DORSHEIMER] accepts time from me, I withdraw the motion for the previous question and yield him twenty minutes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, in-

formed the House that the Senate returned to the House of Representatives with amendments the bill (H. R. 5713) to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed as conferees on the part of the Senate Mr. COCKRELL, Mr. HARRISON, and Mr. SEWELL.

DEDICATION OF WASHINGTON MONUMENT, ETC.

Mr. DORSHEIMER. Mr. Speaker, by a joint resolution of Congress a commission was created to carry out appropriate ceremonies at the dedication of the Washington Monument and to recommend to Congress whatever it might regard as suitable upon that interesting historic occasion. That joint commission, by a unanimous vote, recommended that Congress should grant a vote of thanks to the officer of engineers who has had charge of the monument since its construction has been in the hands of the Government, and accordingly a resolution of thanks has passed the Senate and is now upon the Speaker's table.

The propriety of this action is challenged upon two grounds: First, it is said that it will increase the term of service of the officer receiving it. I have to say that the gentleman from Illinois [Mr. THOMAS] is entirely mistaken in making that statement. A vote of thanks by Congress does, under certain circumstances, operate to extend the term of service of a naval officer, but it does not extend the term of service of an Army officer. General Sherman received the thanks of Congress, but the term of his service was not extended an hour by that circumstance. It is also said that some one other than Colonel Casey was the author of the bold design upon which the foundations were removed from underneath the monument when it stood at the height of one hundred and eighty feet and larger foundations substituted. I know Captain Davis, and I venture to say that the statement of the gentleman from Illinois is made without any authority from him whatever, and he would be the first to repudiate it. The plans for taking out the old foundations were submitted to the committees of Congress by Colonel Casey in person and by designs which bear his name; and I now state that he claims those designs in general and in detail.

We have thought that the successful erection of the most important, the loftiest, the largest, and the most costly structure ever erected in human history to the memory of a man—erected under circumstances so extraordinary—was entitled to such a recognition as we now propose. When it was suggested in the Senate that this plan could be carried out the statement was met with incredulity and reproach. Senator ALLISON stated on the floor of that body that Colonel Casey was "singular among engineers" if he thought that his plan could be successfully carried out. But it was carried out, and with an infinitesimal loss in the height of the structure. I believe that the vast mass was held up in the air, its foundations removed, and the new foundations put in their place with the loss of only about an inch in the total height of a structure then 180 feet high and with no variation at all from the perpendicular, but on the other hand correcting in its result a slight deviation from the perpendicular which had been discovered in the monument as it stood.

The members of the House upon the joint commission, as well as the Senators, thought that a work so entirely without parallel or precedent in engineering was deserving of special recognition by Congress. Now that the joint commission of Congress has placed this resolution upon the records of this House, and in view of the fact that the Senate has by, I believe, a unanimous vote passed the resolution, I hope that we shall not stand here and refuse to give our proportion of the praise which is due this most skillful and meritorious officer.

In a debate on this floor a year ago the distinguished member from Indiana said that the officers of the Army of the United States, however skillful in war, had not won their fair proportion of the laurels of peace. Here is an instance in which a peaceful triumph has been achieved by one of the officers of our Army—a triumph which, as I have said, is without a parallel, and I hope there will be no hesitation on the part of the House in generously and with essential unanimity giving the thanks of Congress to Colonel Casey.

Mr. THOMAS. Mr. Speaker—

Mr. DORSHEIMER. I understood the gentleman from Illinois [Mr. THOMAS] to yield twenty minutes to me.

The SPEAKER. He did; but the remainder of the hour belongs to the gentleman from Illinois.

Mr. THOMAS. So I understand. Mr. Speaker, how much time have I?

The SPEAKER. About twenty-five minutes.

Mr. THOMAS. I shall not occupy that much time.

Mr. O'NEILL, of Pennsylvania, rose.

Mr. THOMAS. How much time does the gentleman from Pennsylvania [Mr. O'NEILL] desire?

Mr. O'NEILL, of Pennsylvania. Three or four minutes.

Mr. THOMAS. I yield three minutes to the gentleman.

Mr. O'NEILL, of Pennsylvania. I desire merely to make a suggestion to the gentleman from Illinois. If he will look at the Congressional Directory he will find that Col. Thomas L. Casey, Corps of Engineers, is in charge as engineer of the "State, War, and Navy building,

and Washington Monument," and that he has two prominent assistants under him—one Capt. G. W. Davis, United States Army, designated for the Washington Monument, and the other Mr. B. R. Green, civil engineer and architect, for the State, War, and Navy building. Now I wish to suggest that in voting the thanks of Congress to Colonel Casey we are reflectively voting thanks to these gentlemen who have been his subordinates, and who are gentlemen of distinguished skill and accomplishments, worthy of being associated with Colonel Casey in these great works, each of them, I have no doubt, consulted by him in their respective assignments of work. I believe the thanks of Congress are due to Colonel Casey. He has finished the monument. It is one of the completed structures in the city of Washington; and he is pushing rapidly to completion the building of the War, State, and Navy Departments, which, when finished, will have occupied in its construction a shorter time than any public building that has ever been erected here, and at less cost, I have always understood, comparatively. He deserves the thanks of Congress as being the engineer who has had in charge the work on this monument; and by thanking him, as I have said before, you thank every one who has worked under his direction.

If you give the thanks of Congress to the general of an army, to whom does such a testimonial in effect extend? The thanks of Congress were given to General Grant for bringing about the surrender at Appomattox. Did not his subordinate generals and officers help him to plan that great campaign which ended in that surrender? So Congress extended its thanks to General Sheridan; but did not his subordinate officers aid him in arranging his brilliant campaign in the valley? So you gave the thanks of Congress to General Sherman for his "march to the sea." Had he not the aid of subordinates in planning that grand military achievement? So I say, Mr. Speaker, when you thank Colonel Casey you thank these distinguished men who aided in bringing to completion this great monument to the Father of his Country, and I think he should be thanked. Captain Davis, I am sure, will so understand this well-deserved compliment, and, my word for it, were he entitled to vote on this question, would do so most cheerfully for his chief, and would say to us that we are giving credit to the one entitled to it, and detracting nothing from his reputation as his assistant.

[Here the hammer fell.]

Mr. THOMAS. Mr. Speaker, if the suggestion of the gentleman from Pennsylvania [Mr. O'NEILL] were followed these subordinate officers might be called into the dining-room where the great chief feasts; but he alone is to be benefited by thanks of Congress as now proposed. Who will know five years from now that Capt. George W. Davis was the man who furnished the plans. I assert it again, and am borne out by the current literature of the day, the statement having been often repeated and so far as I have heard never denied before—

Mr. O'NEILL, of Pennsylvania, rose.

Mr. THOMAS. No, sir; not another word. This is the first time I have ever known the statement questioned that Captain Davis furnished the plans and was the officer who practically executed this work.

Now, if the thanks of Congress are given to Capt. George W. Davis at the same time they are given to his superior officer I shall not object so strenuously; but I do object to making fish of one and flesh of the other. I object to this officer in charge of the State, War, and Navy buildings and the Washington Monument receiving all the thanks of Congress, while the officer in charge of the Washington Monument is left out and barely permitted to shine by the reflected light of his superior officer. If this work entitles any one to the thanks of Congress it is Captain Davis, and the reason I move this reconsideration is that the resolution may be amended so as to include his name, and then he will not be compelled to stand while his superior officer feasts at the sumptuous table spread for him by a generous Congress.

Mr. O'NEILL, of Pennsylvania. Bring in a separate resolution for Captain Davis, if you will.

Mr. THOMAS. I demand the previous question.

Mr. BLOUNT. Before the gentleman takes his seat I would like to ask him a question.

Mr. THOMAS. I will yield for a question. [Cries of "Vote!"]

Mr. BLOUNT. What comes to Colonel Casey by reason of this vote of thanks by Congress?

Mr. THOMAS. I am under the impression it increases his rank, or rather increases his length of service on the active-list, but the gentleman from New York says I am mistaken about that. Without the statute before me I can not speak positively, but it has been my impression that if he receives a vote of thanks by Congress the term of service on the active-list of Colonel Casey will be increased not three years, but ten years.

Mr. BLOUNT. I wish to ask the gentleman further whether he is making the point between Captain Davis and Colonel Casey?

Mr. THOMAS. In the first place, I question the propriety of conferring this greatest honor by Congress simply for civil services and achievements.

Mr. BLOUNT. I understand the gentleman is willing to waive his objection if Captain Davis is included?

Mr. THOMAS. I might have waived my objection if Captain Davis had been coupled with Colonel Casey in this resolution of thanks. I was compelled to move a reconsideration in order that the resolution

might be brought before the House for amendment, so as to include the name of Capt. George W. Davis.

Mr. BLOUNT. Allow me one other question?

Mr. THOMAS. Certainly.

Mr. BLOUNT. Has the controversy between Captain Davis and Colonel Casey been passed upon by the commission?

Mr. THOMAS. I do not know whether it has or not; but it does not preclude others who may have their own opinion in the matter. This can scarcely be regarded *res adjudicata* because Col. Casey may have made claim for the thanks of Congress.

Mr. BLOUNT. Will the gentleman allow the statute to be read?

Mr. THOMAS. I have no objection to yielding for a minute to have it read.

Mr. DORSHEIMER. The only provision of the statute which relates to the thanks of Congress in relation to the retirement of an officer is section 1446. It is chapter 3, title 15 of the Revised Statutes, entitled "Retired Officers of the Navy," and this is the language of the section:

SEC. 1446. Officers on the active-list, not below the grade of commander, who have, upon the recommendation of the President, received by name, during the war for the suppression of the rebellion, a vote of thanks of Congress for distinguished service, shall not be retired, except for cause, until they have been fifty-five years in the service of the United States.

There is no provision whatever lengthening the term of an Army officer by reason of the thanks of Congress.

Mr. HAMMOND. I simply desire to know whether I correctly understand the gentleman's argument. As I understand it, the gentleman thought all this was wrong; but if he could get Captain Davis in, then he would be all right.

Mr. THOMAS. I did not say so.

Mr. HAMMOND. I so understood the gentleman.

Mr. THOMAS. Then you misunderstood me. I have denounced from the beginning the whole business of voting the thanks of Congress merely for civil services. They should be reserved, like the Iron Cross of Germany and the Victoria Cross of England, for distinguished and conspicuous gallantry and for successful military and naval achievements.

Mr. HAMMOND. You think it is all wrong?

Mr. THOMAS. It is all wrong, and the resolution should be voted down.

Mr. HAMMOND. If your fellow gets in, then it is all right.

Mr. THOMAS. I did not say that. It might palliate the wrong thing being done if by amendment the right man was included in the vote of thanks as well as the wrong one. I now demand the previous question.

Mr. DORSHEIMER. I move that the motion to reconsider be laid on the table.

The House divided; and there were—ayes 53, noes 93.

So the motion was disagreed to.

The SPEAKER. The question recurs on the motion to reconsider the vote by which the resolution was adopted.

Mr. DORSHEIMER. I demand a division.

The House divided; and there were—ayes 110, noes 49.

So the motion was agreed to.

Mr. THOMAS. I move to lay the resolution upon the table.

The SPEAKER. It brings it before the House on the motion of the gentleman from Illinois.

Mr. THOMAS. And I have the floor, and have moved to lay the resolution upon the table. If necessary I will demand the previous question.

The SPEAKER. The motion to lay upon the table is not amendable or debatable.

The resolution was again read.

The House divided; and there were—ayes 127, noes 64.

So the resolution was laid upon the table.

Mr. THOMAS moved to reconsider the vote by which the resolution was laid on the table; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. SNYDER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same, namely:

A bill (S. 229) to authorize the Secretary of the Treasury to erect a public building in the city of Key West, Fla.;

A bill (S. 1810) for the erection of a public building at Sacramento, Cal.; and

A bill (S. 2009) granting a pension to Isabella Turner.

ARMY APPROPRIATION BILL.

Mr. FORNEY. Mr. Speaker, I rise to submit a privileged report. I am directed by the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 8120) making appropriations for the support of the Army for the fiscal year ending June 30, 1886, and for other purposes, to submit the following report.

The SPEAKER. The report will be read.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8120) "making appropriations for the support of the Army for the fiscal year ending June 30, 1886, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9, 11, and 12.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 10, 14, 15, 17, 18, 19, 20, 21, and 22, and agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "And employed as train-masters, and in opening roads, and building wharves;" and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$675,000;" and the Senate agree to the same.

Amendment numbered 23: On amendment numbered 23 the committee are unable to agree.

W. H. FORNEY,
R. W. TOWNSHEND,
J. WARREN KEIFER,
Managers on the part of the House.
W. B. ALLISON,
P. R. PLUMB,
M. W. RANSOM,
Managers on the part of the Senate.

The SPEAKER. The Clerk will report the statement accompanying the report.

The statement is as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8120) making appropriations for the support of the Army for the fiscal year 1886, submitted the following in explanation of the action of the conference committee as submitted in the accompanying report.

The bill as agreed upon in conference appropriates \$24,014,032.50, being \$405,000 less than as it passed the House, \$65,000 more than as it passed the Senate, \$440,397.50 less than the law for the current year, and \$2,096,437.45 less than the estimates submitted for the fiscal year 1886.

On amendment numbered 23, which strikes out the provision contained in the bill as it passed the House, that proceedings of trial by court-martial shall be carried on during such hours as the court-martial shall determine, the conference committee have been unable to agree.

WM. H. FORNEY,
R. W. TOWNSHEND,
J. WARREN KEIFER,
Managers on the part of the House.

Mr. FORNEY. I move the adoption of the report.

Mr. WELLER. Is there an explanation accompanying this, showing the effects of the amendments?

The SPEAKER. It has just been read.

Mr. WELLER. In the confusion I did not hear it.

The report of the conference committee was concurred in.

Mr. FORNEY moved to reconsider the vote by which the report was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. Without objection the House will agree to the request of the Senate for a further conference on the disagreeing votes of the two Houses.

There was no objection.

The SPEAKER appointed Mr. FORNEY, Mr. TOWNSHEND, and Mr. KEIFER as conferees on the part of the House on said bill.

QUESTION OF PRIVILEGE.

Mr. BROWN, of Pennsylvania. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. BROWN, of Pennsylvania. Last night on the first call of the House I was present and answered to my name, as the RECORD will show. I consulted with the gentleman from Kentucky having charge of the bill then under consideration shortly afterward as to whether I would have time to get my dinner. I went and returned with as great speed as possible, and was in the lobby of the House at the time of the second roll-call. I listened to that call from the lobby, but was not permitted to enter the Hall. I am reported this morning in the RECORD as not having answered to my name on the second roll.

The SPEAKER. Did the gentleman answer?

Mr. BROWN, of Pennsylvania. I did not, because, as I have said, I was prevented by the officers of the House from being present.

Mr. RANDALL. Regular order.

The SPEAKER. The regular order is demanded.

Mr. BROWN, of Pennsylvania. I have not finished my statement.

The SPEAKER. The Chair does not see that the gentleman presents a matter of privilege. The gentleman states himself that he was not present and did not answer, and consequently there is no correction to make.

Mr. BROWN, of Pennsylvania. I stated that I was not present on the second call, being temporarily out of the Hall, but I think I have the privilege of asserting that I was prevented from being present when I was entitled to be present by the officers of the House and through no fault or neglect of my own.

Mr. KEIFER. The officers of the House did what they are required to do when a call of the House is proceeding. The doors were ordered

to be closed and the gentleman was not entitled to come in, not having answered to the call.

Mr. BROWN, of Pennsylvania. I claim that I was entitled to come in and was prevented.

The SPEAKER. The officers executed the rule of the House and the order of the House. The rule may be wrong, but whether right or wrong it was being enforced under the order of the House, and the gentleman himself has shown by his statement that he was not present.

Mr. BROWN, of Pennsylvania. I was entitled to come in, having answered on the previous call, instead of being reported as absent as shown by the RECORD of this morning.

The SPEAKER. If the gentleman had answered at the previous call he would be recorded as present.

Mr. BROWN, of Pennsylvania. I am so recorded; but claim that I was entitled to answer on the second call because I was present. I therefore ask that the RECORD be corrected.

The SPEAKER. The statement the gentleman now makes will go into the RECORD.

ANNUAL REPORT OF COMMISSIONER OF AGRICULTURE.

Mr. ROGERS, of New York. I rise to submit some privileged reports from the Committee on Printing.

I am instructed by the Committee on Printing to report back the joint resolution (H. Res. 342) authorizing the printing of 400,000 copies of the annual report of the Commissioner of Agriculture for the year 1885, and recommend its passage.

The joint resolution is as follows:

Resolved, &c. That there be printed 400,000 copies of the annual report of the Commissioner of Agriculture for the year 1885; 300,000 copies for the use of members of the House of Representatives, 70,000 for the use of members of the Senate, and 30,000 copies for the use of the Department of Agriculture; the illustrations for the same to be executed, under the supervision of the Public Printer, in accordance with directions of the Joint Committee on Printing, the work to be subject to the approval of the Commissioner of Agriculture.

Sec. 2. That the sum of \$200,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the cost of the publication of said report.

The joint resolution was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

Mr. ROGERS, of New York, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNITED STATES GEOLOGICAL SURVEY.

Mr. ROGERS, of New York. I am also instructed by the Committee on Printing to report back the joint resolution (H. Res. 340) providing for printing monograph second of the publications of the United States Geological Survey, and recommend its adoption.

The resolution is as follows:

Resolved, &c. That there be printed at the Government Printing Office the usual number of monograph second of the publications of the United States Geological Survey, with the necessary illustrations, and to conform to the editions already issued by the Survey.

The joint resolution was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

Mr. ROGERS, of New York, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. ROGERS, of New York. I am also instructed by the committee to report back the joint resolution (H. Res. 338) providing for printing additional copies of the sixth and seventh annual reports of the Director of the United States Geological Survey, and recommend its passage.

The joint resolution was read, as follows:

Resolved, &c. That there be printed at the Government Printing Office, in addition to the number already ordered by law, 15,500 copies of each of the sixth and seventh annual reports of the Director of the United States Geological Survey, uniform with the preceding volumes of the series; of which 3,500 shall be for the use of the Senate, 7,000 for the use of the House of Representatives, and 5,000 for distribution by the Geological Survey.

The joint resolution was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

Mr. ROGERS, of New York moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT OF BUREAU OF ETHNOLOGY.

Mr. ROGERS, of New York. I am also instructed by the Committee on Printing to report back the resolution (H. Res. 339) providing for printing the sixth and seventh annual reports of the Director of the Bureau of Ethnology, and recommend its adoption.

The joint resolution was read, as follows:

Resolved, &c. That there be printed at the Government Printing Office 15,500 copies each of the sixth and seventh annual reports of the Director of the Bureau of Ethnology, with accompanying papers and illustrations, and uniform with the preceding volumes of the series; of which 3,500 shall be for the use of the Senate, 7,000 for the use of the House of Representatives, and 5,000 for distribution by the Bureau of Ethnology.

The joint resolution was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

Mr. ROGERS, of New York, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. ROGERS, of New York. I ask unanimous consent—
The SPEAKER. The regular order is demanded.

PUBLIC BUILDING AT DETROIT, MICH.

Mr. STOCKSLAGER. I desire to make a privileged report. I present the report of a conference committee.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill of the Senate No. 1609, to provide for the purchase of the site and the erection of a public building thereon at Detroit, Mich., after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from their disagreement to the amendment of the House, and agree to the same with an amendment as follows: Add as an additional provision to said House amendment the following: "Provided further, That nothing herein contained shall be construed in any event to increase the cost of the site and building, including approaches, when completed, beyond the sum of \$900,000, as provided in this section;" and the House agree to the same.

S. M. STOCKSLAGER,

J. H. HOPKINS,

E. BREITUNG,

Managers on the part of the House.

WM. MAHONEY,

ANGUS CAMERON,

GEORGE G. VEST,

Managers on the part of the Senate.

Mr. STOCKSLAGER. The Senate recedes from its disagreement to the amendment of the House, with an additional provision which more certainly confines the limit of the cost of the building within \$900,000. I am sure there will be no objection to the adoption of the report.

The report was adopted.

Mr. STOCKSLAGER moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. STOCKSLAGER. I ask unanimous consent to make a report from the Committee on Public Buildings and Grounds, not to be considered now.

The SPEAKER. The regular order has been demanded. The gentleman from Oregon [Mr. GEORGE] rises to a privileged matter.

UMATILLA RESERVATION, OREGON.

Mr. GEORGE. I move that the House insist on its amendments to the bill (S. 66) providing for allotment of lands in severalty to the Indians residing on the Umatilla reservation in the State of Oregon, and granting patents therefor, and for other purposes, and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER. The Chair appoints as managers of the conference on the part of the House Mr. GEORGE, Mr. WELLBORN, and Mr. STEVENS.

PUBLIC-LAND LAWS.

Mr. COBB. I move to take from the Speaker's table the bill H. R. 7004, with amendments by the Senate, with a view to having the bill and amendments referred to the Committee on Public Lands.

Mr. NELSON. I call for the regular order.

Mr. COBB. I move to suspend the rules.

The SPEAKER. The gentleman from Indiana [Mr. COBB] moves to suspend the rules and take from the Speaker's table the bill he has indicated and refer the bill with Senate amendments to the Committee on the Public Lands.

Mr. VALENTINE. On that motion I demand a second.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 7004) to repeal all laws providing for the pre-emption of the public lands and the laws allowing entries for timber-culture.

Mr. PERKINS. I demand a second on the motion of the gentleman from Indiana.

The SPEAKER. The gentleman from Nebraska [Mr. VALENTINE] has already demanded a second.

Mr. KEIFER. I think the amendments of the Senate should be read.

The SPEAKER. The gentleman has a right to have the amendments read. The Clerk will report them.

The Clerk read as follows:

Page 1, line 1, after "that," insert "section 2299 and;"

Page 1, line 1, after "32," insert "excepting sections 2275, 2276, 2283, 2286, and 2298;"

Page 1, lines 1, 2, and 3, strike out "and sections 2299 and 2309;"

Page 1, lines 4, 5, and 6, strike out "and all other laws allowing pre-emption of the public lands of the United States;"

Page 1, strike out all after "repealed," in line 6, down to and including "laws," in line 15, and insert:

"Provided, however, That this repeal shall not affect any valid rights hereto-

fore accrued or accruing under said laws, but all bona fide claims lawfully initiated before the 1st day of July, 1885, may be perfected, upon due compliance with law, in the same manner, upon the same terms and conditions, and subject to the same limitations, forfeitures, and contests as if this act had not been passed: And provided further, That any person who has not heretofore had the benefit of the pre-emption law, and who has failed, from any cause, to perfect title to a tract of land heretofore entered by him under the homestead laws, may make a second homestead entry in lieu of the pre-emption privilege hereby repealed: And provided further, That all outstanding certificates of deposit on account of surveys heretofore issued under the provisions of sections 2401, 2402, and 2403 of the Revised Statutes and acts supplemental thereto shall be receivable as cash (except for fees and commissions) in the disposal of public lands at the land offices at which certificates are now receivable in commutation of homestead and pre-emption rights."

Strike out section 2 and insert:

"SEC. 2. That an act entitled 'An act to amend an act entitled "An act to encourage the growth of timber on the Western prairies," approved June 14, 1878,' be, and the same is hereby, repealed: Provided, however, That this repeal shall not affect any valid rights heretofore accrued or accruing under said laws, but all bona fide claims lawfully initiated before the 1st day of July, 1885, may be perfected, upon due compliance with law, in the same manner, upon the same terms and conditions, and subject to the same limitation, forfeitures, and contests as if this act had not been passed."

Strike out section 3, page 3, line 14, changing section 4 to section 3.

Strike out all after the word "entry," in line 24, page 3, down to and including the word "patents," in line 4, on page 4, and insert:

"And before the expiration of five years and obtaining a patent therefor from the Government, as in other cases directed by law on making proof of settlement and cultivation as provided by the law heretofore in force granting pre-emption rights."

Page 4, line 5, change section 5 to section 4.

Page 4, after "repealed," in line 8, insert:

"Provided, however, That this repeal shall not affect any valid rights heretofore accrued or accruing under said laws, but all bona fide claims lawfully initiated before the 1st day of July, 1885, may be perfected, upon due compliance with law, in the same manner, upon the same terms and conditions, and subject to the same limitations, forfeitures, and contests as if this act had not been passed."

Page 4, after line 8, insert:

"SEC. 5. That hereafter no public lands of the United States not heretofore offered at public sale, except abandoned military or other reservations and mineral and other lands the sale of which at public auction has been authorized by acts of Congress of a special nature having local application, shall be sold at public auction or be subject to private entry."

Strike out section 6.

At the end of the bill insert the following section:

"SEC. 6. That section 2288 of the Revised Statutes be amended so as to read as follows:

"SEC. 2288. Any person who has already settled on the public lands either by pre-emption or by virtue of the homestead law or any amendments thereto, and any person who shall hereafter settle on the public lands by virtue of the homestead law or any amendments thereto, shall have the right to transfer by warranty against his own acts any portion of his pre-emption or homestead for church, cemetery, or school purposes, or for the right of way of railroads across such pre-emption or homestead; and the transfer for such public purposes shall in no way vitiate the right to complete and perfect the title to their pre-emptions or homesteads."

At the end of the bill insert the following section:

"SEC. 7. That an act entitled 'An act to provide additional regulations for homestead and pre-emption entries on the public lands,' approved March 3, 1879, be, and the same is hereby, repealed."

At the end of the bill insert the following section:

"SEC. 8. That wherever lands have been withdrawn from sale or disposition on the part of the United States by reason of grants made to aid in construction of railroads or other works of internal improvement, and such withdrawals have been terminated by act of Congress, executive order, or order of the Land Department, or where lands have been, by operation of law, reduced in price to \$1.25 per acre, and said lands have been purchased, in good faith at said price, or entered with warrants or scrip, and the officers of the Land Department have issued certificates or patents thereon in accordance with such purchase or entry without such lands having first been proclaimed by the President and offered at public auction, and where, on the 25th day of January, 1885, there were no conflicting claims thereto or settlements thereon, all such entries, and the certificates and patents issued thereon are hereby confirmed and declared valid and legal. And all questions relating to such conflicting claims or settlements shall be subject to adjudication and final decision in the Department of the Interior, and the proper judicial courts; and in case there is any actual settlement on said lands in good faith under the homestead or pre-emption laws of the United States made prior to January 25, 1885, the rights of such settlers shall prevail against any previous entry at the price of \$1.25 per acre."

Amend the title so as to read:

"An act to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber-culture, the laws authorizing the sale of desert lands in certain States and Territories, and for other purposes."

The SPEAKER. The gentleman from Indiana [Mr. COBB] moves to suspend the rules and take this bill from the Speaker's table and refer it, with the Senate amendments, to the Committee on Public Lands.

The SPEAKER. A second has been demanded. The Chair will appoint the gentleman from Indiana, Mr. COBB, and the gentleman from Nebraska, Mr. VALENTINE, to act as tellers.

Mr. TOWNSHEND. Mr. Speaker, I ask unanimous consent that the second be considered as ordered.

Mr. VALENTINE and Mr. MAGINNIS. I object.

The House divided; and the tellers reported—ayes 92, noes 85.

The SPEAKER. Upon this question the tellers report ayes 92, noes 85. The ayes have it, and there is a second. Under the rules thirty minutes are allowed for debate—fifteen minutes in support of the motion and fifteen minutes in opposition.

The gentleman from Indiana [Mr. COBB] will be recognized to control the time in support of the motion, and the gentleman from Nebraska [Mr. VALENTINE] to control the time in opposition to it.

Mr. COBB. Mr. Speaker, I shall occupy the time of the House for only a few minutes. This bill which is proposed to be referred to the Committee on Public Lands has been amended by the Senate in some essential particulars. I do not believe the House fully understands the provisions of the bill. It provides for amending the homestead law so as to require the proof necessary to a patent to be made twelve months

before the patent issues. That amendment is recommended by the Commissioner of the General Land Office, and the object of it is to enable the Department to inquire into the question whether fraud in the homesteading has been committed. The bill also provides for the repeal of the timber-culture law and for the repeal of the pre-emption law. The pre-emption law is somewhat similar to the homestead law. The homestead law is left standing with the amendment which I have indicated, giving to each actual settler one hundred and sixty acres of land. As the law now stands he may become the owner of one hundred and sixty acres more under the pre-emption law, and then he may become the owner of one hundred and sixty more under the timber-culture law, making in all four hundred and eighty acres. Now, the knowledge and experience of the Commissioner of the General Land Office and of the Interior Department are to this effect—you will find it fully stated in three or four of the last reports of the Commissioner of the General Land Office—that under the pre-emption law and the timber-culture law lands are constantly being "gobbled" up and passing into the hands of monopolists.

Mr. MAGINNIS. Will the gentleman permit me to ask him a question?

Mr. COBB. Yes, sir.

Mr. MAGINNIS. If that be the object of the bill why could you not easily provide that a man who takes up one hundred and sixty acres under one of those laws shall not take up land under the others?

Mr. COBB. Yes; and at the same time leave the imperfections of the three laws untouched.

Mr. VALENTINE. Correct them.

Mr. MAGINNIS. Why not correct the imperfections?

Mr. COBB. Instead of giving to the settler one hundred and sixty acres definitely under the homestead law, the gentleman would have him apply under the homestead law or the pre-emption law or the timber-culture law.

Mr. MAGINNIS. I would have the timber-culture law repealed.

Mr. COBB. The Secretary of the Interior has said that frauds innumerable have been committed under the timber-culture law and the pre-emption law, and I can take the gentleman into Kansas and Nebraska and show him whole townships owned by capitalists under the timber-culture law, and there is not one stick of timber on them.

Mr. VALENTINE. The gentleman can not do that.

Mr. MAGINNIS. Why not take means to prevent those frauds instead of bringing in such a bill as this?

Mr. COBB. Mr. Speaker, I insist and submit to the House that the better way to get rid of the frauds committed under the pre-emption and the timber-culture laws is to repeal the laws themselves, leaving the homestead law, which was intended to be sufficient to supply the needs and demands of actual settlers. One hundred and sixty acres of land is enough, and I submit that we ought not to allow individuals to procure more than that under these laws. Our public lands are rapidly passing into the hands of private owners. A few acres now exist in the public domain compared with its extent thirty years ago. Those few acres ought to be preserved intact for actual settlers and their homes in the future. I insist, sir, that no greater evil, no greater wrong, has been done to the future of this country than has been done under these laws. More than 10,000,000 of acres of the best lands in the country have been taken up through fraud and perjury and subornation of perjury under the pre-emption and the timber-culture laws, as the evidence shows. Now, I say the best way to remedy these wrongs is to repeal the laws themselves. The Commissioner of the General Land Office has stated in his report that under existing laws it is impossible to prevent these frauds. He tells you that he sends his agents into the territories or the sections where these public lands are to ferret out frauds, but that the parties who have committed the frauds sometimes buy up the agents, and in that and other ways escape the law. Now, in order to prevent parties from evading the law I believe the best thing to do is to repeal the timber-culture and the pre-emption laws, and leave the homestead act, so that actual settlers who in good faith seek homes on the public domains can still obtain them.

Mr. Speaker, I will occupy no further time unless some gentleman wants to ask a question.

Mr. BUDD. I would like to ask the gentleman a question if he will permit me.

Mr. COBB. Yes, sir.

Mr. BUDD. How is it that the Committee on Public Lands did not on the last suspension day call up one of the forfeiture bills?

Mr. COBB. Mr. Speaker, I do not know that that is the gentleman's business exactly, or that it is my business to answer the question. He can put his own construction upon the facts. I am doing my duty now. That is all I have to say.

Mr. HENLEY. If the gentleman from Indiana [Mr. COBB] will yield I will answer the question. No land-forfeiture bill could be taken up and passed on suspension day for want of time.

Mr. BUDD. I will state to the gentleman that we did have the time; the committee was passed, and no bill was called up.

Mr. HENLEY. I beg the gentleman's pardon. If he will inform himself he will discover that it was impossible in the time we had to call up any land-forfeiture bill.

Mr. CONVERSE. I desire to ask the gentleman from Indiana [Mr. COBB] whether the great frauds in connection with the public lands have not been perpetrated mainly under the homestead law instead of the pre-emption or the timber-culture law?

Mr. COBB. No, sir.

Mr. CONVERSE. I desire to ask the gentleman whether the entire Estes Park and the valuable lands around Lake Tahoe have not all been taken up in that way? Have not the great frauds in the West in connection with the public lands been perpetrated under this "wise, humane, and wholesome law"—the homestead act?

Mr. COBB. No, sir. I deny it entirely; and the report of the Commissioner of the General Land Office will bear me out in this denial.

Mr. CONVERSE. I wish to ask further whether the trouble is not in an improper execution of the laws as they now exist, rather than in the laws themselves?

Mr. ANDERSON. That is the point.

Mr. COBB. That may be; but it is claimed by the Commissioner of the General Land Office that he can not enforce the pre-emption law so as to prevent fraud. He has been appealing to Congress for four years to repeal that law and save the public lands. I deny the statement of the gentleman from Ohio. I say he is mistaken in stating that the lands to which he refers were taken up under the homestead law. While there may have been some frauds under the homestead law, the great body of the frauds have been committed under the pre-emption and timber-culture laws.

Mr. CONVERSE. Will the gentleman allow me a suggestion right there?

Mr. COBB. Mr. Speaker, how much time have I.

The SPEAKER *pro tempore* (Mr. HATCH, of Missouri). Six minutes.

Mr. COBB. I can not yield further.

Mr. CONVERSE. I desire to correct the gentleman's statement.

Mr. COBB. I can not yield further.

Mr. PAYSON. Will my colleague on the committee [Mr. COBB] yield to me to answer the question propounded by the gentleman from Ohio [Mr. CONVERSE]?

Mr. COBB. Yes; I yield to my colleague on the committee.

Mr. PAYSON. Let me say to the gentleman from Ohio that the great fraud in connection with the Estes Park, by which that entire tract was taken up by the Earl of Dunraven, was not consummated under the homestead law, but under the pre-emption law. I have in my desk papers to prove this statement, and I shall be glad to submit them to the gentleman from Ohio. The whole fraud in connection with the Estes Park was perpetrated under the pre-emption law.

Mr. CONVERSE. I desire to state—

Mr. COBB. I can not yield to the gentleman.

The SPEAKER *pro tempore*. The gentleman from Indiana declines to yield further. The gentleman from Nebraska [Mr. VALENTINE] is recognized to control the time in opposition to this motion.

Mr. COBB. I reserve the residue of my time, intending to yield to my colleague [Mr. HOLMAN].

The SPEAKER. The gentleman has five minutes remaining.

Mr. VALENTINE. Mr. Speaker, the question now before the House is one of great importance to the country, especially to that portion where the public domain is now located. If the bill before the House should become a law it will wipe out the present pre-emption and timber-culture acts and amend the eighth section of the homestead law relative to the commutation of homesteads.

We who live in the West—and I have lived upon the public domain or adjacent to it all my life, and am perfectly familiar with these laws and the system which has grown up under them—we of the West are opposed to the repeal of these laws, because we believe they are beneficial to that section and to the whole country.

I believe—indeed, I think I can say I know—that this cry which has come up, commencing in a small way as it did until it has almost become a shout, for the repeal of the pre-emption and timber-culture acts has come directly from two sources. First, it has come from the great railroad corporations of the West, who desire to sell their lands but can not do so at a price beyond \$1.25 an acre so long as the Government permits the actual settler to go there and enter land at that price. The railroads of the West desire this legislation repealed so that they may advance the price of their lands. Next, it is desired by the great "cattle-kings" of this country. There is a fight going on to-day in my State, and in fact in all the Western States, between the actual settlers and the "cattle-kings" for supremacy. When we go upon the frontier and under the timber-culture act plant ten, twenty, thirty, or forty acres with timber whereby we reclaim those lands and make them agricultural, the "cattle-kings" turn out upon those lands their herds to eat the trees as they sprout from the ground. These "cattle-kings" are anxious to have this law wiped out, that their cattle may roam over those prairies undisturbed by the settler.

When the poor homesteader comes there with all he has in a wagon drawn by a pair of oxen, and sits down with his family, handles his spade and plow, gathers together a temporary hut in which he puts his family, then they send out their cowboys to drive him off. But, sir, they can not drive off the men who go there with sufficient capital and who reside upon the land a year or six months, pay for it, and are backed

by friends, influential financially as well as otherwise, who gather around them other homesteaders and establish a settlement which defies the efforts of the cattle-kings. Those are the men who open these Territories to actual settlers.

Therefore, Mr. Speaker, I speak the sentiment of the West when I say that these laws ought not to be repealed. These laws, and especially the pre-emption laws, have been those under which the West has been settled. I am in favor of a homestead law. If the law has not been enforced, if fraud has been practiced in reference to the public domain, then change it. To practice fraud a man must commit perjury, and if he does that, he can be sent to the penitentiary. Enforce the law criminally against these people, and there will be no trouble on this account.

How much time have I left?

The SPEAKER. Ten minutes.

Mr. VALENTINE. I wish to say simply that the fault is in the execution of the law and not in the law itself. I now yield to the gentleman from Kansas.

Mr. PERKINS. Mr. Speaker, as has been suggested by the gentleman from Nebraska, this is legislation of vital importance to our section of the country. It is indeed only legislation in the interest of the cattle organizations of this land, and I am astonished that men come upon the floor of this House professing to be in favor of legislation in behalf of the settlers and yet advocating this bill. What will be its effect if adopted? What will be the consequences precipitated upon the country if this bill becomes a law? Repeal the provisions of the statutes which we have already given the people by which opportunities are afforded the pioneer of acquiring title to the public domain; strike them down, and say the people shall only acquire title under the provisions of the homestead law, and what is the effect?

There are thousands of acres in my own State, there are thousands of acres in Nebraska, there are thousands of acres in Colorado, there are thousands of acres in every Territory of the West which can not be taken under the homestead law. Compel the settler to settle on one hundred and sixty acres of that arid land and live there until he can secure the benefits and title under the homestead law, and he can not avail himself of it. It is impossible to make a living on one hundred and sixty acres of that land in many cases. That is true, as I have said, in every Territory in the West. Repeal the pre-emption law, strike down the timber-culture act, abrogate the desert law, and strike down all provisions by which settlers may obtain title to the public domain except the homestead law, and all that vast domain will be reserved for occupancy by the cattle companies of the country; and hence I charge that this proposed legislation is in their interest, and that they are organizing and pressing for its enactment.

Who else is demanding or asking for the repeal of these several statutes?

Have you had a petition from a settler anywhere asking for all this? Are they memorializing for this legislation? There is a concurrent resolution pending in the Legislature of my own State at this time asking for the sale of a large tract of land in Kansas at 50 cents an acre, and not to the speculator but for the people. But there is no legislation or memorial pending there or in any other Legislature of the West, so far as I can learn, asking for a repeal of the timber-culture and pre-emption laws. Instead, however, you find the people who have gone out upon the prairies of the West, cultivating and reclaiming them, building them up, paying taxes, and contributing to that wonderful growth, opposing this legislation.

It is under the pre-emption law the West has grown up and thrived and prospered as it has and constructed those grand Commonwealths. But now, if it shall be the disposition of this Congress to say that no acre of our great domain shall be disposed of or title obtained thereto except under the homestead law, the cattle companies will possess themselves of thousands of acres, and graze their vast herds without let or hindrance and smile at our simplicity.

They will organize at once for the occupation of thousands of acres of land that are not adapted to agricultural pursuits, but are of some value for grazing purposes, and will keep out the homestead settler and, under the provisions of this bill, will feed their herds and grow fat upon land owned by the Government, and from which the community and State get no tax or return. Strike down every provision of law under which title may be obtained to the public domain except the homestead law, and large sections of our great West will remain Government land to be possessed in the manner I have suggested; and the honest pioneer is wronged, the community and State suffers, the Government realizes nothing, and only the cattle companies prosper and rejoice at our legislation.

It is said that fraud has been practiced under these several statutes. Concede it; but set up against that what has been effected—the material growth and prosperity secured under these several laws—and the picture is all with us. The Government has got its money for the land. The property passes to individuals and becomes subject to taxation. Homes are made, industry is encouraged, and good is done to the country. I would, however, improve the legislation. I would enact laws which will protect against fraud, but give to the honest pioneer the right to choose between these several statutes. I am in favor of

extending the provisions of the homestead law to every acre of the public domain. I would give to the settler the right to secure a title to his home by continuous occupation and cultivation under the homestead law, if such should be his interest or desire; but I would also give to him these other statutes and the right of electing between, that all portions of our great domain may be occupied and owned by our honest yeomen who are struggling to secure homes for wife and little ones and those dependent upon them. If the homestead law can be amended so as to prevent fraud, so that those other statutes—

[Here the hammer fell.]

Mr. VALENTINE. I desire to call attention to one statement made by the gentleman from Indiana [Mr. COBB] that he could go into Nebraska and Kansas and show whole townships fraudulently entered under the timber-culture act. Let me say, under the timber-culture act there can not be any more than one-fourth in every section of the public domain. That can not be true, therefore. I yield for three minutes to the gentleman from Ohio [Mr. CONVERSE].

Mr. WASHBURN. I ask the gentleman from Nebraska whether the Commissioner of the General Land Office has not stated that for the last five years 90 per cent. of pre-emptions have been fraudulently made?

Mr. VALENTINE. If so, most of them are in the timber lands of Minnesota.

Mr. WASHBURN. The timber lands of Minnesota and the prairie lands of Dakota Territory.

Mr. CONVERSE. Mr. Speaker, I hope, if this bill is to pass, we shall have more consideration than is likely to be given in the closing hours of this session. My own observation, which runs through two years in connection with the public lands, is that the great stealing which has been carried on under this Government has been through its land system, and a large portion has been through the homestead law. The trouble is not with the laws themselves. The homestead law, the pre-emption law, the timber-culture act are each and all wise and wholesome laws, but the trouble is in the execution of these laws. What we want is reform in the administration. The thing to be done, Mr. Speaker, is to turn the rascals out and put in honest men to see that these laws are enforced as they were intended to be and as they were in former times.

I desire to repeat what I said a few moments ago—that my investigation as to Estes Park showed that every acre of that land was taken from the Government without the payment of a single dollar. If it had been taken under the pre-emption law we would have received \$1.25 per acre for the ten or twelve thousand acres in that park, but we never received a cent to pay even for the survey of the land. The same is true of the fine timber lands about Lake Tahoe, amounting to millions of acres. Not a dollar went into the Treasury for the purchase of those lands, but men of straw filed homestead claims, made the necessary affidavits, transferred their titles to the mill companies, timber merchants, land companies, and thus the frauds amounting to millions were perpetrated upon the Government.

I saw more than a million acres of timber land around Lake Tahoe, which were in possession of five companies, for which the Government never received one dollar, although the Government had paid for all the expenses connected with the surveys, and when I saw the lands about 1880 they would have brought under the hammer in cash at least \$15 per acre.

[Here the hammer fell.]

Mr. VALENTINE. I yield now to the gentleman from Montana [Mr. MAGINNIS] for two minutes.

Mr. MAGINNIS. Mr. Speaker, the Committee on the Public Lands state that they urge the adoption of this measure for two reasons: First, because under the present land laws a settler, they say, can take advantage of three different laws; and secondly, on account of frauds claimed to be perpetrated under the homestead or pre-emption laws. These are the two reasons which they urge.

The proper answer to the suggestions made by the committee is, that if they simply want to confine a settler to one hundred and sixty acres of land instead of permitting him to take advantage of other land laws to acquire additional lands, all that is necessary for them to do here is to bring in a bill saying that the settler who has taken advantage of one of these acts and gets his one hundred and sixty acres of land shall not be entitled to the privileges of the other to acquire one hundred and sixty additional acres. That would cure that evil, which knocks the ground from under the committee on that proposition.

The next ground on which they propose to repeal this beneficent act made by our fathers in 1801, and under repeated Democratic administrations down to 1861, is on the ground of alleged or attempted fraud. Now, that there may be fraud committed under the act is very true; but why not amend the laws so that these frauds can not be committed?

Would not that seem to be the more reasonable policy? And I would like to have people who talk about fraud take the report of the Commissioner of the General Land Office and point me to the case of one single conviction of any person, or any prosecution under that Commissioner or his agents, for any frauds committed under any of the land laws, which would have been the case if it was true, as they state, that their purpose is to prevent fraud.

Now, sir, there are hundreds and thousands of acres which can not

be taken up or entered upon for cultivation in these desert or arid lands—

Mr. PAYSON. Will the gentleman allow me a question?

Mr. MAGINNIS. No, sir; I can not yield for a question.

Under the desert-land act these arid lands, where there is no water, a man to make a settlement would have to build a ditch costing him \$500 or \$1,000 or \$1,500 to convey the water to his farm and irrigate it. For the purpose of doing this he must have sufficient land to enable him to construct his ditch so that he may reclaim the land and make it valuable; otherwise it is worthless. I repeat, then, if there are frauds committed under the act, amend the act so as to prevent it. But if you repeal the laws in such manner as you propose you prevent settlement, and there is no way of getting title except through the railroad companies. This act should be entitled "An act in the interest of the cattle-kings and to double the price of railroad lands," which are the only lands settlers can buy if you pass this bill.

[Here the hammer fell.]

Mr. COBB. I now yield two minutes to my colleague from Indiana [Mr. HOLMAN].

Mr. HOLMAN. Mr. Speaker, I trust the House will not be deceived as to the matter in issue. It is a question between the disposition of what remains of the public lands, under the homestead law with proper amendments under this bill to secure its efficiency, or the disposition of your lands through agencies to speculators. I repeat, it is an issue between the disposition of what remains of your public land under the homestead law or to speculators upon the public lands; and no gentleman who has made the subject a study can entertain any doubt upon that point.

On the 21st day of January a year ago the gentleman from Nebraska, the gentleman from Kansas, the gentleman from Ohio, and others, declared in favor of the policy by their votes, and the House too with great unanimity, of securing what remained of the public lands to actual settlers under the homestead law. But yet gentlemen are here on the floor of the House insisting that the law under which we are assured by the Commissioner of the General Land Office 90 per cent. of all the frauds have been committed shall still remain in force. I appeal to the friends of the homestead law to stand by the Public Lands Committee; for that agency and that alone can put a stop to the enormous frauds by which you build up these great landed estates.

[Here the hammer fell.]

Mr. COBB. I will now yield two minutes to my colleague on the committee from Illinois [Mr. PAYSON].

The SPEAKER. The Chair thinks the time of the gentleman has been exhausted.

Mr. COBB. I thought I had five minutes of my time remaining and yielded two to my colleague from Indiana.

The SPEAKER. The Chair was under the impression that the gentleman had yielded to the gentleman from Ohio a portion of his time.

Mr. COBB. No, sir, I did not. That was yielded by the other side. I now yield two minutes to the gentleman from Illinois, and I would like to ask how much time I have remaining.

The SPEAKER. According to the statement of the gentleman from Indiana he has five minutes remaining.

Mr. PAYSON. This whole proposition may be very simply stated. The proposal in this bill is simply this and this alone: That the public domain which is yet remaining shall be disposed of only under the provisions of the homestead law and in quantities not exceeding one hundred and sixty acres to each individual, and existing law which conflicts with this scheme we propose to repeal. There is all there is of it.

The statement made by the gentleman from Nebraska [Mr. VALENTINE] that this legislation is in the interest of the cattle-kings in this country is his assertion alone. When gentlemen undertake to say here that frauds are not being perpetrated to any particular extent under the pre-emption law, let me say to those gentlemen that there has not been a sundry civil appropriation bill reported for the last four years that has contained an appropriation of less than \$90,000 to ferret out these frauds.

Mr. STRAIT. Under the homestead law.

Mr. PAYSON. I deny it. It is under the pre-emption law, and the action recommended here by the Public Lands Committee has been recommended for the last four years by the Secretary of the Interior and the Commissioner of the General Land Office.

When my friend from Ohio [Mr. CONVERSE] says that the proper method is to turn the rascals out from this land, we of the Public Lands Committee say: "Let us lock the doors and keep the rascals out in the first instance."

What gentleman can stand here in the light of public sentiment and assert that the American people are in favor of the continuation of a scheme which allows the public lands to be taken by the thousands and thousands of acres by speculators to be sold afterward at an increased price to actual settlers? No man dares do that.

Mr. STRAIT. It does not do that.

Mr. PAYSON. It does do that.

Mr. PERKINS. The Commissioner of the General Land Office ac-

knowledges under the homestead act frauds are perpetrated the same as under the pre-emption law.

Mr. PAYSON. Precisely, and we extend the provisions of the law to meet that.

The SPEAKER. The question is on the amendment of the gentleman from Indiana [Mr. COBB].

Mr. BUDD. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. BUDD. During the discussion of this question the gentleman from Indiana [Mr. COBB], the chairman of the Committee on Public Lands, yielded to the House for any question that might be asked. I thereupon asked him the question, why on the 16th of this month, when the Committee on Public Lands was called for a motion to suspend the rules, as is shown by the Journal of that day, a copy of which I have, no such motion was made; and with the politeness which characterizes him he informed me it was none of my business. Thereupon the gentleman from California [Mr. HENLEY] answered the question, stating that they had no time. For the purpose of showing that it was my business, that it was the business of the House, and that they did have time, and that the committee was then called after an anti-monopoly speech by one of the members, I simply read from the Journal of the 16th.

The SPEAKER. The Chair does not see any question of personal privilege whatever. [Cries of "Regular order!"]

Mr. BUDD. I suppose it goes into the RECORD now, Mr. Speaker.

ENROLLED BILLS SIGNED.

Mr. SNYDER, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 256) granting a pension to Mary A. Land;
A bill (H. R. 891) granting a pension to Reuben J. Ebbberman;
A bill (H. R. 1219) granting a pension to Charles Hendrix;
A bill (H. R. 1653) granting a pension to John R. Hurlburt;
A bill (H. R. 1898) granting a pension to Harriet Armstrong;
A bill (H. R. 2398) granting an increase of pension to Mrs. Ann W. Mulvey;

A bill (H. R. 2538) granting a pension to Christiana Almier;
A bill (H. R. 2540) granting a pension to Priscilla J. Small;
A bill (H. R. 2627) granting a pension to Noah Caton;
A bill (H. R. 3108) to protect fish in the Potomac River in the District of Columbia, and to provide a spawning-ground for shad and hering in the said Potomac River;

A bill (H. R. 3336) for the relief of Sherman C. Perry;
A bill (H. R. 3355) for the relief of Mary Mulholland;
A bill (H. R. 3751) granting a pension to Francis Curran;
A bill (H. R. 3994) granting a pension to William Strickland;
A bill (H. R. 4263) granting a pension to Elizabeth Hood;
A bill (H. R. 4869) for the relief of Morris Geld;
A bill (H. R. 5123) granting a pension to Frederick Braunwald;
A bill (H. R. 5374) granting a pension to Phillip Wiggins;
A bill (H. R. 5925) granting a pension to Margaret A. Berry;
A bill (H. R. 6287) for the relief of John H. Johnson;
A bill (H. R. 6596) granting a pension to John Hazelwood;
A bill (H. R. 6798) granting a pension to Lloyd W. Hixon;
A bill (H. R. 6928) granting a pension to Leonard King;
A bill (H. R. 6948) granting a pension to George Eagles;
A bill (H. R. 7002) for the relief of Harriet L. Stevens;
A bill (H. R. 7026) granting a pension to Jeremiah P. Swartzell;
A bill (H. R. 7292) to increase the pension of Jacob Wiener;
A bill (H. R. 7373) for the relief Sarah A. Burchfield;
A bill (H. R. 7696) granting a pension to Thomas D. Fitch;
A bill (H. R. 7769) granting pension to Joseph R. Dodds; and
A bill (H. R. 7869) granting a pension to Emeline L. Fitch.

PUBLIC LAND LAWS.

The SPEAKER. The question is on the motion of the gentleman from Indiana [Mr. COBB] to suspend the rules.

Mr. VALENTINE. I ask that the question be taken by tellers.

Mr. WASHBURN. I think we had better have the yeas and nays.
Mr. COBB. I wish to inquire of the Chair whether I have not some time remaining.

The SPEAKER. The gentleman from Indiana [Mr. COBB], having five minutes, yielded two minutes to the gentleman from Indiana [Mr. HOLMAN] and two to the gentleman from Illinois [Mr. PAYSON]; but the gentleman from Illinois occupied the whole time.

Mr. COBB. I did not yield the whole time to him.

Mr. PAYSON. I did not intend to take it.

The SPEAKER. The gentleman did take it, notwithstanding.

Mr. VALENTINE. Let us have tellers.

Tellers were ordered, more than one-fifth of a quorum voting therefor.

Mr. COBB. I think we may as well have the yeas and nays.

The SPEAKER. The gentleman from Indiana [Mr. COBB] demands the yeas and nays.

The yeas and nays were ordered, 57 members voting therefor.

The question was taken; and there were—yeas 166, nays 92, not voting 66; as follows:

YEAS—166.

Adams, J. J.	Ermentrout,	Lore,	Skinner, C. R.
Alexander,	Fiedler,	Lowry,	Skinner, T. G.
Ballentine,	Findlay,	McAdoo,	Smith, A. Herr
Barksdale,	Finerty,	McComas,	Spriggs,
Bayne,	Follett,	Matson,	Springer,
Beach,	Forman,	Maybury,	Stephenson,
Belmont,	Forney,	Millard,	Stevens,
Bland,	Garrison,	Miller, J. F.	Stewart, Charles
Blount,	Geddes,	Moncy,	Stocksager,
Breckinridge,	Gibson,	Moulton,	Storm,
Breitung,	Glascock,	Muldrow,	Sumner, D. H.
Buchanan,	Graves,	Murray,	Swope,
Buckner,	Green,	Mitchler,	Talbot,
Barleigh,	Guenther,	Nicholls,	Taylor, J. D.
Burnes,	Halsell,	Nutting,	Taylor, J. M.
Cabell,	Hardy,	Oates,	Thomas,
Caldwell,	Hatch, H. H.	O'Ferrall,	Thompson,
Campbell, J. E.	Hatch, W. H.	O'Hara,	Tillman,
Clardy,	Hemphill,	Parker,	Townshend,
Clay,	Henley,	Payne,	Tucker,
Clements,	Hewitt, A. S.	Payson,	Tully,
Cobb,	Hewitt, G. W.	Peel,	Turner, H. G.
Collins,	Hiscock,	Phelps,	Turner, Oscar
Connolly,	Hoblitzell,	Potter,	Vance,
Cook,	Holman,	Pryor,	Van Eaton,
Cosgrove,	Holton,	Randall,	Ward,
Corington,	Hopkins,	Rangan,	Warner, A. J.
Cox, S. S.	Horr,	Reed, T. B.	Warner, Richard
Cox, W. R.	Houseman,	Reid, J. W.	Washington,
Crisp,	Hunt,	Riggs,	Weaver,
Culbertson, D. E.	Hutchins,	Robertson,	Wellborn,
Culbertson, W. W.	Johnson,	Robinson, W. E.	Wemple,
Daguer,	Jones, B. W.	Rockwell,	Willis,
Davidson,	Jones, J. H.	Rogers, J. H.	Wilson, W. L.
Davis, G. R.	Jones, J. K.	Rogers, W. F.	Winans, E. B.
Davis, L. H.	Jones, J. T.	Rosecrans,	Winans, John
Deuster,	Lacey,	Rowell,	Wise, G. D.
Dockery,	Lamb,	Russell,	Worthington,
Dowd,	Lanham,	Seney,	Yaple,
Dunn,	Le Fevre,	Seymour,	Young.
Eldredge,	Lewis,	Shively,	
English,	Long,		

NAYS—92.

Adams, G. E.	Dunham,	Kelley,	Post,
Aiken,	Elliott,	Kellogg,	Price,
Anderson,	Evans,	Kleiner,	Fusey,
Arnol,	Everhart,	Lawrence,	Hanney,
Atkinson,	Ferrell,	Lobby,	Ray, G. W.
Bagley,	Fulton,	Lovering,	Smalls,
Barr,	Goff,	Lyman,	Snyder,
Bonello,	Greenleaf,	McCoid,	Spooner,
Bowen,	Hammond,	McCormick,	Steele,
Boyle,	Hanback,	McMillin,	Strait,
Brainerd,	Hardeman,	Muller, S. H.	Struble,
Bratton,	Harmer,	Mills,	Valentine,
Brewer, F. B.	Haynes,	Morgan,	Wadsworth,
Brown, W. W.	Henderson, T. J.	Morrill,	Wait,
Budd,	Hill,	Muller,	Wakefield,
Campbell, J. M.	Hitt,	Murphy,	Wallace,
Cannon,	Holmes,	Nelson,	Weller,
Carleton,	Houk,	O'Neill, Charles	White, Milo
Cassidy,	Howey,	Pierce,	Whiting,
Converse,	James,	Perkins,	Wilkins,
Davis, R. T.	Jeffords,	Peters,	Wolford,
Dibble,	Kean,	Pettibone,	Woodward,
Dizon,	Keifer,	Poland,	York.

NOT VOTING—66.

Barbour,	Cutcheon,	Ketcham,	Shaw,
Bellford,	Dibrell,	King,	Singleton,
Bennett,	Dingley,	Laird,	Sloum,
Bingham,	Dorheimer,	Milliken,	Smith, H. Y.
Bisbee,	Eaton,	Mitchell,	Stewart, J. W.
Blackburn,	Ellis,	Morrison,	Stone,
Blanchard,	Ellwood,	Morse,	Sumner, C. A.
Brewer, J. H.	Fyan,	Neece,	Taylor, E. B.
Broadhead,	George,	Ochiltree,	Throckmorton,
Browne, T. M.	Hancock,	O'Neill, J. J.	Van Alstyne,
Brum,	Hart,	Paige,	White, J. D.
Campbell, Felix	Henderson, D. B.	Rankin,	Williams,
Candler,	Hepburn,	Ray, Ossian	Willson, James
Chalmers,	Herbert,	Reese,	Wise, J. S.
Craig,	Hooper,	Rice,	Wood.
Cullen,	Hurd,	Robinson, J. S.	
Curtis,	Jordan,	Ryan,	

So the rules were not suspended.

The following-named gentlemen were announced from the Clerk's desk as paired until further notice:

Mr. MORRISON with Mr. JOHN S. WISE.
Mr. SHAW with Mr. LAIRD.
Mr. RANKIN with Mr. KELLOGG.
Mr. THROCKMORTON with Mr. EZRA B. TAYLOR.
Mr. JORDAN with Mr. HENDERSON, of Iowa.
Mr. HURD with Mr. RICE.

The following were announced as paired for this day:

Mr. BLACKBURN with Mr. RYAN.
Mr. GEORGE with Mr. BLANCHARD.
Mr. NEECE with Mr. CUTCHEON.
Mr. DIBRELL with Mr. CULLEN.
Mr. CAMPBELL, of New York, with Mr. BRUMM.

The following were announced as paired on this vote:
Mr. BROWNE, of Indiana, with Mr. BISBEE.

Mr. O'NEILL, of Missouri, with Mr. WILSON.

Mr. BENNETT, and Mr. BREWER, of New Jersey, were announced as paired on this vote.

The result of the vote was announced as above stated, and was received with applause on the Republican side.

POST-OFFICE APPROPRIATION BILL.

Mr. RANDALL. Mr. Speaker—

Mr. TOWNSHEND. Mr. Speaker, I ask the gentleman from Pennsylvania [Mr. RANDALL] to yield to me for a moment while I make a request for unanimous consent to take from the Speaker's table the Post-Office appropriation bill and to refer it with the Senate amendments to the Committee on Appropriations.

There was no objection, and the bill with the Senate amendments was so referred.

FORTIFICATION APPROPRIATION BILL.

Mr. HANCOCK, from the Committee on Appropriations, reported a bill (H. R. 8279) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1886, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. VALENTINE. Mr. Speaker, I desire to reserve all points of order on that bill.

The SPEAKER. All points of order are reserved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

Joint resolution (S. R. 127) to authorize the printing of the reports of the Bureau of Ethnology;

Joint resolution (S. R. 128) to authorize the printing of the reports of the Geological Survey; and

Joint resolution (S. R. 129) to authorize the printing of the reports of the Geological Survey.

The message also announced that the Senate had passed a joint resolution (H. Res. 320) authorizing the printing of the report of the Commissioner of Education for 1883 and 1884.

Also a bill (H. R. 48) to provide for the erection of a building to contain the records, library, and museum of the Medical Department of the United States Army.

The message also announced that the Senate had agreed to the amendments of the House to a bill (S. 84) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL submitted the following resolution:

Resolved, That the rules be suspended so as to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, and consider the same for four hours, which time shall be occupied in debate on the clauses relating to the suspension of silver coinage and the World's Industrial and Cotton Exposition, three hours to be occupied on the first-named clause and one hour on the second, said time to be equally divided; and said bill shall be subject only to amendments to strike out or amend said clauses, after which the previous question shall be considered as ordered.

Mr. BLAND. I demand a second.

Mr. HAMMOND. I rise to a parliamentary inquiry. If this resolution be adopted can a point of order be made on the new legislation contained in this bill?

The SPEAKER. The Chair thinks not.

Mr. WARNER, of Ohio. I rise to a parliamentary question. If this resolution be adopted will more than a majority vote be required to pass the bill?

The SPEAKER. It will require a two-thirds vote to adopt this resolution; if it is adopted a majority vote, after the consideration of the bill in the manner provided, can pass it.

Mr. RYAN. Mr. Speaker, I rose for the purpose of demanding a second upon this proposition, and supposed that I was entitled to recognition in accordance with the usage of the House, which has been so long in existence as to have, I believe, almost the force of law.

The SPEAKER. The gentleman from Kansas [Mr. RYAN] applied to the Chair for recognition for this purpose. The Chair informed him that he had already been applied to in connection with this question, and had agreed to recognize the gentleman from Missouri [Mr. BLAND], the chairman of the Committee on Coinage, Weights, and Measures.

Mr. BLAND. The Committee on Appropriations had no jurisdiction to bring this subject of silver coinage before the House; it is a matter belonging to the Committee on Coinage, Weights, and Measures.

Mr. KEIFER. A number of members of the Committee on Appropriations are opposed to some features of this bill.

Mr. RYAN. I have made this point, with the greatest respect to the Chair, and the statement the Chair has just made is correct in every

particular; but it has been the practice of the House, so far as I am aware, on questions of this character to allow a division of the time between members of the committee. To this bill in its present form I am opposed, as are many other members of the committee on this side of the House.

Mr. RANDALL. I think I can obviate this difficulty, if I may be allowed to suggest that in the present condition of things the gentleman from Missouri be recognized to control the time in opposition to the coinage clause. For one, I am willing that there shall be, besides the four hours' debate, an additional half hour, to be under the control of members of the Committee on Appropriations who are opposed to this proposition.

Mr. TOWNSHEND. That is fair.

Mr. KEIFER. That changes the practice of the House.

The SPEAKER. The Chair will state the request of the gentleman from Pennsylvania [Mr. RANDALL]. The gentleman suggests that unanimous consent be given that this debate shall continue for one hour instead of thirty minutes—

Mr. RANDALL. No. The provision of the resolution states that there shall be three hours' debate as to the coinage clause, to be equally divided—

The SPEAKER. But the present difficulty is about the debate on the proposition now pending.

Mr. RANDALL. I make no suggestion about that.

The SPEAKER. The Chair misunderstood the gentleman.

Mr. RANDALL. My suggestion was designed to meet the difficulty suggested by the gentleman from Kansas [Mr. RYAN].

Mr. BLAND. As this subject of silver coinage belongs to the Committee on Coinage, Weights, and Measures, it is entirely proper that a representative of that committee should control the time in opposition to the proposition.

Mr. KEIFER and others addressed the Chair.

Mr. BLAND. Is debate now in order?

The SPEAKER. It is not; but, as the Chair understands, an attempt is being made to effect some arrangement.

Mr. KEIFER. The gentleman from Missouri [Mr. BLAND] insists upon claiming the recognition accorded him by the Chair.

The SPEAKER. The Chair understands that. But gentlemen have been making an effort (which the Chair was, of course, disposed to indulge and hoped might be successful) to make some arrangement.

Mr. MILLS. Let us have the regular order. We all understand this matter.

Mr. CANNON. If the gentleman from Missouri [Mr. BLAND] controls the time in opposition to this proposition, members of the Committee on Appropriations who are opposed to this bill will be, so far as I know, left without one minute of the fifteen.

The SPEAKER. But the gentleman from Pennsylvania [Mr. RANDALL] simply took the floor as an individual member of the House and moved this resolution. It is not a resolution reported from the Committee on Appropriations. Before the resolution was presented by the gentleman from Pennsylvania the Chair, upon application of the gentleman who is at the head of the Committee on Coinage, Weights, and Measures, informed him that he would recognize him to control the time in opposition to the motion.

Mr. KEIFER. This resolution is authorized by the committee.

Mr. RANDALL. I do not think the House clearly understood my proposition—

Mr. REAGAN. I object to any statement now.

Mr. BELFORD. I rise to a point of order. I submit that this resolution is just as bad as the section of the bill, inasmuch as its effect is to change existing legislation. We have now a law providing that so many silver dollars shall be coined each month. If this resolution be passed it makes a change in that respect.

The SPEAKER. The purpose of the resolution is to suspend the rules.

Mr. PAYSON. I rise to a parliamentary inquiry. Are all points of order reserved on this bill?

The SPEAKER. They were when the bill was reported. This is a proposition to suspend the rules and consider the bill.

Mr. PAYSON. If this resolution be adopted does it amount to a waiver of the point of order as to the suspension of the coinage of the silver dollar on the part of the House?

The SPEAKER. The Chair thinks it does.

Mr. SPRINGER. I suggest, by unanimous consent, fifteen minutes be allowed to the gentleman from Kansas, as this seems to be a three-cornered question.

Mr. COSGROVE. Can this resolution be divided so as to require the suspension on each proposition?

The SPEAKER. A motion to suspend the rule is not divisible.

Mr. RANDALL and Mr. BLAND were appointed as tellers.

The House divided; and there were—ayes 105, noes 59.

So the motion to suspend the rules was seconded.

The SPEAKER. Under the rules thirty minutes are allowed for debate, fifteen minutes on each side.

Mr. BELFORD. When we come to a division of the time allowed I wish to know who has the right in this representative council of the

nation to parcel out that time—whether it is to be done by the Speaker or some other gentleman who has not a silver mine in his State at all?

The SPEAKER. The practice has always been to give control of the time in opposition to the gentleman demanding a second and the time in support to the introducer of the proposition.

Mr. BELFORD (at 2 o'clock and 20 minutes p. m.) moved that the House adjourn.

The House divided; and there were—ayes 7, noes not counted.

So the House refused to adjourn.

Mr. RANDALL. I understood the gentleman from Ohio [Mr. KEIFER] desired some time at this point.

Mr. CANNON. He is not here, and I should be glad to have a minute or two.

FORTIFICATION BILL.

Mr. ELLIS. I ask consent at this time to present a substitute for the fortification bill reported this morning, in order that it may be before the House printed when that bill is brought up.

There was no objection, and it was ordered accordingly.

LIABILITY OF OWNERS OF VESSELS.

Mr. DUNN, by unanimous consent, from the Committee on Commerce, reported back favorably the bill (H. R. 8925) to amend and re-enact section 2249 of the Revised Statutes, relative to limitation of liability of the owners of vessels; which was referred to the House Calendar, and the accompanying report ordered to be printed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. BLAND. If the opening is imposed on this side will we not have the close of debate?

The SPEAKER. That is not provided for in the rule. Under the rules applicable to ordinary proceedings the gentleman introducing a proposition has a right to open and close debate. There is no rule about debate under a suspension of the rules.

Mr. RANDALL. The gentleman from Ohio [Mr. KEIFER] to whom I wish to yield is not in his seat, and for one I am willing to go at once to the question.

The SPEAKER. If nobody proposes to address the House [cries of "Vote!" "Vote!"], the question is on the motion of the gentleman from Pennsylvania to suspend the rules and pass the resolution.

Mr. CASSIDY, Mr. BELFORD, and Mr. MILLS demanded the yeas and nays.

The yeas and nays were ordered.

Mr. HAMMOND. If this resolution be passed will it take a two-thirds vote or only a majority afterward to pass the silver clause or the clause in reference to the New Orleans Exposition?

The SPEAKER. The Chair has already stated that if this resolution be passed, which requires a vote of two-thirds, then the bill, whatever may be included in it, can be passed by a majority of the House.

The question was taken; and it was decided in the negative—yeas 118, nays 152, not voting 54; as follows:

YEAS—118.

Adams, G. E.	Dingley,	Hutchins,	Ranney,
Adams, J. J.	Dixon,	James,	Ray, G. W.
Arnot,	Dunham,	Johnson,	Reed, T. B.
Bagley,	Eaton,	Jones, B. W.	Rockwell,
Barbour,	Elliott,	Kean,	Rogers, W. F.
Barr,	Ellis,	Kelley,	Russell,
Bayne,	Ermentrout,	Ketcham,	Seymour,
Beach,	Evans,	Lacey,	Skinner, C. E.
Belmont,	Everhart,	Lawrence,	Smith, A. Herr
Bingham,	Ferrell,	Long,	Snyder,
Bisbee,	Fiedler,	Lyman,	Spooner,
Boutelle,	Findlay,	McComas,	Spriggs,
Bowen,	Follett,	McCormick,	Steele,
Bratton,	Garrison,	Millard,	Stevens,
Brewer, F. B.	Greenleaf,	Miller, S. H.	Strom,
Brown, W. W.	Guenther,	Mitchell,	Strait,
Browne, T. M.	Hancock,	Morse,	Swope,
Buckner,	Hardy,	Moulton,	Talbot,
Burleigh,	Harmer,	Muller,	Tucker,
Campbell, J. M.	Hatch, H. H.	Mutcher,	Van Alstyne,
Collins,	Haynes,	Nutting,	Wadsworth,
Connolly,	Hewitt, A. S.	O'Neill, Charles	Wait,
Converse,	Hiscock,	Parker,	Washburn,
Cox, S. S.	Hitt,	Payne,	Wemple,
Craig,	Hobbitzell,	Phelps,	White, Milo
Cullen,	Holton,	Poland,	Whiting,
Dargan,	Hopkins,	Post,	Winans, John
Davis, G. R.	Horr,	Potter,	Woodward,
Davis, R. T.	Howey,	Pusey,	
Deuster,	Hunt,	Randall,	

NAYS—152.

Aiken,	Budd,	Cox, W. R.	Geddes,
Alexander,	Burnes,	Culbertson, D. B.	Gibson,
Anderson,	Cabell,	Davidson,	Glacock,
Atkinson,	Caldwell,	Davis, L. H.	Goff,
Balentine,	Campbell, J. E.	Dibble,	Graves,
Barksdale,	Candler,	Dibrell,	Green,
Belford,	Cannon,	Dockery,	Halsell,
Bennett,	Carleton,	Dowd,	Hammond,
Blackburn,	Cassidy,	Dunn,	Hanback,
Bland,	Clardy,	Eldredge,	Harkman,
Blount,	Clay,	Ellwood,	Hart,
Brekinridge,	Clements,	English,	Hatch, W. H.
Brelling,	Cobb,	Foran,	Hemphill,
Broadhead,	Cook,	Forney,	Henderson, T. J.
Buchanan,	Cosgrove,	Funston,	Henley,

Hepburn,	Maybury,	Reid, J. W.	Turner, H. G.
Herbert,	Miller, J. F.	Reese,	Turner, Oscar
Hewitt, G. W.	Milliken,	Riggs,	Vance,
Hill,	Mills,	Robertson,	Van Eaton,
Holman,	Money,	Rogers, J. H.	Wallace,
Holmes,	Morgan,	Rosecrans,	Ward,
Houk,	Muldrow,	Rowell,	Warner, A. J.
Housman,	Murphy,	Ryan,	Warner, Richard
Jones, J. H.	Murray,	Seney,	Weaver,
Jones, J. K.	Nelson,	Shively,	Wellborn,
Jones, J. T.	Ochiltree,	Singleton,	White, J. D.
Keifer,	O'Ferrall,	Skinner, T. G.	Wilkins,
Kellogg,	O'Neill, J. J.	Smith, H. Y.	Willis,
Kleiner,	Patton,	Springer,	Wilson, James
Lamb,	Payson,	Stephenson,	Wilson, W. L.
Latham,	Peel,	Stewart, Charles	Winans, E. B.
Le Fevre,	Perkins,	Stockalager,	Wise, G. D.
Lewis,	Peters,	Sumner, C. A.	Wood,
Lore,	Petibone,	Sumner, D. H.	Worthington,
Lovering,	Pierce,	Taylor, J. M.	Yaple,
Lowry,	Price,	Thomas,	York,
McCord,	Pryor,	Tillman,	Young,
Mason,	Reagan,	Tully,	

NOT VOTING—51.

Blanchard,	Fyan,	Neece,	Stone,
Boyle,	George,	Nicholls,	Struble,
Brainerd,	Henderson, D. B.	Oates,	Taylor, E. B.
Brewer, J. H.	Hooper,	O'Hara,	Taylor, J. D.
Brumm,	Hurd,	Paige,	Thompson,
Campbell, Felix	Jeffords,	Rankin,	Throckmorton,
Chalmers,	Jordan,	Ray, Ossian	Townsend,
Covington,	King,	Rice,	Valentine,
Crisp,	Laird,	Robinson, J. S.	Wakefield,
Culbertson, W. W.	Libbey,	Robinson, W. E.	Williams,
Curtin,	McAdoo,	Shaw,	Wise, J. S.
Cutcheon,	McMillin,	Slocum,	Wolford,
Dorheimer,	Morrill,	Small,	
Finerty,	Morrison,	Stewart, J. W.	

So (two-thirds not voting in favor thereof) the motion to suspend the rules was not agreed to.

Mr. BLAND. I ask to dispense with the reading of the names.

Mr. WELLER. I object. This is a very important matter, and gentlemen should see that they are properly recorded.

The following additional pairs were announced:

Mr. WILLIAMS with Mr. OCHILTREE, for this day.

Mr. FYAN with Mr. BRAINERD, on this vote.

Mr. ROBINSON, of New York, with Mr. MORRILL, on this vote.

Mr. MCADOO with Mr. GEORGE, for to-day.

Mr. NICHOLLS with Mr. HOOPER.

Mr. TOWNSEND with Mr. RAY, of New Hampshire.

Mr. RANKIN with Mr. STRUBLE, on this vote.

Mr. CRISP with Mr. STEWART, of Vermont, on all questions relating to the suspension of the coinage of silver in the sundry civil appropriation bill. Mr. STEWART would vote "ay," Mr. CRISP "no."

The result of the vote was then announced as above recorded. [Loud applause.]

Mr. RANDALL. Mr. Speaker, I would like to say a word if the House will allow it. [Cries of "Go ahead!"]

The SPEAKER. The Chair will recognize the gentleman from Pennsylvania if there be no objection.

There was no objection.

Mr. RANDALL. Recognizing the significance of the vote which has just been taken, and knowing that the issue was distinctly made as against the silver clause of this bill, being aware also that a majority has declared against that proposition which under a direct vote to strike out would have carried, I therefore now assume to myself the responsibility, believing that the members of the Appropriations Committee if I had an opportunity to confer with them would unanimously sustain me, of proposing to move to suspend the rules in manner as has been stated in the resolution, with everything connected with suspension of coinage of silver eliminated from the bill and from the resolution. [Applause.]

Mr. MILLS. What becomes of the New Orleans proposition?

Mr. RANDALL. That is left in the bill.

Mr. RYAN and Mr. KEIFER demanded a second on the motion to suspend the rules.

The SPEAKER. The Chair will recognize the demand for a second, but will first endeavor to secure order on the floor. The Chair will inquire of the gentleman from Pennsylvania if it is his purpose to leave in the bill that portion of it relating to the New Orleans Exposition, and to modify the resolution so as to limit the time to one hour's discussion on that proposition, as contained in the original resolution?

Mr. RANDALL. That is the proposition. I do not attach any significance to the last vote as applying to that part of the bill.

Mr. SPRINGER. One hour will be ample on that proposition.

The SPEAKER. The resolution will be modified as suggested by the gentleman and will be read by the Clerk, on which the gentleman from Kansas demands a second.

Mr. WHITE, of Kentucky. I ask that the bill be read.

The SPEAKER. The bill is not before the House. This is simply a resolution, which will now be read.

The Clerk read as follows:

Resolved, That the rules be suspended so as to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill

of the House 8256, making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, and to consider the same for one hour, which time shall be occupied in debate on the clause relating to the World's Industrial and Cotton Exposition, said time to be equally divided; and said bill shall be subject only to amendment, to strike out, and amend said clause, after which the previous question shall be considered as ordered.

The SPEAKER. The gentleman from Pennsylvania states that the silver clause in the bill will be omitted.

Mr. VALENTINE. Let the resolution so state.

Mr. RYAN. I desire the attention of the gentleman from Pennsylvania for a moment—

Mr. HAMMOND. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMMOND. The resolution of the gentleman alludes to this bill which I hold in my hand, and it makes no exception as to the silver clause which the bill contains. If, then, that resolution is passed will it not pass the silver clause with the bill?

The SPEAKER. The resolution passes nothing.

Mr. HAMMOND. But if that resolution passes then the silver clause will be a part of the bill and become as much a law as any other part of the bill if it should pass.

The SPEAKER. If passed by the House it would.

Mr. HAMMOND. Therefore I submit to the gentleman from Pennsylvania that he omit that clause from the bill.

The SPEAKER. The difficulty, the Chair thinks, can be obviated if the gentleman will add a clause to the resolution providing that the part of the bill relating to the coinage of silver shall be omitted.

Mr. KEIFER. That is stricken out.

Mr. HAMMOND. It is not stricken out. The gentleman speaks of striking it out, but it is a part of the bill referred to in his resolution.

Mr. RANDALL. I ask, then, consent to strike it from the bill.

Mr. KEIFER. Do it yourself and then offer it in that form.

Mr. RANDALL. I am willing to take any responsibility in the matter that may be necessary.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. PAYSON. I rise to a parliamentary inquiry. Is this bill before the House?

The SPEAKER. It is not; but the gentleman from Pennsylvania asks unanimous consent to make a certain modification.

Mr. PAYSON. Is it in order for the gentleman to make that motion?

The SPEAKER. It is, of course, by unanimous consent.

Mr. PAYSON. To strike out a provision not in the bill?

The SPEAKER. It is in the bill.

Mr. PAYSON. It is in for consideration. I am in favor of the motion the gentleman makes; but I want his motion made in such a shape that there can be no question in reference to it.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to strike from the bill the lines to which he has referred.

Mr. HEPBURN. I object.

Mr. RANDALL. Then I embrace in the resolution the motion to strike out. I now modify the resolution so as to strike out those lines from the bill.

The SPEAKER. That will be done.

Mr. BLAND. That is satisfactory.

Mr. HEPBURN. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. HEPBURN. I make the point of order that it is not competent for the gentleman from Pennsylvania to strike from this bill at this time these lines.

The SPEAKER. The gentleman from Pennsylvania has not done so or attempted to do it except by unanimous consent. That was objected to. He now embraces in his resolution a proposition which the Clerk will read.

The Clerk read as follows:

Resolved, That the rules be suspended so as to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, and consider the same for one hour, which time shall be occupied in debate on the clause relating to the World's Industrial and Cotton Centennial Exposition, said time to be equally divided; and said bill shall be subject only to amendments to strike out or amend the clause relating to the suspension of silver coinage and the clause—

Mr. RANDALL. That is not correct. I move to suspend the rules and consider this bill which I hold in my hand and now send to the desk; and these lines relating to the suspension of silver coinage are not in this bill.

Mr. HAMMOND. That is the way to do it.

Mr. WHITE, of Kentucky. On that I demand a second.

Mr. RANDALL. With the understanding that a separate vote will be taken on the clause relating to the New Orleans Exposition, and that thirty minutes for debate shall be allowed on each side.

Mr. HAMMOND. Then I understand that the portion of the bill from line 829 to line 841, inclusive, is stricken out.

Mr. RANDALL. Yes, sir; that is the bill I offer.

Mr. RYAN. I demand a second. But I desire the attention of the

chairman of the Committee on Appropriations for a moment to ask whether he is not willing to so modify his motion as to allow one hour's debate on each side on the exposition question?

Several MEMBERS. Oh, no.

Mr. RANDALL. If I thought that that would facilitate business I would consent.

Mr. RYAN. I think it will.

Mr. RANDALL. I consent.

Mr. BLOUNT. Do I understand correctly that the separate vote on the New Orleans Exposition is to be a majority vote?

Mr. RANDALL. Yes, sir. I modify my motion so that there shall be one hour on each side.

Mr. HOLMAN. Will the gentleman agree that other portions of the bill shall be subject to amendment without debate?

Mr. RANDALL. I can not. That would destroy the object I have in view in moving to suspend the rules, because it would practically open the bill to amendment. It is important that this bill should go to the Senate.

The SPEAKER. The Chair desires to state the question. The gentleman from Pennsylvania [Mr. RANDALL] moves to suspend the rules and consider the bill which he has sent to the Clerk's desk, with the right of one hour's debate on each side on the clause relating to the World's Exposition at New Orleans and with the right to take a vote on striking out or amending that clause, to be decided by a majority.

Mr. KEIFER. Or to amend it.

Mr. RANDALL. Yes, sir; or to amend it.

Mr. RYAN. On that motion I demand a second.

Mr. WHITE, of Kentucky. I ask the gentleman in charge of the bill if he will not consent to allow some time for the consideration of the clause relating to the Yellowstone Park and the clause relating to marshals and bailiffs? It strikes me those two clauses ought to be amended.

Mr. RANDALL. I will be willing to give the gentleman from Kentucky five minutes of the fifteen allowed me under the rule in regard to a motion to suspend the rules.

The SPEAKER. A second has been demanded and the Chair will appoint tellers.

Mr. RYAN. I ask unanimous consent that a second be considered as ordered.

There was no objection.

The SPEAKER. Under the rule thirty minutes are allowed for debate—fifteen minutes on each side.

Mr. RANDALL. I yield five minutes to the gentleman from Kentucky [Mr. WHITE].

The SPEAKER. The Chair will state that under the rule there will be fifteen minutes for debate on each side of the motion to suspend the rules, and then after the vote is taken two hours of debate will be allowed on the proposition as to the New Orleans Exposition. The first debate is the thirty minutes' debate.

Mr. WHITE, of Kentucky. I find that the gentleman from Pennsylvania [Mr. RANDALL] and myself are not agreed as to what was understood when he promised to yield to me. The request I made, and which I thought was granted, was that I might discuss and move to amend the clause relating to the Yellowstone Park at line 1211, and also the clauses in regard to bailiffs and marshals at lines 1946 and 1997.

The SPEAKER. The gentleman from Pennsylvania did not agree to that.

Mr. RANDALL. I said I would give the gentleman from Kentucky five minutes to discuss this subject under the rule which allowed fifteen minutes on each side.

Mr. WHITE, of Kentucky. But I desire to amend.

The SPEAKER. The gentleman from Pennsylvania did not agree to that.

Mr. WHITE, of Kentucky. I understood the gentleman to agree, or I should certainly have contended for a division. If I am to occupy my five minutes in discussion, with no power of amendment as to those clauses, I shall occupy them in relation to the New Orleans matter. I think it is fair to have the clause relative to the New Orleans Exposition read, that the House may understand what it is.

The SPEAKER. The gentleman has the right.

Mr. WHITE. I do not desire, however, that it shall be read in my time.

The Clerk read the clause referred to, as follows:

WORLD'S INDUSTRIAL AND COTTON CENTENNIAL EXPOSITION.

For further aid to the World's Industrial and Cotton Centennial Exposition, \$300,000, the same to be immediately available, and to be used first in liquidating the indebtedness now outstanding of said exposition, preference being given to such debts as constitute a lien upon the buildings and machinery on the exposition grounds; said sum to be disbursed under the direction of the Secretary of the Treasury.

The SPEAKER. The discussion under the rule allowing thirty minutes for debate will now begin.

Mr. WHITE, of Kentucky. Mr. Speaker, I regret that no opportunity has been offered to amend the clauses providing for bailiffs and marshals, and also the clause relating to the Yellowstone Park. But any talk on those subjects would result in nothing, as no amendment can be offered. I therefore shall occupy the remainder of my time in

opposition to this clause appropriating \$300,000 to the liquidation of the indebtedness of the New Orleans Exposition and to the payment of its preferred claims. We are called upon here to set a precedent for the Government to become security for the mismanagers of that great exposition. That it has been mismanaged the New Orleans papers themselves bear witness, by telling us of the meetings that have been held, of the resolutions that have been proposed, and have only been laid aside lest they should stop this appropriation.

In those resolutions we see the misappropriation of the money and the lack of confidence in the management of the funds. One gentleman speaking there—a gentleman who had a right to speak—tells us that the two millions and something over have been "dumped into the river." Here is a proposition for the benefit of preferred creditors. Who are the preferred creditors? Where are they? Are they in Pennsylvania? Are they in New York? Are they in Massachusetts? Are they in Kentucky, or are they in New Orleans? If we appropriate this \$300,000, who will guarantee to us that at the end of the next three months there will not be an indebtedness of a million to be liquidated? Where is the guarantee that these are just claims even against the management of the exposition? How do we know that there is not a Credit Mobilier within that management? That the management has been bad everybody knows. That the show down there has not paid expenses everybody knows. The gate fees, except during the week of Mardi Gras, were not sufficient to pay the current expenses.

Will any gentleman rise on this floor and give us an itemized statement showing for what this \$300,000 is to go? Will the Louisiana delegation, will the friends of the exhibition, tell us that? The exhibition might as well have been put away off on the frontier—you might as well have put it at Pierre, Dak., you might as well have had it at Bismarck, Dak., you might as well have held it at Seattle, in Washington Territory, as at New Orleans, and with as good a chance of its success. Then, think of the management of it! And above all, think of the disrespect that was shown the old Liberty Bell, when the chief traitor of this country was sent out to escort it.

A MEMBER on the Democratic side. Bah!

Mr. WHITE, of Kentucky. Oh, you may "bah." The majority on that side naturally "bah." I am speaking of what every one knows to be a fact. If the Liberty Bell were back in Pennsylvania, is there a gentleman from Louisiana here who believes it would be permitted to go to New Orleans again?

As a member on this floor, under oath, responsible to my constituents and my country, and exercising the right to say, so far as my vote goes, whether this money shall be taken from the Treasury or not, I say that I would like to know first where it is going and what it is for. I would like to know that these claims are honest. I would like to know that this is not setting a precedent under which you propose to sink millions in your show down there as you have already sunk millions in your Mississippi project.

[Here the hammer fell.]

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] has the floor.

Mr. RANDALL. Mr. Speaker, I do not desire to occupy any more of the time. If there be no objection we will go immediately to the debate as provided in the resolution.

The SPEAKER. That may be done unless some gentleman desires to occupy the fifteen minutes, or a portion of it, in opposition to the motion.

Mr. KELLEY. Mr. Speaker—

Mr. RANDALL. I yield to the gentleman from Pennsylvania [Mr. KELLEY].

Mr. KELLEY. Mr. Speaker, I desire to advocate this appropriation and to do it now on the threshold. I remember very well the morning on which the House appropriated the million dollars which we gave as a pledge of the good faith of the Government when it invited the nations of the world to take part in that exhibition and send their people to see the greatness of the Southern section of our country. I remember it, because I had heard that, owing to the recall of the money advanced by the Government to the great Centennial Exhibition, I would oppose any Government aid in this case, and, though suffering intense physical torture, loitered on the floor until the gentleman from Louisiana [Mr. ELLIS] would give me time to say that I bade the exposition Godspeed, that I wished well to every effort which might be made in its behalf, and that I did so regardless of whether the Government should ever receive back one cent of the million dollars I desired to see appropriated.

Mr. MILLIKEN. Will the gentleman allow me to ask him a question?

Mr. KELLEY. I have but five minutes, and I propose to make my own speech and not that which the gentleman from Maine [Mr. MILLIKEN] would like me to make.

Mr. MILLIKEN. Possibly your speech will be just what I want.

Mr. KELLEY. Mr. Speaker, I propose to sustain and vote for this appropriation now, in like disregard of whether there has been mismanagement or whether there has been a failure to receive the patronage that was hoped for, or whether there is a prospect that even a dol-

lar of the money will come back to the Treasury. Our faith is pledged to every nation of the world that this exhibition shall not fail in the midst of its career and for the want of Government support. We, sir, should remember where that exposition is, and what it has already done for the honor and the glory and the strength of our Republic. Northern men and Southern men of enterprise know each other better now than they probably ever have done since the Revolutionary war and the few years that succeeded it. They have become acquainted in fostering a great industrial enterprise to the glory of our country.

We are attempting to negotiate reciprocal treaties for the sake of promoting our trade—

[Here the hammer fell.]

Mr. KELLEY. I ask for a minute or two longer.

Mr. RANDALL. I give the gentleman three minutes more.

Mr. KELLEY. We are attempting to negotiate reciprocal treaties for the sake of promoting our trade, but I believe, in all honesty and sincerity, as the result of my familiarity with the industries of the country and of the manner in which, in these newer times, they are being interlaced, that this exhibition will do more to promote the harmony of our country, to strengthen our Government, and to advance our industries, than all the treaties that have been sent to the Senate, or that are under consideration by the executive department of the Government.

And I should fail to represent not only the wishes of my constituents but the great industrial energies of my State if I did not appeal to Congress to supplement the aid which it has already given to this exposition by giving that which is now tendered in this bill.

Mr. MILLS. Will the gentleman permit me to ask him a question before he takes his seat?

Mr. KELLEY. Certainly.

Mr. MILLS. If at that exposition at New Orleans you see many meritorious and desirable products of the labor of foreigners who should propose to exchange those articles for the products of the labor of our people, would you be willing to vote for a law which would remove the barriers and let us have that trade?

Mr. KELLEY. I will meet the gentleman at Philippi [laughter] or in the room of the Committee on Ways and Means just after the election of Speaker of the Forty-ninth Congress.

Mr. RYAN obtained the floor and said: I yield two minutes to the gentleman from New York [Mr. POTTER].

Mr. POTTER. Mr. Speaker, I desire to protest against this method of passing under a suspension of the rules general appropriation bills carrying such amounts as this bill carries. If there is any matter upon which the care and vigilance of individual members of the House should be exercised under their responsibility to their constituents, it is upon the items of a bill like this. We are not sent here to waste our time in frivolous disputations upon unimportant matters or to vote for public buildings in advance of the need for them, and then when the last hours of the session come to excuse ourselves from scrutinizing the items of such bills as this in order that they may pass under a suspension of the rules on the ground of want of time, after time has been wantonly consumed and wasted. I claim, sir, that it is the duty of this House to sit here, if need be, day and night, and to go through with each and every one of these appropriation bills, discussing and understanding the items.

Why, sir, here is a bill carrying \$22,000,000. It is a question of \$22,000,000 of taxation. This money must all be taken by taxation from our constituents throughout the country. How are we to justify ourselves to them or to the country in the future if we repeat and confirm and make permanent as a practice in legislation that bills like this are to be passed upon in committee and practically in subcommittee, the body of the committee knowing nothing of the items, and then are to be brought in here and voted *in solido*. For one, sir, whatever others may do, I shall never vote in favor of passing an appropriation bill of this kind under suspension of the rules.

Mr. RYAN. I yield five minutes to the gentleman from Pennsylvania [Mr. BAYNE].

Mr. BAYNE. Mr. Speaker, I shall vote for this bill as an entirety. It appropriates for the New Orleans Exposition \$300,000. This is an absolute gift; the money will never be returned to the Government. In connection with the money already given this is a vast fund appropriated out of the Treasury of the country to carry on an enterprise of this character. I shall vote for this bill the more cheerfully because the gentleman from Michigan [Mr. HERR] will propose an amendment which will secure the payment to those who have just claims against this exposition. I desire to protect the interests of those individuals and to protect the honor of my Government. Yet I vote for this appropriation under protest; for I believe that the money already given has not been judiciously and properly expended in the management of this affair.

I regret for one reason that this bill is not subject to consideration in Committee of the Whole House on the state of the Union, because I find in it a provision for the sale of the arsenals at Allegheny, Pittsburgh, Augusta, Ga., Kennebec, Me., and Indianapolis—all proposed by the Committee on Appropriations and without any recommendation from the Committee on Military Affairs. There is some secret influence or

some power behind the Secretary of War that impels him to make year after year these recommendations to Congress. What that influence is so far as the State of Pennsylvania is concerned I well know. It is an effort to grasp from the Government there a property worth \$3,000,000 by a little coterie, a little ring, which wants to get that property without an equivalent compensation. The Secretary of War I acquit of all blame in this matter; for I know him to be a high-toned and honorable man; but I do know that he is being made the instrument of an infamous ring, which seeks to take this money from the Government.

That very ring sold a few years ago for \$37,000 a property known as the marine-hospital property which was worth more than \$100,000; and that ring went to a member of the ring itself and bought as a marine-hospital site for \$30,000 a bare lot which was not worth \$5,000. This legislation—unconsciously on the part of the Secretary of War, unconsciously on the part of the Committee on Appropriations—is calculated and intended to promote the object which this ring has in obtaining this vast property from the Government without giving for it adequate compensation.

Mr. RANDALL. My colleague [Mr. BAYNE] will allow me to say that the provision to which he refers is inserted in this bill after repeated recommendations from the Secretary of War.

Mr. BAYNE. I am aware of that.

Mr. MAGINNIS. The proposition has never been approved by the Committee on Military Affairs.

Mr. BAYNE. The proper committee to consider this question, as my colleague must admit—

Mr. RANDALL. I think there are proper safeguards thrown around this proposition. I do not believe for a moment that the Secretary of War would permit the sale of this property without obtaining for it the highest possible price.

Mr. BAYNE. I am satisfied the Secretary of War does not intend to do anything but what is right, but this is no time to sell this property at Pittsburgh, and it will be a great mistake if this proposition is permitted to become a law.

Mr. LONG. I ask unanimous consent to fill a blank on page 3 by inserting \$225,000.

Mr. RANDALL. That is right.

Mr. LONG. It provides for the sale of the old court-house in Boston, and that fixes the minimum at which it will be sold.

There was no objection, and it was ordered accordingly.

Mr. BAYNE. Does this come out of my time?

The SPEAKER. The gentleman from Kansas is occupying the floor.

Mr. HISCOCK. Is this provision in reference to the New Orleans Exposition to be subject to amendment or not?

Mr. RYAN. Certainly it will be open to amendment. I will now yield for one minute of time to the gentleman from Maine [Mr. MILLIKEN].

Mr. MILLIKEN. I desire to say I voted against the former proposition, not upon the ground stated by the gentleman from Pennsylvania [Mr. RANDALL] on the silver question, but because I am opposed to passing an appropriation bill in this way under a suspension of the rules, and upon the ground so succinctly stated just now by the gentleman from New York [Mr. POTTER].

There are some things in this bill which I believe should not become the law, and there are many things not in the bill which, in my judgment, should be there. I believe it is unjust to the country. I believe it is unjust to the members of the House that the Committee on Appropriations should hold back a bill like this until the close of the session and then give the members of this House no opportunity to examine and discuss the different items in the bill.

Mr. RYAN. I now yield five minutes of my time to the gentleman from Maine.

Mr. REED, of Maine. Mr. Speaker, I do not propose to occupy five minutes, but I should feel I was doing injustice to this occasion if I did not repeat and reiterate what I said upon the passage of the last appropriation bill under suspension of the rules.

It seems to me, sir, that this is a most extraordinary spectacle. Here is a bill containing eighty-six pages and 2089 lines of printed matter and carrying \$22,346,749.74, every word and line of which is to have no discussion and no vote except the \$300,000 appropriation for the exposition at New Orleans.

Is that what the House of Representatives is for? Is that why we have been contending, a large number of us, for the right to originate appropriation bills—for the right to pass eighty-six pages of printed matter without examination, without reading, and without knowledge? Is this the way the business of this country ought to be carried on?

I am surprised that this preliminary time has been employed in advocating the exposition at New Orleans or discussing other matters of that kind. Every minute of it ought to be employed in commenting upon this.

Mr. LEWIS. Did not the gentleman vote for the suspension of the rules to put the silver clause in it?

Mr. REED, of Maine. I did, because I regarded it as a vote on the silver question, and for the same reason I may vote for this bill now. As I was about to explain, when the somewhat previous gentleman

from Louisiana interrupted me, I was about to say, one of the worst things about such a presentation is that it forces gentlemen to vote on this subject and become, as it were, *participes criminis* in its favor, because otherwise they may take upon themselves the responsibility of an extra session of Congress.

I say that is the worst part of the whole business that I am obliged to do what the gentleman from Louisiana has been kind enough to remind me I have done. It is because this House is placed in a few days before its close in such a condition that it can not review the public expenditures.

And another point of irritation with me is it comes from the hands of gentlemen who have reduced the function of this House almost entirely to auditing accounts. They have reduced us to this kind of business, and then they will not let us do this. Why surely the farce of this plan and system of the transaction of public business can not any further go.

We passed a deficiency bill carrying between three and four million dollars, but that was a mere bagatelle, and here is one that carries \$20,000,000, and, rich as the United States is, it is a large sum.

Now I have made my complaint about the matter and I hope some explanation will be vouchsafed the House, seeing how extraordinary the circumstances are, and that some gentleman will give an explanation that will justify the action of the House.

Mr. RYAN. How much time have I remaining?

The SPEAKER. The gentleman has two minutes remaining.

Mr. RYAN. I will give one minute to my colleague [Mr. ANDERSON.]

Mr. ANDERSON. I will only occupy half a minute to say upon good authority, if this bill should reach the Senate by Saturday that body will have time to pass it. I do not want an extra session, but I do not want eight gentlemen, in whom I have great confidence—that eight gentlemen on the Appropriation Committee shall year after year, for last year they did the same thing—put the thumb-screws upon us, forcing us to suspend the rules and pass this bill. I will not vote to pass it, but on Saturday, after we have had a chance to consider the bill, I will be ready to vote on it.

Mr. RYAN. I concur in everything that has been said in regard to the impropriety of passing a bill of this kind under a suspension of the rules. On the 9th day of this month I called the attention of the House to the peril which seemed to me to be imminent. It seemed to me then to be a physical impossibility almost to pass the appropriation bills in a regular and orderly way. It has already been developed to be a physical impossibility. It is apparent to me now, as it must be to everybody, that a bill of this character, covering eighty-five pages, covering appropriations for the entire domain of civil service, can not be considered under the five-minute rule in the Committee of the Whole House on the state of the Union without making it almost certain that we shall have to have the Forty-ninth Congress convened in extra session. It is for this reason that I yield my objections to passing a bill of this kind under a suspension of the rules. I do it to avoid a greater peril—

[Here the hammer fell.]

Mr. RANDALL. Mr. Speaker, in season and out of season I have warned the House as chairman of the Committee on Appropriations that unless we had the right of way with our appropriation bills we were in danger of an extra session; and repeatedly the Committee on Appropriations has been denied the right of way in this House and voted down.

Now it is manifest by past experience that if this bill is to pass and go to the Senate in time to become a law before the 4th day of March we must proceed in the manner I have suggested.

In the Forty-seventh Congress, when we came to consider the sundry civil bill in detail, as gentlemen now propose or desire to have it done, it took eight days; and in the second session of that Congress it took six days. The question is, then, whether it shall pass in this way, or whether it shall not pass at all, with the consequences that will necessarily flow from it.

[Here the hammer fell.]

The SPEAKER. The time for general debate on the motion to suspend the rules has expired. There will be now two hours' debate upon the clause relating to the New Orleans Exposition.

Mr. KEIFER. That comes up after the suspension of the rules.

The SPEAKER. The Chair on examination of the original resolution finds that it was mistaken. The vote on the suspension of the rules will be first taken, and after that, if the bill shall be taken up for consideration, there will be two hours' debate.

Mr. WHITE, of Kentucky. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. WHITE, of Kentucky. I desire to know whether this would be the proper time to make the point of order that this New Orleans appropriation is not legitimately a part of this bill?

The SPEAKER. The bill is not before the House.

Mr. BISBEE. I ask unanimous consent to offer an amendment which I think the chairman of the committee will accept.

The SPEAKER. The Chair will repeat that the bill is not yet before the House. The first question is, Shall the rules be suspended and

the bill taken up for consideration in accordance with the resolution that has been read?

Mr. RANDALL. I wish to say that I should not object to the amendment I understand the gentleman from Florida [Mr. BISBEE] proposes.

Mr. JOSEPH D. TAYLOR. I rise to a parliamentary inquiry. I desire to know if the rules are now suspended and we proceed to consider the bill, whether one part of that bill will be carried by a two-thirds vote and another by a majority?

The SPEAKER. There will be but one vote upon its passage. It will be acted upon as an entirety.

The question being taken on the motion to suspend the rules, there were, on a division—ayes 118, noes 38.

Mr. HEPBURN. I ask for the yeas and nays. Let us see how many gentlemen are willing to put themselves on record on a yeas-and-nays vote in favor of passing a bill of this character.

Mr. KEIFER. The bill is not being passed by this vote.

The SPEAKER. The gentleman demands the yeas and nays.

The yeas and nays were not ordered, 29 members only voting therefor. So (no further count being demanded, two-thirds having voted in favor thereof) the rules were suspended and the resolution agreed to.

The SPEAKER. The Clerk will report the clause of the bill in relation to the World's Cotton Centennial Exposition.

Mr. BAYNE. I ask unanimous consent that lines 1417 to 1424, inclusive, be stricken out. I refer to those lines which give peremptory orders to the Secretary of War to sell certain arsenal property.

Mr. RANDALL. I have no such authority from the committee.

Mr. KEIFER. There is objection to that.

Mr. BISBEE. I ask unanimous consent to amend the bill from line 402, page 17, after the word "Georgia," to insert the words "Saint John's River, Florida." I understand the chairman of the committee has no objection to the amendment.

Mr. RANDALL. That was intended, I think, to be put into the bill. The money is appropriated for the lighting of that river, and of course it ought to be put in.

There being no objection, the amendment was incorporated in the bill.

Mr. ANDERSON. I wish to inquire whether it is in order to have the bill read?

The SPEAKER. Any gentleman can demand its reading before the vote is taken.

Mr. ANDERSON. Can it be called for after the debate?

The SPEAKER. At any time before the vote is taken.

Mr. RANDALL. I will throw no obstruction in the way of that.

Mr. THOMAS. I wish to make a parliamentary inquiry as to whether amendments can now be offered before the general debate begins?

The SPEAKER. The Chair thinks they can after this paragraph is read. Two hours are allowed for debate on this particular paragraph. The Chair thinks after the debate has closed amendments may be offered or they may be offered now.

Mr. THOMAS. Amendments may be offered to other sections of the bill?

The SPEAKER. No; only to the one section.

Mr. MILLIKEN. I ask unanimous consent to amend the bill by striking out all after the word "Indiana," in line 1422, and before the word "and" where it occurs the second time, being the following words:

And Kennebec arsenal, Maine.

Mr. RANDALL. The committee have not authorized me to accept such an amendment.

The SPEAKER. There is objection.

Mr. COX, of New York. I am requested to ask unanimous consent to insert at the end of line 2031 what I send to the desk.

The Clerk read as follows:

One chief page, Alvin H. Pickens, \$900.

Mr. RANDALL. I have not the authority to accept that, although I think it is right. He is a good boy.

Mr. CONNOLLY. I object.

Mr. RANDALL. I think it is right, and it can be put on in the Senate.

Some time subsequently Mr. CONNOLLY withdrew the objection.

There being no further objection, the amendment was incorporated in the bill.

Mr. WHITE, of Kentucky. I desire now to make a point of order on this clause relating to this New Orleans Exposition.

The SPEAKER. The House by a two-thirds vote has directed the consideration of that.

Mr. WHITE, of Kentucky. I make the point of order that it is not germane to this bill, and that even if the rules have been suspended it must be considered under some parliamentary procedure. I therefore make the point of order that this proposition for New Orleans is for an expenditure not previously authorized by law, that it is not germane to the bill or appropriate to it, and consequently not in order.

The SPEAKER. The Chair has already ruled that the House has suspended the rules by a vote of two-thirds and directed this particular matter, by being specially mentioned, to be considered and voted

upon in the House, which of course precludes any question of order as to the right of the House to consider it.

Mr. HERR. Mr. Speaker, I rise for the purpose of calling the attention of the House to the clause in this bill which appropriates \$300,000 in aid of the Cotton Exposition now being held in the city of New Orleans; and I desire to say to the members present that what I shall say to-day is in no spirit of enmity toward that exposition nor in any spirit of sectionalism. You will all remember that I did everything in my power to get the Congress of the United States at its last session to make the loan of \$1,000,000, and the RECORD will bear me out that I went so far as to state that that loan should be made even if none of it should be repaid. But I wish to state to this House now, and I think I can prove it to the satisfaction of every member here, that the loan which we made at that time was obtained under false pretenses; that it was obtained upon statements that were claimed to be facts which are now admitted not to have been true. And I shall further prove to the House, I think, that the money already given has been expended in such a manner as not to warrant the appropriation of any more money to be expended by the men at present managing that exposition.

Now, Mr. Speaker, in the first place, every member on this floor will recollect that we voted the loan of \$1,000,000 upon a direct assurance of the gentlemen in the vicinity of New Orleans—and they will not take it as an offense if I give their names—Mr. ELLIS, Mr. MONEY, and Mr. BRECKINRIDGE, all of whom assured the House that \$700,000 had been raised by the people of New Orleans and vicinity, and had been actually paid in, and that they expected the city of New Orleans to give \$100,000 in addition to that amount, and also that the State of Louisiana would donate another sum—\$50,000, or perhaps \$100,000.

Mr. Speaker, I know those gentlemen will not think for a moment that I claim or even insinuate that they misled the House purposely. There is not one of those three gentlemen whom I have named in whom I have not unbounded confidence as being men of honesty and honor. Mr. BLOUNT, of Georgia, and he will excuse me for naming him, pressed this question very hard upon those gentlemen, as the RECORD I have here before me will show. He asked them what guarantee he had that any amount had been subscribed or had been paid in. Mr. MONEY answered (I read from the RECORD of that date):

There are already \$700,000 cash subscribed to this enterprise; and this sum is being increased day by day. In addition there are all the receipts of the exposition, the gate-money, and so on, which must be greater than the expenses.

Mr. BLOUNT said:

If the gentleman will allow me, I will ask the gentleman from Mississippi if \$700,000 as a matter of fact has been paid in.

The gentleman's question was thus answered:

Mr. MONEY. I am told by the general director that is true. Mr. ELLIS. Nearly \$750,000, and increasing all the time.

Mr. BRECKINRIDGE further on stated the same thing.

Now if it is possible to make a statement more complete than that I am unable to conceive the language in which it can be done. Was that true? I have no doubt the managers of this enterprise told those gentlemen they had this amount raised. But what was the fact?

I have here the report of the general manager of this exposition made to the President of the United States. He shows that instead of \$750,000 having been subscribed and paid in at that time there was in fact only \$384,168 pledged at all; and that the \$100,000 spoken of from New Orleans was afterward given and the \$100,000 from the State of Louisiana was afterward donated, so that if the \$750,000 had been paid in at that time as stated, the people of Louisiana would have raised from \$900,000 to \$950,000, instead of the \$584,168 now claimed for them.

Ah, but stop! The city of New Orleans subscribed \$100,000. Did she pay it? How? Why, I suppose in cash. On what condition, Mr. Speaker? On condition that the exposition should occupy a park belonging to the city of New Orleans, and that they should improve that park by a public building costing \$50,000, and by underdraining and artificial lakes, &c. And this report of those gentlemen shows that while they got from New Orleans \$100,000 they turned around and paid out for her benefit in improving this park over \$130,000, so that New Orleans, instead of being out \$100,000 for the purpose of inducing the people of this country to come within her city limits and make this great exhibition a success, has already got in improvements \$30,000 more than she paid in. And Mr. Burke, the man who manages this thing, stated to our committee that the building the cost of which is a part of this \$130,000 does not belong to the United States as security for the \$1,000,000 loan, but belongs to the city of New Orleans.

Mr. POTTER. Has not the Government a lien on it?

Mr. HERR. We have no lien upon it. The arrangement was that it was to belong to the park and to be the property of the city of New Orleans. It is a part of the permanent improvement of the property belonging to the city.

Now then, Mr. Speaker, if these people—I will use the term I mean—had been honest with us and had raised the money they said they had, that exposition to-day would be on its feet and would not be here begging for a further appropriation to keep in it the breath of life. But what have they done with the money that we have given them? That

is a conundrum. I defy any man to take their report and show what has been done with it except in a general indefinite way such as does not admit of any accuracy whatever or of any verification. They furnished to us a statement of their indebtedness. I will say to the members of this House that this exposition has had good success in getting into debt; the statements rendered leave no doubt as to that.

I hold in my hand a list of the stated amounts which they claim that they owe. It covers one hundred and fifty items, running from \$8 up to \$30,000 each.

Mr. HAMMOND. Will the gentleman allow me to ask him a question?

Mr. HERR. Yes, sir.

Mr. HAMMOND. How much of that is due in Pittsburgh, Pa.?

Mr. HERR. I will come to that immediately. They furnish another statement, Mr. Speaker, in which they attempt to show where this indebtedness is due. I wish to call the attention of the House to that statement, from which it appears that they owe in Saint Louis, Mo., \$7,400; in Grand Rapids, Mich., \$1,800; in New York, \$10,300; in Boston, \$1,200; in Baltimore, \$2,500; in Newark, N. J., \$5,000; in Pittsburgh, Pa., \$76,500; in Ohio, mainly in Cincinnati, \$45,700; in Chicago, \$4,250. Then there are premiums awarded which are due mostly to parties living outside the State of Louisiana, \$25,000, none of which have been paid. There is also due to the Electric Light Company \$25,000. And then there is the broad statement that they owe in New Orleans and vicinity \$164,772.

Now, it is utterly impossible for me to tell just how much of that is due to people in and about New Orleans. I have learned, however, that one item of a little over \$7,000 is due to people living in Mobile, Ala. No account has been rendered that will enable us to tell how much money they have put into any particular building, but it must be evident to anybody who examines these accounts, as I have tried to do, that the bulk of this indebtedness is for the material purchased in the States outside of Louisiana, while the management owes but little for the work and material furnished by the people in and about New Orleans. They also bought a railroad which cost over \$61,000. It is a road four or five miles long, and from all I can learn of little value after the exposition closes. This railroad, we are told, will be a part of the assets belonging to the United States as security for the \$1,000,000 loan.

I find another trouble. When I come to take the items of the account rendered as to debts due outside of the State, I find that they do not correspond at all with the same items given in the general list. There is not on the two papers, so far as I can find, a single account that agrees with itself on both lists. As stated on one paper each item varies from \$500 to \$2,000 from the statement on the other paper. That leads me to fear that there is not any great accuracy even in these apparently official statements. Now, Mr. Speaker, what I complain of is this: We loaned to these people \$1,000,000; it was done in good faith. We loaned it upon their statements to this House, through their general agent, that they had already raised \$750,000, and would raise more. They come now and ask us for more money, saying that they are in debt, but they furnish no statement from which any man can get an intelligent idea of what has been done with the money they have already had, and they admit from the start that all that has been raised, including the donations from the city and State, is only \$584,168. One thing, however, is clear and certain—they have managed to leave the men who furnished them with their roofing, with their shafting, with their iron and steel, with their chairs and their settees, and all their furniture; they have managed to leave all those men unpaid who furnished the material that has gone into the exposition buildings. They come to this House now and ask for \$300,000 more; they ask for \$500,000, but our committee has restricted them to \$300,000, and they propose what? Why, that that money shall be distributed first on the debts that are a lien under the laws of the State of Louisiana. What does that mean? I will be frank. I fear it means that every man on the ground—living right there in New Orleans—will get his proportion of the \$300,000, while the creditors in Pittsburgh, in Ohio, and all over the country where there is \$204,000 at least, I think about \$235,000 due, will not get a dollar.

Again, they leave the men who have taken their stock there, their cattle and their horses, their exhibits in general, from all parts of the United States on the promise that they should receive certain premiums if the quality of their goods entitled them to such premiums. The managers of this exposition have permitted these men to take their stock there and have made them awards of premiums, but have paid none of them. That is to say, the very men who have made the show a success, so far as the exhibits are concerned, have been to all the expense of getting their stock and wares there under a solemn promise of receiving certain premiums, have so far received simply an award but no money.

Mr. HAMMOND. Will the gentleman allow me to ask him a question for information only?

Mr. HERR. Certainly.

Mr. HAMMOND. This proposed preference is to be given to such debts as constitute a lien upon the buildings and machinery on the exposition grounds. Why does the gentleman say that that would exclude non-resident creditors? It would not under the Laws of Georgia.

Mr. ELLIS. Nor would it under the laws of Louisiana; but I did not want to interrupt the gentleman.

Mr. HERR. I know nothing about the laws of Louisiana in that regard, although I have tried to learn them. But I find that laborers and men who furnish material who are right on the spot have an advantage in regard to payment. There is no doubt about that, is there?

Mr. ELLIS. The laborer and the material-man are paid first.

Mr. RANNEY. I wish to inquire whether in paying off the liens the lien on that building which is to belong to the city is to be paid?

Mr. HERR. I do not understand that there is any lien on that building. They have paid on that as they went along. There is no report of indebtedness on the city building. But, mark you, this matter as the bill now stands is left open to judicial decision. I am not acquainted with the lien laws of Louisiana; but I do know that up to this time those who are concerned in the management of this enterprise have succeeded in not paying these men from abroad; and my friend from Georgia well knows that a man from a distance is at a great disadvantage in enforcing even a lien. The amendment which I shall propose to this bill is intended to provide against all such difficulties; and I do not believe the gentleman from Louisiana will object to it.

Mark, Mr. Speaker, what Congress has already done for this exposition. We loaned it \$1,000,000, every cent of which has gone into Louisiana, into these buildings and other expenses, they tell us. Secondly, we gave \$300,000 on account of the exhibits that the United States Government has sent down there. Now if we give them \$300,000 more that will make \$1,600,000 that we have put into the lap of the people of New Orleans and vicinity. But that is not over one-third of what really goes there. Every man who pays his 50 cents at the gate leaves at least \$3 or \$4 at the hotels and other places in the city. If a man gets off with \$3 or \$4 per day he is lucky, in my judgment.

Now this whole amount aggregates several millions; and I say it is no more than fair that the American Congress, if it is going to contribute any more money, should see that it goes to pay the debts of the people who live abroad, the people away from this center, and who have to work at arms' length in order to get their pay, and leave the management to take care of their own people in New Orleans and vicinity.

I am aware that in saying this I am compelled to speak somewhat against the present management of that exposition. I have letters by the half hundred here telling me that the management is such as to absolutely preclude men from abroad from getting any money either for premiums or material; and among them all there is not a single writer who does not advise against paying any more money to the present management. Several of the gentlemen who came here asking for this appropriation said in so many words, "If you give this money, for God's sake give it so that it will do some good to the men who are now in trouble." The amendment which I propose to offer is as follows:

For the purpose of aiding the World's Industrial and Centennial Cotton Exposition, now being held in the city of New Orleans, in the State of Louisiana, not to exceed the sum of \$300,000, or so much thereof as may be necessary, to be immediately available, and to be used, first, in the payment of the indebtedness now outstanding of said exposition which is due to persons, firms, or corporations living and doing business outside of the State of Louisiana, including debts due to foreigners or foreign nations, and such as are due to States and Territories from said exposition.

Their statement shows that they owe Territories and States a little over \$17,000. I propose that this shall be paid.

Secondly, in payment of all premiums heretofore awarded or which shall be hereafter awarded by said exposition in accordance with lists of awards heretofore published.

This will take probably about \$67,000. It will secure the payment to people who have taken their stock and material at great expense and gone down there to make the exhibition a success.

Said money—

I hope you will all give attention to this—

Said money to be disbursed under the direction of the Secretary of the Treasury, who shall make proper rules and regulations for the form and verification of vouchers in proof of such indebtedness; and the Secretary of War is hereby directed to detail to the assistance of the Secretary of the Treasury a paymaster of the regular Army, who shall carry out the instructions of the Secretary of the Treasury and disburse said funds in such manner as the Secretary of the Treasury shall prescribe.

Mr. ADAMS, of New York. What are the total liabilities?

Mr. HERR. The total liabilities are \$436,060, but subject to a decrease, leaving actually about \$346,000.

Mr. BAYNE. The gentleman will allow me to suggest that the mechanics' lien law of Louisiana gives preference to the workingman, who, if the contractor fails to pay him, may under the mechanics' lien law of that State file lien after lien, piling them up one after another; and thus this entire sum may be absorbed unless some such amendment as that proposed by the gentleman from Michigan shall be adopted.

Mr. WHITE, of Kentucky, Mr. ELLIS, and others, sought to interrupt Mr. HERR.

Mr. HERR. I can not yield. I want to close my remarks, because there are other gentlemen who wish to talk. I desire to say that from the best information I can get the indebtedness, after deducting cash on hand, is about \$346,000.

The question may be asked why it is that these premiums have not been paid by the gate-money? For this simple reason: While the gate-

money has been in excess of expenditures to the amount of quite a number of thousands of dollars—

Mr. LONG. The current expenditures.

Mr. HERR. I mean in excess of the current expenses, for several days, it turns out that in February last there was a loan effected, I do not recollect for how much.

Mr. LONG. Sixty thousand dollars.

Mr. HERR. Sixty thousand dollars, perhaps—and a lien was given on the gate-money to pay the parties who furnished the money in the city of New Orleans. So the exposition to-day is just in this fix: It is out of funds with the exception of gate-money receipts. The gate-money receipts are pledged to the parties there in New Orleans to pay for borrowed money. They owe outside of Louisiana, in my judgment, two hundred and thirty-five or two hundred and forty thousand dollars. Their premiums will amount to about \$67,000.

Mr. ELLIS. Why does not the gentleman state that fairly. The impression he would leave on the House is that all the gate-money is pledged.

Mr. HERR. What is it?

Mr. ELLIS. State it fairly. The gentleman would leave the impression on the House that all the gate-money is pledged for debt there. That is the impression you leave, and you know it is not true.

Mr. HERR. What is not true? Did they not borrow the \$60,000, and did they not pledge the gate-money as security for its payment?

Mr. ELLIS. There was \$60,000 borrowed, and \$18,000 has been paid back day by day, and since we received the statement \$9,000 more; and that is the end of the business.

Mr. HERR. That is precisely what I tried to state.

Mr. ELLIS. No; you said the gate receipts were pledged to the indebtedness in New Orleans.

Mr. HERR. I said, or intended to say, that until the \$60,000 were paid that indebtedness was a lien on those gate receipts.

Mr. ELLIS. I beg the gentleman's pardon.

Mr. HERR. Except for the payment of current expenses. That is the statement as it was made to me.

Mr. ELLIS. The record does not bear you out.

Mr. HERR. How much is pledged? Let us get at the facts. Let us understand this matter before we go on.

Mr. ELLIS. Sixty thousand dollars originally, and when we received the statement \$18,000 had been repaid.

Mr. HERR. Well!

Mr. ELLIS. Since that it has been repaid under agreement at \$1,000 a day, which makes twenty-five or twenty-six thousand dollars that have been paid.

Mr. HERR. Very well; they are not paying these debts outside of New Orleans or any premiums, are they, until the \$60,000 shall all be repaid?

Mr. ELLIS. They are paying a special loan.

Mr. HERR. That is just what I said. The gentleman has taken three or four minutes of my time and he comes out just where I came out. We can not differ about the facts.

Mr. ELLIS. I will give you more out of my time.

Mr. HERR. I have stated it as it is. There is no use of trying to look at this in any other way than straight in the face.

Mr. ELLIS. The gentleman's statement was unlimited.

Mr. HERR. I stated that \$60,000 was borrowed in New Orleans.

Mr. ELLIS. A temporary loan.

Mr. HERR. A temporary loan, if you please; but to secure its payment the managers pledged the gate-money, as I understood it—that is, all over and above the current expenses, which had to be taken out first. But to conclude: The exposition owes about \$230,000 outside of the city of New Orleans for material furnished to put into these buildings. The premiums, if I mistake not, amount to \$67,000. By my amendment I propose, if we give this money, we shall protect the parties who have been looking somewhat to the protection of the National Government by paying these premiums and leaving the gate-money, leaving the buildings, leaving everything to secure the people who live right around there and can protect themselves. My desire is to relieve the managers from embarrassment by paying all their outside debts and securing the payment of all their premiums.

I say this is a fair proposition and one which should be accepted in good faith by the members representing this exposition.

Mr. ELLIS. If they accept it, will the gentleman vote for the appropriation?

Mr. HERR. Yes, if you will make it so the money will go to these people. I will do it regretfully, but I will do it. Will you put it in the bill in that way?

Mr. ELLIS. I will see. [Laughter.]

Mr. HERR. Now, Mr. Speaker, I desire to yield five minutes, which is all I can spare, to the gentleman from New York [Mr. POTTER].

Mr. POTTER. Mr. Speaker, in these five minutes I desire as well as I can to recall the House to what I said a year ago on this bill and to awaken it, if possible, to the dangers which lie before us in entering upon this policy. We were told here a year ago this was a loan for which sufficient precedent was found in the loan for the celebration of the one hundredth anniversary of the Declaration of Independence as

the city of Philadelphia in 1876. We were told there was no doubt this money would be paid back; we were assured with all the eloquence, earnestness, and persuasion of the honorable member from New Orleans [Mr. ELLIS] that we were in no danger of losing anything in loaning this money. It was not then the most important objection with me that we were to lose it, nor is it now that we are to lose what is given in this bill, but my objection lies in the fact that we are in this way entering upon a course which will overthrow and annihilate the principles of our Constitution.

It is changing this Government into one of patronage, converting the States and people of the United States into beneficiaries and supplicants. If it shall go on, it is introducing into the affairs of this Government, under control of political parties which from time to time may have possession of this Government and this Congress—it is introducing an element of influence, of patronage, and of destruction, I had almost said, of the fundamental principles of the Government itself.

This Government, sir, is one of prescribed and limited powers. To maintain and carry out these powers it may lay taxes and raise revenue, but beyond this it has no power to lay taxes, and can not lay them except in disregard and disobedience of our Constitution. It has no power to patronize States or the people of the States. Let it assume and exercise this power as governments of unlimited powers may and do exercise it, and the end of constitutional liberty is not distant.

Why, sir, if there is a doubtful State to be carried four years hence in some other part of this Union what are we to do but to get up another exposition and vote millions there to make the State solid? Can there be any doubt but that this element of patronage, this power to lay taxes and dispose of the public funds in this manner, so as to provide States with the ability to carry on such exhibitions as this, is an element that must undermine the very foundation of the Government itself if persisted in.

Sir, I said a year ago, and I repeat now, that there can be no justification for giving this amount of money that can not be urged with equal cogency and reason for almost every other State in this Union that we may want to carry four years from now for political reasons. Four years from now California's vote may be doubtful, and it will be said that if you inaugurate a great exposition there and let the light of our great commerce shine over the Pacific Sea and extend to the nations of the West we shall be promoting the growth of this country and exercising the constitutional power of the Government in promoting commerce. That argument can be made with equal reason in that instance as in the case now before us, and that argument will be, if the eloquent and able member from Pennsylvania [Mr. KELLEY] shall then be here, in the exact line of the eloquent persuasiveness with which he addresses this House to-day.

Now, sir, I protest if we are to give this money at all, that with equal reason and justice we may be called upon to do the same thing in every seaport in this land. Ay! we may be called upon to grant the same at Buffalo, upon the lakes, upon the Pacific shore, and throughout all the States of the country, introducing this as a new element in the government of our country. I regret to see it entered upon under Democratic auspices and by a Democratic Congress. I regret to see this Congress introduce the doctrine that we may lay taxes upon the people of this country in order to provide money to bestow favors where it pleases the administration and the power that has charge of the Treasury of the nation to bestow them.

[Here the hammer fell.]

Mr. HERR. I now yield five minutes to the gentleman from Illinois [Mr. ELLWOOD].

Mr. ELLWOOD. Mr. Speaker, my object in taking the floor to make a few remarks is simply to prepare the way for an amendment which I shall propose to offer at the proper time. As the gentleman who has just occupied the floor has said, from a statement made here by that committee at New Orleans, that they had raised \$750,000, this House was induced to appropriate in aid of that exposition the sum of \$1,000,000.

I do not hesitate to say, sir, for one moment that had it not been for the fact, as we were assured, that \$750,000 had been raised by donation this House never would have appropriated a million of dollars for any such purpose. Now on a statement of that sort that a donation of that amount had been made this Congress, as I have said, appropriated \$1,000,000. That money was appropriated with certain conditions. It was appropriated with the understanding in the first place that \$750,000 had been raised, and with the million of dollars appropriated by this House should be used to erect buildings not to exceed in cost that amount, and for this reason that when these buildings were completed they would be free from indebtedness. More than that, right in the act itself of the first session of this Congress they make another reservation, that all the receipts from that exposition above the legitimate expenses are to be given to liquidate the indebtedness of the Government loan.

Now, Mr. Speaker, I make this point, that right in the face and eyes of that provision of law this board of managers has created an indebtedness that they had no right to create, and have enlarged and extended that fraud by pledging the very receipts for its payment that had been

already pledged to this Government. For fear that this fraud would be perpetrated upon the Government, the House required the directors of the exposition to give a bond that this money should be judiciously invested according to the act passed at that time; and I propose to offer a resolution here with reference to that bond.

I am no lawyer, but I state this fact without fear of contradiction, that the bond as given under the statute as it now stands, that no indebtedness should be made over and above the donation of \$1,000,000, and then this indebtedness created by them against the very surplus that was to pay that loan, that these bondsmen have not done their duty and should be held liable for the \$300,000 of the bond. My idea is, then, that we collect the \$300,000 and pay these premiums if necessary. I do not care, sir, to take up the time of the House, but I shall move an amendment at the proper time and at the right point, that a committee of three members, on which I will not accept a position, shall be appointed to investigate this whole transaction and report to this House previous to the 10th day of December. When that report is made, if we ought to pay any more for that exposition—if we are to be defrauded out of any more money—let us appropriate it when that report gives us the facts.

Mr. HERR. I now yield three minutes to the gentleman from New York [Mr. MILLARD].

Mr. MILLARD. I desire to occupy the attention of the House but for a single moment. If I thought this additional appropriation would make the exposition a success I would not oppose the measure. But I do not believe at this stage and at this season of the year that there is sufficient money in the national Treasury to make the exposition a success.

I hold in my hand a letter written by an exhibitor, one of the leading citizens of my State, who has been present at that exposition from the commencement, representing one of the largest industries of this country, and he gives briefly the reasons why the exposition can not be made a success by any appropriation or by any action on the part of Congress. I ask, in order that the House may be possessed of the facts, that this letter be read. I make it a part of my remarks.

The Clerk commenced to read the letter sent up by Mr. MILLARD, which is as follows:

NEW ORLEANS, LA., February 3, 1885.

Hon. STEPHEN C. MILLARD,
House of Representatives, Washington, D. C.:

I do not now propose to ask of you a favor which if granted will interest me more than any citizen of the United States generally.

I have been in attendance at this New Orleans Exposition since early in December last. I have been a close and careful observer of the manner in which it has been managed and mismanaged. It now seems that the present board of management have run their full length. All moneys placed in their hands so far have been disposed of. I do not know, but I assume that it has been properly and honestly disbursed. They are also in debt to the amount of nearly \$400,000. Neither buildings nor grounds are completed, and they have insufficient means to light the building or furnish power to run the machinery already in place, to say nothing about a very large quantity of heavy machinery not yet placed and ready to be operated. The means of conveyance to and from the grounds by horse-cars and steamboats is insufficient to handle a sufficient number of visitors to even pay running expenses, besides being slow, tedious, and unsatisfactory in the extreme.

While there are many interested largely in the exposition, still hoping that it may be carried through to success, I am satisfied that the great majority of the heaviest exhibitors would be more than glad if they could honorably withdraw within the next twenty days under the most favorable circumstances which can now be looked for. Scarcely one can be found who would not use all the means at command to have it closed at once rather than that Congress should attempt to bolster it up by putting more money in the hands of the present management.

In my humble opinion (and I believe that will be found to differ but slightly; if at all, with the opinion of every honest and intelligent man here having knowledge of the situation), but one course can be pursued at this late day in order to set the great circus on its feet again and achieve even a partial success.

The present management must be compelled to give an accurate and exact accounting, as far as in their power, and surrender the entire control over to the Government of the United States.

At least \$500,000 must be forthcoming for immediate use; the best man in the United States be placed in charge, with full power to push everything to completion at once, to arrange with Southern railroads for rates to visitors not to exceed 1 cent per mile, and thus restore confidence to exhibitors, citizens of New Orleans, and to the people of the United States.

Within the next twenty days rapid transit must be provided between the principal part of the city and the exposition, sufficient to handle at least 50,000 visitors daily in addition to the present mule-cars and river boats, which are insufficient to handle more visitors than are required to pay running expenses, saying nothing about the tediousness and great discomfort of this means of transit.

This is what should have been done nearly two months ago, and in fact there is some reason for doubting the propriety of trying to recover at all at this late day. Still if prompt and decisive action is taken at once, I have every reason to believe that there are so many people throughout the United States who ought and would under the new state of things come here and pay their money at the gates of the exposition, as to enable the Government to pay all outstanding claims, in addition to running expenses, and also get back the greater portion of the moneys advanced. As things are, if no help is given, not a dollar of the debt will ever be paid, and the Government can not hope for the return of a single cent of the original loan. Unless a change of some kind is made for the better, I doubt whether running expenses can be met with the daily receipts from this time on, certainly not after the 1st of March.

If the management can not be taken entirely out of the hands of the present board at once, and the requisite funds be forthcoming and an entire revolution worked within the next twenty days, it would be far better that the whole thing go into the hands of a receiver at once, and exhibitors allowed to withdraw their exhibits and go home.

I trust that you will deem this a matter of no little importance, and do what

you can to prevent the Government from being imposed upon in this connection.

If I can get away from here before Congress adjourns will see you at Washington.

Sincerely, yours.

Before the reading of the letter was concluded,

The SPEAKER *pro tempore* said: The time of the gentleman has expired.

Mr. HERR. I yield one minute more for the Clerk to continue the reading.

The Clerk continued the reading of the letter. Before he had concluded,

The SPEAKER *pro tempore* said: The extension of time has expired.

Mr. HUTCHINS. What is the date of that letter?

The CLERK. February 3, 1885.

Mr. MILLARD. I ask that the whole of the letter be printed in the RECORD.

There was no objection.

Mr. HERR. I now yield five minutes to the gentleman from Georgia [Mr. HAMMOND], and I desire to reserve the rest of my time until I hear what may be said on the other side.

Mr. HAMMOND. The gentleman from Pennsylvania [Mr. RANDALL] has also promised to give me three minutes, and has agreed that I may use that time now. I may not desire to use the eight minutes, but I ask that the gavel shall not fall if I trespass up to that limit.

When the proposition was originally made, with very much doubt as to its propriety, but relying on the promises then made and the representations before me, I voted for the loan of the \$1,000,000. I shall not vote for this \$300,000. All the reasons for my not doing so I can not give. Some of them have already been given, though not just in the form in which I would present them.

The honorable gentleman from Pennsylvania [Mr. KELLEY] announced that he was in favor of the proposition, to save the national honor. I began to watch the development to find wherein the national honor was involved. But there has been no word uttered that has made any such impression upon my mind. The honor of this nation will be intact whether that \$76,000 due to Pittsburgh shall be paid or whether it shall take what it can find in the assets of the company with all the other debts.

This is not a proposition to protect national honor. The debate here shows just the contrary. That is the first appearance of it, but only the first appearance. The proposition urged here by the gentleman from Michigan [Mr. HERR] is that it is settled that the United States will undertake to pay the debts which this corporation may be unable to pay. The contest is between the local creditors and the foreign creditors. I know no authority for paying either. Gentlemen who sold their wares from Ohio and Pennsylvania and New York to that corporation sold them as they sell goods to other corporations and persons and took all the risk of insolvency in the debtor and of bad collection laws in the locality.

Mr. BAYNE. Will my friend from Georgia yield for a question?

Mr. HAMMOND. I can not yield.

Mr. BAYNE. I can disabuse the gentleman's mind of that impression.

Mr. HAMMOND. I can not yield. The contest here, they say, is as to who shall have this money after the \$300,000 shall be appropriated. If I were going to make choice in that particular I should give it to the laborers who put together the machinery and who built the houses and who beautified the grounds, even though they may live in and around New Orleans. But I will tell the gentleman they do not all live there. That city did not furnish and could not furnish the force for this great work. They have come from all parts of the country to reap the daily reward of their toil, and those day-laborers should be preferred in this instance just as they are preferred in the lien laws of my State and your States, where, in the last resort, when but few debts can be paid, there is a just discrimination between those who can not afford to lose and those who can afford to lose.

I desire to say before I close one other thing. The gentleman from Pennsylvania [Mr. RANDALL] perhaps was correct in his declaration as to the sentiment of this House on the silver question. And yet he had no authority to assign the reasons of any gentleman voting but his own. These two propositions of silver coinage and this \$300,000 were coupled together when that vote was cast. Many various reasons influenced different persons in that vote.

I desire to say one other word. The gentleman from Maine [Mr. REED] painted in colors not at all too strong the bad practice of passing appropriation bills under a suspension of the rules. But he did paint entirely too strongly the reasons which he thought impelled the bad practice to-day. I may be pardoned for saying (for I have had a large part of the suffering while I was a witness in that chair for the past two weeks) a word as to the reason why there is now no time to legislate in the regular way.

Mr. HERR. I understand the gentleman is now talking in the time of the gentleman from Pennsylvania.

Mr. HAMMOND. I am, and I am talking against your side of the House on the left of the Chair that wasted so much time on the river

and harbor bill. I do not believe that I could utter a sentiment which will more cordially receive the indorsement of every honest man than the one I have just uttered.

The SPEAKER *pro tempore*. The time of the gentleman from Georgia has expired.

Mr. HAMMOND. It is a good time to quit, with that last sentence. Mr. HERR. I reserve the balance of my time.

The SPEAKER *pro tempore*. The gentleman has five minutes of the hour remaining. The gentleman from Ohio [Mr. FOLLETT] is recognized.

Mr. FOLLETT. Mr. Speaker, the proposition now before Congress is not an original proposition for the making of an appropriation in aid of the New Orleans Exposition, nor did it originate with this Congress. By an act of the Forty-seventh Congress the Government was fully committed to this matter, and I desire now to call attention to certain passages of that act. After the "whereases" I find this:

Be it enacted that a World's Industrial and Cotton Centennial Exposition be held in the year 1884 under the joint auspices of the United States Government, the National Cotton Planters' Association of America, and the city where it may be located.

Then it provides that the management of this exposition shall be appointed by the President of the United States upon the recommendation of these two boards; so that the management of the exposition are officers provided for by act of Congress. What more did Congress do? In the ninth section of the act it is provided that the President be "requested to send, in the name of the United States, invitations to other governments to be represented and take part in said World's Industrial and Cotton Centennial Exposition, to be held in some city of the United States to be hereafter selected."

Mr. REED, of Maine. Will the gentleman permit a word?

Mr. FOLLETT. Certainly.

Mr. REED, of Maine. I desire to say to the gentleman that the debate at the time when that bill passed shows that it passed under assurances from the promoters that the exposition should be without expense to the Government; and I can produce the debate.

Mr. FOLLETT. Whatever the assurances were, that is the law, and in that act the Government of the United States is committed to this exposition and its honor is committed by the invitation to the other nations of the world, as well as to our own States and Territories, to participate in that exposition. We sent those invitations abroad, and to-day there are twenty-nine foreign governments which have exhibits in that exposition; and the Republic of Mexico, our nearest neighbor, has expended over \$500,000 in connection with the exposition.

Mr. HISCOCK. May I ask the gentleman a question?

Mr. FOLLETT. Certainly.

Mr. HISCOCK. If we discharge our obligations to those foreign nations, why have we not done all that is required of us?

Mr. LONG. There are no obligations.

Mr. HISCOCK (to Mr. FOLLETT). What are our obligations?

Mr. LONG. We owe them nothing.

Mr. FOLLETT. No money obligation, but the obligation of good faith on our part to make this exhibition what we represented to them it should be when they incurred this expenditure in coming to our shores and advising us of their products.

Mr. MILLIKEN. May I ask the gentleman a question?

Mr. FOLLETT. No; I can not stop; I have not time. What more have we done? There are forty-six States and Territories represented there. Every State and Territory of the Union, with the single exception of Utah, has an exhibit at that exposition, and those exhibits have been prepared and sent there, of course, at large expense. In yesterday's Ohio papers I find a little report made by the speaker of the Ohio house of representatives, who has recently visited the exposition. There was a charge in Ohio (as there is upon the floors of Congress) that there had been bad faith, maladministration. It was alleged that men who had been intrusted with the representation of their States and Territories had violated their trusts. Thereupon the Legislature of Ohio (just as the gentleman from Michigan [Mr. HERR] is doing here to-day with reference to the management of the exposition) discredited the management of the Ohio commissioners and their good faith in the expenditure of the money which the State of Ohio had appropriated and which was still further to be appropriated, for \$47,500 was asked as an additional amount. The speaker of the house of representatives went to the exposition for the purpose of satisfying himself, and this is what he says, as reported in the Ohio papers:

The report had been pretty generally circulated that the money expended by the Ohio commissioners to make the display had not been judiciously handled, and as the speaker had had the appointment of a portion of the commission, he wanted to be satisfied that he had not been imposed upon in the confidence he had reposed in the members of the commission which he had selected. The speaker is of the opinion that the five days which he spent at New Orleans were the most profitable of the time which he has given to the State. His statement before the conference committee in regard to the item of \$47,500 in the appropriation bill for the New Orleans Exposition will, no doubt, result in a settlement of all differences between the two houses on this subject.

Now, Mr. Speaker, Ohio is not alone in this, nor has Ohio the largest or the most expensive display in that exposition. As I have said, forty-six States and Territories are there represented, and the \$5,000 allowed

by the management of the exposition to each State and Territory is but a mere fraction of the expenses which they have incurred. The management of this exposition have met with obstacles that no human foresight could have anticipated. For sixty days after the exposition was opened there were incessant rains, such as even New Orleans had never known before. Those rainy days have but just closed. The 9th day of February was the first day that the gate receipts equaled the expenditures, and this was not from any fault of the management; for I insist that the management has not only been honest—its showing will satisfy any business man who gives the matter attention that it has been not simply honest, but economical to the very last degree.

I have here a few figures in the way of comparison between the New Orleans Exposition and that at Philadelphia; and there is not one who has visited the two expositions who does not admit that the exposition at New Orleans is much larger in its proportions than was the exposition at Philadelphia. I will read a few of these figures. At Philadelphia there were twenty-five States and Territories that made exhibits; in New Orleans there are forty-six. In Philadelphia the area of space for State exhibits was 21,711 square feet; in New Orleans there are 327,198 square feet. In Philadelphia the cost of buildings was \$5,242,295; in New Orleans \$989,211—less than one-fifth of the cost of the buildings at Philadelphia. In Philadelphia the cost of fitting up the grounds, of which my friend from Michigan has spoken so eloquently, was \$922,780; in New Orleans \$130,803. So I could go through with this comparison from beginning to end, showing that it is largely in favor of the management of the New Orleans Exposition, while at the same time the Philadelphia exposition was under the control and management of an honored citizen of my own city, Cincinnati, who was supposed by reason of his prior experience to have a peculiar fitness for that work.

I take the liberty of incorporating in my remarks these comparative statistics in full:

Twenty-five States and Territories were represented at Philadelphia, and only a few of that number by exhibits, the representation being chiefly by buildings for headquarters. Forty-six States and Territories (all except Utah) are represented at New Orleans by very full collective exhibits of their natural resources. Space occupied by State exhibits at Philadelphia, 21,711 square feet; at New Orleans, 327,198 square feet—an area fifteen times greater at New Orleans than at Philadelphia; proving most conclusively the value of expositions to the States and Territories.

CONSTRUCTION.

Cost of buildings at Philadelphia, \$5,242,295; at New Orleans, \$989,211. The construction at Philadelphia was principally of iron, designed with a view to ornament and safety. The construction at New Orleans was designed for ornament and area, with extraordinary precautions and appliances for safety.

IMPROVEMENT OF GROUNDS.

The cost of preparing the grounds at Philadelphia, such as grading, drainage, bridges, fences, &c., amounted to \$922,782; at New Orleans the cost was but one-seventh that sum, or only \$130,803. This includes the expense of drainage, canals, and pipes, gravel and shell roads and walks, excavations for three artificial lakes, extensive asphalt walks, fountains, planting eight thousand ornamental and forest trees, &c.

Motive power at Philadelphia, 2,440 horse-power; at New Orleans, 5,937 horse-power. Nineteen hundred horse-power is required at New Orleans to light the buildings and grounds by electricity, a power that was not required at the centennial, which was held before lighting with electricity had come into practical use.

ELECTRIC LIGHTS.

There were none at Philadelphia. At New Orleans there are 4,000 electric incandescent lamps, 1,350 electric arc lamps, 5 electric towers, 73 dynamos. Motive power for electric light, 1,900 horse-power.

TELEPHONES.

At New Orleans the exposition grounds and buildings are connected with each other and the city by telephone, there being twenty-four stations at the exposition itself. This system of communication had not come into practical use in 1876.

MACHINERY EXHIBITS.

At the centennial the space actually occupied by machinery was 527,523 square feet; at New Orleans the total space occupied by machinery is a trifle larger, being 533,990 square feet.

MISCELLANEOUS CONTRASTS.

The magnitude and economy of the World's Exposition may be further illustrated by the following comparisons:

	Philadel- phia.	New Or- leans.
Fruit display.....number of plates.....	12,000	25,000
Cold storage.....square feet.....	11,100	11,100
Artificial-ice machines.....tons daily.....	5	5
Steam-pipe.....feet.....	6,266	31,750
Shedding.....do.....	5,870	11,430
Machinery department.....cost.....	\$25,785	\$24,000
Elevators for passengers.....do.....	\$178,963	\$244,411
Terminal agency transportation and installation.....cost.....	\$296,527	\$160,030
Expense of commission and board of finance.....	\$506,887	\$95,725
Press advertising and printing.....	\$81,371	\$64,235
Awards including medals.....	\$303,374	\$100,000

There will be some expense to and at New Orleans for installation, expense of management, and printing for the remaining three months.

AREA OF OFFICIAL BUILDINGS.

	Philadel- phia.	New Or- leans.
Main building and annexes.....square feet.....	994,182	1,722,000
Machinery hall.....do.....	504,730	
Government and State exhibit building.....do.....		648,825
Agricultural hall.....do.....	442,800	
Government building.....do.....	102,540	
Principal buildings.....do.....	2,044,542	2,370,825
Total official buildings.....do.....	2,505,789	2,736,305

Average cost of construction, 37 cents per square foot at New Orleans; 68 acres covered by roof; length of buildings, 7,351 feet.

INTERNATIONAL EXHIBITIONS—AREA IN SQUARE FEET COVERED BY PRINCIPAL BUILDINGS.

New Orleans.....	2,370,825
Philadelphia.....	2,044,542
London, 1862.....	1,400,000
Crystal Palace, 1851.....	989,984
Louisville, 1883-1884.....	677,400
Paris, 1855.....	545,034
Paris, 1878.....	456,923
Vienna, 1873.....	430,500
Atlanta, 1881.....	107,520

SPANISH-AMERICAN EXHIBITS.

	Philadel- phia.	New Or- leans.
San Salvador.....		233
Venezuela.....		576
Costa Rica.....		627
Guatemala.....		1,440
Honduras.....		2,184
Mexico.....	6,567	41,852
Chili.....	3,424	
Argentine Republic.....	2,861	
Peru.....	1,464	
Total square feet.....	14,314	46,967

Mexico has a large exhibit in horticultural hall and two extensive buildings of her own, covering 35,840 square feet of space, one intended for her national headquarters, the other an iron and glass octagonal building for her mineral display.

Chili and Peru would have been represented but for recent disturbances in their respective countries.

The total foreign annual commerce, exports and imports combined, of the countries named below is as follows:

Mexico.....	\$55,000,000
Five Central American republics.....	24,428,000
Nine South American republics.....	348,646,000
Total fifteen republics.....	428,074,000

United States controls but \$63,636,000, or less than one-sixth part of this commerce.

Now I wish to call attention to the law which was passed last winter. Gentlemen say that law was passed upon the assurance that \$750,000 should be paid in. Why, sir, the law itself shows upon what assurance this money was to be paid by the Government. It was to be paid by the Secretary of the Treasury "upon being satisfied that \$500,000 had been contributed and paid in." This had to be shown to the satisfaction of the Secretary of the Treasury. Not a dollar could be paid out to the New Orleans Exposition until the Secretary of the Treasury was satisfied that New Orleans had done what in the law we said she ought to do to entitle her to this appropriation.

Mr. HERR. Was not that \$500,000 to be—

Mr. FOLLETT. Let me read the language of the law itself. I am not construing it:

Provided, That the said sum shall be paid by the Secretary of the Treasury of the United States on the drafts of the president and secretary of the board of management of the World's Industrial and Cotton Centennial Exposition authorized by order of said board, one-third of the amount immediately after the passage of this act upon being satisfied that \$500,000 has been contributed and paid in to the said board for the purposes of the exposition by the contributors to and shareholders of the World's Industrial and Cotton Centennial Exposition, and the remainder in four monthly payments thereafter upon being satisfied that each of the prior payments has been faithfully applied as required by this act, and for this purpose he shall have free access to the accounts and all transactions of said board.

That is the law.

Mr. HERR. But that was to be paid exclusively of the donations—

Mr. FOLLETT. Whatever may have been the gentleman's reason or any gentleman's reason in voting at that time, "thus saith the law" for which they voted; and the law concludes the man who voted for its passage.

Mr. HERR. Now let me ask whether that was not understood to be \$500,000 over and above the donations from New Orleans and the State of Louisiana?

Mr. FOLLETT. Not at all. If so, how could the Secretary of the Treasury have paid over the money? He could not make payment until satisfied that the law had been complied with.

Mr. HERR. If that is not so, how came gentlemen to talk about \$750,000 all the while in the debate?

Mr. FOLLETT. It is a matter of utter unconcern to me what may have been the assurance given by the friends of the measure that more than this \$500,000 would be contributed from other sources. All that Congress asked of them, all that the law required of them, was the contribution of \$500,000.

[Here the hammer fell.]

I append to my remarks the acts of February 10, 1883, and May 21, 1884, on this subject:

An act to encourage the holding of a world's industrial and cotton centennial exposition in the year 1884.

Whereas it is desirable to encourage for celebration the one hundredth anniversary of the production, manufacture, and commerce of cotton, by holding, in the year 1884, in some city of the Union, to be selected by the executive committee of the National Cotton Planters' Association of America, an institution for the public welfare, incorporated under the laws of Mississippi, a world's industrial and cotton centennial exposition, to be held under the joint auspices of the United States, the said National Cotton Planters' Association of America, and of the city in which it may be located, and in which cotton in all its conditions of culture and manufacture will be the chief exhibit, but which is designed also to include all arts, manufactures, and products of the soil and mine; and

Whereas such an exhibition should be national and international in its character, in which the people of this country and other parts of the world who are interested in the subject should participate, it should have the sanction of the Congress of the United States: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a world's industrial and cotton centennial exposition be held in the year 1884, under the joint auspices of the United States Government, the National Cotton Planters' Association of America, and the city where it may be located.

SEC. 2. That the President of the United States may, upon the recommendation of the executive committee of the National Cotton Planters' Association of America, appoint six United States commissioners, and upon the recommendation of the majority of subscribers to the enterprise in the city where it may be located, may appoint seven United States commissioners, who, together, shall constitute a board of managers of said world's industrial and cotton centennial exposition.

SEC. 3. That the President of the United States may, on the recommendation of the governors of the various States and Territories of the Union, appoint one commissioner and one alternate commissioner for each State and Territory, whose functions shall be defined by the said board of management.

SEC. 4. That all of said commissioners shall be appointed within one year from the passage of this act.

SEC. 5. That the said board of management shall hold its meetings in such city as may be selected for the location of the said exposition by the National Cotton Planters' Association of America as aforesaid, and that a majority of said board of management shall have full power to make all needful rules and regulations for its government.

SEC. 6. That said board of management shall report to the President of the United States a suitable date for opening and closing the exposition; a schedule of appropriate ceremonies for opening or dedicating the same, and such other matters as in their judgment may be deemed important.

SEC. 7. That no compensation for services shall be paid to the commissioners or other officers provided by this act from the Treasury of the United States; and the United States shall not be liable for any of the expenses attending such exhibition, or by reason of the same.

SEC. 8. That whenever the President shall be informed by the said board of management that provision has been made for suitable buildings, or the erection of the same, for the purposes of said exposition, the President shall, through the Department of State, make proclamation of the same, setting forth the time at which the exhibition will open and the place at which it will be held, and such board of management shall communicate to the diplomatic representatives of all nations copies of the same and a copy of this act, together with such regulations as may be adopted by said board of management, for publication in their respective countries.

SEC. 9. That the President be requested to send, in the name of the United States, invitations to the governments of other nations to be represented and take part in said world's industrial and cotton centennial exposition, to be held in some city of the United States to be hereafter selected as aforesaid.

SEC. 10. That medals with appropriate devices, emblems, and inscriptions, commemorative of said world's industrial and cotton centennial exposition, and of the awards to be made to exhibitors thereof, be prepared at some mint of the United States, for the said board of management, subject to the provisions of the fifty-second section of the coinage act of 1873, upon the payment of a sum not less than the cost thereof; and all the provisions, whether penal or otherwise, of said coinage act against the counterfeiting or imitating of coins of the United States, shall apply to the medals struck and issued under this act.

SEC. 11. That all articles which shall be imported for the sole purpose of exhibition at the said world's industrial and cotton centennial exposition, to be held in the year 1884, shall be admitted without the payment of duty, or of customs fees or charges, under such regulations as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles as shall be sold in the United States, or withdrawn for consumption therein at any time after such importation, shall be subject to the duties, if any are imposed on like articles by the revenue laws in force at the date of importation: *And provided further*, That in case any articles imported under the provisions of this act shall be withdrawn for consumption, or shall be sold without payment of duty as required by law, all penalties prescribed by the revenue laws shall be applied and enforced against such articles, and against the persons who may be guilty of such withdrawal or sale.

Approved February 10, 1883.

An act to make a loan to aid in the celebration of the world's industrial and cotton centennial exposition.

Whereas by the act of Congress entitled "An act to encourage the holding of a world's industrial and cotton centennial exposition in the year 1884," approved February 10, 1883, in the city of New Orleans, under the joint auspices of the United States, the National Cotton Planters' Association of America, and the said city of New Orleans, a world's industrial and cotton centennial exposition is to be held, universal in character, comprehending all arts, manufactures, and products of the soil and mine; and

Whereas by said act Congress declares that such exposition should be national and international in its character; and

Whereas under said act a board of management has been duly constituted and incorporated under the laws of the State of Louisiana, the members of which have been appointed by the President of the United States, upon recommendations made in the manner set forth in said act, and therefore are a duly qualified and commissioned United States board of management, clothed with full and adequate powers to perform any and all acts essential to the proper and neces-

sary management of the affairs of the said world's industrial and cotton centennial exposition in the manner and form prescribed by said act, and duly authorized by the sanction of the Government of the United States to raise the capital necessary to carry into effect the provisions of said act of February 10, 1883; and

Whereas the President of the United States, in compliance with the terms and requirements of said act, has extended, in the name of the United States, a respectful and cordial invitation to the governments of other nations to be represented and take part in the said international exposition; and

Whereas the preparations designed by the world's industrial and cotton centennial exposition, and in part executed by the board of management, are in accordance with the spirit of the act of Congress relating thereto, and are on a scale creditable to the Government and the people of the United States: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of \$1,000,000 be, and the same is hereby, appropriated, out of any money in the public Treasury not otherwise appropriated, as a loan to the world's industrial and cotton centennial exposition, to be used and employed by the board of management thereof to augment and enhance the success of the world's industrial and cotton centennial exposition in such manner as said board of management may determine and in accordance with the provisions of this act: *Provided*, That the said sum shall be paid by the Secretary of the Treasury of the United States on the drafts of the president and secretary of the board of management of the world's industrial and cotton centennial exposition authorized by order of said board, one-third of the amount immediately after the passage of this act upon being satisfied that \$500,000 has been contributed and paid in to the said board for the purposes of the exposition by the contributors to, and shareholders of the world's industrial and cotton centennial exposition, and the remainder in four monthly payments thereafter upon being satisfied that each of the prior payments has been faithfully applied as required by this act, and for this purpose he shall have free access to the accounts and all transactions of said board: *Provided further*, That no greater amount shall be expended or liability or indebtedness of any kind incurred upon buildings, grounds, and preparations than the aggregate sum that may be paid in, by the subscribers to the capital stock and by donations and the amount of the loan provided herein: *And provided further*, That in the distribution of the amounts that may remain in the treasury of the board of management after the payments of the current expenses of administration the amount of the appropriation hereinbefore made shall be paid in full into the Treasury of the United States before any dividend or percentage of profits or assets shall be paid to the holders of said stock or contributors: *Provided further*, That the Government of the United States shall not, under any circumstances, be liable for any debt or obligation created or incurred by the World's Industrial and Cotton Centennial Exposition, or its board of management, or for any sum whatever in addition to the amount appropriated by this act; and that adequate space to be determined by the President of the United States for such exhibits as the Government of the United States may see proper to make at said exposition shall be furnished free of all charge by said board: *Provided further*, That no sum shall be paid to the said board of management of said exposition until after the president, secretary, and a majority of the members of said board shall have executed a bond, with good and solvent security, to be approved by the Secretary of the Treasury, in the sum of \$300,000, to sufficiently secure the safe-keeping and the faithful disbursement of the sum hereby appropriated, and for the faithful observance of this act with regard to the limitation of expenditures and liabilities as fixed herein, and for the repayment to the Government of the United States of the surplus of proceeds of said exposition remaining after payment of the current expenses of administration, said repayment in no case to exceed the loan herein appropriated and provided for: *And provided further*, That the receipt of the loan herein made or any part thereof by said board of management shall be a full acceptance of all the trusts, conditions, provisions, and obligations of this act by the said board of management and by the corporation created under the laws of the State of Louisiana and designated as "The World's Industrial Cotton Centennial Exposition."

Approved, May 21 1884.

Mr. RANDALL. I yield to the gentleman from Ohio [Mr. KEIFER] for five minutes.

Mr. KEIFER. Mr. Speaker, we have done a great deal for this World's Fair and Cotton Exposition at New Orleans, but in doing what we have in the way of a loan of a million of dollars to that fair and afterward \$300,000 to get up an exhibition, we have done the very thing expected in connection with our partnership arrangement which was previously made, and we have done the very thing which binds us, not legally, because the Government of the United States is never bound legally, but with the strongest kind of moral obligation, to do something more. And the doubt in my mind, Mr. Speaker, is how we are to do that thing. We have induced most of the civilized nations of the world to send exhibits to this world's fair, and we owe an obligation in a large degree to these nations of the world—we owe it to them to see that this exhibition or world's fair shall not be a failure.

Ay, Mr. Speaker, we owe something more, and that is to the dignity and greatness of the United States, that this fair shall be a success. We can not afford to degrade our national character in this matter by stepping aside at this moment and letting the creditors seize the property belonging to the exhibition and put an end to it in disgrace and humiliation not only to the management at New Orleans, but to the whole of the United States. We owe it to the individual States and Territories of this country, all of whom have been induced to send exhibits at large expense to this fair—done of course in their own interests, but with the understanding that the President of the United States had proclaimed to the people of the United States, ay, and to the people of the whole world, that there was to be a fair there, and it was to be sustained and maintained by the United States.

I have listened, Mr. Speaker, to the representatives of some of the States of this nation who have spent much time at this world's fair; I have listened to their appeal for help to sustain the dignity of the country and the various interests centered in that fair. The great educational exhibit down there is said to be worth to America—and if it goes mostly to the South all the better—worth to the United States all that has been put into it. It has been furnished by the people who have gathered it all over the country, some of it separate exhibits of States, and others supplied by the United States, all being concentrated there and made valuable to this country and perhaps to the world.

The SPEAKER. The gentleman's time has expired.

Mr. KEIFER. If I had more time I had many other things to say.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, I want in the outset of my remarks, which will be very brief, to state that I intend to vote for the passage of this bill under a suspension of the rules; but I desire now to invite the recollection of the House, and those members who were here a few Congresses ago, and especially yourself, Mr. Speaker (Mr. Cox, of New York, in the chair), to the vote upon the proposition for a loan to the Centennial Exposition in Philadelphia in 1876. It will be remembered, after the bill passed allowing us \$1,500,000 as a loan to that great enterprise, which culminated in a world-wide success, that a year or two afterward another bill passed Congress by which that loan was exacted from the men who had originated that great exposition, and it was repaid, every dollar of it, to the Federal Treasury.

Now, sir, I simply desire to refer to that fact, and I regard this as a most appropriate occasion for doing so. I stand here as a representative in part of the great city of Philadelphia, with the full knowledge that I can not go back to my constituents having voted against this proposition. I, with my colleagues on this floor, represent a community generous and liberal in the extreme, and particularly so in all matters pertaining to the great industries of our country. We represent constituents filled with pride of the country and its resources, and we represent constituencies and citizens who are alive to enterprise and alive to progress, as is fully shown in the history of this country; and hence I shall vote for this proposition.

I should fail in my duty to them if I voted in opposition to it, although, in fact, and as a measure of justice to those who so liberally expended their private means to make the Philadelphia exposition of 1876 a success, I should be glad to see adopted an amendment providing—

That whenever it is ascertained that the loan of \$1,000,000 and the additional loan of \$300,000 is not to be repaid by the World's Cotton Exposition at New Orleans, then this loan of \$1,500,000 which was made to the Centennial Exposition at Philadelphia, and the payment of which was exacted, shall be considered due and payable to the finance commission of the said Centennial Exposition at Philadelphia.

That would be only an equitable proposition, and it is one that I hope the sense of justice of the Government will one day approve.

But, sir, I shall not do anything here that will jeopardize the passage of this measure. If this House is not yet prepared to do this act of justice to my constituents, I shall still feel it my duty to support the appropriation for the New Orleans Exposition. This Government has lent its aid to that enterprise. All the States of our Union and the great nations of the earth have accepted the invitation to participate and have sent on their exhibits. Shall we now withdraw, and have disastrous failure if not national disgrace to follow?

Permit me to say, sir, that Philadelphia was the originator of this great exposition business. The enterprise and public spirit of Philadelphia originated the Centennial Exposition, which for six months in the year 1876—from May 10 of that year, when the exposition was opened, until the 10th day of November, when it was closed—enabled us to illustrate to the country and to illustrate to the world the progress, the enterprise, the industry, and the wealth of this country side by side with the exhibitions of foreign nations; and we were permitted in that manner to show to them that American ingenuity and American genius were equal and superior in many respects to the ingenuity, enterprise, and progress of the nations of the Old World.

I want to state this, sir, in behalf of this great manufacturing commercial center of Philadelphia. It is due to that city and to its enterprising people that these facts should be kept before the country. I want also to mention here that the three hundred contributors that went to New Orleans and who are there to-day from Pennsylvania and from the city of Philadelphia are there to enable the country and the world to see something of the wonderful resources of that State and of that city which I in part represent. Those people, the people who honor me by sending me here to occupy a seat in this Hall, would not indorse my action did I not vote to extend this further assistance of \$300,000; and if it be necessary to give it away, as well as to give away the million of dollars that we appropriated a short time ago to New Orleans, even in the face of the fact that Philadelphia was required at the completion of her great exposition to return the million and a half of dollars that the Government had given for that purpose, I would still feel it my duty to support it, and know that they will indorse and justify my action in doing so.

[Here the hammer fell.]

Mr. LORE. Mr. Speaker, when the original proposition was before the House for the loan of \$1,000,000 to aid the New Orleans Exposition I offered an amendment that a bond should be executed conditioned for the unconditional repayment of that money. This House voted a loan of \$1,000,000 for the exposition. Without that \$1,000,000 there would be no exposition, and the nations of Europe and the nations of South America and our sister States in the Union would not have been induced to take their exhibits to New Orleans at a large expenditure of money and time and at great sacrifice to themselves.

That gift and the countenance this Government gave to the exposition made it possible that it should be held. Now, if I understand the situation, without this additional appropriation of \$300,000 for its support the exposition will fail. The question now presents itself by

thus inviting these people, by thus creating that which would not have been without Federal aid, do we not become a party to deception, to the procurement of goods under false pretenses?

Mr. FINDLAY (from his seat). The exposition of goods.

Mr. LORE. My friend suggests the exposition of goods. Yes; we procured the exposition of such goods by such pretenses. I did not believe the original loan wise, nor would I support a like appropriation if it were a new proposition. But the honor and faith of the nation is now pledged, and we can not without national disgrace now withhold this aid. I shall vote for the appropriation on these grounds.

Mr. RUSSELL. Mr. Chairman, the value and importance to our people and to the country of a world's exposition like the one at Philadelphia in 1876 and the one now going on at New Orleans can not be estimated by thousands or hundreds of thousands of dollars. There is going on in all the leading countries of the globe new inventions and progress in the fields of art, agriculture, and manufacture. Sometimes one country and sometimes another is in advance in some branch of industry, and these great expositions, bringing the products and handiwork of all nations together in competitive exhibition, at once enlighten and stimulate the whole people to greater progress.

Our exposition in 1876 not only inspired our established industries to renewed energy and effort in improvement, but new branches of industry were established, and have since prospered and have given employment to our artisans and added wealth to the country. I am willing, therefore, to vote additional aid to the New Orleans Exposition provided it is restricted to the conditions proposed by the gentleman from Michigan [Mr. HERR]. It is right and proper that the creditors who live at long distances from the institution and have received no pay whatever should be made special creditors so far as this donation is concerned.

Mr. MILLIKEN. What right have we to pay these claims any more than to pay the creditors of any one else or to pay my debts?

Mr. RUSSELL. As the gentleman from Ohio has well said, the national honor is involved.

Mr. MILLIKEN. What assurance have we that this sum will pay the bills and maintain the national honor?

Mr. RUSSELL. We must meet the emergency as it is presented to us. With the restriction provided for in the amendment of the gentleman from Michigan [Mr. HERR] we know it goes so far as it may in liquidating existing claims.

Their experience, so far as their financial condition is concerned, is the experience of every other like scheme, or I may say the experience of almost every undertaking of magnitude. It is difficult in an exposition of this kind to estimate the full cost, there are so many elements of uncertainty. In fact, in any large enterprise they seldom keep the expenditures within the first estimate. If the amendment of the gentleman from Michigan [Mr. HERR] is accepted I shall vote to donate the \$300,000 recommended by the committee.

The SPEAKER *pro tempore*. The gentleman from Louisiana [Mr. ELLIS] is entitled to the floor.

Mr. ELLIS. I understand the gentleman from Michigan [Mr. HERR] will now occupy the remainder of his time.

Mr. HERR. Mr. Speaker, I wish to say in the few moments left me that in my effort to divert this money to a fixed channel I simply sought to do what I believed will best serve the interests of the people, who have the good of this exposition at heart.

I wish to say, Mr. Speaker, that I have in my pocket letters from several men who have property on exhibition down there. One man writes me that he has paid in getting his horses to that exhibition \$930; that he has been awarded over \$1,600 premiums, not one cent of which can be realized, and that he is in trouble for means to remove his property and get it home, unless some provision is made for the payment of these premiums.

I want it well understood by this House that I do not claim we are ever going to get the \$1,000,000 back that we loaned. We did not look for it. I might further say that a proposition was made to the management that is now in charge of that exposition to take the entire property and raise this \$300,000, and that the Government release the \$1,000,000 to them and give them the whole property if they would do that and let the Government get clear from this out. That proposition was rejected, for the simple reason, I suppose, of their inability to raise that amount of money which is needed now to go on with the enterprise.

I shall make this proposition as a substitute for the section; but if there is objection on the part of some of my friends on this side of the House, I shall submit it in such a form that the money shall be paid through an agent of the Secretary of the Treasury, detailed by the Secretary of the Treasury, instead of an Army officer. I am satisfied to make that amendment. All I want is that this money shall be paid to the parties who have been induced to go there from all over the United States in the payment of the premiums and the indebtedness so that they shall get their pay; otherwise I can not vote for the proposition.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. HERR. I offer my amendment.

The SPEAKER. The gentleman from Louisiana has twenty minutes to close debate.

Mr. ELLIS addressed the committee. [See Appendix.]

Mr. ELLIS. I yield the remainder of my time to the gentleman from Pennsylvania if he desires it.

Mr. O'NEILL, of Pennsylvania. In view of what I have said I desire to offer an amendment to the amendment of the gentleman from Michigan [Mr. HORN]. I do not want any one to conclude I am not in favor of voting this \$300,000.

The SPEAKER. Under the rule of the House the time for debate is now closed.

Mr. RANDALL. I have a suggestion to make, and that is that gentlemen who desire to submit amendments will send them up to be printed in the RECORD, and then that after the bill has been read the House will adjourn. I recognize the fact that many members of the House were here until midnight last night, and we now have been in continuous session for seven hours. I think it is nothing but reasonable to make this order.

Mr. O'NEILL, of Pennsylvania. Let us vote on the amendments.

Mr. RANDALL. That can not be done, as many members have gone away.

The SPEAKER. The gentleman from Pennsylvania suggests that members having amendments to offer will submit them so they may be printed in the RECORD for information and then the bill will be read, after which the House will stand adjourned.

There was no objection, and it was ordered accordingly.

Mr. ELLIS. It is of course understood that all points of order are reserved.

Mr. O'HARA. Can amendments be offered outside of this measure?

The SPEAKER. Only by unanimous consent. The amendments will be printed in the RECORD for information.

Mr. ELLIS. To save all rights I reserve all points of order.

The SPEAKER. The amendments are not now offered, but are sent up to be printed in the RECORD for the information of the House.

The following amendments were submitted under the order of the House:

By Mr. HORN, as follows:

For the purpose of aiding the World's Industrial and Cotton Centennial Exposition now being held in the city of New Orleans, in the State of Louisiana, not to exceed the sum of \$300,000, but so much thereof as may be necessary, to be immediately available, and to be used first in payment of the indebtedness now outstanding of said exposition which is due to persons, firms, or corporations living and doing business outside of the State of Louisiana, including debts due to foreigners or foreign nations and such as are due to States and Territories from said exposition; secondly, in payment of all premiums heretofore awarded or which shall be hereafter awarded by said exposition in accordance with the lists of awards heretofore published; said money to be disbursed under the direction of the Secretary of the Treasury, who shall make proper rules and regulations for the form and verification of vouchers in proof of such indebtedness, and shall detail a proper agent of his Department to disburse said funds as directed by said Secretary, who shall make a detailed statement of his transactions to the Treasury Department.

By Mr. POTTER, as follows:

Strike out from the commencement of line 2084 to the end of line 2041, inclusive.

By Mr. GEORGE D. WISE, as follows:

In line 2022, after the word "Smith," strike out "assistant librarian" and insert "and Asher Barnett, assistant librarians;" and in line 2023, after the word "dollars," insert "each;" so that it will read: "To pay William H. Smith and Asher Barnett, assistant librarians, House of Representatives, for additional services during the first and second sessions of the Forty-eighth Congress, \$600 each."

By Mr. ELLWOOD, as follows:

Strike out lines 2032 to 2041 inclusive and insert:

"A committee of three members of the House shall be appointed by the Speaker to inquire into the expenditures by and money received by the managers of the World's Industrial Cotton and Centennial Exposition. The said committee are hereby empowered to administer oaths, to compel the attendance of witnesses, and to send for persons and papers; and it shall report the result of its investigation to the Forty-ninth Congress on or before December 10, 1895."

By Mr. KRIEGER, as follows:

Strike out in lines 2028, 2029, and 2040 the words:

"Preference being given to such debts as constitute a lien upon the buildings and machinery on the exposition grounds."

And insert in lieu thereof the words:

"And if said sum is not sufficient to pay such indebtedness in full, then the same shall be paid pro rata."

By Mr. SMALLS, as follows:

On line 1906 strike out the word "twenty-two" and insert "twenty-three."

On line 1916 strike out the word "thirteen" and insert the word "fourteen."

On line 1914 add the word "five hundred" after the word "thousand," so as to read "ten thousand and five hundred dollars." In the same line strike out the words "in all, forty-nine thousand dollars" and add "for a force-pump \$400, to be immediately available; in all, \$51,900."

By Mr. THOMAS, as follows:

Amendment to come in after line 1032:

"To reimburse Commander A. G. Kellogg, United States Navy, for personal effects destroyed by the burning of the United States light-house tender Lilly, \$1,000."

ENROLLED BILL SIGNED.

Mr. HOLMES, from the Committee on Enrolled Bills, reported that

they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. 84) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians, of Minnesota, subsequent to June 1, 1861, and prior to the massacre of August, 1862, and providing for the payment thereof.

CALIFORNIA AND OREGON RAILROAD.

The SPEAKER laid before the House the following message from the President; which was referred to the Committee on the Public Lands, and ordered to be printed.

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 13th instant, requesting me to inform that body, if not incompatible with the public interest, what were the reasons which moved me to appoint commissioners to examine and report upon the California and Oregon Railroad from Redding northwardly, I transmit herewith a communication on that subject, addressed to me on the 24th instant by the Secretary of the Interior, setting forth the practice under which my action was taken.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, February 25, 1895.

BAR OPPOSITE LICKING RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers of surveys and examination of bar in the Ohio River opposite the mouth of Licking River; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

NAVAL CRUISER AND DISPATCH BOAT.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of the Navy for completing the new naval cruiser and dispatch-boat; which was referred to the Committee on Appropriations, and ordered to be printed.

DESTITUTE AMERICAN CITIZENS.

The SPEAKER also laid before the House a letter from the Secretary of the Navy, informing the House of assistance being rendered by that Department to destitute American citizens at Livingston, Central America, and asking approval of his action by Congress; which was referred to the Committee on Naval Affairs, and ordered to be printed.

PENNSYLVANIA WAR CLAIMS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting report of allowance of the twelfth installment of the Pennsylvania war claims; which was referred to the Committee on Appropriations, and ordered to be printed.

IMPROVEMENT OF CONGAREE RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers of the results of the survey of the Congaree River; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

PLATES—MISSISSIPPI RIVER IMPROVEMENT.

The SPEAKER also laid before the House a letter from the Secretary of War, requesting the return of the original copies and plates of the report of the Mississippi River Commission, for the purpose of having blue prints made therefrom.

The SPEAKER. Without objection, the request will be complied with.

There was no objection, and it was ordered accordingly.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FINERTY, for the remainder of the day, on account of illness in his family.

To Mr. HUNT, during the night sessions of the House, on account of ill-health.

To Mr. GLASCOCK, for the rest of the day, on account of sickness in his family.

To Mr. JOHNSON, for the rest of the day, on account of sickness.

To Mr. BEACH, from attendance on night sessions for the balance of the session, on account of ill health.

To Mr. BLANCHARD, for to-day, on account of sickness.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to withdraw papers in the following cases:

To Mr. DINGLEY, to withdraw from the files of the House the papers accompanying House bill 6311, there being no adverse report.

To Mr. CULLEN, papers in the case of Mrs. Mary Ripley, without leaving copies on file.

To Mr. SKINNER, of New York, to withdraw from the files of the House the bill (H. R. 1072) for the relief of Robert Tillson and Maitland Boone, with accompanying papers, there being no adverse report.

To Mr. PETTIDONE, to withdraw papers on file in support of the bill for the relief of David W. Harrison without leaving certified copies,

the same no longer being necessary, as the relief sought has been granted by the general act in regard to the reissue of lost Government checks.

ENROLLED BILL SIGNED.

Mr. PETERS, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. 78) for the erection of a public building at La Crosse, Wis.

PENSION BILLS.

On motion of Mr. MATSON, it was ordered that Senate pension bills on the Speaker's table be taken therefrom and appropriately referred.

LEAVE TO PRINT.

By unanimous consent, leave was granted to Mr. HARDEMAN to print remarks on the bill to aid in the support of common schools; and to Mr. EVANS to print remarks on the deficiency bill.

SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER. By order of the House the Clerk will now proceed to read the bill, after which the House will adjourn.

Mr. HOLMAN. There is an appropriation made by this bill of \$85,199.12 for the public building at Fort Wayne, Ind. After this bill was prepared, as the House is aware, the House increased the limit of the appropriation for that building. I ask unanimous consent therefore to reduce that amount in the bill to \$60,000. I think in fact the whole appropriation ought to be stricken out.

Mr. LOWRY. I have no objection to the correction being made.

Mr. HOLMAN. I refer to line 82 of the bill.

Mr. WARNER, of Ohio. Before giving consent I ask if that increases the amount which was appropriated the other day for this building?

Mr. HOLMAN. This reduces the amount fixed in this bill from \$85,000 to \$60,000. It is an increase of the amount appropriated the other day.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. WARNER, of Ohio. I do not know why it is in here at all, as we passed a bill a few days ago for this purpose.

Mr. KEIFER. What is the limit of the building now? I would like to ask whether \$60,000 will exceed that limit?

Mr. LOWRY. This reduction is made for the purpose of fixing the amount at the limit.

The SPEAKER. Is there objection to the request?

Mr. MILLER, of Pennsylvania. I object.

Mr. HOLMAN. I hope the gentleman will not object to this reduction.

Mr. MILLER, of Pennsylvania. I do not care whether it is a reduction or not, I object.

Mr. HOLMAN. I think the gentleman from Pennsylvania [Mr. MILLER] does not understand the point. I hope he will withdraw his objection. We ought not to duplicate this appropriation.

Mr. STOCKSLAGER. I would like to ask unanimous consent to report a bill.

The SPEAKER. The Chair would be glad to recognize the gentleman, but the House has made an order with regard to the bill under consideration which the Chair must execute.

Mr. ENGLISH. I ask unanimous consent to strike out, in lines 1421 and 1422, the words "Indianapolis arsenal, Indiana," where they occur in the paragraph authorizing the Secretary of War to sell certain arsenals.

Objection was made.

The SPEAKER. The gentleman from Pennsylvania [Mr. MILLER] withdraws his objection to the request of the gentleman from Indiana [Mr. HOLMAN].

Mr. HEPBURN. I renew it. [Cries of "Regular order!"]

The SPEAKER. The Clerk will proceed to read the bill.

The Clerk proceeded to read the bill.

During the reading of the bill the following proceedings occurred:

Mr. DUNHAM (interrupting the reading). I rise to ask if unanimous consent can not be given to dispense with the reading of the bill.

The SPEAKER. The House has just by unanimous consent ordered the bill to be read.

Mr. DUNHAM. I ask unanimous consent now to dispense with the reading of the bill.

The SPEAKER. The gentleman from Illinois asks unanimous consent to dispense with the reading of the bill.

Mr. RANDALL. I object.

Mr. MILLER, of Pennsylvania. I rise to make a parliamentary inquiry. Is it understood that as soon as this is read the House will adjourn?

The SPEAKER. That is the order of the House. The Clerk will read.

The Clerk resumed the reading of the bill.

Mr. JOSEPH D. TAYLOR (interrupting the reading). I ask unanimous consent that the further reading of the bill be dispensed with.

The SPEAKER *pro tempore* (Mr. WELLBORN). That request has already been submitted and objection was made.

Mr. REED, of Maine. There are not forty members of the House present.

Mr. DUNHAM. I move that the House adjourn.

The SPEAKER *pro tempore*. The Chair does not entertain that motion. The order of the House is that the bill shall be read and that the House shall then adjourn.

Mr. MILLER, of Pennsylvania. And the force shall be carried out.

Mr. DUNHAM. I desire to ask a parliamentary question.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. DUNHAM. When it is plain beyond question that there is no quorum present can I not object to this business proceeding?

The SPEAKER *pro tempore*. The order of the House has been made that the bill shall be read.

Mr. DUNHAM. Can the bill be read to the House when it is known there is not a quorum present?

The SPEAKER *pro tempore*. The order of the House is imperative. The Clerk will continue to read.

Mr. JOSEPH D. TAYLOR. I would like to hear the order of the House read.

Objection was made.

Mr. MILLER, of Pennsylvania. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. MILLER, of Pennsylvania. Would it be in order for the Clerk and the Committee on Appropriations to repair to the committee-room and there finish the reading of the bill?

The SPEAKER *pro tempore*. That is not a parliamentary inquiry. The Clerk will proceed with the reading of the bill.

Mr. JOSEPH D. TAYLOR. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. JOSEPH D. TAYLOR. If an order has been made to read this bill would it not now be in order to make a motion to reconsider that?

The SPEAKER *pro tempore*. It would not, because the order of the House has been partly executed.

Mr. HEPBURN (at 6 o'clock and 25 minutes p. m.) I move that the House do now adjourn.

The SPEAKER *pro tempore*. The Chair has stated that that motion is not in order.

Mr. HEPBURN. I appeal from the decision of the Chair.

The SPEAKER *pro tempore*. The Chair declines to entertain the appeal. The order of the House must be executed.

Mr. BROWN, of Pennsylvania. I wish to inquire of the Chair is not a motion to adjourn always in order?

The SPEAKER *pro tempore*. That motion is not in order while the House is executing the order of the House, that this bill shall be read and that the House shall then adjourn.

Mr. DUNHAM. I rise to a question of order.

The SPEAKER *pro tempore*. The Chair has announced repeatedly that the only thing in order now is the reading of this bill, the House by unanimous consent having ordered that it be read.

Mr. HEPBURN. Will the Chair permit me to remind him that the occupant of the chair did entertain a proposition to change the text of that bill?

The SPEAKER *pro tempore*. This occupant of the chair did not.

Mr. HEPBURN. Is not that the fact as I have stated it?

The SPEAKER *pro tempore*. The Chair is informed that that was done before the reading of the bill began.

Mr. LONG. And it was done by unanimous consent.

The SPEAKER *pro tempore*. The Chair will state to members of the House that if the Clerk is not interrupted the reading will soon terminate. The Chair will further say that under the order of the House as soon as the reading of this bill is completed the present occupant of the chair will declare the House adjourned.

Mr. REED, of Maine. Then those of us who are here need not stay.

The SPEAKER *pro tempore*. That is a matter that members must determine for themselves. The Chair, of course, will not undertake to determine it for them.

Mr. ADAMS, of Illinois. I desire to ask a parliamentary question.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. ADAMS, of Illinois. In the course of the reading of this bill will the occupant of the Chair entertain any request for unanimous consent to change the text of the bill?

The SPEAKER *pro tempore*. The Chair will not entertain any such request.

Mr. MILLER, of Pennsylvania. That will do; then we can all go home.

The SPEAKER *pro tempore*. The Clerk will proceed with the reading of the bill.

The Clerk resumed and concluded the reading of the bill *in extenso*. And then, under the previous order, the House (at 7 o'clock and 3 minutes p. m.) adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. T. M. BROWNE: Petition of 84 citizens of Connorsville, Ind., on the subject of polygamy in Utah—to the Committee on the Judiciary.

By Mr. J. E. CAMPBELL: Petition of Hon. James M. Smith and 60 others, citizens of Lebanon, Ohio, for legislation upon the Mormon question—to the same committee.

By Mr. DEUSTER: Memorial of the Legislature of the State of Wisconsin, in reference to sorghum machinery and improved methods of making sugar—to the Committee on Agriculture.

By Mr. ERMENTROUT: Petition of John A. Sibbald, against House bill 7004 repealing pre-emption and timber-culture laws—to the Committee on the Public Lands.

Also, petition in favor of construction of bridges across Staten Island Sound between New York and New Jersey—to the Committee on Commerce.

By Mr. EVANS: Petitions of citizens of Bucks and Montgomery Counties, and of Harrisburg, Pa., praying for the education of the Indians and their volunteer citizenship, &c.—to the Committee on Indian Affairs.

By Mr. EVERHART: Petition of the Woman's National Indian Association of Delaware County, Pennsylvania—to the same committee.

By Mr. GOFF: Petition of J. T. Stancher and 43 others, asking for pensions to disabled soldiers and the repeal of arrears act—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. JAMES: Petition of Isaac N. Judson and 54 others, citizens of Brooklyn, N. Y., asking for early action on the Mormon question—to the Committee on the Judiciary.

Also, petition of James Cruikshank and 26 others, men and women, citizens of Brooklyn, N. Y., asking for early action on the Mormon question—to the same committee.

By Mr. B. W. JONES: Memorial of Wisconsin State Legislature, for aid to experiments in sorghum culture—to the Committee on Agriculture.

By Mr. J. K. JONES: Papers relating to the claim of George W. Hughes, of Tulip, Dallas County, Arkansas—to the Committee on War Claims.

By Mr. KING: Joint resolution, appropriating \$10,000,000 for prosecution of works on rivers and harbors in the United States—to the Committee on Rivers and Harbors.

By Mr. LONG: Memorial of the American Woman Suffrage Association, for an amendment to the Constitution conferring suffrage on women—to the Committee on the Judiciary.

By Mr. LOWRY: Petition of Mrs. Lovey Helper, of Ontario, Ind., for an increase of widows' pensions—to the Committee on Pensions.

By Mr. A. HERR SMITH: Petition of 29 citizens of Lancaster County, Pennsylvania, in favor of checking the evil of Mormonism; especially for the passage of certain bills now pending in Congress—to the Committee on the Judiciary.

By Mr. SINGLETON: Petition of J. R. Phillips, of Lauderdale County, Mississippi, asking reference of claim to the Court of Claims for rehearing under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. STEPHENSON: Memorial of the Legislature of the State of Wisconsin, in reference to sorghum machinery and improved methods of making sugar—to the Committee on Agriculture.

By Mr. J. M. TAYLOR: Petition of John J. Burrow, of Carroll County, Tennessee, asking reference of claim to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. WASHBURN: Petition of citizens of Saint Paul, Minn., inviting attention to the importance of early action upon the so-called Mormon question—to the Committee on the Judiciary.

By Mr. WEAVER: Petition of George T. Crissman and 87 others, citizens of Omaha, Nebr., asking Congress to take action on the Mormon question—to the same committee.

By Mr. WEMPLE: Petition of citizens of Johnstown, N. Y., asking Congress to take early action on the Mormon question—to the Committee on the Judiciary.

By Mr. YOUNG: Petitions of A. B. Carter and of C. M. Ayers, widow of Tredwell S. Ayres, deceased, of Shelby County, Tennessee, asking reference of their claims to the Court of Claims for rehearing under the provisions of the Bowman act—to the Committee on War Claims.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. KEIFER: Of George P. Mulford and 45 others, of Urbana, Ohio.

By Mr. LACEY: Of Wallace E. Wright and 16 others, of Coldwater, Mich.

By Mr. RANDALL: Resolutions of the General Assembly of the Commonwealth of Pennsylvania, in relation to the Mexican pension bill.

SENATE.

FRIDAY, February 27, 1885.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

Mr. VAN WYCK. I suggest, while we are waiting for those members of the Senate who occupy most of the time of it while in session—

The PRESIDENT *pro tempore*. The Senate is not yet called to order. The Chair will, however, call the Senate to order.

Mr. VAN WYCK. I was suggesting whether this might not be an opportune time, while waiting for members of the Senate who generally occupy most of the time of the Senate while in session, to ask for the consideration of a bill which will provoke no discussion. Therefore I ask unanimous consent—

The PRESIDENT *pro tempore*. Nothing is in order at this time except the reading of the Journal, and that is not in order until a quorum has appeared. [After a pause.] The Chair will now direct the Journal of yesterday's proceedings to be read.

The Journal of yesterday's proceedings was read and approved.

SUPPLIES TO MINNESOTA SIOUX INDIANS.

Mr. CAMERON, of Wisconsin. I move that the House of Representatives be requested to return to the Senate for further consideration the bill (S. 84) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof.

The PRESIDENT *pro tempore*. The Senator from Wisconsin asks unanimous consent for leave to move at this time that a message be sent to the House of Representatives requesting the return of the bill named by him. Is there objection to receiving the motion of the Senator from Wisconsin? The Chair hears none. The question is on agreeing to it. If there be no objection it will be agreed to. It is agreed to.

ORDER OF BUSINESS.

Mr. HALE. I ask unanimous consent to take up now the naval appropriation bill, which is ready for the Senate. I will state the reason why I make the request at the present time. I do not anticipate that the bill will take much time in the Senate. I do not think the trouble with the bill will be here; but Senators know how for the last two years much time has been consumed in conference between the two Houses on the naval appropriation bills, and therefore it is very desirable that the bill should be sent to the House as soon as possible. If I can get it through this morning I should hope to get a conference to-morrow; and if there are protracted conferences we shall be able at least to bring the disagreements in conference before the Senate.

Mr. DAWES. Will the Senator from Maine allow me to make a report from the Committee on Indian Affairs?

Mr. HALE. Certainly.

Mr. DAWES. I ask consent at this time to make a report.

The PRESIDENT *pro tempore*. Does the Senator from Maine withdraw his request?

Mr. HALE. Certainly.

The PRESIDENT *pro tempore*. The Senator from Massachusetts.

ROUND VALLEY INDIAN RESERVATION.

Mr. DAWES. The Committee on Indian Affairs, who were instructed by the Senate to investigate the condition of affairs in the Round Valley Indian reservation in California, have attended to that duty, and instruct me to submit a report in writing, which I ask may be printed.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent to submit a report from the Committee on Indian Affairs at this time. Is there objection? The Chair hears none. The Senator submits a report in writing on the subject referred to the committee named by him, which will be printed and placed on file. The Senator from Maine is now recognized.

ORDER OF BUSINESS.

Mr. BOWEN. Mr. President—

The PRESIDENT *pro tempore*. Does the Senator from Maine yield to the Senator from Colorado?

Mr. HOAR. I suggest to the Senator from Maine to yield for morning business.

Mr. HALE. I am very desirous, for the reason I have given, to get the naval appropriation bill through the Senate early to-day.

Mr. VAN WYCK. I trust the Senator from Maine will not press that bill, at least until committees have had an opportunity to make their reports.

The PRESIDENT *pro tempore*. It only requires a single objection. Mr. VAN WYCK. Then I shall have to object at this time, because the appropriation bills can force themselves before the Senate for consideration at any time.

The PRESIDENT *pro tempore*. Objection is made.

Mr. HALE. Will the Senator withhold his objection for a moment?

Mr. VAN WYCK. Yes, sir.

Mr. HALE. Of course I am entirely aware that at this time, except by unanimous consent, I can not get the naval appropriation bill before the Senate. I want Senators to realize the almost intolerable position the Senate is put in on appropriation bills, in the last five or six days of a session with the great bills appropriating for the uses of the Government tumbling in upon us to be considered by the Appropriations Committee, after having been passed under a suspension of the rules elsewhere, and it is essential in the largest degree to the comfort of the Senate and in order to save an extra session that every possible advancement shall be given to the appropriation bills. I know that Senators are desirous of going through with the routine business and making their reports and getting them off their hands; but if Senators believe, or if any one Senator believes, that that is more important now than to dispose of the naval appropriation bill, of course I can not go on. If the objection is made now, I give notice that at the end of the routine morning business I shall move to take up the bill; and with that, of course, I leave it to the Senate.

Mr. BOWEN. Mr. President—

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Maine?

Mr. VAN WYCK. I object.

Mr. BOWEN. Mr. President—

The PRESIDENT *pro tempore*. Objection is made. As objection is made it implies the regular order of morning business, which is not yet commenced, and with the permission of the Senator from Colorado the Chair will lay before the Senate certain communications from the Executive Departments.

Mr. BOWEN. I do not wish to be understood as objecting to the request of the Senator from Maine.

The PRESIDENT *pro tempore*. The Chair did not understand the Senator from Colorado to object. The Senator from Nebraska [Mr. VAN WYCK] objected.

Mr. BOWEN. I merely wish to present an amendment to the deficiency appropriation bill when I can get the floor for that purpose.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting an appropriation estimate, received from the Secretary of State, for the relief of Sampson P. Bailly, late United States consul at Palermo; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting an appropriation estimate, received from the Secretary of the Navy, for completing the ordnance of the new steel cruisers; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting an appropriation estimate, received from the Secretary of the Navy, for the repairs of the stone dry-dock at the Brooklyn navy-yard; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a communication from the Secretary of State recommending an appropriation for the compensation of William Schuchardt for services rendered in procuring testimony to be adduced before the United States and Mexican Claims Commission; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a joint resolution of the Legislature of Minnesota; which was read, and referred to the Committee on Commerce, as follows:

STATE OF MINNESOTA.

[Twenty-fourth session. S. P. No. 204. Introduced by Mr. Billson, February 5, 1885.]

A joint resolution urging upon Congress the immediate enlargement of the lockage of the Sault Saint Mary's Canal.

Whereas it appears from the report of General O. M. Poe, Chief of Engineers, United States Army, that the commerce through the Sault Saint Mary's Canal, at its present rate of increase, will within four years outgrow the utmost capacity of the lockage system of said canal:

Be it resolved by the Legislature of the State of Minnesota, That we hereby respectfully urge upon Congress the necessity for immediate and liberal appropriations for the enlargement of the lockage of said canal.

Resolved, That the secretary of state forward a copy of these resolutions to the President of the United States Senate, the Speaker of the House of Representatives, and to each of our Senators and Representatives in Congress.

C. A. GILMAN,

President of the Senate.

JOHN L. GIBBS,

Speaker of the House of Representatives.

Approved February 20, A. D. 1885.

STATE OF MINNESOTA, Department of State:

I hereby certify that I have carefully compared the foregoing with the original now on file in this department, and that it is a true and correct copy thereof and of the whole of the same.

Witness my hand and the great seal of the State this 24th day of February, A. D. 1885.

FRED. VON BAUMBACH,
Secretary of State.

Mr. McMILLAN. I present a joint resolution of the Legislature of Minnesota of the character just read from the desk, and I will ask its proper reference.

The PRESIDENT *pro tempore*. Does the Chair understand it to be identical with the one presented by the Chair?

Mr. McMILLAN. Yes, sir.

The PRESIDENT *pro tempore*. Then the joint resolution will be referred, without reading, to the Committee on Commerce.

Mr. MILLER, of California, presented a memorial of the Board of Trade of Los Angeles, Cal., remonstrating against the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. HARRIS presented the petition of Albert Bouldin, Martha Bain, H. W. Hinkle, Henry Klinge, and M. A. Triplett, of Washington, D. C., praying compensation for damages to their property resulting from public improvements in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. HARRISON presented a petition of Presley Smith and 87 others, citizens of Morgan County, Indiana, praying for the repeal of the act limiting arrears to those who applied for pension prior to July 1, 1880, and that Congress pass other legislation favorable to the soldiers of the late war; which was referred to the Committee on Pensions.

Mr. PLUMB presented two petitions of citizens of Kansas and other States, praying for the construction of a wagon-road from Caldwell, Kans., to Wichita Falls, Tex.; which were referred to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 1618) to provide for the construction of a court-house and post-office at Clarksburg, W. Va.;

A bill (H. R. 2123) for the erection of a public building at Wichita, Kans.;

A bill (H. R. 870) to provide for the erection of a public building at Aberdeen, Miss., for use as a post-office, United States court, and for United States internal-revenue officials, and for other Government purposes;

A bill (H. R. 3593) for the erection of a public building at Chicago, Ill.;

A bill (H. R. 3343) for the erection of a public building in the city of Auburn, N. Y.

A bill (H. R. 1321) for the erection of a public building at Reading, Pa.;

A bill (H. R. 4067) to change the limit of appropriations for the public building at Louisville, Ky.; and

A bill (H. R. 2949) for the erection of a public building at Port Townsend, Wash.

Mr. MAHONE. Now I hope that it will be the pleasure of the Senate to take these bills up and pass them. I ask unanimous consent that they may be now considered.

The PRESIDENT *pro tempore*. Is there objection?

Mr. HALE. I must object.

The PRESIDENT *pro tempore*. Objection is made. The bills will be placed on the Calendar.

Mr. MAXEY, from the Committee on Military Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6089) for the relief of Moses F. Carleton; and

A bill (H. R. 6533) for the relief of Dr. Thomas J. Jones.

Mr. CULLOM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2975) granting a pension to Marion D. Egbert;

A bill (H. R. 200) granting a pension to Thomas Jeffries;

A bill (H. R. 1866) granting a pension to Calvin L. Knick;

A bill (H. R. 6357) granting a pension to Christian Bauman;

A bill (H. R. 8189) granting a pension to Mrs. F. M. Norton;

A bill (H. R. 7485) granting a pension to Alexander Weide;

A bill (H. R. 7718) restoring John Snyder to the pension-roll; and

A bill (H. R. 2607) granting a pension to Mary B. Holmes.

Mr. CULLOM, from the Committee on Pensions, to whom was referred the bill (S. 2528) for the relief of James McKinley, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2421) for the relief of John Snyder, reported adversely thereon; and the bill was postponed indefinitely.

Mr. CULLOM. I am also instructed by the Committee on Pensions, to whom was referred the bill (H. R. 1862) for the increase of the pension of James Buchanan, to submit an adverse report thereon, and to state that the party claimant since the bill was introduced has died, and that the widow of the claimant is now seeking a pension through the regular channel in the Pension Office. I move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. WILSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

- A bill (H. R. 8069) granting a pension to Catharine Helton;
- A bill (H. R. 7434) granting a pension to Sylvester Greenough;
- A bill (H. R. 7000) for the relief of Clark G. Maine;
- A bill (H. R. 7938) granting a pension to Amanda Allen;
- A bill (H. R. 7502) granting a pension to Richard W. Barnes;
- A bill (H. R. 7803) granting a pension to L. W. Pitts;
- A bill (H. R. 4216) granting a pension to David N. Bryan;
- A bill (H. R. 1901) for the relief of Harrison Mitchell, late of Company K, Forty-eighth Indiana Volunteers;
- A bill (H. R. 8090) granting a pension to Albert Harper; and
- A bill (H. R. 389) granting a pension to John Boyle.

Mr. WILSON, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

- A bill (H. R. 7805) granting a pension to Capt. Vincent Phelps; and
- A bill (S. 1323) to increase the pension of David I. Whitman.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

- A bill (S. 2662) granting an increase of pension to Ella W. Thornton, widow of Capt. James S. Thornton, late of the United States Navy;
- A bill (S. 1811) granting a pension to Anne T. Dicks;
- A bill (S. 2359) granting a pension to M. Louise Butler;
- A bill (S. 2448) for the relief of Sally C. Mulligan;
- A bill (S. 2654) granting a pension to Charles F. Hildreth;
- A bill (H. R. 5998) granting an increase of pension to Jonathan C. Harrison;

- A bill (H. R. 1710) granting a pension to George W. Bean;
- A bill (H. R. 7810) granting a pension to Rosanna Riley;
- A bill (H. R. 5330) granting a pension to Octavia A. Newhall;
- A bill (H. R. 7853) granting a pension to Margaret Flaherty;
- A bill (H. R. 8048) to increase the pension of Ferdinand Hercher;
- A bill (H. R. 5378) granting a pension to Henry Milkey;
- A bill (H. R. 8082) granting a pension to Lina J. Stearns;
- A bill (H. R. 5300) for the relief of Charles Milk;
- A bill (H. R. 3947) granting a pension to Joseph Raible; and
- A bill (H. R. 4393) for the relief of Lient. Nathaniel Johnson Coffin.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 2661) granting a pension to Miss ——— Gill, reported it with an amendment, and submitted a report thereon.

Mr. BLAIR, I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 7538) granting an increase of pension to Mary F. Blake, to report it adversely; and I submit the views of the minority favoring the passage of the bill. I ask that it be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee, and, if there be no objection, the views of the minority will be received and printed.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the petition of Mrs. Ann Atkinson, granddaughter of George Mason, of Virginia, praying for an increase of pension, submitted a report thereon accompanied by a bill (S. 2665) granting increase of pension to Ann Atkinson; which was read twice by its title.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported adversely thereon and moved their indefinite postponement; which was agreed to:

- A bill (S. 144) granting a pension to George W. Bean;
- A bill (S. 1894) granting a pension to Octavia A. Newhall; and
- A bill (S. 2193) granting a pension to Ferdinand Hercher.

Mr. VAN WYCK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

- A bill (H. R. 7177) granting a pension to William H. Kinman;
- A bill (H. R. 7178) granting an increase of pension to John O. Gardner;

- A bill (H. R. 7503) for the relief of Daniel McAlpin;
- A bill (H. R. 2085) granting a pension to Joseph McIntosh;
- A bill (H. R. 8187) granting a pension to Chaney G. Darrah;
- A bill (H. R. 4458) granting a pension to Harlan Jackson; and
- A bill (H. R. 7340) granting a pension to John Sperr.

Mr. VAN WYCK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

- A bill (S. 2546) granting a pension to Charlotte C. B. Hatch;
- A bill (S. 2620) granting a pension to Thomas H. Boaz; and
- A bill (S. 2619) granting a pension to Martha Hughes.

Mr. VAN WYCK. I desire to say in connection with these reports that immediately after the naval appropriation bill, which will be called up this morning, shall have been acted upon, I shall ask that the Senate bills reported favorably from the Committee on Pensions may be considered, for the reason that the House Committee on Pensions will meet this afternoon for the purpose of considering Senate bills so that they may be passed to-night in the House, and this will probably be the last and

only opportunity to pass the few Senate bills which are reported from the Committee on Pensions this morning. I will ask the clerks to retain the Senate bills and not send them to the Printer, so that they may go into the hands of the House committee after their passage by the Senate.

Mr. FAIR, from the Committee on Claims, to whom were referred the following bills, reported adversely thereon; and the bills were postponed indefinitely:

- A bill (S. 1452) for the relief of B. Reinhart & Co.; and
- A bill (H. R. 4380) for the relief of A. H. Herr.

Mr. HAMPTON. I am instructed by the Committee on Military Affairs, to whom was referred the bill (H. R. 4684) for the relief of certain citizens of Marion County, Tennessee, to report it favorably. I call the attention of the Senate to the fact that this bill is reported without amendment. By a typographical error one word was left out which the committee has interpolated. Will that be treated as an amendment?

The PRESIDENT *pro tempore*. It must be so treated. The bill will be placed on the Calendar.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the petition of Miss Herrmine Thomson, praying that she be permitted to pre-empt one hundred and twenty acres of the reservation at Camp Independence, California, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

Mr. MITCHELL, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

- A bill (H. R. 7933) granting a pension to Henry Biederbick;
- A bill (H. R. 5191) granting an increase of pension to Augustus Jones;
- A bill (H. R. 4055) granting a pension to Sarah Tyler;
- A bill (H. R. 6982) granting a pension to W. H. H. Coleman;
- A bill (H. R. 2645) granting a pension to Esther Hudson, mother of William H. Hudson, deceased, late of Company G, Twenty-sixth Regiment Pennsylvania Volunteers, and Company E, One hundred and ninety-first Regiment Pennsylvania Volunteers;
- A bill (H. R. 838) granting a pension to Mrs. Lydia S. Huggins;
- A bill (H. R. 8229) to grant a pension to James Dye;
- A bill (H. R. 7169) granting a pension to Elizabeth Kaler;
- A bill (H. R. 383) granting a pension to Creet H. Dougherty;
- A bill (H. R. 8091) granting a pension to David Sears;
- A bill (H. R. 4605) granting a pension to Ellen Edmiston;
- A bill (H. R. 3556) granting a pension to Mrs. Lucretia G. Ripley;
- A bill (H. R. 7572) granting a pension to Amos McDowell;
- A bill (H. R. 5148) granting a pension to Jacob Leflerty;
- A bill (H. R. 7836) for the relief of Mrs. Ida P. Belcher;
- A bill (H. R. 1235) granting a pension to Annie E. Bailey; and
- A bill (H. R. 5554) granting a pension to Sarah Parry.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (S. 2569) granting a pension to Mrs. Lydia S. Huggins, submitted an adverse report thereon, and moved its indefinite postponement; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 1308) to grant arrears of pension to the widow of Milton Searle, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. MITCHELL. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 5509) for the benefit of soldiers and sailors who have lost an arm at the shoulder-joint, to report it with a favorable recommendation and to ask the Senate to consider it at this time. The bill is very brief and it ought not to take five minutes to pass it.

The PRESIDENT *pro tempore*. Is there objection?

Mr. HALE. I ask for the regular order.

The PRESIDENT *pro tempore*. Objection is made.

Mr. MITCHELL. Then I shall ask the Senate to take up the bill and consider it in connection with the Senate pension bills this afternoon.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. Res. 342) to authorize the printing of 400,000 copies of the annual report of the Commissioner of Agriculture for the year 1885, to report it with certain amendments, and I ask for its present consideration.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution?

Mr. HALE. I must call for the regular order.

The PRESIDENT *pro tempore*. Objection is made. The joint resolution will be placed on the Calendar.

Mr. CAMDEN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

- A bill (H. R. 5740) for the relief of Grigsby Foster;
- A bill (H. R. 4878) granting a pension to Emma O. Zeigler; and
- A bill (H. R. 8136) for the relief of Addison M. Copen.

Mr. CAMDEN, from the Committee on Pensions, to whom was referred the bill (S. 993) for the relief of Maria G. Dunbar, reported it with an amendment, and submitted a report thereon.

RETURN OF BILLS.

Mr. MANDERSON. I am instructed by the Committee on Printing to ask for the following order:

Ordered, That the Secretary request the House of Representatives to return to the Senate the joint resolutions S. R. 127, S. R. 128, and S. R. 129.

The order was agreed to.

LIEUT. A. W. GREELY.

Mr. DAWES. I ask the indulgence of the Senate for a moment to make an inquiry of the Committee on Military Affairs.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent to make a statement. If there be no objection, he will proceed.

Mr. DAWES. The chairman of the Committee on Military Affairs is absent and has been for some time. I do not know who acts as chairman in his absence; but I should like to make an inquiry, as I see several members of the committee present.

Some weeks ago a bill was referred to that committee designed to create an assistant chief of the Signal Bureau. The object of it was to give an opportunity for a recognition of the very distinguished and heroic deeds of a member of the Army, Lieutenant Greely. Lieutenant Greely is a native of my State, and the people of my State take a great interest as well as pride in what he has achieved and what he has suffered. They are looking anxiously to Congress for some recognition of his services; and I make bold to inquire of the committee respectfully whether there is any prospect that a report will be made upon that bill, so that the sense of the Senate can be taken upon it or upon some opportunity to make recognition of the services of that distinguished officer? I fear that if Congress shall adjourn without doing that, Lieutenant Greely will not be where any recognition of his services will be of any avail to him before Congress may meet again.

Mr. HARRISON. Mr. President—

The PRESIDENT *pro tempore*. The Senator from Indiana, if there be no objection, will be heard.

Mr. HARRISON. In the absence of the Senator from Illinois [Mr. LOGAN], who is chairman of the Committee on Military Affairs, and of the senior Senator from Pennsylvania [Mr. CAMERON], who is next on the committee, I have been for two weeks, perhaps, the acting chairman of that committee.

Prior to that time I am not able to give any account of the bill referred to by the Senator from Massachusetts. I do not know in whose hands it was or whether it had been referred to any member of the committee for consideration up to that time. Since my attention was called to the bill by the Senator from Massachusetts, in a private way, I looked it up and had a communication addressed to the Secretary of War on the subject, as is the custom of the committee. The response of the Secretary of War was only laid before the committee this morning. The early hour at which the Senate is meeting makes it difficult to get the committee together for a full session. At the best, if we are all prompt, we can get not more than an hour for the consideration of business before the committee. There are a large number of bills pending, some of which have been in the hands of subcommittees for a considerable length of time, who have been awaiting an opportunity to get in their reports. We did not have time this morning to act upon the bill to which the Senator from Massachusetts has referred.

I may say that the bill brings to the attention of the committee a subject of a general character about which there is some division of opinion, which has no relation whatever to Lieutenant Greely or his claims to consideration. It is known, I think, to many members of the Senate that the Secretary of War has in several communications recommended that the roster of offices of the Signal Service should not be increased. In his opinion the Signal Service has come chiefly to be a weather bureau and the duties connected with it of a civil rather than a military nature. The Secretary of War is disinclined to recommend or approve any suggestions for increasing the number of officers assigned to that corps. So the bill to which the Senator from Massachusetts has referred brings before the committee that question as well as the question of giving by law some proper recognition to Lieutenant Greely for his services and exposure in the Arctic regions.

We shall have another meeting of the committee on Monday, and I will say to the Senator that the question will be again considered by the committee, and if there is time to reach a decision upon the bill it will be reported to the Senate.

Mr. DAWES. If the Senate will permit me to add a word—

The PRESIDENT *pro tempore*. The Senator from Massachusetts will proceed, if there be no objection.

Mr. DAWES. Of course the Committee on Military Affairs and the War Department have a better judgment than any one else as to the propriety of increasing the force of the Signal Bureau. It is not the purpose of the friends of the measure to seek any special channel of recognition of Lieutenant Greely, but the bill gives the committee jurisdiction of the subject-matter, and I hope the Senate will indulge me in invoking earnestly their consideration of the subject contemplated by the bill. I do it in the feeling that Lieutenant Greely eminently deserves some recognition. I do not care to specify it nor do I care what it may be if it is in some measure commensurate with the value

of his services and the heroism which he has exhibited. I hope the Senate Committee on Military Affairs may not omit to do that, if they should come to the conclusion that the way suggested in the bill is not a wise one.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the joint resolution (S. R. 109) authorizing the loan of certain flags and bunting to the committee on inauguration ceremonies.

The message also announced that the Speaker of the House of Representatives had signed the enrolled bill (S. 84) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof.

EVENING SESSIONS.

The PRESIDENT *pro tempore*. "Concurrent and other resolutions" are in order, and the Chair lays before the Senate a resolution offered on the 26th instant by the Senator from Maine [Mr. FRYE], which will be read.

The resolution was read, as follows:

Resolved, That until otherwise ordered the Senate take a recess each day at 6 to 8 o'clock p. m.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. HALE. Mr. President—

Mr. SHERMAN. There is no necessity—

The PRESIDENT *pro tempore*. The Senator from Maine first addressed the Chair.

Mr. HALE. If there is not to be any debate I shall not interpose a motion to proceed to the consideration of the naval appropriation bill; but if there is to be any debate—and I have been notified that there will be—I make the motion now that the Senate proceed to the consideration of the naval appropriation bill.

The PRESIDENT *pro tempore*. Does the Senator submit the motion?

Mr. HALE. Yes, sir.

Mr. SHERMAN. All I wish to say is that there is no necessity for the resolution. There is not a particle of necessity for it.

Mr. HALE. We can take a recess any day we choose.

Mr. SHERMAN. It is in order under the rules now to take a recess, without such a resolution as this.

The PRESIDENT *pro tempore*. Pending the consideration of the resolution, the first hour of the morning hour having been concluded, it is in order for the Senator from Maine to move, and he does move, that the Senate proceed to the consideration of the naval appropriation bill. The question is on agreeing to the motion of the Senator from Maine. The motion was agreed to.

SUPPLIES TO MINNESOTA SIOUX INDIANS.

A message from the House of Representatives, by Mr. CLARK, its Clerk, returned to the Senate in compliance with its request the bill (S. 84) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof, with the amendments of the House of Representatives thereto.

Mr. CAMERON, of Wisconsin. Will the Senator from Maine consent to waive the appropriation bill for a moment while I ask that a Senate bill returned from the House with amendments be laid before the Senate?

Mr. HALE. I consent.

The PRESIDING OFFICER (Mr. INGALLS in the chair). The Chair lays before the Senate a bill returned from the House of Representatives with amendments, the title of which will be read.

The CHIEF CLERK. "A bill (S. 84) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof."

Mr. CAMERON, of Wisconsin. I now move that the Senate reconsider the vote by which it concurred yesterday in the House amendments to the bill just laid before the Senate.

The PRESIDING OFFICER. That order will be made if there be no objection. The Chair hears none.

Mr. CAMERON, of Wisconsin. Now I move that the Senate non-concur in the amendments and ask the House for a conference on the disagreeing votes of the two bodies.

The motion was agreed to; and, by unanimous consent, the presiding officer was authorized to appoint the conferees on the part of the Senate; and Mr. CAMERON of Wisconsin, Mr. DAWES, and Mr. SLATER were appointed.

The PRESIDING OFFICER. In this connection the Chair would state that while the bill was in the custody of the House of Representatives it was enrolled, and the enrolled copy sent over for the signa-

ture of the President *pro tempore*. In consequence of the action of the Senate this enrolled bill will not receive the signature of the President *pro tempore*, and will be returned by the Secretary with a message stating the reason therefor.

NAVAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8239) making appropriations for the naval service for the fiscal year ending June 30, 1886, and for other purposes.

Mr. HALE. I ask unanimous consent that the first or formal reading of the bill be dispensed with, and that then the bill be read for amendment, and the amendments of the Committee on Appropriations be first considered.

The PRESIDING OFFICER. The Senator from Maine asks unanimous consent that the reading of the bill *in extenso* be dispensed with, that it be read by paragraphs, and that the amendments of the Committee on Appropriations be acted on as they are reached in the reading and considered before amendments offered by individual Senators. Is there objection? The Chair hears none. The reading will proceed.

The Chief Clerk proceeded to read the bill till line 14 was reached.

The PRESIDING OFFICER. The Chair would call the attention of the Senator from Maine to the fact that the word "one" is repeated in line 13.

Mr. HALE. That is one of the amendments I proposed to call up afterward, but it may as well be done now.

The PRESIDING OFFICER. The amendment will be made if there be no objection, striking out one "one."

The reading of the bill was resumed. The first amendment reported by the Committee on Appropriations was, in the appropriations for "miscellaneous" expenses, in line 74, after the word "piloting," to strike out the words:

Bringing home the bodies of naval officers who have died or may hereafter die abroad while on duty.

The amendment was agreed to.

The next amendment was, in line 112, to increase the total amount of the appropriation for the "Bureau of Navigation" from \$87,500 to \$100,000.

The amendment was agreed to.

The next amendment was, after line 113, to insert:

For special ocean surveys and the publication thereof, \$10,000.

The amendment was agreed to.

The next amendment was, after line 115, to insert:

For publication of professional papers, \$10,000.

The amendment was agreed to.

The next amendment was, in the appropriations for the "Bureau of Ordnance," after line 133, to insert:

For the purchase or manufacture of steel guns of small caliber for ships now in service, and for testing the same at the naval ordnance proving-ground, \$21,000.

The amendment was agreed to.

The next amendment was, in line 133, before the word "test," to insert "public;" so as to read:

For the completion and public test of two breech-loading rifle-cannon of the larger calibers now in course of construction for the Navy, with carriages and ammunition for both, \$90,000.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 141, to strike out the following proviso:

Provided, That the test shall be conducted as follows: With battering charges for two hours, and under the most rapid continuous rate of firing, as near as may be like the conditions of a hotly-contested battle; then with the service charge not less than five hours. Permission, with ample notice to be present, shall be given to all persons who indicate a desire to examine the preliminary preparation and witness the firing. Expenditures of public money on all other naval cannon of and above said caliber shall cease until this public test has terminated. And all the facts and incidents of the test shall be reported to Congress by the Chief of the Bureau of Ordnance as soon thereafter as possible.

The amendment was agreed to.

The next amendment was, in line 165, to increase the total amount of the appropriation "for miscellaneous items" for the Bureau of Ordnance from \$3,000 to \$4,000.

Mr. HALE. There is an error in the print. The word "three" occurs twice in line 165.

The PRESIDING OFFICER. The amendment of the committee will be regarded as to strike out both words "three" and insert "four."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for the "Bureau of Equipment and Recruiting," in line 185, to increase the total amount appropriated "for equipment of vessels" from \$500,000 to \$825,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "Bureau of Yards and Docks," in line 231, to increase the total amount of the appropriation "for general maintenance of yards and docks" from \$200,000 to \$250,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "Bureau of Medi-

cine and Surgery," in line 235, after the word "dollars," to strike out the following words:

And if the Secretary of the Navy shall not be able to maintain properly the whole number of naval hospitals now kept open on the amounts hereby appropriated for the maintenance of and civil establishment at naval hospitals, he shall close those which are least necessary to the service, and provide for the patients now cared for therein at such other naval hospitals as may be most convenient.

The amendment was agreed to.

The next amendment was, in line 261, to increase the appropriation "for necessary repairs of naval laboratory, naval hospitals, and appendages, including roads, wharves, outhouses, sidewalks, fences, gardens, farms, and cemeteries," from \$10,000 to \$15,000.

The amendment was agreed to.

The next amendment was, in the appropriations for the "Bureau of Provisions and Clothing," in line 269, to increase from \$1,085,000 to \$1,100,000 the appropriation "for provisions for the seamen and marines; commuted rations for officers, naval cadets, seamen, and marines; expenses of inspections and storehouses, including labor; purchase of water for cooking and drinking on board ships; and for provisions and commutation of rations for seven hundred and fifty boys."

The amendment was agreed to.

The next amendment was, in the appropriations for the "Bureau of Construction and Repair," in the proviso to the clause appropriating \$1,000,000 "for preservation and completion of vessels on the stocks and in ordinary," &c., in line 292, after the word "exceed," to strike out "thirty" and insert "twenty;" so as to make the proviso read:

Provided, That no part of this sum shall be applied to the repairs of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 20 per cent. of the estimated cost, appraised in like manner, of a new ship of the same size and like material.

The amendment was agreed to.

The next amendment was to strike out lines 299 and 300, as follows: For the completion of the New York, \$400,000.

The amendment was agreed to.

The next amendment was, in the appropriations for the "Bureau of Steam-Engineering," in the proviso to the clause making appropriations "for repairs, completion, and preservation of machinery and boilers, including steam-steerers, steam-capstans, steam-windlasses, &c., in vessels on the stocks and in ordinary," &c., after the word "exceed," at the end of line 315, to strike out "thirty" and insert "twenty;" and in line 320, after the words "repaired for," to strike out "thirty" and insert "twenty;" so as to make the proviso read:

Provided, That no part of said sum shall be applied to the repair of engines and machinery of wooden ships where the estimated costs of such repair shall exceed 20 per cent. of the estimated cost of new engines and machinery of the same character and power; but nothing herein contained shall prevent the repair or building of boilers for wooden ships the hulls of which can be fully repaired for 20 per cent. of the estimated cost of a new ship of the same size and material.

The amendment was agreed to.

The reading of the bill was continued to line 528.

Mr. COCKRELL. I thought the understanding was that "car-tickets" were to be stricken out.

Mr. HALE. I am going to call attention to that when we come to it. It may as well be stricken out now, however, and I will move it.

Mr. COCKRELL. I want the words "car-tickets" struck out wherever they occur.

Mr. HALE. We have stricken out "car-tickets" in other appropriations bills.

The PRESIDING OFFICER. Will the Senator indicate the lines where the amendment is to be made?

Mr. HALE. In lines 520 and 521 I move to strike out the words "car tickets, \$200."

The PRESIDING OFFICER. If there be no objection the amendment will be made. It is agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to strike out the clause from line 529 to line 535, inclusive, as follows:

To complete the construction of the steel cruiser of not less than 5,000 nor more than 6,000 tons displacement, and the armament therefor, authorized by act of Congress August 3, 1882, \$1,780,000, or so much thereof as may be necessary: *Provided*, The Secretary of the Navy shall approve of the construction of said vessel.

And in lieu thereof to insert—

Mr. MCPHERSON. Is the question first to be taken on striking out that paragraph? Do I understand the question to be on striking out from line 529 to line 535?

The PRESIDING OFFICER. The amendment of the committee is to strike out from line 529 to line 535, inclusive—

Mr. HALE. And to insert the matter printed as lines 536 to 539.

Mr. MCPHERSON. I wish to say a word in respect to that. I wish to ask the Senator from Maine if the committee have properly considered the question as to whether it is possible to build a naval vessel of the size which I see the committee propose to build and obtain the requisite speed as a cruiser to overtake the modern commercial ships. Necessarily in vessels of small size the lines will not be fine, the ship will not have the requisite length, and can not have the necessary power to overtake the commercial ships of to-day. I think the Sen

ator will not for a moment argue that the ships the committee here propose to build can overtake such a vessel as the Alaska or the Arizona or other ships of like class and character which have been built of late and which will make up the commercial marine of the future. Therefore I think it wise that the committee should retain this provision of the House bill providing for the construction of the larger ship. As all the ships we are now building are simply experiments, it would seem to be wisdom not to delay longer the commencement of one ship of the larger size having the requisite speed.

Mr. HALE. I am very glad that the Senator from New Jersey has called attention to this matter and has asked the question which he has put to me. The committee did consider this question very carefully. Of course the Senator from New Jersey and other Senators will bear in mind that this is not a new subject. These matters have been gone over repeatedly heretofore in the Senate at other sessions. Undoubtedly the class of ships provided for by the committee's amendment ranging from three to four thousand tons, no specific type being determined, but that being left to the future Secretary of the Navy and such advice as he may gather from naval officers, will not be able to overtake the largest and fastest of the great steamers that are employed in the transportation of goods and passengers, especially those upon the European lines; neither would the ship that is provided for in the clause of the House bill that the committee strike out be able to do that. No ship can be constructed in the Navy that would overtake such steamships as ply between the ports of America and Europe, unless she went up into the range of ships from eight to ten thousand tons. Such a ship is immensely expensive.

When the advisory board came to consider the practical condition of the Navy and the need for immediate ships, one of the first questions that they met was this which is raised by the Senator from New Jersey, and in making their report in 1883 and 1884 they used this language, which I will read:

In concluding the report the board deems it necessary to record its emphatic disapproval of the suggestions that have of late been so frequently made throughout the country, that the Navy should acquire a number of extremely high-speed commerce-destroying vessels of great endurance, designed in these respects with special reference to gaining superiority over the large and swift transatlantic mail steamers. The main reasons for this disapproval are as follows: "In order that a competitive vessel should excel in speed and endurance the best of these fast packets, she must certainly cost as much to build and be of nearly as great dimensions, necessitating a displacement of at least 11,000 tons. Once built, these vessels would be so costly in maintenance, so limited in maneuvering power and scope of effective service, owing to the great dimensions, especially the draught, and they would absorb for their control such a large proportion of the personnel of the Navy, that active service could only be warranted by the most urgent necessity for special work."

They go on further to amplify these reasons. One ship capable of overtaking the fast transatlantic steamships would absorb a tenth part of the entire force of the Navy; and the Committee on Naval Affairs last year and the Committee on Appropriations now in reporting this amendment deemed it wise to take the recommendations of the advisory board as to classes and to leave out in their recommendations in commencing the reconstruction of the Navy this large ship of from five to six thousand tons proposed by the House.

Now, let me say one word upon the important matter of speed. The Esmeralda, which has been built in Great Britain and sent to a South American power, which is the same type almost exactly with the Boston and Atlanta, has made 18 knots per measured mile in her first trip. It is believed that the Boston and Atlanta, which are almost finished, will do the same. But the committee realized the force of the objection that has been raised by the Senator from New Jersey and by other Senators heretofore, that in future building the Department ought not to be kept down to this type of vessel, and therefore it has made this amendment in the most liberal terms, giving a range of from three to four thousand tons and leaving the kind of ship that shall be constructed to the discretion and judgment of the Secretary of the Navy upon plans that he makes after full examination.

Now, as to the overtaking of commercial vessels upon the waters of the globe, these ships if they are constructed of about 3,600 tons, as the board recommends, will be able to overtake nine-tenths of the commercial marine of the world impelled by steam. The other tenth, a few immense great transatlantic vessels, can not be overtaken by any ship that is provided for here, nor by the ship provided for by the House bill, and only, as the board says, by constructing an immense vessel of ten or eleven or twelve thousand tons displacement; and the committee has not felt that it was wise in the decaying condition of the Navy to put so many eggs into one basket, and has, therefore, provided for the building of four new ships under the discretion of the next administration of the Navy Department.

Mr. MCPHERSON. The Senator from Maine will observe that the vessels he proposes to build are almost the same in class with those we are now building. The vessels here proposed to be built will scarcely be larger than the Chicago type, perhaps a little larger than the Boston and Atlanta.

The Senator speaks of the Esmeralda as having made eighteen miles per hour on the measured mile. I think the Senator will not argue from that that the vessel was capable of going through an intense wind and storm making more than 13 or 14 knots per hour on the average. I think the Britannic, one of the White Star steamships, when she first

came out measured about twenty miles in an hour; but the average of her sailing during the entire year, I am informed from a paper laid before the House committee, is only about fifteen miles per hour. The Britannic is a vessel some five hundred feet in length and over 5,000 tons register. In short, all the commercial ships of the present day, those that transport a large majority of the commerce of the United States between the port of New York, particularly, and the European ports, are vessels of that class and type. The Cunard line, the National line, the Inman line, the White Star line, the German line are all composed of much larger vessels with larger tonnage, with great power and great speed.

What do we build cruisers for? We build them to cruise for something, and as the commerce of the country is transported in these larger and faster ships what is the use of continuing the construction of cruisers which can really overtake nothing except sailing vessels?

I have no objection to the amendment of the committee as far as it goes; I have no objection to building ships of the class proposed; I think perhaps they are needed; but I do submit that certainly as to one vessel of a larger class, of more tonnage, with great power and great speed it is time the Government of the United States commenced such a ship. Certainly we can afford to experiment with one ship of larger class and great speed, and I think the time to do it is now. It was recommended by the present advisory board, I think last year.

Mr. HALE. No; the Senator is mistaken. The old advisory board recommended one of the ships of this kind. The present advisory board rejected that and advised to go on with the cruisers of the smaller type.

Mr. MCPHERSON. Then there is only a difference of opinion as between the two advisory boards, and certainly the common sense of the whole matter is in favor of building the largest ships.

I wish to ask the committee to consent to retain that clause in the House bill, which they propose to strike out, making appropriations for the larger ship in addition to those they propose to construct. The bill would then only appropriate money for five new ships of different types, and two of those are gunboats. There are but two cruisers provided for by the committee if you strike out the words proposed to be stricken out by this amendment. Therefore I shall vote against striking out these words.

While I am on my feet, Mr. President, I wish to say that I had the honor to submit an amendment to the Senate the day before yesterday, which was printed, getting rid of all complications and all jealousies between advisory boards and the Navy Department proper. I am sorry the committee did not see fit to report that amendment back to the Senate favorably; and inasmuch as it has not been reported favorably by any committee of the Senate I am aware it would be ruled out on a point of order, and therefore I shall make no attempt to press it. I am in favor of all the committee has proposed in this bill by way of increase of the naval establishment, but I am in favor of more. I am in favor of the House proposition being retained in addition to what is proposed by the committee.

Mr. HALE. There was an additional reason why the committee thought it better to build these four ships rather than one large one. To build the larger ship, complete her with machinery and armament, would cost in the neighborhood of \$3,000,000. Now, I believe in leaving the responsibility of this matter largely to the administration of the Navy Department in the future. I have always contended that the responsibility should be there. The head of the Department, or the President, acting through the Secretary, should be largely responsible. I have never believed in limiting that very much.

Mr. MCPHERSON. Will the Senator yield a moment for an observation right there?

Mr. HALE. Certainly.

Mr. MCPHERSON. He will notice in lines 534 and 535 of the House bill it is provided that "the Secretary of the Navy shall approve of the construction of said vessel," leaving the responsibility entirely to the Secretary as to whether he shall proceed to build such a vessel or not.

Mr. HALE. I have said that this is left to the Secretary by our amendment. I was going on to remark that I doubt very much whether any new Secretary of the Navy coming afresh as he must, whoever he may be, however able he may be—and I assume that it will be an able and competent man who will be selected for Secretary of the Navy—would desire even to be intrusted with the responsibility between now and the next session of Congress of going into the question of constructing one of these large ships. I believe that he would prefer to investigate for himself and to form his plan for reconstructing the Navy, and not to be beset, as he would be if authority is given him to construct this large vessel, by the urgency of contractors, to go on and build it.

I will say further that if, after the discretion that this amendment allows him he goes on investigating, making himself informed as to naval architecture and to constructing these ships that the committee amendment provides for, the Secretary of the Navy, who will be responsible in the future largely for this work of building up the American Navy, shall report and advise that one of these large ships should be built, and we have his investigation and report on which to rest, then, with these additional new vessels that we have built, I shall be in favor of the experiment of trying one of those very expensive ships. I do not think now and the committee did not think it wise to embark in that

expenditure. It will be all that any new Secretary will want to do to investigate and look into and settle the types of the ships provided for here, contract for them, and commence building them; and then when he recommends, if he does, that we go into this other domain, I shall be willing to follow him. The committee has left it as the advisory board leaves it; and so I trust that the committee's amendment will be agreed to to strike out this immensely expensive ship and give us these others instead, and let the Department go on, and then if they recommend the larger ship we can try that at another Congress.

Mr. MCPHERSON. I ask that the vote may be taken separately on the proposition to strike out.

The PRESIDING OFFICER. A motion to strike out and insert is not divisible.

Mr. MILLER, of California. The Senator from Maine speaks of large ships. The clause which the committee recommend to be stricken out provides for a steel cruiser of not less than 5,000 nor more than 6,000 tons displacement. That is not a very large ship, a ship of about 3,000 tons burden. In the amendment of the committee it is provided that two cruisers of not less than 3,000 nor more than 4,000 tons displacement may be built, and these the Senator thinks are smaller ships not near so expensive to build. He estimates that a cruiser of five or six thousand tons displacement will cost \$3,000,000. I can not conceive how it is possible that a ship of that size should cost that sum of money, unless it is to be an ironclad.

From the examination which I have given this subject from time to time I am of opinion that these ships of 4,000 tons displacement are too small for any very valuable purpose in the Navy. They can not make time which a cruiser ought to make. No ship of that class can make in all weather more than fifteen or sixteen miles an hour, no matter what material you put into it. It is true that too large a cruiser would be a very expensive machine for the Government to handle. It is doubtful whether a cruiser as large as the merchant sailers now plying on the waters of the Atlantic could carry coal enough to run her more than ten or twelve days, but a steamer of the size here described in the provision in the House bill would not probably consume more than sixty or seventy tons of coal in twenty-four hours, whereas the larger class of steamers, like the Alaska and the Britannic, consume from one hundred and seventy-five to two hundred and fifty tons of coal in twenty-four hours.

I should like this amendment much better if the limit as to the size of these cruisers were raised to 5,000 tons displacement, giving a discretionary power to the Secretary of the Navy to build a ship up to 5,000 tons displacement. If the committee would consent to that amendment I should be willing to strike out the clause in the House bill that they propose to strike out.

The PRESIDING OFFICER. The Senator from California will please suspend. The hour of 1 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business of yesterday, being the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar.

Mr. MORRILL. Let that be informally laid aside until the naval appropriation bill is through.

The PRESIDING OFFICER. The unfinished business will be informally laid aside and the naval appropriation bill will be continued.

Mr. MILLER, of California. In the committee's amendment in line 543 I suggest the striking out of the word "four" and inserting "five," so as to leave a margin between 3,000 tons and 5,000 tons displacement.

Mr. HALE. The Senator from California, who is evidently proceeding on the same proposition and theory as the Senator from New Jersey, suggests that the discretion given to the Secretary of the Navy as to the size of the two new ships be increased from 4,000 to 5,000 tons displacement, so as to give an opportunity of building one of the two, or both, of the larger kind. I am willing to consent to that because it leaves the discretion with the Secretary of the Navy. He might do one, or very possibly might do both, but I am willing to leave it to him.

Mr. MCPHERSON. Would you not be willing to make an amendment after the word "each," in line 545, to read as follows—I submit this also to the Senator from California?

And one cruiser of not less than 5,000 nor more than 5,000 tons displacement.

So as to provide for three vessels. That is practically bringing in by that amendment to the committee's amendment the same provision that is involved in the House bill between lines 529 and 535. It provides for the building of one more ship, and leaves the two cruisers exactly as the committee proposed them.

Mr. COCKRELL. I hope the Senator from Maine will not agree to that.

Mr. HALE. I can not consent to that.

Mr. MCPHERSON. Then I agree to the other proposition, though I should like to have it increased to 6,000 tons.

Mr. MILLER, of California. I think 5,000 tons is large enough, and I think that will be a solution of the difficulty. We can all agree to have two ships, one of which may be of 5,000 tons, and leave that to the discretion of the Secretary of the Navy.

Mr. HALE. I ask then that unanimous consent be given that in line 543 the amendment be amended by inserting "five" instead of "four," and then I hope the amendment of the committee will be adopted.

The PRESIDING OFFICER. The Chair will state to the Senator from Maine that the part proposed to be inserted has not yet been read by the Secretary.

Mr. HALE. I ask that that be read.

The PRESIDING OFFICER. The words will be read.

The Secretary read the words proposed to be inserted in lieu of the clause to be stricken out, as follows:

To enable the President to strengthen the naval establishment of the United States by additional vessels of the best and most modern design, having the highest attainable speed, the sum of \$1,805,000 is hereby appropriated, to be expended as follows and under the following limitation:

For the construction of two cruisers of not less than 3,000 nor more than 4,000 tons displacement, costing, exclusive of armament, not more than \$1,100,000 each; one heavily armed gunboat of about 1,600 tons displacement, costing, exclusive of armament, not more than \$320,000; and one light gunboat of about 800 tons displacement, costing, exclusive of armament, not more than \$275,000; and authority is hereby given for the construction of said four vessels, at not exceeding the total cost for each above specified, in accordance with such final plan as may be determined upon, after a revision and reconsideration of all designs which have been heretofore made, and in the manner and conformity to the conditions and limitations provided for the construction of the new cruisers in the acts of August 3, 1882, and of March 3, 1883.

Mr. HALE. In line 543, after the word "than," I move to strike out "four" and insert "five;" so as to read:

For the construction of two cruisers of not less than 3,000 nor more than 5,000 tons displacement, &c.

The PRESIDING OFFICER. The Chair understands that the motion of the committee is to amend by striking out lines 529 to 535 inclusive and inserting the words which have just been read. The Senator from Maine proposes to amend the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 559, to insert:

Toward the armament of the foregoing cruisers and gunboats, \$500,000.

The amendment was agreed to.

The next amendment was, after line 561, to insert:

For continuing work upon the double-turreted monitors, \$2,000,000, the same to be applied toward procuring the side and turret armor and armament and finishing the vessels; and the Secretary of the Navy, acting under the advice of the naval advisory board in the same manner in all respects as in the construction of the steel cruisers, shall not, in procuring such armor and armament and finishing the monitors, exceed as the total cost of such completion the amounts estimated in the report of the board of October 25, 1883, and the report of the Secretary of December 1, 1883; and in all purchases of armor or contracts for construction there shall be free and open public competition.

Mr. MILLER, of California. I ask the Senator from Maine if it is to be understood that this applies to the four double-turreted monitors upon which work is to be continued at the discretion of the Secretary of the Navy and the advisory board?

Mr. HALE. Yes, it is the same provision that the Senate has put on repeatedly before. It refers to the four ironclads, one upon the Pacific coast and the three here. They are not named in terms, but the references that are made include them all.

Mr. MILLER, of California. The intention is that this money shall be divided among the four?

Mr. HALE. Undoubtedly.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was to strike out section 4 in the following words:

SEC. 4. That no officer whose name is borne on the retired-list of the Army, Navy, or Marine Corps shall hold position in the civil service or other employment of the Government, and draw the salary or compensation thereof together with his pay as a retired officer of the Army, Navy, or Marine Corps: *Provided*, That any such retired officer accepting a position in the civil service or other employment of the Government may, at the time of acceptance, elect to take the salary of such position or in lieu to retain his pay as a retired officer: *Provided further*, That the restrictions of this section shall not apply to any officer below the rank of major in the Army or Marine Corps or commander in the Navy who has been retired by reason of wounds received in service, or to any retired officer of the Army, Navy, or Marine Corps designated by law to perform civilian duty.

The amendment was agreed to.

Mr. HALE. I wish now to go back to page 2. There are some formal amendments that should be made. At the top of the page, line 13, was the superfluous word "one" struck out?

The PRESIDING OFFICER. It has been struck out.

Mr. HALE. In line 21 the word "nine" should be erased and the word "ten" substituted; so as to read:

Ten naval constructors.

I move that amendment.

The amendment was agreed to.

Mr. HALE. In line 22 the "ten" should be erased and "nine" substituted; so as to read:

Nine assistant naval constructors.

I move that amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Maine to the fact that the word "ten" occurs twice in line 22. Which "ten" is it proposed to strike out?

Mr. HALE. The first "ten" before "assistant naval constructors." The PRESIDING OFFICER. That change will be made.

Mr. HALE. I have an amendment to offer, not from the Committee on Appropriations but by direction of the Committee on Naval Affairs; it has been duly presented and sent to the Committee on Appropriations. I now offer it as an additional section.

The Chief Clerk read the proposed amendment, as follows:

For the purchase by the Secretary of the Navy of the Destroyer, an iron vessel designed and built by Capt. John Ericsson, armed with a submarine gun and projectile torpedo, including also an independent submarine gun, \$112,000: *Provided*, That it shall satisfactorily appear that said vessel, steam-machinery, guns, projectiles, and experiments developing the same have cost that amount: And *provided further*, That the Government of the United States shall at any time hereafter, if it shall so elect, have the option to purchase all the patents issued by the United States relating to said vessel, submarine gun, projectile torpedo, and all appliances connected with the same, the said John Ericsson having agreed to communicate to the Secretary of the Navy any and all improvements he may make on and concerning the same free of charge, for a sum not exceeding \$100,000.

The amendment was agreed to.

Mr. MITCHELL. I desire to call attention to the provision on pages 21 and 22 for the naval asylum at Philadelphia. I have just received a communication from a prominent gentleman who resides in the same ward where this institution is, and he says he has had consultation with those in charge of it and that the appropriations proposed in this bill are entirely inadequate. It appears that by the estimates \$98,411 were thought requisite for the maintenance and support of the institution and for some improvements proposed, while the bill only gives \$60,067. I should be glad if the Senator in charge of the bill would inform us why it is that the estimates are not followed in this case.

Mr. HALE. The committee looked into that and did not find any pressing need for additional appropriations, all the more because these are the same that they were in the last regular appropriation bill, upon which the institution has got along without any deficiency. It is quite likely they might use more money to some advantage, but the committee did not deem it a case where there was any necessity for adding to the House provision this year.

Mr. McPHERSON. I desire to offer an amendment to come in after section 3 as a new section:

That the sum of \$5,000 be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under and by direction of the Secretary of the Navy, for extending and continuing explorations in Madagascar.

The PRESIDING OFFICER. Will the Senator from New Jersey state the point in the bill where he desires the amendment inserted?

Mr. McPHERSON. At the end of the bill, after section 3, to form a new section.

The PRESIDING OFFICER. The amendment will be read.

The Secretary read the amendment.

Mr. McPHERSON. I am fully sensible of the fact that this amendment is subject to a point of order that may possibly be raised; but I think if the Senate will listen to me for two minutes, there is not a single Senator here who will not be willing to make this a part of the naval appropriation bill.

It is well known to every member of the Senate that extensive explorations have been made in the great island of Madagascar in the past eighteen months by a young naval officer of the United States. I speak of Lieutenant Shufeldt, son of Admiral Shufeldt, who performed such great service for the Government in the Korean matter, and young Shufeldt himself is one of the most distinguished and successful officers in the United States service.

Perhaps I can better explain the whole matter by presenting an article which was handed me a few moments ago which appeared in one of the newspapers; and inasmuch as I desire to read only a few extracts from the article I will not send the paper to the Secretary's desk, but will select the extracts myself:

Madagascar, briefly described, is the third largest island on the known surface of the globe. It has 230,000 square miles of area, or larger in extent than modern France, as large as the old German Empire, four times as large as Great Britain, and equals our New England and Middle States, including North Carolina.

It goes on to speak then about the topography of the country, of the races of people, &c., which is not at this time important to the pending question. The article then continues:

Across this vast country Lieutenant Shufeldt, United States Navy, was about one year ago detailed by the United States Navy Department to conduct an exploring party from sea to sea. He came down from Northeast China (Corea) by various steamers to Singapore. He came down from thence embarked on a little English brig, navigating her through the Java seas and across the great Indian Ocean—for fifty-eight days—to the English island of Mauritius. Here he was detained by violent attacks of fever for over a month and much embarrassed by difficulties in reaching Madagascar on account of the French bombardments at Tamatave and their blockade of the whole eastern coast. Overcoming these he got away finally in an English schooner of eighty tons burden, and in twelve days landed alone on the forest-clad shores of Southeastern Madagascar at Mahanava. Entering the dense forest belt and ascending the Mangoko River in a canoe for a distance of forty miles, the first camp was established and the native party of four hundred men organized to make the long journey to the Hova capital through the Betsimisaraka region. Through the great and ever-silent forests of the east and to the foot of the splendid range of lofty mountains that marks the boundary of the interior plateau, day by day, often broken and disheartened by fierce attacks, by desertions from his party, and the innumerable worries and responsibilities incidental to a keen sense of personal responsibility

in a strange and barbarous country, the American lieutenant led the expedition successfully.

Ascending the eastern range and reaching the rolling plains of Central Madagascar many of the dangers were passed. There is no fever, the climate is mild and equable, the hills are dotted with pretty villages, the people are kind and hospitable, and the scenery grand and beautiful. In three weeks Lieutenant Shufeldt rested his party under the walls of the Hova capital and in sight of the palace of the Hova Queen, Ranavalona III. His reception in Antananarivo by all the dignitaries of the Hova Government was a perfect ovation to his profession and his nationality. Every attention was showered upon him and every effort made to convey through him to his far-away country the kindly and friendly feelings the Malagasy entertained for the American name. A palace was supplied, an army detailed, and native banquets given in his honor. Lieutenant Shufeldt's experiences in the Hova capital would occupy too much space in our columns; but suffice to say that his presence did much to restore the American interests in Madagascar, to rekindle a decaying knowledge of the greatest of Western powers, and impressed the Hovas with a sense that there are many in America who view with regret the threatened downfall of a new and isolated civilization.

After three weeks' stay—

And this is the important part that I wish to call the attention of the Senate to—

After three weeks' stay and a final adieu to the Queen and her husband, Lieutenant Shufeldt, at the head of six hundred and fifty men (including three white men), left the capital to push his way—a distance as he traveled of six hundred miles—to the western coast. This journey, considered almost suicidal by the white residents of Antananarivo, was successfully accomplished after a series of strange adventures and many narrow escapes. Fierce Sakalava tribes often contested his march; a devastated country afforded frequently no shelter or food; the deadly fevers of the western forests decimated his people, and it was not for two months that the American officer found himself on the seacoast that is washed by the waves of the Mozambique Channel. He had but one hundred and fifty-eight men remaining. From Madagascar the lieutenant managed to cross to the East African coast in an open boat manned by five black men, and landed at Mozambique. He had accomplished the undertaking and solved many of the most important geographical questions in relation to Madagascar.

Mr. HALE. If the Senate will agree to let a vote be taken on this proposition, I will not make the point of order.

Mr. McPHERSON. Perhaps some other Senator may, and I wish to read one statement more, though I know I am detaining the Senate. Let me call attention to a letter written to Lieutenant Shufeldt on his reaching the capital. This is a letter given him by the prime minister:

It is needless to call to your knowledge that this request of Her Majesty and myself—

The request was to return to the capital and try to establish trade relations, and assist Her Majesty—

that this request of Her Majesty and myself is extended to you from their certainty that your wishes for the advancement of Madagascar are sincere and true, but as showing their friendly feeling for the great country of which you are an officer, not only the first American but the first of any foreign nationality so invited. May God bless you, sir.

The PRESIDING OFFICER. Will the Senate agree to this amendment?

Mr. COCKRELL. That is very beautifully and handsomely written—by whom I do not know.

Mr. McPHERSON. By the prime minister of Madagascar.

Mr. COCKRELL. He is a magnificent English scholar, then, and I think it is not a barbaric country. I make the point of order on this proposed amendment.

The PRESIDING OFFICER. The Chair thinks that the amendment is open to the point of order, and sustains the point raised by the Senator from Missouri.

Mr. McPHERSON. I do not wish to appeal from the decision of the Chair; but may I ask the Chair if he will submit the question to the Senate?

The PRESIDING OFFICER. The Chair will be glad to submit the question to the Senate, on the request of the Senator from New Jersey, is the proposed amendment in order under the rules of the Senate?

The question was decided in the negative.

Mr. HALE. Now, I hope we shall pass the bill.

The PRESIDING OFFICER. Are there further amendments to be offered to the bill? [A pause.] The Chair will suggest that the words "car tickets" appear in one or two places in the bill where they have not yet been eliminated. The Chair understood the Senator from Missouri to suggest that they were to be stricken out wherever they occurred.

Mr. COCKRELL. Yes, sir. Their being left in the bill is an oversight. I move that they be stricken out wherever they occur.

The PRESIDING OFFICER. Where do they occur?

Mr. HALE. I have no objection to striking them out. I know of but one place, and that is in line 520.

The CHIEF CLERK. On page 9, line 195, after the word "postage," occur the words "car tickets."

Mr. HALE. I move to strike them out there.

The amendment was agreed to.

Mr. SEWELL. I should like to ask the Senator from Maine, as a matter of curiosity—

The PRESIDING OFFICER. The Chair will ask the Senator from New Jersey to suspend a moment until this order can be carried out: Will the Senator from Maine state the places where the words "car tickets" occur?

Mr. HALE. I know of no other place.

The CHIEF CLERK. On page 11, at the end of line 243, are the words "and car tickets."

The PRESIDING OFFICER. Those words will be stricken out, if there be no objection.

The CHIEF CLERK. On page 12, line 275, after the word "ferriages" occur the words "car tickets."

The PRESIDING OFFICER. Those words will be stricken out here, if there be no objection.

Mr. SEWELL. I desire information in relation to the monitors. I have been voting for four years continuously, if I am not mistaken, for finishing the monitors, and still they come up every year for an appropriation.

Mr. HALE. Does not the Senator know that the reason is that we never could get it through the House? This is the same provision the Senator has been voting for, and I hope we shall be able to get it through the House now.

Mr. SEWELL. Has there not been an appropriation for monitors within the last two years?

Mr. HALE. There was \$1,000,000 given three years ago, all of which was expended except a portion for the Monadnock. This provision is the provision the Senate has put on two naval appropriation bills, but the House has always resisted it, and it has gone out. It is put on again now, the same provision the Senator has been voting for, and I hope that now we shall be able to get it through. It is right in the line that the Senator wants.

Mr. SEWELL. Can not the Senator from Maine tell us how long we shall have to vote for this in order to finish the monitors?

Mr. HALE. Just as often as the committee puts it on to the bill, I suppose.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a concurrent resolution for the printing of 3,500 copies of the first and second volumes of Decisions Relating to Public Lands, prepared under the direction of the Department of the Interior.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 48) providing for the erection of a building to contain the records, library, and museum of the Medical Department United States Army; and

Joint resolution (H. Res. 320) authorizing the printing of the report of the Commissioner of Education for 1893 and 1894.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MILLER, of California. I am instructed by the Committee on Foreign Relations to report an amendment intended to be proposed to the deficiency appropriation bill providing for the payment of the awards made in favor of French claimants by the French and American Claims Commission created by virtue of the provisions of the claims convention of January 15, 1880, amounting to the sum of \$625,566.35. It will be necessary perhaps under the rule that the amendment should be referred to the Committee on Appropriations, so that the committee may have it before them for consideration. I move that it be referred, with the accompanying papers, to the Committee on Appropriations. It need not be printed.

The motion was agreed to.

Mr. MILLER, of California. I am also directed by the Committee on Foreign Relations to report an amendment intended to be proposed to the sundry civil appropriation bill proposing to appropriate \$2,000 to enable the President of the United States to send the Chief of the Bureau of Statistics of the Treasury Department as a delegate to represent the Government of the United States at the jubilee to be held by the Statistical Society in London in June, 1885. I move that the amendment be referred with the accompanying papers, without printing, to the Committee on Appropriations.

The motion was agreed to.

Mr. BOWEN, from the Committee on Mines and Mining, reported an amendment intended to be proposed to the deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HARRIS. I am directed by the Committee on Epidemic Diseases to report an amendment intended to be proposed to the deficiency appropriation bill. I understand from the chairman of the Committee on Appropriations that there is ample time for the printing. I therefore move that the amendment be printed and referred to the Committee on Appropriations.

The motion was agreed to.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, re-

ported an amendment intended to be proposed to the deficiency appropriation bill; which was referred to the Committee on Appropriations.

Mr. BAYARD, Mr. BLAIR, Mr. BUTLER, Mr. GORMAN, and Mr. PENDLETON submitted amendments intended to be proposed by them respectively to the general deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

SENATE MANUAL.

Mr. FRYE. The last edition of the Manual is exhausted, and Senators are desirous of more. I offer a resolution for reference to the Committee on Printing:

Resolved, That there be printed and bound for the use of the Senate, under the direction of the Committee on Rules, 1,000 additional copies of the revised Senate Manual.

The resolution was referred to the Committee on Printing.

SAC AND FOX AND IOWA INDIAN LANDS.

The PRESIDING OFFICER (Mr. INGALLS in the chair). The Chair lays before the Senate the unfinished business of yesterday, being the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar.

Mr. HOAR. I move that the Senate proceed to the consideration of executive business.

Mr. VAN WYCK. I ask the Senator to yield a moment for the passage of a bill which it is important to be passed, reported favorably by the Indian Committee with an amendment, that it may go to the House.

Mr. HOAR. I withdraw the motion for that purpose only.

Mr. VAN WYCK. I ask unanimous consent for the consideration of the bill, Calendar No. 1271, reported by the Committee on Indian Affairs.

The PRESIDING OFFICER. The title of the bill will be reported for information.

The CHIEF CLERK. "A bill (H. R. 6658) to provide for the sale of the Sac and Fox Indian reservation, in the States of Nebraska and Kansas, and for other purposes."

Mr. HOAR. The understanding is that if it leads to debate it shall be set aside.

The PRESIDING OFFICER. The unfinished business will be informally laid aside, if there be no objection.

Mr. MORRILL. If this bill gives rise to no debate the unfinished business may be laid aside informally.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6658) to provide for the sale of the Sac and Fox Indian reservation, in the States of Nebraska and Kansas, and for other purposes.

The bill was reported from the Committee on Indian Affairs with an amendment, to strike out all after the enacting clause and insert:

That with the consent of a majority of the chiefs, headmen, and male adults of the Sac and Fox (of the Missouri) tribe of Indians and the Iowa tribe of Indians, expressed in open council by each tribe, the Secretary of the Interior be and he hereby is, authorized to cause to be surveyed, if necessary, and sold the remainder of the reservations of the Sac and Fox and Iowa Indians, lying in the States of Nebraska and Kansas. The said lands shall be appraised, in tracts of forty acres each, by three competent commissioners, one of whom shall be selected by the Sac and Fox and Iowa tribes of Indians and the other two shall be appointed by the Secretary of the Interior.

Sec. 2. That after the survey and appraisal of said lands the Secretary of the Interior shall be, and hereby is, authorized to offer the same, through the United States public land office at Beatrice or Lincoln, Neb., at public sale, to the highest bidder. In cases where improvements have been made by any Indian or for the United States upon such lands, such improvements shall be separately appraised: *Provided*, That no portion of such land shall be sold at less than the appraised value thereof, and in no case for less than \$5 per acre, and to none except such as purchase the same for actual occupation and settlement, and who have made and subscribed on oath, before the register of said land office, and filed the same with said officer of the land office at Beatrice or Lincoln, Neb., that it is his good-faith intention to settle upon and occupy the land which he seeks to purchase, and improve the same for a home; and, except in case of the death of the purchaser, unless said party shall have executed his declared intention by making improvements and being in actual occupation of said land, by actual residence thereon, at the time for making the second payment, he shall forfeit the payment already made, and the land shall be subject to resale as hereinafter provided. Each purchaser of said lands at such sale shall be entitled to purchase one hundred and sixty acres of land, and no more, except in cases where a tract contains a fractional excess over one hundred and sixty acres. If the excess is less than forty acres, is contiguous, and results from inability in the survey to make township and section lines conform to the boundary lines of the reservation, and no other objection exists, the purchase of such excess shall be allowed. Such purchaser shall pay one-fourth of the purchase-price at the time said land is bid off, one-fourth in one year, one-fourth in two years, and one-fourth in three years, with interest on the deferred payments at the rate of 6 per cent. per annum; and where there are improvements upon the lands purchased which shall have been separately appraised, the purchaser shall pay the appraised value of such improvements at the time of purchase, in addition to the amounts hereinbefore required to be paid. No patents shall issue until all payments shall have been made; and on the failure of any purchaser to make payment as required by this act he shall forfeit the lands purchased, and the same shall be subject to entry and sale, at the appraised value thereof, or shall be again offered at public sale, as the Secretary of the Interior may determine.

Sec. 3. That if any member of said Sac and Fox or Iowa tribe of Indians residing at the date of the passage of this act upon any of the lands authorized to be sold by the second section of this act, and who has improvements thereon, shall elect to remain on the lands occupied by him, such lands shall be withheld from sale as provided for herein; and the Secretary of the Interior shall cause a certificate to issue to the person so electing as follows: If he be the head of a family, to one hundred and sixty acres of land, and if a single man, to eighty acres of land, the land so selected to include his improvements, and to be accepted in full satisfaction of his interest in and to the said reservation, and of the

moneys or fund realized from the sale thereof. The certificate provided for herein shall be of the legal effect and declare that the United States does and will hold the land thus certified, for the period of twenty-five years, in trust for the sole use and benefit of the allottee, or in case of his decease, of his heirs according to the laws of the State in which said land is situated, and that at the expiration of said period the United States will convey the same by patent to said Indian, or his heirs, as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever; and if any conveyance shall be made of the lands thus allotted, or any contract made touching the same, before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void; and such lands during such time shall not be subject to taxation, alienation, or forced sale of any improvements belonging to individual Indians shall be paid to the Indians to whom such improvements belong. The proceeds of the sale of any improvements belonging to the United States shall be deposited in the Treasury of the United States; and the proceeds of the sale of said lands, first deducting therefrom the cost of the survey, appraisement, and sale, and the expense of removing the Indians as hereinafter provided, shall be placed to the credit of the said Sac and Fox and Iowa Indians, according to the interest of said tribes in said reservations, in the Treasury of the United States, and shall bear interest at the rate of 4 per cent. per annum, which income shall be annually expended for the benefit of said Indians, under the direction of the Secretary of the Interior.

Sec. 5. That the Secretary of the Interior may, with the consent of the Indians expressed in open council, as aforesaid, secure other reservation lands upon which to locate said Indians, cause their removal thereto, and expend such sum as may be necessary for their comfort and advancement in civilization.

Sec. 6. That the President of the United States be, and he is hereby, authorized to cause patents to be issued to the Sac and Fox (of the Missouri) tribe of Indians and the said Iowa tribe for the reservations that may be selected for them under the provisions of the preceding section.

Sec. 7. That the patent authorized by the preceding section to be issued to said Sac and Fox and Iowa tribes of Indians shall be of the legal effect and declare that the United States does and will hold the land therein described in trust for the sole use and benefit of said Sac and Fox and Iowa tribe of Indians, respectively.

Sec. 8. That whenever the Indians who may be properly residing upon the said reservations referred to in the last preceding sections shall desire allotments of lands in severalty, the Secretary of the Interior shall cause allotments to be made to such Indians in quantity, as follows:

To each head of a family, one hundred and sixty acres.

To each single person over the age of 21 years, eighty acres.

Sec. 9. That upon the approval of the allotments provided for in the preceding section by the Secretary of the Interior, the President shall cause certificates to issue therefor in the name of the allottees, which certificates shall be of the legal effect and declare that the United States does and will hold the fee of the land thus allotted, for the period of twenty-five years, in trust for the sole use and benefit of the Indian to whom such allotment shall have been made, or in case of his decease, of his heirs, and that at the expiration of said period the United States will convey the same by patent to the said Indian, or his heirs, in fee, discharged of said trust and free of all charge or incumbrance whatsoever; and if any conveyance shall be made of the lands set apart and allotted as herein provided, or any contract made touching the same, before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void.

Sec. 10. That the Secretary of the Interior may, with the consent of the Indians expressed in open council, as provided in section 1, cause the removal of that portion of the Sac and Fox and Iowa tribes residing upon said Sac and Fox and Iowa reservations, in Nebraska and Kansas, to the reservation or reservations that may be secured for them, and expend such sums as may be rendered necessary by such removal, and for the comfort and advancement in civilization of said Indians; and the sum of \$30,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of such expenses and for the expenses of the survey, appraisement, and sale of said Sac and Fox and Iowa lands; and the amount so expended shall be reimbursed to the United States out of the first proceeds of the sale of said lands by said tribes, respectively.

Mr. MANDERSON. Mr. President—

Mr. DAWES. I move to amend the amendment in the tenth section by striking out "thirty" and inserting "ten;" so as to read:

And the sum of \$10,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of such expenses and for the expenses of the survey, appraisement, and sale of said Sac and Fox and Iowa lands; and the amount so expended shall be reimbursed to the United States out of the first proceeds of the sales of said lands by said tribes, respectively.

Mr. MANDERSON. That was the amendment I was about to move. The amendment to the amendment was agreed to.

Mr. CONGER. I understand the amount allotted to each of the Indians to be one hundred and sixty acres for the head of a family and eighty acres to one not the head of a family. I wish to ask, does this make any provision for lands to minors?

Mr. DAWES. The heads of families select for their minor children, and where the minors have no heads of families to select for them the Secretary of the Interior, through the agent, selects for them.

Mr. CONGER. The clause allotting one hundred and sixty acres to the head of a family and eighty acres to a minor I wish to have read again.

The Chief Clerk read as follows:

Sec. 8. That whenever the Indians who may be properly residing upon the said reservations referred to in the last preceding sections shall desire allotments of lands in severalty, the Secretary of the Interior shall cause allotments to be made to such Indians in quantity as follows:

To each head of a family, one hundred and sixty acres.

To each single person over the age of 21 years, eighty acres.

Mr. CONGER. I do not hear in that any provision for any minor.

Mr. DAWES. I think there is none. This amendment is a copy of a bill which passed the Senate at the last session and went down to the House in reference to the Iowa Indians. The Iowa Indians and the Sac and Foxes are occupying two small reservations together, of about 8,000 acres each, one in Nebraska and one in Kansas. That bill having passed the Senate, and a bill for the Sac and Foxes having passed the House, it is deemed wise by the Committee on Indian Affairs of the Senate to put the two together into one so that these two reser-

vations, which are in fact one reservation of Indians living together, might be sold in the same manner and at the same time.

The bulk of the Indians included are located down in the Indian Territory but do not have any title to their land in the Indian Territory. They are all desirous of disposing of this land in Kansas and Nebraska. There is a residue remaining there. They are to have as part of the consideration title to the land they have chosen for themselves in the Indian Territory. That there is no provision for minor children, I suppose there is no doubt, though my attention has not been specifically called to it. There is no doubt of the fact that the few who remain there propose to go down and join their brethren in the Indian Territory; but lest there may be some families already located there who prefer to stay where they are this provision was put in the bill. It is not supposed that it will have any practical effect, because it is believed that these Indians of their own choice will all join their brethren.

Mr. CONGER. These very Indians were taken to the Indian Territory by force and under military authority; in the interest of civilization and philanthropy these Indians were driven from their land. I suppose if you are going to take away all their land and sell it either for their benefit or for that of some one else, there should be a provision that every living Indian on that land, old or young, should have some little piece of land out of the amount here provided for. I inquire of the chairman of the Committee on Indian Affairs whether it is not proposed to require that provision in every such bill? I find here a bill taking away the remnant of land left to this remnant of a tribe with provision for the head of a family and for certain Indians not heads of families that are of age. I know how much these lands are desired. I do not know whether this is part of the reservation along Locust Valley or some other part of the State of Nebraska, but I know how delightful those lands are and how desirable they are to people of my own race, and I shall propose to allow forty acres for each minor of these tribes. I move that there be an amendment coming in after "eighty acres," in line 8 of section 8, for persons not heads of families over 21 years of age:

And forty acres for the minors of each family on the reservation.

That would be in accordance with our uniform and universal rule. The PRESIDING OFFICER. The Senator from Michigan will please send his amendment to the desk.

Mr. CONGER. I have not the bill before me.

Mr. DAWES. While the Senator is preparing his amendment, I will say that if the Senator can frame an amendment that will give to any Indian any greater safeguards than those now in the bill, it will meet my hearty support.

The Senator is confusing this case with some other. The Iowa Indians and the Sac and Foxes of their own accord years ago preferred to leave, the main body of them, Kansas and Nebraska and go down into the Indian Territory. With the help of the Indian Department they have selected their own reservation down there. Each one of them is located on land represented to the Committee on Indian Affairs as of excellent quality; and they are, especially the Sacs and Foxes who have been there the longest, doing exceedingly well. Their land with the few Indians remaining on it in Kansas and Nebraska has become of great value, but is of no use to them because they do not cultivate it themselves but live down in the Indian Territory.

If they can have the fund that that land will create if properly sold they will have the means of subsistence and of education and of civilization that will make them independent. They are few in number; but this is an estate of great value to them. It is provided in reference to this sale, first, that it shall not take place until the consent in open council of the Indians, both the Sacs and Foxes and the Iowas, is obtained. They are an intelligent people; they know what they are about. To-day they are leasing their lands in the Indian Territory on such terms as that the Interior Department stands aside and lets them transact their business themselves. So they know what they are about. The land is to be appraised, but shall not be appraised at a sum less than \$8 an acre. It may be appraised at as much over \$8 an acre as three disinterested appraisers shall determine. Then it is to be put up at auction above the appraisal. That land will bring, it is supposed, from ten to fifteen dollars an acre, creating a great fund for the use of these people.

The evidence before the committee was that it was not likely a solitary Indian would choose to remain there; but it may turn out that there are Indians who would prefer to remain. The committee have provided therefore that every head of a family that shall prefer to remain there shall first have a title deed to one hundred and sixty acres of land, and every single man over 21 years of age shall have a title deed to just half that, or eighty acres. If my friend from Michigan thinks that there is a minor who will want to stay there while his parents go off into the Indian Territory, or any minor who has not got any parent living that wants to stay there, I hope he will provide for them.

Mr. CONGER. That is what I am proposing to do.

Mr. DAWES. The Senator shall have my support in such an amendment if he will omit to intimate that this land is about to be stolen from these Indians by the help of the Indian Committee and the Senators from Nebraska. If he will omit that, I will help him in his amendment.

Mr. CONGER. I find the plain fact that there is an omission here which has been put in every other bill contested and put in against all opposition. Now, I modify my amendment, and after the words "eighty acres," in line 8, at the end of section 8, I move to amend by inserting:

To each minor, forty acres.

Mr. VAN WYCK. No objection.

The PRESIDING OFFICER. The proposed amendment to the amendment will be read.

The CHIEF CLERK. After line 8, at the end of section 8, it is proposed to insert:

To each minor, forty acres.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Indian Affairs as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. DAWES. I move that a committee of conference on the disagreeing votes of the two Houses be asked on the amendment to this bill.

The PRESIDING OFFICER. The Chair would suggest that the title of the bill requires amendment.

Mr. DAWES. There is an amendment to the title reported by the committee.

The title was amended so as to read: "An act to provide for the sale of the Sac and Fox and Iowa Indian reservations, in the States of Nebraska and Kansas, and for other purposes."

The PRESIDING OFFICER. The Senator from Massachusetts moves that the Senate request a conference with the House of Representatives on the disagreeing vote of the two Houses on this bill.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. DAWES, Mr. HARRISON, and Mr. COKE were appointed.

JOHN W. LANGSTER.

Mr. BLAIR. I have a written representation which should accompany a paper touching the case of one John W. Langster, who is under sentence of death in the jail of this District. A petition on the subject was presented by me a few days since, and it was referred to the Committee on the Judiciary. He appears to have been tried and sentenced as though he were a sane man. There is an application pending for pardon. The witnesses who, from this statement, could demonstrate the man's insanity live some 1,200 or 1,500 miles distant. The parties are very poor, including those who are interesting themselves in behalf of this man. There seems to be no provision of law by which evidence in such a case can be obtained to be used before the pardoning power.

I have here a demonstration that this man was sent from the United States service to St. Elizabeth's Insane Asylum in this District only a year ago. He was discharged as temporarily cured. He soon got into some difficulty and through that difficulty committed a homicide, was tried, and convicted as a sane man. I must say that I believe from this evidence that he was insane, and that if the evidence could be procured his pardon would follow as a matter of course.

I do not know just what the Committee on the Judiciary can do in regard to this matter. Perhaps an examination of the evidence would satisfy the committee that they might address a formal communication to the Executive upon the subject, and there may be a respite or at least a proper investigation. It may be that the matter should properly go to the Committee on the District of Columbia. I ask the presiding officer now in the chair, who is chairman of the Committee on the District of Columbia, and also, I believe, a member of the Judiciary Committee, if, in behalf of humanity, he will not give a little attention to this matter?

The PRESIDING OFFICER. The paper will be referred to the Committee on the Judiciary, if there be no objection.

DIS TRICT TAX SALES.

Mr. ALDRICH. I now ask unanimous consent to call up House bill 8236, Order of Business 1345, the consideration of which was partially concluded yesterday.

Mr. MORRILL. I will not object, provided the trade-dollar bill is laid by informally subject to call.

The PRESIDING OFFICER. That order will be made. Unanimous consent implies that the pending order is laid aside informally.

By unanimous consent, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8236) relating to sales for taxes in the District of Columbia.

Mr. HOAR. I move to amend the bill in certain respects. In line 10 I move to insert after the word "deed" the words "and the affidavit hereinafter required."

The PRESIDING OFFICER. If there be no objection the amendment will be regarded as agreed to.

Mr. HOAR. Then I move to add to the bill:

The collector of taxes or other officer charged with the duty of selling any real estate in the District of Columbia for taxes shall, in addition to the other proceedings required by law, within ten days after such sale, give personal notice to all persons within the District of Columbia known to him or who can be ascertained by him by inquiry, having interest in the estate sold, whether as owner, mortgagee, or otherwise, of the fact of such sale and the assessment of such tax, and shall deposit in the post-office, postage prepaid, a like notice addressed to all such persons not within the District of Columbia at the place of their residence, so far as the same can be ascertained by him on inquiry; and he shall make affidavit that such notice has been given, which affidavit shall contain a copy of the same and of the names of the persons notified or of the fact that no such persons could be ascertained on inquiry, and shall be recorded with the deed conveying such estate.

These two amendments together, instead of making the deed conclusive evidence of the title after the expiration of the time limited, require with the deed an affidavit of the collector that he has inquired for the owners and has given them notice, if he can find them, and with a copy of the notice. This does not put upon the purchaser the necessity of proof that that has been done, but it makes the affidavit the conclusive proof. I have shown the provision to several members of the committee, and I think they all agree to it.

Mr. JACKSON. I desire to call the attention of the Senator to an amendment which I propose to come in at the end of line 22.

Mr. HOAR. Suppose this be added first, and then the Senator can state his amendment.

Mr. JACKSON. I think if it is read the Senator will see that it ought to come in at this point.

Mr. ALDRICH. Both these amendments have been submitted to members of the committee and are satisfactory to the committee.

Mr. JACKSON. It is only a question of the order in which they come.

Mr. HOAR. Let the amendment be read for information.

The PRESIDING OFFICER. The amendments reported by the Committee on the District of Columbia will be regarded as agreed to, if there be no objection. They were read yesterday. The question now is on the amendment offered by the Senator from Massachusetts [Mr. HOAR], to which the Senator from Tennessee [Mr. JACKSON] desires to offer an amendment, as the Chair understands. It will be read for information.

Mr. JACKSON. My amendment is not to the amendment of the Senator from Massachusetts; but it is an amendment which ought to precede his.

The PRESIDING OFFICER. It will be read for information.

The CHIEF CLERK. At the end of line 22, after the word "purchaser," it is proposed to insert:

Provided, however, That this conclusive evidence and title shall not prevail against the former owner who can show that the taxes for which the property was sold were duly paid before such sale.

Mr. HOAR. I think that should come in after my amendment.

Mr. JACKSON. Very well.

Mr. PLATT. I want to inquire whether the amendment which was proposed by the senior Senator from Tennessee [Mr. HARRIS] last night has been adopted.

Mr. HARRIS. It has not been formally offered, but will be offered as soon as the amendments of the Senator from Massachusetts and my colleague have been disposed of.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Massachusetts [Mr. HOAR].

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on the amendment of the Senator from Tennessee [Mr. JACKSON].

The amendment was agreed to.

Mr. HOAR. I have one more amendment. In line 18, after the word "within," I move to strike out "one year" and insert "two years." I hope that will be done by unanimous consent.

Mr. HARRIS. I have no objection to that.

Mr. HOAR. Making the time within which the suit shall be brought two years instead of one year.

The PRESIDING OFFICER. In line 18 it is proposed to strike out "one year" and insert "two years." The question is on that amendment.

The amendment was agreed to.

Mr. HARRIS. I move to add to the bill the following additional proviso:

Provided further, That persons under legal disability shall not be precluded from bringing suit within two years from the removal of such disability.

The amendment was agreed to.

Mr. CONGER. The amendment offered by the Senator from Tennessee [Mr. JACKSON] mentions "taxes." The bill mentions "taxes and assessments."

Mr. ALDRICH. I think the word "assessments" should be put in.

Mr. CONGER. The word "assessments" should be put in after "taxes." Let it read "taxes or assessments."

The PRESIDING OFFICER. The proviso will be read as proposed to be modified.

The Chief Clerk read as follows:

Provided, however, That this conclusive evidence and title shall not prevail against the former owner who can show that the taxes or assessments for which the property was sold were duly paid before such sale.

The PRESIDING OFFICER. The modification will be made, if there be no objection.

Mr. CALL. I move to add to the bill the following additional proviso:

Provided further, That when the commissioners are satisfied that any lot is the actual homestead of the owner, and that it comprises the principal portion of his estate, they may authorize the collector to accept a sum in full not less than one-half of the assessed value of the lot.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Florida [Mr. CALL].

Mr. CALL. The amendment was prepared by one of the commissioners of the District, and after consultation with him some of the citizens of the District came to me and stated that their cases were cases of very peculiar hardship; that the assessments formerly made for the improvement of the city had been very excessive, and sometimes the assessments had been made not in the interest of the improvement of the property but for the advantage of the public buildings.

Mr. HOAR. May I inquire of the Senator whether he means by his amendment that the collector is to accept what is proposed, from the purchaser at the sale, or that he is to accept from the tax-payer?

Mr. CALL. From the tax-payer.

Mr. HOAR. I think if the Senator will look at it he will see that it is a provision in regard to the proceedings at the sale.

Mr. CALL. It was intended that the tax-payer should have this relief.

Mr. HOAR. It would be interpreted to mean to accept as purchase-money of the estate, the Senator will see if he will look at it.

Mr. CALL. It was drawn by one of the commissioners, and I did not read it closely.

Mr. HOAR. If it had been drawn by the Senator it would have been much better.

Mr. CALL. I know what he intended by it. I will correct it in that respect.

The PRESIDING OFFICER. The amendment proposed by the Senator from Florida will be read as modified.

The CHIEF CLERK. It is proposed to add to the bill the following additional proviso:

Provided further, That when the commissioners are satisfied that any lot is the actual homestead of the owner and that it comprises the principal portion of his estate, they may accept a sum in full payment of the same not less than one-half of the assessed value of the lot.

The amendment was agreed to.

Mr. McPHERSON. I move that the further consideration of the bill be postponed until to-morrow, and that the amendments which have been agreed to by the Senate be printed with the body of the bill, in order that the Senate may thoroughly understand what it is voting upon. As I understand from the reading of the bill, with all the amendments which have been agreed to by the Senate, it is a bill which proposes in effect and under certain conditions to extinguish all other title save the tax title. The tax title is supposed to supersede all others. There is no State Legislature in any State in the Union which would impose such a measure upon the municipal government of a city in the State. It is the most arbitrary, unjust, and tyrannical measure that I have ever heard or read of in my life. It is a bill that the Senate should not pass as it stands to-day. No mortgagee would, under this bill, be safe for a moment. Any man in the District of Columbia desiring to improve property and to borrow money for the purpose of improvement could not obtain it at any rate of interest that he would be willing to pay. It stops all improvements.

I say that for the Senate to hasten through a bill of that character in the last hours of the session, and amended as it has been, without the knowledge of any Senator here that the amendments touch in any shape or form or cover the defects of the bill, is entirely wrong. I think in justice to the people of this District who are interested and deeply interested in this legislation the bill should be printed with all the amendments, so that every Senator may know exactly what he is voting for.

Mr. HARRIS. In reply to the Senator from New Jersey I desire simply to say that I know of the laws of no State in the Union upon the subject of tax sales better guarded or more liberal in their provisions than the bill now pending as amended by the Senate; and at this late hour of the session, why we should postpone the bill from day to day, in order that the Senator from New Jersey may see in print the amendments adopted, I do not quite feel justified in doing or see the propriety of doing. I hope the Senator's motion to postpone the further consideration of the bill until to-morrow will not be agreed to.

Mr. CONGER. Within the last few days notice has been served upon one or two church societies, religious organizations, in this city that old assessments unpaid, supposed to have been disposed of long ago, under a revision or a review of the laws by the commissioners or by the authorities of the board, are found to apply to church property through some little defect or difference of time between the passage of one law and the passage of another, and they have received a notice that unless these old assessments, three, four, five, or six years old, some of them, are paid within so many days, the property will be sold. There has been no question about the intention of Congress in the laws which were passed to exempt church property actually held for religious purposes or for school purposes from certain taxes and certain assessments.

Mr. HARRIS. Do I understand the Senator to assert that church

property held for purposes of public worship is threatened with sale for taxes in the District of Columbia?

Mr. CONGER. I do make that assertion, sir.

Mr. HARRIS. I am very much surprised that it is made, for my distinct impression is that within the last few years every church lot in the District of Columbia held and used for purposes of public worship has not only been exempted from all taxes, but that all taxes accruing previously have been remitted by acts of Congress.

Mr. CONGER. So I supposed.

Mr. HARRIS. I do not think there is such a case in the District.

Mr. CONGER. So I supposed; but I have had occasion to look into the matter in behalf of one of these societies, and I find that the laws on this subject were changed a little one year and changed a little another, and that there were intervals there where assessments did apply, notwithstanding the intention of the law to exempt them. I have spent some little time voluntarily with the officers of one society in laying their matter before the commissioners and getting a part of the property released.

There is another thing. One of these organizations has its Sunday-school room and chapel all in the same building. The District of Columbia authorities desired to occupy on week days the room that the church organization occupied evenings and Sundays for its purposes, and they rented that room of the organization for a primary school of the District, and have had it for years and paid rent. Now they come in and say because that building was rented and the church organization received a little rent, although it was occupied for church purposes whenever they wanted it, they must pay taxes and pay assessments upon that portion—one story—of the church building. I know several cases of that kind. I say this measure would compel and sanction the sale of that property under the notice that it will be sold unless these things are paid within a certain time.

Old taxes, old assessments came up in this kind of shape contrary to the spirit of the legislation for this District and supposed to be contrary to the law at the particular time when the assessments were incurred, endangering that kind of property all the while with disputed questions, and no remedy if it should pass along or the church be unable to pay its taxes. I think this is a most dangerous measure. The Senator from Tennessee says that it is more lenient than the law of any State. I do not know how it may be in all States, but a return of property for the non-payment of taxes in almost every State is made to the State authority; it is made to the treasury; it is advertised by the auditor-general; it is returned again; a year of public notice and personal notice is made to the owner or occupier of the land so taxed; and then by advertisement it is sold at open sale in the county.

Mr. HARRIS. The bill as it is now amended gives two years' public notice before the tax-deed is made.

Mr. CONGER. But that is before it becomes absolute.

Mr. HARRIS. Before the tax-deed is made.

Mr. CONGER. For the woman or child, it is true there is a restriction; but who in this city can follow along through all the intricacies of old assessments in the city, coming up year after year, and being enforced against property now in the hands of new purchasers?

I agree with the Senator from New Jersey that the title to all property in this District would be under a cloud continually from the time of the passage of such a bill as this is, as I believe it to be; and I agree with the Senator in desiring that the bill shall at least be reprinted with the amendments, so that we may see what it is.

Mr. McPHERSON. Mr. President—

Mr. HOAR. Will the Senator from New Jersey yield to me to make a motion to proceed to the consideration of executive business?

Mr. McPHERSON. Yes, sir.

Mr. HOAR. I move that the Senate proceed to the consideration of executive business.

Mr. McPHERSON. Will the Senator withdraw the motion for a moment that we may have the bill printed with the amendments?

Mr. HOAR. I withdraw the motion for that purpose.

The PRESIDING OFFICER. The order to print the bill as amended will be made if there be no objection. The Chair hears none.

EXECUTIVE SESSION.

Mr. HOAR. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and twenty-five minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, returned to the Senate in compliance with its request the following joint resolutions:

Joint resolution (S. R. 127) to authorize the printing of the reports of the Bureau of Ethnology;

Joint resolution (S. R. 124) to authorize the printing of the reports of the Geological Survey; and

Joint resolution (S. R. 129) to authorize the printing of the reports of the Geological Survey.

The message also announced that the House had concurred in the

report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the fifth amendment of the House to the bill (S. 66) providing for allotment of lands in severalty to the Indians residing upon the Umatilla reservation, in the State of Oregon, and granting patents therefor, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. W. S. HOLMAN of Indiana, Mr. JOHN HANCOCK of Texas, and Mr. JOSEPH G. CANNON of Illinois managers at the conference on its part.

The message also announced that the House had passed a bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes; in which it requested the concurrence of the Senate.

HOUSE BILLS REFERRED.

The bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

ORDER OF BUSINESS.

Mr. CAMERON, of Wisconsin. I move that the Senate proceed to the consideration of the bill (H. R. 5849) limiting the time for the presentation and payment of claims against the United States.

Mr. MORRILL. I call for the regular order.

Mr. DAWES. I ask for the consideration of a conference report.

Mr. MORRILL. Let the regular order be laid before the Senate before anything else is done.

The PRESIDING OFFICER (Mr. COCKRELL in the chair). The Senator from Wisconsin moves that the Senate proceed to the consideration of the bill indicated by him, pending which the Senator from Vermont calls for the regular order. The regular order will be announced.

The CHIEF CLERK. "A bill (H. R. 4976) for the retirement and recoinage of the trade-dollar."

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wisconsin to proceed to the consideration of House bill 5849.

Mr. MORRILL. The bill suggested by the Senator from Wisconsin would undoubtedly take the whole afternoon, and I do not expect that the trade-dollar bill will occupy more than a few minutes. I wish to say that, after the demonstrations made elsewhere, there is not probably any chance of the latter part of the amendment, the section proposed to be stricken out by the Senator from Kansas, becoming a law.

The PRESIDING OFFICER. It is the duty of the Chair to say that debate on the motion of the Senator from Wisconsin is not in order.

Mr. MORRILL. I am not debating that; I am debating the regular order.

The PRESIDING OFFICER. The motion of the Senator from Wisconsin is the only pending motion. If there be no objection the Senator from Vermont will proceed. The Chair hears no objection.

Mr. MORRILL. I merely desire to say further that I think there will be unanimous consent to take the vote upon striking out the fifth section of the amendment of the Committee on Finance at once, without further debate, and then the Senate can dispose of the trade-dollar bill as they choose. I trust that that course will be pursued.

Mr. DAWES. Is it not in order to call up a conference report at any time?

The PRESIDING OFFICER. It will not be in order, the Chair thinks, until the Chair puts the question on the motion of the Senator from Wisconsin. The Senator from Wisconsin moves that the Senate proceed to the consideration of the bill (H. R. 5849) limiting the time for the presentation and payment of claims against the United States. The question is on agreeing to the motion.

The question being put, a division was called for; and the ayes were 29. Mr. MORRILL. I ask for the yeas and nays. The question is evidently whether the silver bill shall be superseded or not.

The yeas and nays were ordered.

Mr. MITCHELL. I rise to a question for parliamentary information. What will be the effect of the adoption of the motion to take up the bill proposed by the Senator from Wisconsin? Will it displace the trade-dollar bill?

The PRESIDING OFFICER. The Chair thinks it will, under the rules.

Mr. MITCHELL. So I understand.

The PRESIDING OFFICER. It will be in order to move to proceed to the consideration of the trade-dollar bill or any other bill afterward. The question is on agreeing to the motion of the Senator from Wisconsin, on which the yeas and nays have been ordered.

The Secretary called the roll.

Mr. MANDERSON. I am paired with the Senator from Florida [Mr. JONES]. If he were here, I should vote "nay."

The result was announced—yeas 34, nays 21; as follows:

YEAS—34.

Bowen,	Garland,	Jonas,	Vance,
Butler,	George,	Jones of Nevada,	Van Wyck,
Call,	Gibson,	Miller of Cal.,	Vest,
Camden,	Hampton,	Pendleton,	Voorhees,
Cameron of Wis.,	Harris,	Pugh,	Walker,
Cockrell,	Harrison,	Riddleberger,	Williams,
Coke,	Hill,	Sawyer,	Wilson,
Dolph,	Ingalls,	Sherman,	
Fair,	Jackson,	Slater,	

NAYS—21.

Aldrich,	Edmunds,	Miller of N. Y.,	Platt,
Bayard,	Groome,	Mitchell,	Saulsbury,
Blair,	Hawley,	Morgan,	Sewell,
Chace,	Hoar,	Morrill,	
Conger,	Lapham,	Palmer,	
Dawes,	McPherson,	Pike,	

ABSENT—21.

Allison,	Farley,	Lamar,	Plumb,
Beck,	Frye,	Logan,	Ransom,
Brown,	Gorman,	McMillan,	Sabin,
Cameron of Pa.,	Hale,	Mahone,	
Colquitt,	Jones of Florida,	Manderson,	
Cullom,	Kenna,	Maxey,	

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5849) limiting the time for the presentation and payment of claims against the United States.

INDIANS ON UMATILLA RESERVATION.

Mr. DAWES. I now call up the conference report on the bill (S. 66) providing for allotment of lands in severalty to the Indians residing upon the Umatilla reservation, in the State of Oregon, and granting patents therefor, and for other purposes.

The PRESIDING OFFICER. The report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the fifth amendment of the House to the bill (S. 66) providing for allotment of lands in severalty to the Indians residing upon the Umatilla reservation, in the State of Oregon, and granting patents therefor, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to House amendment No. 5, and agree to the same.

H. L. DAWES.

JAS. H. SLATER.

ANGUS CAMERON,

Managers on the part of the Senate.

M. C. GEORGE.

R. S. STEVENS.

OLIN WELLBORN.

Managers on the part of the House.

The report was concurred in.

MARY ALLEN.

Mr. PLUMB. I ask unanimous consent that the vote of the Senate taken on the 6th of the present month, by which the bill (H. R. 2100) granting a pension to Mary Allen was indefinitely postponed, may be reconsidered, and that the bill be placed on the Calendar.

The PRESIDING OFFICER. Is there objection to a reconsideration of the vote indefinitely postponing the bill? The Chair hears none, and it is so ordered. The bill will be placed on the Calendar with the adverse report of the committee.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BUTLER, from the Committee on Naval Affairs, reported an amendment intended to be proposed to the general deficiency appropriation bill; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. GROOME submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MANDERSON submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. DOLPH submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SLATER. I desire to ask a change of reference of an amendment offered by me on the 19th of February from the Committee on Claims to the Committee on Military Affairs.

The PRESIDING OFFICER. The Senator from Oregon asks unanimous consent to change the reference of an amendment intended to be proposed by him to the bill (H. R. 8255) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1885, and for prior years, and for other purposes, from the Committee on Claims to the Committee on Military Affairs. That order will be entered if there be no objection; and the amendment will be referred to the Committee on Military Affairs.

WASHINGTON MONUMENT DEDICATION.

Mr. MANDERSON. I ask unanimous consent to make a report at this time from the Committee on Printing.

The PRESIDENT *pro tempore*. The Senator from Nebraska asks unanimous consent to make a report at this time from the Committee on Printing. Is there objection? The Chair hears none.

Mr. MANDERSON. I am directed by the Committee on Printing to report back a concurrent resolution of the House of Representatives authorizing the printing of extra copies of the report, &c., of the joint commission on the Washington Monument, adversely to the adoption of the concurrent resolution, and presenting a bill as a substitute for the concurrent resolution. I ask that the bill may be now considered.

The PRESIDENT *pro tempore*. The Chair understands that the Senator from Nebraska moves that the concurrent resolution be indefinitely postponed.

Mr. MANDERSON. Yes, sir.

Mr. SHERMAN. I submit to the Senator from Nebraska whether he had better not let the House resolution stand unacted upon, and pass the bill, so that if the House does not act upon the bill promptly we can dispose of the concurrent resolution?

Mr. MANDERSON. I will take that course, and ask that the concurrent resolution be laid on the table.

The PRESIDENT *pro tempore*. That course will be taken then. The Senator from Nebraska reports an original bill, the title of which will be read.

The bill (S. 2666) to provide for the printing of the report and proceedings of the commission to provide suitable ceremonies for the dedication of the Washington Monument, was read the first time by its title.

The PRESIDENT *pro tempore*. The Senator from Nebraska asks unanimous consent that the bill be now considered. It will be read the second time at length for information.

The bill was read the second time at length, as follows:

Be it enacted, &c., That the report and proceedings of the commission to provide suitable ceremonies for the dedication of the Washington Monument, together with the engraved card attached thereto, be printed under the direction of the Joint Committee on Printing, and that 26,500 additional copies be printed; 5,000 copies of the same for the use of the Senate, 16,000 copies for the use of the House of Representatives; 500 copies for distribution by Lieut. Gen. P. H. Sheridan, United States Army, to the civil and military organizations which participated in the procession; 500 copies for the Washington National Monument Association, for distribution among its members; 500 copies for distribution by Col. Thomas L. Casey, engineer, among the mechanics and workmen employed in the erection of the monument; 500 copies for Hon. Robert C. Winthrop; and 500 copies to Hon. John H. Daniel; and for the purpose of defraying the expense of printing the said attached card the sum of \$2,000, or so much thereof as may be necessary, be and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. COCKRELL. I move to amend the bill by changing the name of "Hon. John H. Daniel" to "Hon. John W. Daniel."

The PRESIDENT *pro tempore*. That amendment will be made if there be no objection.

Mr. COCKRELL. I should like to ask the Senator reporting the bill what the report embraces. We have not seen it. Does it include the two addresses and all the proceedings?

Mr. MANDERSON. Both. It includes all the proceedings upon the 21st day of February.

Mr. SHERMAN. All will be printed.

Mr. HAWLEY. It occurs to me at the moment to make another inquiry of my colleague on the Committee on Printing, or for the consideration of the Senate, whether it would not be worth while to provide in the bill, now we are about it, that there shall be printed a brief statement of the exercises at the laying of the corner-stone, with the address of Mr. Winthrop delivered at that time, so that the whole may appear together? I make the suggestion.

Mr. SHERMAN. That would be a long document. That has already been published and it will be found in the Library. It is a large document, larger I think than the proposed document will be. It would only make a compilation not needed. I have no objection to the proposition, but it would probably double the size of the document to print the addresses and the Masonic ceremonies, which were very long, on the laying of the corner-stone. However, I shall not object to it if the Senator thinks it is worth while.

Mr. MANDERSON. I submit that the bill is broad enough to permit the joint commission to print that or any other matter it may desire. It is under the control of the commission and the Joint Committee on Printing.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PENSION BILLS.

Mr. VAN WYCK. From the Committee on Pensions I gave notice this morning that early in the day we should ask for the consideration of a few Senate pension bills reported favorably—eight or ten of them. It is desired that they should be passed early in the day, and be sent over to the House so as to secure their passage there, that they may become laws. I ask unanimous consent for that purpose now. It will take but a few moments to dispose of these bills.

The PRESIDENT *pro tempore*. The Senator from Nebraska asks unanimous consent that the Senate now proceed to consider in their order Senate pension bills favorably reported. Is there objection?

Mr. VOORHEES. I desire to say a single word. I perceive that there is great danger that a large mass of pension business now on the Calendar is liable to be neglected and not acted upon at this session. I refer to the business reported adversely by the Committee on Pensions, and yet with merit enough in somebody's mind to be placed on the Calendar. Anything on the Calendar of the Senate is worthy of consideration. With every impulse and desire to take up any pension business that is called for, I feel impelled to require the consideration of the Calendar. I agreed, and agreed cheerfully, day before yesterday to the consideration of pension business reported favorably, but it was with the understanding—for that was the understanding of the Senate—that some time or other before final adjournment the other pension business on the Calendar which has great merit should be considered; that it should not be ignored.

I see very plainly the danger of drifting out of the present session without considering the other pension business that is on the Calendar. I know cases that are reported adversely which are as full of merit and justice as any cases which have been passed under a favorable recommendation by the committee. Consequently I do not want to have that class of business lose its place and be ignored and overslaughed; and it shall not be done so far as I am concerned.

The discrimination which has been made repeatedly, and which is now made again by the Senator from Nebraska, by taking up favorably reported business from the Pension Committee alarms me for the fate of the Calendar cases that I speak of. The Senator from Nebraska knows very well, and so does the chairman of the Committee on Pensions, that there is a large number of cases adversely reported which were adversely reported *pro forma*, as a kind of precedent, where the adverse reports are without merit, and it was supposed the bills were to be passed, and the committee expects them to be passed. Consequently I intend when we approach the consideration of pension business again to insist that the Calendar shall be taken up and that those cases shall be considered.

I could enumerate cases; I could speak of individual instances of the old widows of high officers; but I do not feel that it is proper to do so now. It will be wrong if we ignore and leave untouched and unconsidered and unacted upon those cases because they are reported upon adversely. Some Senators here spring to the floor as if an adverse report from the Committee on Pensions was as the laws of the Medes and Persians, and as if there can be no change about it. I do not feel that way, and I have reason to know that the Senate has been and is wiser by far than the committee in many instances, and that the committee itself is not exacting for its adverse reports.

The PRESIDENT *pro tempore*. Objection is made.

Mr. VAN WYCK. No; I beg the pardon of the Chair. I do not understand the Senator from Indiana to object.

Mr. VOORHEES. No; I do not make an objection to the consideration of any pension business, but I ask that the other pension business on the Calendar shall be taken up likewise, and I am mistaken in the Senator from Nebraska if he does not believe with me that that ought to be done.

Mr. VAN WYCK. Yes; I agree with the Senator from Indiana. The only difficulty is that the bills to which the Senator refers are principally House bills, and are already on the Calendar, and only require the action of the Senate. The few bills here are cases which are entirely undisputed, and are Senate bills which the committee have really neglected, and therefore it is desired that they shall be passed now in order that they may go to the House.

Mr. VOORHEES. Very well; I want to know, because if it is intended that there shall be action in good faith on these adversely reported cases I shall not interpose this kind of an objection. I have not interposed an objection to the consideration of the bills that the Senator from Nebraska now speaks of except that I want to call attention to the rest of the pension business on the Calendar, and I wish to know from the committee whether they intend to have action on those cases, because there is very great danger of their being ignored, and that the session will go out on the tide of time without those cases being considered.

Mr. VAN WYCK. I will say that the committee are as anxious as the Senator from Indiana to have those cases considered and acted upon.

Mr. VOORHEES. When will you call them up?

Mr. VAN WYCK. At any time the Senator suggests.

Mr. VOORHEES. The Senator from Connecticut [Mr. PLATT] suggests to me to call them up right away.

Mr. MITCHELL. If I may be allowed to say a word, I trust the Senate will take up the class of bills to which the Senator from Indiana refers and dispose of them. I do not know that I can ask for that in the name of the committee, because the reports stand formally as adverse reports; but the Senate has overruled the committee in a great many cases similar to those now on the Calendar in which adverse reports have been made. I think it is due and proper that those bills should be considered; but the proposition now is simply that we shall take up

the Senate bills reported favorably so that they may go over to the House. I trust that may be done.

Mr. HARRIS. I shall interpose no objection to the consideration of pension bills favorably reported, but I desire to give notice that while there are more than a hundred House bills on our Calendar which are favorably reported I shall object to the taking up of a pension bill or any other bill adversely reported until those House bills have been considered.

Mr. BLAIR. I desire to say a few words, as this seems to be a sort of debate. A few days since we took up the pension business on a general understanding that we were to have the day for that business. We went through the cases to which there was no objection. That took up half the day. There was plenty of time remaining to have considered and to have disposed of all the cases of the character alluded to by the Senator from Indiana. Then, with the understanding that not more than ten minutes would be taken, two bills were by unanimous consent allowed to come before the Senate on the request of the Senator from Missouri [Mr. COCKRELL]. I was very much disposed to object, but the assurance was very strong that they would not lead to debate. One passed with little debate, but the other took several hours and consumed the rest of the day, and it is liable to consume considerably more time; so that we lost the half day which was by general consent given to the Committee on Pensions.

These contested cases, if I may so call them, are some twenty or more in number, but they involve only one or two principles which are in controversy in the Senate. I do not think that more than an hour or two could possibly be consumed in the consideration of all of them. Many of them are very pressing cases. Unless acted upon very great distress will result in many of them. In fact they are here for the purpose of relieving existing distress, and as touching and as deep as that in any of the cases which have passed without objection through the Senate.

I do not understand that a pension bill is necessarily to receive the unanimous approval of the committee in order to entitle it to be heard in the Senate any more than any other bill. Very few bills which are of importance come before the Senate with the unanimous approval of a committee. A pension bill upon which the Pensions Committee is divided ought not to stand any worse than any other form of proposed legislation. Many of these bills have been pending from quite early in the session; some came over from the last session.

I think that if any class of legislation should be considered by the Senate it is the contested-pension cases, and they can be disposed of very soon. I shall ask the Senate under these circumstances to consider those cases as soon as the bills, which have been alluded to by the Senator from Nebraska, are disposed of. I want them to come up as they may be moved. I shall make that motion myself in regard to some of them.

Mr. PLATT. May I ask the Senator from New Hampshire a question, so that I may understand just what he means?

Mr. BLAIR. I mean just this—

Mr. PLATT. Let me ask the question. There are on the Calendar a great number of cases which have been reported against unanimously by the committee. Some of them have been indefinitely postponed, and that vote reconsidered, and the bills placed on the Calendar; but there is a unanimous report of the committee against them. Then there is another class of cases where bills have been reported adversely and less than a majority of the committee have submitted the views of the minority, and they have been placed on the Calendar. Those cases are of the same character as cases which we have hitherto passed in the Senate. It seems to me that at least that class of cases ought to come first, before those which have been unanimously reported against by the committee.

Mr. BLAIR. That is certainly true; and it is to that class of cases I have reference. Those which are reported against unanimously by the committee will hardly be given any time. I suppose each case must come up on motion, with the understanding that others of a like class may be considered, the Senate voting perhaps with that understanding.

Mr. CAMERON, of Wisconsin. There seems to be such a strong desire that pension business may be considered this afternoon that I will consent that the bill in my charge, and which the Senate has just voted to take up and proceed to the consideration of, may be informally laid aside in order that pension business may be proceeded with. I do not want the bill to lose its place as the regular order.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Nebraska [Mr. VAN WYCK] that the Senate private pension bills favorably reported be now considered in their order? The Chair hears no objection. The first bill of that class will be read.

MARIA G. DUNBAR.

The bill (S. 993) for the relief of Maria G. Dunbar was considered as in Committee of the Whole.

The bill was reported to the Senate from the Committee on Pensions, with an amendment, in line 8 to strike out the word "filed" and insert the words "properly executed;" so as to make the bill read:

That the Commissioner of Pensions is hereby authorized and directed to allow the claim of Maria G. Dunbar, widow of Moses C. Dunbar, late of the Twenty-

seventh Regiment Massachusetts State Volunteers, for arrears of pension; *Provided*, That she shall establish to the satisfaction of the Commissioner that an application for said arrears was properly executed by said Moses C. Dunbar within the time fixed by law, and failed of being forwarded to the Pension Office through no fault of said Dunbar.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARTHA HUGHES.

The bill (S. 2019) granting a pension to Martha Hughes was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Martha Hughes, widow, whose husband was a member of Company E, Seventeenth Regiment Wisconsin Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS H. BOAZ.

The bill (S. 2620) granting a pension to Thomas H. Boaz was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Thomas H. Boaz, late of Company H, Second Regiment Ohio Heavy Artillery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLOTTE C. B. HATCH.

The bill (S. 2546) granting a pension to Charlotte C. B. Hatch was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Charlotte C. B. Hatch, dependent widow of Maj. E. A. C. Hatch, late of Hatch's Battalion Minnesota Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANNE T. DICKS.

The bill (S. 1811) granting a pension to Anne T. Dicks was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Anne T. Dicks, widow of John W. Dicks, late an acting master in the United States Navy.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

M. LOUISE BUTLER.

The bill (S. 2359) granting a pension to M. Louise Butler was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to strike out "fifty" and insert "forty;" and at the end of the bill to add "for herself and her three children;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of M. Louise Butler, widow of George Butler, late a major of marines in the service of the United States, and pay her a pension at the rate of \$40 per month; said pension to be in lieu of any she may hereafter receive for herself and her three children.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SALLY C. MULLIGAN.

The bill (S. 2448) for the relief of Sally C. Mulligan was considered as in Committee of the Whole. It proposes to pay to Sally C. Mulligan, mother of James S. Mulligan, late first lieutenant of Company I, Twenty-first Regiment New York Volunteers, \$1,771.97 due her by way of pension from the 4th of September, 1873, the time when her name was dropped from the pension-roll, to the 11th of May, 1882, the date of the act of Congress restoring her name to the roll.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES F. HILDRETH.

The bill (S. 2654) granting a pension to Charles F. Hildreth was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Charles F. Hildreth, late assistant surgeon of the Fortieth Regiment Massachusetts Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY B. HOLMES.

The bill (S. 2607) granting a pension to Mary B. Holmes was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary B. Holmes, widow of Henry W. Holmes, late a lieutenant of Company F, Seventy-second Regiment New York Volunteers, and to allow her the same pension drawn by her husband during his life.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELLA W. THORNTON.

The bill (S. 2662) granting an increase of pension to Ella W. Thornton, widow of Capt. James S. Thornton, late of the United States Navy, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ella W. Thornton, widow of Capt. James S. Thornton, late of the United States Navy, and to pay her a pension at the rate of \$50 a month in lieu of the pension now paid her.

Mr. JACKSON. I should like to hear the report read in that case.

Mr. BLAIR. I will state that this is not a contested case. The woman is paralyzed, and the proposed increase is put on the ground of her physical condition.

Mr. JACKSON. These reports were all made to-day. I should like to hear the report read and the grounds stated for increasing this pension to \$50 a month.

Mr. MITCHELL. I will say to the Senator from Tennessee that this is not the case of the Mrs. Thornburgh to which so many allusions have been made. It is another case entirely—the case of Mrs. Thornton.

Mr. BLAIR. She is the widow of the commander of the Kearsarge.

Mr. JACKSON. Let us hear the report.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. BLAIR February 27:

The Committee on Pensions, to whom was referred the bill (S. 2662) granting increase of pension to Ellen W. Thornton, widow of Capt. James S. Thornton, have examined the same, and report recommending passage of the same upon the ground of her physical condition, which is such that an even larger pension would be given to a private soldier under the same circumstances, she being afflicted with paralysis. We print her memorial presented to the Forty-seventh Congress. Her condition is now worse.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Respectfully represents your petitioner that she is the widow of the late Capt. James S. Thornton, of the United States Navy, deceased; that she has long been an invalid; that she is unable to walk without assistance, and that her malady, which is in the nature of paralysis, is increasing; that on account of her extreme ill-health she has resided at St. Michaels, Azores, for the past five years; that she is now in the receipt of a pension of \$30 a month on account of her said husband, and that he left a very small property, the income of which, together with her said pension, is insufficient for her support, even with the strictest economy, in her present helpless condition.

Wherefore she prays that her said pension may be increased from \$30 to \$50 a month.

ELLEN W. THORNTON.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMELIA J. GILL.

The bill (S. 2661) granting a pension to Miss — Gill was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "Gill," to insert "Amelia J.," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Miss Amelia J. Gill, and pay her a pension at the rate of \$20 a month from the passage of this act, on account of her services as a nurse during the war of the rebellion and her disability contracted therein while rendering such service.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended to read:

A bill granting a pension to Miss Amelia J. Gill.

ANN ATKINSON.

The bill (S. 2665) granting increase of pension to Ann Atkinson was considered as in Committee of the Whole. It proposes to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ann Atkinson, formerly widow of Hopeful Toler, at the rate of \$16 per month in lieu of her present pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. MITCHELL. I now move to take up the bill (H. R. 5509) for the benefit of soldiers and sailors who have lost an arm at the shoulder-joint, a bill which I reported this morning from the Committee on Pensions, with instructions to ask for its immediate passage. It has passed the House. It simply applies the same rule to soldiers who have had their arms amputated at the shoulder-joint as—

The PRESIDENT *pro tempore*. It is the duty of the Chair to state to the Senator from Pennsylvania that debate on a motion to proceed to the consideration of a bill is not in order. The Senate resumes the consideration of the bill (H. R. 5349) limiting the time for the presentation and payment of claims against the United States, the pending question being on agreeing to the amendment proposed by the Senator from Indiana [Mr. HARRISON], pending which the Senator from Pennsylvania [Mr. MITCHELL] moves that the Senate proceed to the consideration of the bill (H. R. 5509) for the benefit of soldiers and sailors who have lost an arm at the shoulder-joint. The Chair understands

that this bill was reported to-day. It requires unanimous consent that the bill be now considered. Is there objection?

Mr. JACKSON and others. I object.

The PRESIDENT *pro tempore*. Objection is made. The pending question is on the amendment of the Senator from Indiana to House bill 5349, which will be read.

The CHIEF CLERK. In line 7, after the word "three," it is proposed to insert "six;" so as to read:

Within six years after the passage of this act.

Mr. BLAIR. I do not quite understand the telescopic performance here.

The PRESIDENT *pro tempore*. All the Senate pension bills favorably reported have been gone through with. The Chair will state the condition of business. The Senate then resumed the consideration of the bill it had under consideration when it was informally laid aside. Notice was given that those being concluded it would be moved to go on with the pension bills that had not been favorably reported. But it was the duty of the Chair to lay before the Senate the business which had been laid aside informally.

Mr. MORRILL. In accordance with that notice I now move to take up the House bill—

The PRESIDENT *pro tempore*. The Senator from New Hampshire has the floor.

Mr. BLAIR. I yield to the Senator from Vermont.

Mr. CAMERON, of Wisconsin. Will the Senator from Vermont bear with me one moment? I will consent that the regular order be informally laid aside for the purpose of considering pension bills, whether favorably reported or not.

Mr. BLAIR. I understand that to be the original consent.

The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent that the pending order be informally laid aside for the purpose of considering pension bills. Is there objection?

Mr. JACKSON. I object to that.

The PRESIDENT *pro tempore*. Objection is made.

EMILY L. ALVORD.

Mr. MORRILL. I move, then, to take up House bill No. 7659, Order of Business 1138.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to proceed to the consideration of Order of Business 1138. The title of the bill will be read.

The CHIEF CLERK. "A bill (H. R. 7659) granting a pension to Mrs. Emily L. Alvord."

Mr. JACKSON. I object to that.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Vermont.

The question being put, it was declared that the ayes appeared to prevail.

Mr. JACKSON. I call for the yeas and nays.

On seconding the call for the yeas and nays four Senators rose.

The PRESIDENT *pro tempore*. The Chair is obliged to say there is not a sufficient number up, only four Senators rising. The ayes have it.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7659) granting a pension to Mrs. Emily L. Alvord. It proposes to place on the pension-roll the name of Emily L. Alvord, widow of Brig. Gen. Benjamin Alvord, deceased, late Paymaster-General of the United States Army, at \$50 per month.

Mr. MORRILL. I desire to say a brief word about this bill. It is a House bill, and I understand was reported unanimously there—

The PRESIDENT *pro tempore*. The Senator has no right to refer to reports made in the House of Representatives.

Mr. MORRILL. I will take that all back, then. [Laughter.] It is in behalf of the widow of General Alvord. The only reason why I say a word about it is that I was acquainted with him for a dozen years here in Washington and knew him to be a very valuable man. He served in the Army forty-six years, and his service commenced almost immediately after his graduation, in the Florida or Seminole war, and he was engaged in the Mexican war, brevetted for his conduct in battle in various places in the Seminole war and at Cerro Gordo and at Resaca de la Palma. He was also a valuable officer at West Point, serving there as a professor. He was known, while living, to be a man of large culture in scientific matters, and contributed to the various publications of the country in that direction. His widow is almost entirely destitute. She has a mother and a sister to sustain, and I trust therefore there will be no objection to passing this bill as it came to us from the House.

Mr. VANCE. I ask that the report be read.

The Chief Clerk read the following report, submitted by Mr. CULLOM February 6, 1885:

The Committee on Pensions, to which was referred the bill (H. R. 7659) granting a pension to Mrs. Emily L. Alvord, having examined the same submits the following report:

The circumstances of this case are set forth in the report of the House Committee on Invalid Pensions, as follows:

That General Alvord was an officer in the Army of the United States in continuous service for forty-seven years. His military record is most satisfactory and brilliant. He was in the Florida war against the Seminole Indians, was engaged in several skirmishes, and was promoted for his gallant conduct. He was in the war with Mexico, and participated in several engagements, and was twice

promoted for his gallant and meritorious conduct in the battles of said war. He was in command as brigadier-general United States volunteers from 1862 to 1866 in the war with the seceding States, and promoted in the regular Army for faithful and meritorious services to brevet lieutenant-colonel and brevet-colonel and brevet brigadier-general in the United States Army. He was afterward Paymaster-General of the United States Army, and discharged the duties of the office with great ability, giving entire satisfaction, being honest, faithful, and industrious.

He died in 1884, having been on the retired-list four years, of disease contracted while in active service in the Army and in the line of his duty, as shown by the certificate of the surgeon of the United States Army, which certificate is appended to this report. He graduated in the Military Academy of the United States; was a scholar of distinction; was assistant professor of mathematics and of natural and experimental philosophy at the United States Military Academy in 1857. He was the author of some valuable books, which honored him. He was a pure and devout Christian, of high honor, a warm and generous friend, and a kind husband and father, as brave as the bravest and as gentle as the gentlest. His widow, the only wife he ever had, his companion for many years and the mother of his children, is old and infirm, with but little money or property, and with three children and a very old and helpless maiden sister of her husband to support.

Wherefore they report the bill without amendment, with the opinion that it ought to pass.

I certify that Brig. Gen. Benjamin Alvord, United States Army, retired, was, at the date of his retirement, suffering from chronic diarrhea, for which he had been repeatedly treated by me during the last two years of his active service. Though for many years, and dating as far in the past as the Mexican war, General Alvord had been frequently compelled to apply for medical treatment for diarrhea, to which he was strongly predisposed, it did not become a permanent and chronic disease until in 1876, and when in the line of his duty as Paymaster-General. At that time and subsequently his health became so much impaired as to necessitate the daily use of remedies and led to feeble action of the heart, general debility, and organic disease of the kidneys, of which he died.

BASIL NORRIS,
Surgeon, United States Army.

SAN FRANCISCO, CAL., December 8, 1884.
True copy.

WM. B. ROCHESTER,
Paymaster-General, United States Army.

The committee does not feel warranted in favoring the passage of the bill, and therefore recommends that it be indefinitely postponed.

Mr. CULLOM. I only wish to say that I reported this bill from the committee; and while the committee was adverse to the passage of the bill I thought that the facts in the case connected with the history of this soldier and the condition of his widow justified the passage of the bill, and I so stated when I reported it.

Mr. CONGER. I knew General Alvord for some twenty-five years. He was stationed for a long time at a fort near the town where I live, and I therefore knew him very well. I know too of the extreme destitution of his widow. I trust there will be no opposition to the passage of this bill.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

Mr. VANCE. I ask for the yeas and nays on the passage of the bill. The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CAMERON, of Wisconsin (when his name was called). I am paired for this afternoon with the Senator from Oregon [Mr. SLATER]. If I were not paired, I should vote "yea;" and if he were present, he would vote "nay."

The result was announced—yeas 34, nays 13; as follows:

YEAS—34.

Aldrich,	George,	Manderson,	Pugh,
Blair,	Harrison,	Miller of Cal.,	Riddleberger,
Bowen,	Hawley,	Miller of N. Y.,	Sabin,
Chace,	Hoar,	Mitchell,	Sawyer,
Conger,	Ingalls,	Morgan,	Sewell,
Cullom,	Jones of Nevada,	Morrill,	Sherman,
Dawes,	Lapham,	Palmer,	Voorhees,
Dolph,	McMillan,	Pike,	
Edmunds,	Mahone,	Platt,	

NAYS—13.

Camden,	Harris,	Pendleton,	Walker,
Coke,	Jackson,	Vance,	
Garland,	Jonas,	Van Wyck,	
Gibson,	Maxey,	Vest,	

ABSENT—20.

Allison,	Cockrell,	Hampton,	Ransom,
Bayard,	Colquitt,	Hill,	Saulsbury,
Beck,	Fair,	Jones of Florida,	Slater,
Brown,	Farley,	Kenna,	Williams,
Butler,	Frye,	Lamar,	Wilson,
Call,	Gorman,	Logan,	
Cameron of Pa.,	Groome,	McPherson,	
Cameron of Wis.,	Hale,	Plumb,	

So the bill was passed.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Chair calls the attention of the Senator from New Hampshire to Senate bill 2377 to pension the same person.

Mr. BLAIR. Let that be indefinitely postponed.

The PRESIDING OFFICER. The Senate bill will be indefinitely postponed, if there be no objection. It is so ordered.

WIDOW OF COMMANDER S. DANA GREENE.

Mr. ALDRICH. I now move to take up House bill 7830, Order of Business 1140, which is the next case on the Calendar.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7830) granting a pension to the widow of the late Commander S. Dana Greene, United States

Navy. It proposes to place on the pension-roll, at the rate of \$50 per month, the name of Mary A. Greene, widow of the late Commander S. Dana Greene, United States Navy.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. WASHINGTON BRANK.

Mr. VANCE. I move to take up Order of Business 1242, being House bill 1132. It does not have the merit of being a pension case, but it is the next thing to it; it is the case of a soldier who was enlisted, and was captured before he was regularly sworn in, and served two years in the military prison in Richmond.

The PRESIDING OFFICER. The Chair will state to the Senator from North Carolina that the question is not debatable.

Mr. VANCE. So I understand, but I debated it a little before I was reminded of the point of order, for which I beg pardon. I move to take up that bill.

Mr. SEWELL. Will not the Senator from North Carolina allow us to get through with two or three pension cases that are continuous on the Calendar with those just acted on? There will be no objection to getting up his bill afterward.

Mr. VANCE. No, sir; I can not waive my motion now.

The PRESIDING OFFICER. The question is not debatable. Debate can only proceed by unanimous consent. The Senator from North Carolina moves that the Senate proceed to the consideration of the bill (H. R. 1132) to place J. Washington Brank on the muster-rolls of Company B, Second North Carolina Mounted Infantry.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to direct the Secretary of War to place the name of J. Washington Brank on the muster-rolls of Company B, Second North Carolina Mounted Infantry, to date from September 25, 1863.

Mr. SHERMAN. I should like to have the report read. I do not know what the bill is about.

The Chief Clerk read the following report, submitted by Mr. MAXEY February 17, 1885:

The Committee on Military Affairs, to whom was referred the bill (H. R. 1132) to place J. Washington Brank on the muster-rolls of Company B, Second North Carolina Mounted Infantry, respectfully submit the following report:

H. R. 5316 was introduced at the first session Forty-seventh Congress, having the same object in view as the bill now before the committee. That bill was referred to the Committee on Military Affairs of the House, and was reported with amendments June 12, 1882. As amended by the committee, it is in words the same as the present bill.

The passage of the bill was recommended as amended by the committee. (See House Report 1408, first session Forty-seventh Congress, to accompany H. R. 5316.)

That bill was never finally acted on. At the first session Forty-eighth Congress the present bill (H. R. 1132) was introduced, referred to the Committee on Military Affairs of the House, and on the 18th March, 1884, submitted to the Committee of the Whole, with House Report No. 821 thereon, and passed the House May 17, 1884.

The report (821) of the House embodies the facts, and is hereby adopted, as follows:

"The testimony in this case shows that the soldier was duly enlisted by Capt. George M. Kirk, Company B, Second North Carolina Mounted Infantry, the 25th September, 1863, to serve three years or during the war, at Greenville, Tenn., he having passed through the confederate lines for that purpose. He was furnished for three weeks to visit his home, and on his return to the command was captured by the confederates at Warm Springs, N. C., where he was to have been regularly mustered into the United States service. The soldier was taken to Belle Isle, at Richmond, Va., and kept as a prisoner of war till Richmond was occupied by the Union forces. He was kept until the surrender at Appomattox, and then allowed to go home. His papers were made out, which were lost, and he never received either pay or bounty."

In the opinion of the committee the bill ought to pass; wherefore they report said bill (H. R. 1132) without amendment, and recommend that it do pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET D. MARCHAND.

Mr. SEWELL. I move to take up Senate bill 957, Order of Business 1141.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 957) granting a pension to Margaret D. Marchand. It proposes to place on the pension-roll the name of Margaret D. Marchand, widow of Commodore J. B. Marchand, late of the United States Navy, at the rate of \$50 per month.

Mr. SEWELL. There is a report submitted by the Senator from New Hampshire [Mr. BLAIR] with an amendment reducing the amount to \$30 a month.

The PRESIDENT *pro tempore*. The Chair understands that the bill was reported with an amendment. The amendment will be read.

The CHIEF CLERK. In line 8 it is proposed to strike out "fifty" and insert "thirty;" so as to read:

And pay her a pension at the rate of \$30 per month from the date of the passage of this act.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

Mr. RIDDLEBERGER. May I ask the Senator from New Jersey when this man died or when he was killed?

Mr. SEWELL. This is the case of the widow of Commodore Marchand, one of the old officers of the Navy, who served thirty or forty years. There is a long report on the case.

Mr. RIDDLEBERGER. I understood that; but it does suggest itself to me that there must be some time when you will have to end this pension-roll. Why we should pension the representatives of those who have died since the war from ordinary disease, I do not understand. I am entirely willing to go as far as any other Senator in pensioning those who were wounded, or the widows and children of those who really were killed in the war; but I do not see that I am under any obligation, I do not see that I ought properly to vote to pension the family of everybody who has died since the war, merely because he happened to hold some rank in the United States Army or Navy or any other army or navy. There must be a period put to this matter of pensions, somewhere and at some time. It seems to me that the right time to do it is now. Pension the dependent families of those who were soldiers and as soldiers either were killed or wounded or suffered. To that extent I can go, and I will go as far as any Senator on this floor; but to pension the family of every man who happened to be a commodore or a general or a colonel or something else, I can not vote for.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

Mr. BLAIR. I wish to say that this is just like the Alvord case which the Senate has adopted. The committee divided precisely as in that case, and this being a Senate bill a majority of the committee were in favor of reporting an amendment reducing the rate of pension from \$50 to \$30 per month. So it comes here with that amendment, but upon the principle sanctioned by the Senate at the last session and this session and its general practice this lady should receive the benefit of the bill as it was introduced at \$50, and therefore consistency and justice to this woman require that the amendment should be rejected; and the issue comes in this way: Let the bill be passed as originally introduced and referred to the committee. I therefore move that the Senate do not concur in the amendment of the committee.

The PRESIDENT *pro tempore*. The Chair will state that on looking at the report it appears to have been adverse on the whole bill, and it is open to some question whether an amendment to a bill reported adversely entirely would be strictly in order; but as it stands in the papers the Chair will put the question, saving any point of order until it shall arise in the future. The question is on the amendment recommended by the committee reducing the amount from \$50 to \$30 a month.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. MITCHELL. I move to consider—

Mr. PLUMB. I rise to a privileged question. I desire to have the President lay before the Senate the message from the House in regard to the legislative, executive, and judicial appropriation bill in order that I may make a motion with regard to it.

The PRESIDENT *pro tempore*. Pending the motion of the Senator from Pennsylvania, the Senator from Kansas asks, under the rule, that the Chair lay before the Senate the message from the House of Representatives returning the legislative appropriation bill, disagreeing to the Senate amendments. The action of the House of Representatives on the Senate amendments will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, February 27, 1885.

Resolved, That the House do not concur in the amendments of the Senate to the bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. HODGKINS, Mr. HANCOCK, and Mr. CANNON be appointed managers on the part of the House.

Mr. PLUMB. I move that the Senate insist on its amendments to the bill and accede to the request of the House for a conference.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. ALLISON, Mr. DAWES, and Mr. COCKRELL were appointed.

MARTHA C. BREESE.

Mr. MITCHELL. I move that the Senate proceed to the consideration of Order of Business 1196, being the bill (H. R. 4280) to increase the pension of Mrs. Martha C. Breese.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to increase to \$50 per month the pension of Mrs. Martha C. Breese, widow of Kidder Randolph Breese, late a captain in the United States Navy.

Mr. MANDERSON. I ask the Senator from Pennsylvania to yield to me until I can call up Order of Business 1331.

Mr. MITCHELL. This can be disposed of in a few moments.

Mr. MANDERSON. Very well.

Mr. CAMDEN. I should like to have the report in that case read.

The PRESIDENT *pro tempore*. There is no report; only the views of the minority.

The Chief Clerk read the views of the minority (submitted by Mr. MITCHELL, February 10, 1885), as follows:

The minority of the Committee on Pensions, dissenting from the views of the

majority in relation to the bill (H. R. 4280) granting a pension to Mrs. Martha C. Breese, respectfully recommend the passage of the bill for the reasons stated in the House report, which is as follows:

"Mrs. Breese is the widow of Kidder Randolph Breese, late a captain in the United States Navy, of whom Admiral Porter has well said: 'There was no officer during the war who performed more valuable service than he did.' And referring to Mrs. Breese's application to Congress for an increase of her pension, Admiral Porter says: 'I hope sincerely that she will not be disappointed in this matter, for if ever the widow of an officer deserved to be taken care of by the Government it is the widow of Captain Breese.'

"Captain Breese served all through the campaign of the Mississippi, through the siege of Vicksburg, and the opening up of the river to the sea, and always with the most distinguished bravery and self-sacrificing conduct. He was fleet-captain of Admiral Porter's fleet at the storming of Fort Fisher, and the heroism with which he led the forlorn hope of naval officers and sailors that assaulted the works by land is a bright page in the history of the civil war and is the common heritage of American citizens.

"But," says Admiral Porter, referring to Captain Breese's part in the campaign of the Mississippi, 'he no doubt laid the first seeds of disease on those rivers, for he was never well after he left there.' Captain Breese died while on sick-leave, September 13, 1861, leaving no estate—nothing for his family to live upon. The widow of this hero is now dependent upon her small pension of \$30 a month and the trifling amount of \$2 allowed each of her four little children, she having absolutely no other source of income. Can Congress refuse to grant her an increase of \$20, all she asks? The committee believe not. Certainly her case appeals strongly to the Government, and the committee recommend the passage of the bill for her relief."

Mr. CAMDEN. I desire to call the attention of the Senate to the fact that if the Senate goes on to increase the pensions of the widows of captains and commodores and brigadier-generals and colonels, as it has done in four instances already this evening, it might just as well declare at once that the pension of all widows of officers of such rank shall be \$50 a month instead of \$30. Every case where it is allowed will be used as precedents to obtain the same pension for the widows of other officers of the same grade. The bill pensioning the widow of General Alvord at \$50 a month will be used as a precedent for pensioning some other widow at the same amount. Cases are brought before the Pensions Committee at every meeting, claimants come there asking an increase of pension upon the ground that some other person no more meritorious than the claimant at that time has obtained an increase of pension. If the allowance to the widow of every officer that is pensioned is to be increased simply because of the fact that the officer did his duty well while in the service, the widow of every other officer who did his duty equally well is certainly entitled to use that as a precedent to obtain an increase of pension.

Mr. HALE. The Senate has already passed several bills not more meritorious than this, but this case is a good one upon its own merits. Captain Breese was one of the most distinguished and gallant of the younger officers of the Navy. Perhaps no other officer of his age and rank had a better and more consistent record, or rendered more valuable service. When such service was dangerous, he was in the midst of danger. When a piece of hard work was demanded, Captain Breese did that work. He died leaving no estate, with wife and little children dependent upon him, and I hope, after what has been done in other cases, that the Senate will not hesitate here.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

The question being put on the passage of the bill, it was declared that the ayes appeared to prevail.

Mr. CAMDEN. I ask for a division on the passage of the bill.

The question being put, the ayes were 22.

Mr. CAMDEN. I withdraw the call for a division.

The PRESIDENT *pro tempore*. The Senator gives it up. The ayes have it, and the bill is passed.

REPRESENTATIVES OF CAPT. JOHN G. TOD.

Mr. COKE. I move that the Senate take up and consider Order of Business 980, being the bill (H. R. 1567) for the relief of the legal representatives of the late Capt. John G. Tod, of the Texas navy.

Mr. MILLER, of New York. I hope the Senator will withdraw that until we get through with pension cases, and then I will go with him to take up that case or any other.

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. MILLER, of New York. By unanimous consent we proceeded to consider pension cases.

Mr. COKE. This bill will not give rise to any debate.

The PRESIDENT *pro tempore*. The Chair will state that the unanimous consent was for the consideration of Senate pension bills favorably reported. That list has been exhausted; and since then Senators have moved to take up such bills as they pleased.

Mr. BLAIR. The understanding we all had was that it included contested pension cases.

The PRESIDENT *pro tempore*. That was objected to by gentlemen on the right of the Chair.

Mr. HARRIS. So far from any such understanding, I gave notice that I should object to taking up the adversely reported pension cases while more than one hundred House bills favorably reported from our committee remained on our Calendar unacted on.

Mr. BLAIR. I know that; but there were further proceedings.

Mr. COKE. I move that the bill I have named be taken up.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Texas to take up the bill moved by him.

Mr. VOORHEES. I object until I have a better understanding.

The PRESIDENT *pro tempore*. An objection is not in order. It is a question for the majority of the Senate to decide without debate. The question is on the motion of the Senator from Texas.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1567) for the relief of the legal representatives of the late Capt. John G. Tod, of the Texas navy. It provides for the payment to the legal representatives of the late John G. Tod, of Texas, \$12,500, the amount provided for a captain waiting orders in the United States Navy for the term of five years, in conformity with the provisions of section 12 of the act approved March 3, 1857, "making appropriations for the naval service for the year ending 30th of June, 1858."

Mr. SHERMAN. Is there a report in that case?

Mr. COKE. The report is brief and can soon be read.

Mr. SHERMAN. Let it be read.

The Chief Clerk read the following report, submitted by Mr. JACKSON January 7, 1885:

The Committee on Pensions, to whom was referred H. R. 1567 and Senate bill 1042, "for the relief of the legal representatives of the late Capt. John G. Tod," have examined the same, and report as follows:

That bills for the relief of John G. Tod, late captain in the navy of Texas, and of his legal representatives, have received repeated favorable reports in the House of Representatives since the Forty-fourth Congress, and have several times passed the House without receiving the action of the Senate. The facts of the case are fully and correctly set forth in the last report of the House at the first session of the present Congress, as follows:

"The Committee on Naval Affairs, to whom was referred the bill (H. R. 1567) for the relief of the legal representatives of Capt. John G. Tod, of Texas, report: 'That after the failure of the treaty by which Texas was to have been annexed to the United States, and the consummation of the annexation by resolution, much dissatisfaction existed among the citizens of Texas because of the failure to transfer the officers of the navy of Texas to the Navy of the United States, with rank and emoluments corresponding with rank and emoluments held and enjoyed by said officers in the navy of Texas, as was provided for in the inoperative treaty; and that, as it was ascertained that such transfer was impossible of accomplishment by reason of that provision in the Constitution of the United States which imposes on the President the duty of appointing the officers of the Navy of the United States, Congress did, as compensation for the non-performance of the stipulations contained in said inoperative treaty, pass a law, approved March 3, 1857, entitled 'An act making appropriations for the naval service for the year ending the 30th of June, 1858,' the twelfth section of which act is as follows:

"That the surviving officers of the Republic of Texas, who were duly commissioned as such at the time of annexation, shall be entitled to the pay of officers of the like grade when awaiting orders in the Navy of the United States for five years from the date of said annexation, and a sum sufficient to make the payment is hereby appropriated, out of any money in the Treasury not otherwise appropriated; Provided, That the acceptance of the provisions of this act by any of the said officers shall be a full relinquishment and renunciation of all claims on his part to any further compensation on his behalf from the United States Government to any position in the Navy of the United States."

"And that it has been settled by the Supreme Court of the United States that the annexation of Texas to the Union was consummated on December 29, 1845; and that it was settled by the Court of Claims of the United States, in the case of E. M. Moore vs. United States (4 Nott & Huntington, page 139), that 'John G. Tod was a captain in the Texas navy at the time of annexation;' and that this decision of the Court of Claims is fully sustained by the commission of the said Capt. John G. Tod now on file in the Navy Department, signed by the President of the Republic of Texas, dated July 12, 1845, more than five months prior to the date of annexation, according to the decision of the Supreme Court of the United States, a certified copy of which commission is on file with the committee. And that Capt. John G. Tod did, by his attorney, J. B. De Bow, a few weeks prior to the 10th day of June, 1857, file his claim with the Navy Department for five years' pay, as provided under the law of March 3, 1857, hereinafter referred to; which proffer to accept the terms thereof did rest in the said Tod an immediate fixed right of present and future enjoyment of the benefit of said law."

"And your committee further find that Capt. John G. Tod, some time in the latter part of the year 1857, departed this life, leaving in Harris County, State of Texas, a wife and one son and one daughter, and that the county court of said Harris County, in said State of Texas, on the 8th day of October, 1877, ordered that letters of administration on the estate of John G. Tod be issued to Maggie G. Tod, as appears by a copy of said order and the letter of the attorney of the heirs on file with the committee."

"And your committee find further that relief as prayed for under the bill referred has been afforded by act of Congress in like cases under the law hereinbefore referred to, as will appear by reference to the United States Statutes at Large, as follows:

"Forty-third Congress, first session, page 608, chapter 403, 'An act for the relief of the heirs at law of William C. Brashears, of the Texan navy; Forty-fourth Congress, first session, page 454, chapter 209, 'An act for the relief of Susan E. Rhea, widow of Dr. L. Burrows Gardiner.'"

It appears that Captain Tod was the last of the surviving officers contemplated by the act of March 3, 1857, and your committee deem it but a simple act of justice that his legal representatives should receive the same benefits as were extended by said act to the other officers of the Texan navy. They accordingly report back the House bill with the recommendation that it be passed by the Senate.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA W. THORNBURGH.

Mr. MANDERSON. I move that the Senate proceed to the consideration of the bill (H. R. 7655) granting an increase of pension to the widow of Maj. Thomas T. Thornburgh, late of the United States Army.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension-roll the name of Eliza W. Thornburgh, widow of Maj. Thomas T. Thornburgh, late of the Fourth Regiment of Infantry, United States Army, at \$50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SOPHIA A. MORGAN.

Mr. MILLER, of New York. I move that the Senate proceed to the

consideration of the bill (H. R. 1091) granting an increase of pension to Sophia A. Morgan, widow of the late Charles H. Morgan, a brevet brigadier-general in the United States Army.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension-roll the name of Mrs. Sophia A. Morgan, widow of Bvt. Brig. Gen. Charles H. Morgan, at the rate of \$50 per month.

Mr. GROOME. It seems very evident that it is the temper of the Senate to give to every widow of an officer entitled, under the general law, to \$30 a month; a pension of \$50 a month, if she chooses to apply to Congress for it. That being the case I am opposed to doing by retail what can be done by wholesale. I therefore move to add to the bill the following additional section:

SEC. 2. That the widow of every officer of the Army above the grade of lieutenant-colonel, and of every officer of the Navy above the grade of captain, who is now receiving a pension of \$30 or more a month and less than \$50 a month, shall be entitled, upon application to the Pension Bureau, to have her pension increased to \$50 a month from and after the date of said application.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Maryland.

Mr. BLAIR. The Senator misapprehends the ground upon which the committee, or a minority of the Committee on Pensions, have recommended this increase to \$50 a month. It has not been urged in any cases save where there was distinguished service, long service, and actual need. The amendment would of course open an indiscriminate, an exhaustive raid upon the Treasury which could not be included within the principle which I have laid down.

Mr. GROOME. I think there have been very few officers in the United States of the rank mentioned in my amendment, either of the Army or of the Navy, who did not render distinguished service and whose widows do not need a pension larger than that of \$30 a month in order to enable them to live in the condition of comfort and luxury which they enjoyed during the lifetime of their husbands. So I think my amendment may very well be adopted if the course of legislation which we have been indulging in to-day is to be continued.

Mr. CAMDEN. I will ask the Senator from New Hampshire whether there is not a minority report in favor of every person who has asked for an increase of pension to \$50 a month during this session of Congress, and if there is any exception? I ask him if that is not the rule without exception?

Mr. BLAIR. That is not true. I recollect one case which passed to-day where upon my own suggestion the amount of pension was reduced from \$50 to \$40. Even if that were so, it would not controvert my statement. Because the class which would be included in the amendment are not here asking for an increase of pension, it does not follow that those who are asking for the increase are not properly included within the principle laid down. I do not know that those who are not entitled to the increase have asked for it. Certainly the cases which have passed through the Senate to-day, and so far as I know the cases which remain upon the Calendar, are most of them those of widows of admirals, rear-admirals, major-generals, and the like, whose husbands were in service anywhere from thirty-five to sixty years, and in one of two instances even more. The amendment of course is only hostile to the bills as they stand on the Calendar.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Maryland [Mr. GROOME].

Mr. GROOME. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yea 1, nays 42; as follows:

YEA—1.

Voorhees.

NAYS—42.

Allison,	Dolph,	Jackson,	Platt,
Bayard,	Edmunds,	McMillan,	Riddleberger,
Beck,	Gibson,	Mahone,	Sabin,
Blair,	Gorman,	Maxey,	Saulsbury,
Brown,	Groome,	Miller of Cal.,	Sawyer,
Call,	Hale,	Miller of N. Y.,	Sewell,
Cameron of Wis.,	Harris,	Mitchell,	Vance,
Chace,	Harrison,	Morrill,	Walker,
Cockrell,	Hawley,	Palmer,	Wilson.
Conger,	Hoar,	Pendleton,	
Cullom,	Ingalls,	Pike,	

ABSENT—31.

Aldrich,	Farley,	Kenna,	Ransom,
Bowen,	Frye,	Lamar,	Sherman,
Butler,	Garland,	Lapham,	Slater,
Camden,	George,	Logan,	Van Wyck,
Cameron of Pa.,	Hampton,	McPherson,	Vest,
Coke,	Hill,	Manderson,	Williams.
Colquitt,	Jones,	Morgan,	
Dawes,	Jones of Florida,	Plumb,	
Fair,	Jones of Nevada,	Pugh,	

So the amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. It is proposed by the Committee on Pensions to amend the title to read: "A bill granting an increase of pension to Sophia A. Morgan, widow of the late Charles H. Morgan, a brevet brigadier-general in the United States Army and brevet brigadier-general of volunteers."

Mr. MILLER, of New York. Do I understand that the title will have to be amended? The bill has passed the House, and if we amend the title it will have to go back for concurrence.

The PRESIDENT *pro tempore*. The Chair will state that it appears in the body of the bill as reported, and as a part of it, "Amend the title so as to read: 'A bill granting a pension,'" &c. The Chair will state also that the bill appears to have been amended in the House to correspond to that title. The Chair does not think it is necessary to amend the title, and although it is a singular phrase in the bill itself it will do it no harm. The title will stand as it came to the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 8280) making appropriations for the preservation and continuation of certain public works on rivers and harbors, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolutions; and they were thereupon signed by the President *pro tempore*:

A bill (S. 1609) to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich.;

Joint resolution (S. R. 109) authorizing the loan of certain flags and hunting to the committee on inauguration ceremonies;

Joint resolution (H. Res. 338) providing for printing additional copies of the sixth and seventh annual reports of the Director of the United States Geological Survey;

Joint resolution (H. Res. 339) providing for printing the sixth and seventh annual reports of the Director of the Bureau of Ethnology; and

Joint resolution (H. Res. 340) providing for printing monograph 2 of the publications of the United States Geological Survey.

ROSA VERTNER JEFFREY AND OTHERS.

Mr. BECK. I move that the Senate proceed to the consideration of the bill (H. R. 2185) for the relief of Rosa Vertner Jeffrey and others.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Kentucky.

Mr. BECK. Mr. President—

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. BECK. I ask unanimous consent to make a brief statement.

The PRESIDENT *pro tempore*. If there be no objection, the Senator from Kentucky will proceed.

Mr. BECK. I doubt whether I shall be able to be in the Senate much more during this session because of being in attendance in committee on the appropriation bills, and as bills are being called up from the Calendar a little out of order I should like to have this bill acted upon now. It is to refer a case to the Court of Claims. The Senator from West Virginia [Mr. KENNA] reported it, and his family is sick. The Senator from Massachusetts [Mr. HOAR] knows all about it, and I should be very glad to have it considered now.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Kentucky.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It refers to the Court of Claims the claim of Rosa Vertner Jeffrey and the legatees of Claude M. Johnson for the proceeds or value of eight hundred and twenty bales of cotton alleged to have been appropriated by and to the use of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHIEF ENGINEER ON NAVY RETIRED-LIST.

Mr. MILLER, of California. I move that the Senate proceed to the consideration of the bill (H. R. 6324) authorizing the President of the United States to appoint one passed assistant engineer, now on the retired-list of the Navy, a chief engineer on the retired-list of the Navy.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the President of the United States to nominate and, by and with the advice and consent of the Senate, to appoint one passed assistant engineer, now on the retired-list of the Navy, a chief engineer on the retired-list of the Navy, with the highest retired pay of that grade.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FENDALL CARPENTER.

Mr. JACKSON. I move that the Senate proceed to the consideration of the bill (H. R. 4686) for the relief of Fendall Carpenter.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It appropriates \$4,400 to pay to Fendall Carpenter for twenty-five bales of cotton seized and sold by the United States military authorities during the late war, and the proceeds thereof appropriated to the use of the Quartermaster's Department of the United States Army.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RIVER AND HARBOR BILL.

The PRESIDING OFFICER (Mr. INGALLS in the chair) laid before the Senate the bill (H. R. 8280) making appropriations for the preservation and continuation of certain public works on rivers and harbors, and for other purposes; which was read the first time by its title.

The PRESIDING OFFICER. If there be no objection the bill will be read the second time and referred to the Committee on Commerce.

Mr. CAMERON, of Wisconsin. I object to the second reading.

The PRESIDING OFFICER. The second reading is objected to.

FRANCIS B. VAN HAESEN.

Mr. McMILLAN. I move that the Senate proceed to the consideration of the bill (H. R. 847) for the relief of Francis B. Van Haesen.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Commissioner of the General Land Office, on behalf of the United States, to accept a relinquishment by the governor of the State of Minnesota, executed under the authority of an act of the Legislature of that State approved February 24, 1881, of the title derived by that State through an internal-improvement selection certified by the Commissioner of the General Land Office on May 8, 1869, for the southeast quarter of section 3, township 128, range 40 west, in the district of lands subject to sale at Alexandria, Minn., and confirms the location of the tract by Francis B. Van Haesen, with military bounty land-warrant numbered 106976, for one hundred and sixty acres, issued under the act of March 3, 1855, and which was patented by the United States to Van Haesen on the 15th of October, 1870. The State of Minnesota is to be allowed to select other lands in lieu of the tract relinquished.

The bill was reported from the Committee on Public Lands with an amendment, to add the words "from the public lands of the United States within the limit of said State;" so as to read:

And the State of Minnesota shall be allowed to select other lands, in lieu of the tract relinquished as aforesaid, from the public lands of the United States, within the limits of said State.

Mr. McMILLAN. I ask the Senate to refuse to concur in the amendment. I have conferred with the chairman of the Committee on Public Lands, and I have his assent to that course. This is a House bill. A Senate bill granting this relief has already passed the Senate, but it can not be reached in the House. The amendment, if adopted, would put the House bill in the same condition. A similar bill has passed the Senate three or four times at previous sessions of Congress. It is recommended by the Interior Department, and there is no doubt about the propriety of the relief. I ask the Senate to non-concur in the amendment and pass the bill.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. McMILLAN. The name should be spelled "Van Hoesen." I ask that the correction be made.

The PRESIDING OFFICER. That would require an amendment of the bill.

Mr. McMILLAN. Very well; let it go.

THE BARK MARY TERESA.

Mr. GORMAN. I move that the Senate proceed to the consideration of the bill (H. R. 737) for the relief of Juliet Leef, widow, and the heirs of Henry Leef, deceased, owner of the bark Mary Teresa, illegally seized by Alexander H. Tyler, consul of the United States at Bahia, Brazil.

Mr. HOAR. I ask unanimous consent to make a statement in regard to that case. It is a case which involves a very important public principle about which the Committee on Claims were divided in the last Congress, making elaborate reports on both sides, and about which they are divided in this. I should myself feel it my duty to make a speech of considerable length upon the question. I do not think the Senate ought to take it up at this time. The bill is submitted without recommendation from the committee, I understand; but I do not know about that.

The PRESIDING OFFICER. The Senator from Maryland moves that the Senate proceed to the consideration of the bill indicated by him.

Mr. MILLER, of New York. I suggest to the Senator from Maryland to call up the bill at some other time.

Mr. GORMAN. I did not hear the Senator from Massachusetts. There was so much confusion I could not hear what he said.

Mr. HOAR. It is an adverse report, and it involves a very important principle indeed and will take undoubtedly a debate of several hours. I suggest to the honorable Senator from Maryland that this is not the proper time to consider such a bill. If I may be pardoned for saying so, it involves the principle of the United States making compensation to individuals who suffer by the misconduct of a public officer. It is a case where a consul of the United States detained a vessel abroad. The owner of the vessel claimed that it was either a willful wrong or an egregious error on the part of the consul, but in either case it was within the consul's official power.

The majority of the committee have always been of opinion that the United States is not liable for the acts of public officers in such cases, and have made several reports at the present session of Congress based upon that principle. I appeal to my honorable friend from Maryland that this is not the time to take up and deal with an important principle of that kind.

Mr. GORMAN. I dislike very much to press my motion so as to compel the Senator from Massachusetts to make a long speech upon the bill at this hour of the evening, but I am exceedingly anxious to hear the Senator argue the other side of the case, for I listened to him with great pleasure in a bank case a few days ago, which was similar although perhaps not so strong in its equities as this. This is a case which I think ought to be considered favorably. It has been reported upon favorably in another branch of Congress seven times,* and has passed the House of Representatives at least three times, twice certainly, two Congresses ago and again at this session. The equities are so strong that I should like very much to have the bill considered; but if the Senator from Massachusetts at this late hour intimates that he intends to make a long argument, I shall not by any means press my motion.

Mr. HOAR. The reading of the report would take an hour.

The PRESIDING OFFICER. Does the Senator from Maryland withdraw his request for the consideration of the bill?

Mr. GORMAN. I withdraw it under the threat of the Senator from Massachusetts.

Mr. HOAR. I ask unanimous consent to remove a misapprehension in the mind of the Senator. I did not make the suggestion in the least as a threat. I should not prolong my argument thirty seconds for the sake of defeating the bill, but it is proper that the Senate should know that the nature of the question would inevitably involve that result.

The PRESIDING OFFICER. The motion is withdrawn.

ANN CORNELIA LANMAN.

Mr. HAWLEY. I move to take up the bill (H. R. 1813) granting an increase of pension to Ann Cornelia Lanman. She is the widow of the late Rear-Admiral Lanman.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension-roll the name of Ann Cornelia Lanman and to pay her a pension of \$50 a month, in lieu of the pension now received by her.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

O. L. COCHRAN.

Mr. MAXEY. I move that the Senate proceed to the consideration of the bill (H. R. 1566) for the relief of O. L. Cochran, late postmaster at Houston, Tex., reimbursing him for money erroneously collected from him by the Post-Office Department.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to O. L. Cochran \$422.85, collected from him by the Post-Office Department on the 26th of November, 1867, and which amount is in excess of what he was indebted to the Department.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. MAXEY. I move that the bill (S. 1481) for the relief of O. L. Cochran, late postmaster at Houston, Tex., now on the Calendar, be postponed indefinitely.

The motion was agreed to.

JOHN C. HERNDON.

Mr. CAMERON, of Wisconsin. I move that the Senate proceed to the consideration of the bill (S. 164) for the relief of John C. Herndon. The motion was agreed to.

Mr. CAMERON, of Wisconsin. A bill identical with this bill has passed the House and is now in the hands of the Committee on Claims. I move that the Committee on Claims be discharged from the further consideration of the bill (H. R. 2158) for the benefit of John C. Herndon.

The PRESIDING OFFICER. If there be no objection, that order will be made.

Mr. CAMERON, of Wisconsin. I now move that the Senate proceed to the consideration of House bill 2158.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to John C. Herndon, late of Mason County, now of Louisville, Ky., \$1,785 in full compensation for 105,000 pounds of hay furnished, under verbal contract, to Capt. D. W. McClung, assistant quartermaster United States volunteers, for the use of the Government of the United States, in March, 1865, and which was swept away by a flood in the Ohio River and lost, in consequence of the failure of the Government to remove the hay, after due notice had been given to its authorized agents so to do.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. CAMERON, of Wisconsin. I move that the bill (S. 164) for the relief of John C. Herndon be postponed indefinitely.

The motion was agreed to.

JOHN W. MARTIN.

Mr. GEORGE. I move that the Senate proceed to the consideration of the bill (H. R. 5452) for the relief of John W. Martin.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to John W. Martin, of Brookhaven, Miss., \$700, for services actually rendered as postmaster at Brookhaven, Miss., by authority of the military commandant, from July, 1865, to July 1866.

Mr. RIDDLEBERGER. I should like to have some reason assigned why we should just go along here appropriating money out of the public Treasury to give to people. I see no reason for it, and yet we have been proceeding upon that theory all this afternoon. If there be a reason why the United States Government should give this man \$700 I think it is proper to assign that reason. I will say further that without the reason being given I shall be pardoned for voting against the bill. I should like to know what reason there is for giving any man \$700.

Mr. GEORGE. It is in payment of a debt that the United States owes him.

Mr. MILLER, of New York. That is a pretty good reason.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HUGH AND BYRD DOUGLAS, DECEASED.

Mr. MAHONEY. I move that the Senate proceed to the consideration of House bill No. 8034, Order of Business 1274.

The motion was agreed to; and the bill (H. R. 8034) for the relief of the estates of Hugh and Byrd Douglas, deceased, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to the legal representatives of Hugh and Byrd Douglas, deceased, late of Nashville, Tenn., \$6,299.33, for rent of and damage to their property in Nashville by officers of the Army of the United States during the late war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M. DORSEY AND WILLIAM F. SHEPARD.

Mr. JONES, of Nevada. I move to take up House bill No. 948, Order of Business 1123.

The motion was agreed to; and the bill (H. R. 948) for the relief of John M. Dorsey and William F. Shepard was considered as in Committee of the Whole. It directs the payment of \$9,021.33 to John M. Dorsey, and \$3,746.66 to William F. Shepard, in full settlement for beef and supplies furnished certain volunteer troops by Dorsey, Shepard, and one S. B. Wallace, while the troops were engaged in quelling the Indian disturbances in the Territory of Utah, now the State of Nevada, in the year 1860.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEIRS OF MARY JANE VEAZIE.

Mr. LAMAR. I move that the Senate proceed to the consideration of House bill No. 851.

The motion was agreed to; and the bill (H. R. 851) for the relief of the heirs of Mary Jane Veazie, deceased, was considered as in Committee of the Whole. It appropriates \$2,500 to pay the heirs of Mary Jane Veazie, deceased, late of Natchez, Miss., for property taken for the use of the United States troops stationed at Natchez.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported an amendment intended to be proposed to the deficiency appropriation bill; which was referred to the Committee on Appropriations.

FIRST NATIONAL BANK OF LARNED, KANS.

Mr. MORRILL. I move to take up Order of Business 967, being House bill 5747.

The motion was agreed to; and the bill (H. R. 5747) to authorize the increase of the capital stock of the First National Bank of Larned, Kans., not to exceed \$250,000, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LETITIA TYLER SEMPLE.

Mr. MORGAN. I move to proceed to the consideration of Order of Business 1222, being the bill (S. 498) granting a pension to Letitia Tyler Semple.

Mr. COCKRELL. I hope the Senator will not insist on passing that bill now. There are quite a number of bills that ought to be passed, and I do not think there is much chance of getting that through at this late hour.

Mr. MORGAN. I know the Senator from Missouri can not understand the merits of this case, and the House of Representatives, I should think, would hold an extraordinary session to pass the bill. I think

there will be no difficulty about passing it in the House if it goes through the Senate. I hope it will be taken up.

The PRESIDING OFFICER. Is there objection to taking up the bill?

Mr. RIDDLEBERGER. I object.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Alabama that the Senate proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 498) granting a pension to Letitia Tyler Semple. It proposes to place on the pension-roll the name of Letitia Tyler Semple, daughter of the late John Tyler, President of the United States, at \$50 per month.

Mr. COCKRELL. Let the bill be read again. I did not catch the wording of it.

The PRESIDING OFFICER. The bill will be read again.

The bill was read.

Mr. COCKRELL. I want to ask the Senator who reported the bill if this pension is based purely upon the fact that the applicant is the daughter of a deceased President?

Mr. JACKSON. Mr. President—

Mr. MORGAN. I hope the Senator from Tennessee will let me answer that question.

Mr. JACKSON. Certainly.

Mr. MORGAN. We have precedents on our statute-book for pensioning the daughters and widows of deceased Presidents. This lady at the time Mr. Tyler became President of the United States was the lady of the White House, the first lady in the country. She remained with her father until his marriage. He afterward married a lady who was the widow of an officer of the Navy. Mr. Tyler died, leaving this daughter in impoverished circumstances. She went to work in good earnest to teach the women of the country, being herself a very accomplished woman, and to earn her subsistence. She educated a number of ladies of this country, and educated them beautifully. By her excessive work she became blind, or so nearly so that she can scarcely see her hand before her. She received the kind attention and commiseration of that good, benevolent man, Mr. Corcoran, and she is an inmate of the Louise Home, and has been there ten or twelve years entirely dependent on his bounty. She is a woman of beautiful accomplishments, beautiful character in every respect, and I am moving this case for her not because she demands it, but because I know that her situation requires it.

Besides that, she has a young lady who is a relative of hers, an orphan child and dependent, that she has to provide for in some way. She has no estate whatever. And now, sir, the daughter of a deceased President of the United States is a blind woman, dependent upon the charity and benevolence of Mr. Corcoran in this city, and has been so for a number of years; and I have brought this case before the Senate, not on this occasion alone but before. The Senate has never voted it down, but an objection has been made each time when I brought it up, and the case has been placed out of reach. That is the whole story. [Vote!] "Vote!"

Mr. RIDDLEBERGER. I object to the entertainment of the proposition because I can not understand that this Government is a government which is established to support people. I can not understand why the daughter of a deceased President is entitled to more consideration than the daughter of any one else. If we owe anything to a President, it would seem to me that it might have been quite, if you will pardon the expression, as genteel for the House of Representatives to have sent back here the bill that retired General Grant. I say that we are under no obligation to pension any of these people; and when the Senator from Alabama takes the position that he does he goes to such an extent that I can not follow him, and I do not think his own constituents will follow him, in pensioning the daughter of a dead President.

I think we have gone almost far enough to-day in pensioning the representatives of men who died twenty years after the war was over, and I repeat now what I said before, that there must be a period fixed to this giving of pensions at some time. If there be any reason why we should pension this lady beyond the mere fact that she is an educated lady, and beyond the mere statement that she is the daughter of a dead President, then I should like to hear it, for that is not sufficient.

Mr. COCKRELL. I simply desire to enter my protest on record against this bill and against the principle involved in it. This is, in my humble opinion, under our form and system of government a crime against the people who are the only sovereigns. We have never in the history of this country pensioned even the adult children of our Revolutionary sires. We do not to-day pension the children of the men who fell for the integrity of this Union, after they reach the age of 16.

The theory of our Government, Mr. President, is that all officers, from President to constable, are the agents, the trustees, the servants, the representatives of the people. They are by the people intrusted with power to be exercised for the benefit and in trust for the people. The compensation paid to each officer and the honor of the office are the full equivalents for every civil employment in the United States. When a man has held the office of President, the office of governor, the office

of United States Senator, the office of Representative in Congress, or any other civil office, and has gone out of that office, the people are under no sort of obligation to support him or his posterity.

While men enjoy the emoluments and the honors of office, they receive the full consideration which the people promised them, and after that they have no claim whatever upon the people. It is not so with the soldiers and the sailors of our country. We take them by the strong arm of the sovereign people at whatever compensation Congress fixes for their service, and we promise them in the laws which compel their military or naval service that in certain events they shall receive pensions for themselves and for their widows and their dependent children until they are 16 years of age; but I say there is no promise whatever in our system of government that compensation shall be made to the children of deceased civil officers of this Government.

No Senator entertains kindlier and warmer feelings toward the lady for whose relief this bill is now pressed than I do; but this is not a question of sympathy. I have a right to go into my own pocket and pay out my own money in sympathy to whomsoever I choose; but, I say, as Senators representing the people of the United States we have no right through sympathy or anything of that kind to put our hands into the pockets of the sovereign tax-payers of this country, and, under the color of law and the forms of power delegated to us, rob them of their hard earnings.

Mr. President, there are thousands upon thousands of widows and women in this country who are ten-thousand-fold worse off than the lady here in question. She is enjoying the munificence of that grand old citizen of this District, in a grand charity of which she is a worthy object. But that is not sufficient. Are we here under the power that we have to go to the orphan's home and the widow's home and take from the little earnings a portion to give to this distinguished individual because she happens to be the daughter of an ex-President of the United States?

I tell you, Mr. President, the people of this country do not believe in a civil-pension list. This is the first step toward the establishment of a civil-pension list in this Government to pension the civil employés of this Government. I say that it is in direct contravention of the fundamental principles upon which our Government rests. It is subversive of them, and the people do not believe in it. It is kind for us to yield to our sympathies and to vote these small sums, but the very fabric and structure and system of our Government may be changed by these gradual innovations from sympathy. The widows of certain Presidents have been put upon the pension-list directly out of sympathy. We shall soon have the ex-Presidents of the United States on the pension-list, and then out of sympathy for some distinguished compeer of ours, an associate brother Senator, we shall place him on the pension-list, and then we shall place some Representative who has served his country faithfully upon the pension-list, and then we shall put the child, the daughter of some distinguished Senator, upon the pension-list.

Mr. President, I simply rose to utter my earnest protest against the passage of this bill and the principle involved in it, and I trust the Senate will not be committed to it.

Mr. MORGAN. I am very glad that I have been able to furnish the Senator from Missouri an opportunity to express his opinions upon the question of a civil-pension list. I have been in the Senate with him for eight years, and I have never before heard him express an opinion so forcibly on this subject; I have never known him to do it. He might have done it on the case of Mrs. Polk. For a number of years she has been pensioned on the Government of the United States, and yet she was a lady of wealth, and her pension has been recently increased—

Mr. HARRIS. I beg to say to the Senator from Alabama, if he will allow me, that he is mistaken in his facts. She was put on the pension-roll with the widows of other deceased Presidents. She was never pensioned before that, so far as I am advised.

Mr. MORGAN. She has an independent living, and there is no woman in the world that I think is better entitled to enjoy the honor of being upon the pension-roll of the Government of the United States than Mrs. Polk. Then we pensioned the widow of President Tyler. She was not a beggar by any means. He married her a year or two after he had been in the Presidential office.

Mr. COCKRELL. This is his daughter.

Mr. MORGAN. Of course. It is easy to draw a distinction between a widow and a daughter, especially if the daughter is blind and the widow is not. The widow has an opportunity to live, friends to take care of her, children to rely upon. It is easy enough to imagine why she should be pensioned, and why the blind daughter should not. I can understand that very well.

Then, Mr. President, we take a Senator, a man who served, for instance, ten days of a Congressional term, and he dies, and we do not hesitate to pay his heirs the whole amount of the salary during the rest of the term. My colleague, Hon. George S. Houston, perhaps as strict a man as ever lived, died while he was a member of the Senate, and the Senate did not hesitate to pay the salary for the whole unexpired term of that Congress to his heirs at law, a sum amounting to eight or nine thousand dollars. General Burnside died, and we paid a large sum to his representatives. So it is continually. We are paying money day after day to those public servants who happen to die in

office. Where a minister to a foreign country who dies during the time of his service abroad—

Mr. COCKRELL. Will the Senator yield until I ask him a question?

Mr. MORGAN. Certainly.

Mr. COCKRELL. The statement strikes me with wonder that the Senate has paid out to any deceased Senator's family the full salary of that Senator for the unexpired term.

Mr. MORGAN. That is exactly what they have done—paid his salary for the unexpired term of the Congress in which he died.

Mr. COCKRELL. Oh! Just simply the Congress?

Mr. MORGAN. That is all.

Mr. COCKRELL. The two years' term, not the six years' term.

Mr. MORGAN. The difference is between \$10,000 and \$20,000. There is no difference in principle at all.

Mr. COCKRELL. It seldom averages a year.

Mr. MORGAN. I know that the honorable Senator has been on the Committee on Appropriations, and this is the first time he ever objected to a thing of that sort that I ever heard of. It seems to take a poor blind woman who happens to enjoy the hospitality of a benevolent citizen of this country to arouse all the gentleman's patriotism and all his sense of justice.

Mr. COCKRELL. Will the Senator permit one more question for information?

Mr. MORGAN. Certainly.

Mr. COCKRELL. I never heard of the case until it came up. Is not the mother of this child now living and drawing \$5,000 a year?

Mr. MORGAN. No, sir; the mother of this child is dead forty-five years.

Mr. COCKRELL. The step-mother?

Mr. MORGAN. The step-mother is living.

Mr. HARRIS. Allow me to suggest that the President of the United States is commander-in-chief of the armies and navies of the United States; he is the head of the Army. I consider the technical ground upon which, in principle, we may pension his widow (and it might extend to the children under 16 years of age) perfectly consistent with the principles upon which we grant pensions. But when it is proposed to extend it to the adult child of a soldier, whether he be President and commander-in-chief, or commanding general, or an officer of a lower grade, it is introducing a new principle, one heretofore not recognized by the pension law; it is opening a broad field. That is the suggestion I desire to make to the Senator from Alabama in order that he may deal with it.

Mr. MORGAN. Mrs. Dandridge, whom we pensioned at the last session of Congress, was not a woman under 16 years of age. She had been a widow, twice married, and was the daughter of General Taylor, and formerly Mrs. Bliss.

Mr. BLAIR. The Senator will permit me to suggest that we have repeatedly indorsed the principle that where the child of a soldier was over 16 years of age and helpless, either from imbecility or from physical helplessness, the pension should be continued, the principle being precisely the same which led to its being given before the age of 16 years was reached, that being the period fixed by the law on the supposition that at that age the child would be able to take care of itself. Failing to have that ability, the pension is continued from the Government.

Mr. MORGAN. I was not seeking for any precise technical ground on which I could justify this vote. There are precedents enough. We bring home the bodies of our ministers who die abroad in the service, and we pay their families the balance of money due for the unexpired term; and I believe we are about to pass a bill, if we have not already done so during the present session, for Mrs. Hunt, for Mr. Venable's widow, and others, and there are others who ought to be paid. I thought it would gratify the people of the United States, and I believe yet it will, to know that the Congress of the United States has that sense and delicacy of feeling toward a lady who was the first lady in the country, who occupied a place in the White House, who occupied the delicate responsibilities and duties of that elevated position with great ability and with marked success, now that she has grown old and has become blind in the service of the women of the country and is upon the bounty of a private citizen—I thought it would do the Congress of the United States good and the people would like it if they would take that case in hand and allow her enough money to feel at last that she had some little thing or other that she could depend upon instead of trusting to charity.

There is no person, I suppose, who enjoys more worthily than Mrs. Semple does the benevolence of Mr. Corcoran. I dare say that within the Louise Home or anywhere else there is not to be found a single heart in the world that is more burdened with the fact that, after having led a life of duty, a life of honor, a life of elevated position, a life of usefulness, a life of excellence, she should at last be left in this condition without one cent to call her own unless some person should give it to her.

There is some justice in this. There is a good deal more in it than the mere pathetic statement of the fact. There is a duty resting upon this Government which I think we can perform here without violating

the Constitution of our country, and when the Senator from Missouri characterizes this bill as a crime against the Constitution it seems to me he goes a long way. If we never commit a worse crime against the Constitution of the United States than to take a lady under such circumstances as these and to show something of our respect for the influential station that she has held and discharged so perfectly, we shall escape with very clear skirts when we leave this august tribunal.

I hope that the Senate will not hesitate to pass the bill.

Mr. RIDDLEBERGER. Mr. President, I think I am as approachable as any other Senator on this floor when I am asked to do something to assist somebody; but I can not lose sight of the fact that every time we pay out money we have got to collect it. We have got to derive revenue from some source before we pay it out, and there are widows and there are orphan children, and there are suffering widows and suffering orphans in this country who have to contribute to pay a civil pension-list.

That is the only suggestion I have to make.

Mr. BLAIR. Mr. President, I ask the Senator from Alabama and the Senate that this bill may be laid aside informally while I call the attention of the Senate to three or four cases about which there will be no controversy such as we have already passed over.

Several SENATORS. Vote on this.

Mr. BLAIR. There is likely to be more debate. ["No!" "No!"] If we can have a vote, very well.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and read the third time.

Mr. HAWLEY. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GORMAN (when his name was called). I am paired with the Senator from Massachusetts [Mr. DAWES].

Mr. HARRIS (when his name was called). I consented to pair with the Senator from Connecticut [Mr. PLATT] who is absent. I desire to ask his colleague how he thinks the Senator would vote on this question. I should vote "nay."

Mr. HAWLEY. I think my colleague would vote "nay" from the remark he made when he left the Chamber.

Mr. HARRIS. I vote "nay."

Mr. MILLER, of New York (when his name was called). I am paired with the Senator from Delaware [Mr. BAYARD] on political questions. I do not consider this a political question. I will therefore vote "yea."

Mr. SAWYER (when his name was called). I am paired with the Senator from Delaware [Mr. SAULSBURY]. If he were present I should vote "yea."

The roll-call was concluded.

Mr. MITCHELL. On this question I am paired with the Senator from Florida [Mr. JONES].

The result was announced—yeas 11, nays 17; as follows:

YEAS—11.			
Blair, Brown, Call,	Cameron of Wis., Conger, McPherson,	Mahone, Manderson, Miller of N. Y.,	Morgan, Palmer.
NAYS—17.			
Chace, Cockrell, Dolph, Edmunds, George,	Harris, Hawley, Hoar, Ingalls, Jackson,	Jonas, McMillan, Maxey, Ransom, Riddleberger,	Vest, Wilson.
ABSENT—48.			
Aldrich, Allison, Bayard, Beck, Bowen, Butler, Camden, Cameron of Pa., Coke, Colquitt, Cullom, Dawes,	Fair, Farley, Frye, Garland, Gibson, Gorman, Groome, Hale, Hampton, Harrison, Hill, Jones of Florida,	Jones of Nevada, Kenna, Lamar, Lapham, Logan, Miller of Cal., Mitchell, Morrill, Pendleton, Pike, Platt, Plumb,	Pugh, Sabin, Saulsbury, Sawyer, Sewell, Sherman, Slater, Vance, Van Wyck, Voorhees, Walker, Williams.

The PRESIDING OFFICER. A quorum has not voted.

Mr. MCPHERSON. I move that the Senate adjourn.

Mr. BLAIR. I ask unanimous consent—

Mr. HARRIS. I object to the transaction of any business without a quorum.

Mr. BLAIR. I do not wish to ask for the transaction of any business. I wish to say just a word by unanimous consent.

The PRESIDING OFFICER. Is there objection to the Senator from New Hampshire speaking? The Chair hears none.

Mr. BLAIR. There are six or eight of the most meritorious pension cases that were before the Senate which, by the turn affairs have taken this afternoon, have failed of consideration. I hope there will be no objection at the first opportunity, which I shall seek, to take up those cases and dispose of them.

Mr. MCPHERSON. I insist on the motion to adjourn.

The motion was agreed to; and (at 6 o'clock and 39 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 27, 1885.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.
The Journal of yesterday was read and approved.

FLAGS FOR DECORATION.

The SPEAKER. The Chair lays before the House a telegraphic communication from the Secretary of War, which the Clerk will read.
The Clerk read as follows:

To the Speaker of the House of Representatives:

In view of applications made to me by proper committees for flags for decoration purposes next week, which can not be granted without authority of law, I beg to ask whether Senate resolution 109, authorizing the loan of flags, has yet passed the House of Representatives.

ROBERT T. LINCOLN,
Secretary of War.

WAR DEPARTMENT.

The SPEAKER. The Chair will state to the House that the joint resolution to which reference is made in this telegram is on the Speaker's table and the gentleman from Tennessee [Mr. DIBRELL] has charge of it.

Mr. DIBRELL. Mr. Speaker, I have letters from the Secretary of War and the chairman of the committee of arrangements asking the passage of this resolution, and I now ask unanimous consent to take Senate resolution 109 from the Speaker's table and put it upon its passage.

Mr. ROBINSON, of New York. Mr. Speaker, I have some notion to object to all this decoration business, but on the whole I will not interfere.

The SPEAKER. No objection is made, and the Clerk will report the joint resolution.

The Clerk read the joint resolution S. R. 109, as follows:

Resolved, etc. That the Secretary of War and the Secretary of the Navy be, and they are hereby, authorized to loan to the committee on inauguration ceremonies the flags and bunting in the Government depots, for use in decorating the city of Washington on the 4th day of March next: *Provided*, That the said committee shall indemnify the Departments against any loss or damage resulting from the use of said flags and bunting, except such damage as is necessarily incident to such use.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

INTERSTATE-COMMERCE BILL.

Mr. REAGAN. Mr. Speaker, I ask unanimous consent to take up House bill No. 5461 with the Senate amendments, with a view to move to non-concur and ask a committee of conference.

Mr. KEAN. What is that bill?

The SPEAKER. The gentleman from Texas [Mr. REAGAN] asks unanimous consent to take from the Speaker's table the bill H. R. 5461 with the Senate amendments, with a view to moving that the House non-concur and ask for a committee of conference. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 5461) to regulate interstate commerce, and to prohibit unjust discrimination by common carriers.

Mr. KEAN. I object.

Mr. THOMAS. Regular order.

GENERAL HORATIO G. WRIGHT.

Mr. ROSECRANS. Mr. Speaker, I ask unanimous consent to submit two reports from the Committee on Military Affairs.

The SPEAKER. The regular order is demanded by the gentleman on the left [Mr. THOMAS].

Mr. ROSECRANS. May I ask the gentleman for a moment's courtesy while I submit two reports?

Mr. THOMAS. I withdraw the demand for the regular order.

Mr. ROSECRANS, by unanimous consent, from the Committee on Military Affairs, reported back with a favorable recommendation the joint resolution (H. Res. 195) to place the name of General Horatio G. Wright, late Chief of Engineers, on the roll of major-generals on the retired-list with the emoluments and pay of said grade; which, with the accompanying report, was referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

MULTICHARGE GUNS.

Mr. ROSECRANS, by unanimous consent, from the Committee on Military Affairs, reported back with the favorable recommendation the petition of J. R. Haskell in relation to multicharge guns, and moved that the same be referred to the Committee on Appropriations and ordered to be printed.

The motion was agreed to.

PUBLIC BUILDING, TERRE HAUTE, IND.

Mr. STOCKSLAGER, from the Committee on Public Buildings and Grounds, reported back favorably the bill (H. R. 7967) to change the

limit of the appropriation for the public building at Terre Haute, Ind.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

REFERRING CLAIMS TO COURT OF CLAIMS.

Mr. ROWELL, from the Committee on War Claims, submitted the following report; which was laid on the table, and ordered to be printed:

The Committee on War Claims, to whom were referred the following bills and petitions, having considered the same, report that they have referred the same to the Court of Claims under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883:

A bill (H. R. 6023) for the relief of Oliver M. Blair, administrator of Thomas P. Blair, deceased;

A bill (H. R. 4960) for the relief of the heirs of George T. Swann;

A bill (H. R. 6582) for the relief of A. L. H. Crenshaw;

A bill (H. R. 4359) for the relief of Mary V. Rawlins and Elizabeth H. Yerger;

Petition of William D. Whitted;

Petition of W. J. Embry, executor of John P. Brown, deceased;

A bill (H. R. 2741) for the relief of the estate of Thomas Jones, deceased;

A bill (H. R. 6114) for the relief of John M. Elder;

Petition of John A. Farley;

Petition of Elizabeth Griggs, executrix of H. C. Griggs, deceased;

Petition of John B. Reed;

Petition of Josiah Q. Shaw;

Petition of Mrs. Lucy J. Stockley;

Petition of W. C. Reeves;

Petition of Finesse E. Writ;

Petition of W. A. Galloway;

Petition of F. M. Mendenhall;

Petition of William A. Williamson;

Petition of William H. Hill;

Petition of Abner D. Lewis;

Petition of James C. Newman;

Petition of James G. Field;

Petition of William B. Sims;

Petition of Superiress of St. Cecilia Academy, of Nashville, Tenn.;

Petition of George W. F. Lamkin;

Petition of Milton S. Haire;

Petition of Lucien J. Seals;

Petition of Mrs. Ellen Sherwood;

Petition of John W. Dixon;

Petition of John T. Inman, administrator of A. L. Garner, deceased;

Petition of John M. Campbell;

Petition of Greenbury Adamson;

Petition of William R. Kearney;

A bill (H. R. 4646) for the relief of William Bushby;

A bill (H. R. 4674) for the relief of Lindsay Ridgeway;

A bill (H. R. 7303) for the relief of Payne and Thomas C. Wood;

Petition of Elizabeth Seward;

Petition of Henry E. Vills;

Petition of Hennie E. Revell;

Petition of Clara E. Bryan;

Petition of W. H. Hugh, administrator of David Unsell, deceased;

Petition of John R. Watkins, administrator of Matilda W. Anderson, deceased;

Petition of Mathias App;

Petition of Caleb R. Clements;

Petition of Mrs. Sarah McLemore;

Petition of William M. Beasley;

Petition of Horace L. Kent;

Petition of Joel Mann;

Petition of Henry C. Dollis;

Petition of Elizabeth Griggs, administrator of Charles Murphy, deceased;

Petition of John H. McClellan;

Petition of Joseph L. Glove;

Petition of Elizabeth Beaton;

Petition of George W. Bensley;

Petition of Daniel H. Hildebrand;

Petition of Mrs. Lucie A. Jameson;

Petition of Charles C. Burke, administrator of Elizabeth Burke, deceased;

Petition of M. C. McHaney;

Petition of Augustus F. Bonner, administrator of Martha A. Bonner, deceased;

Petition of Mary E. McKinney;

Petition of John H. Mitchell;

Petition of James I. Amonett, executor of James M. Provine, deceased;

Petition of Sarah Waters, administratrix of Robert Waters, deceased;

Petition of William H. Bryan;

Petition of Joseph S. McNulty;

Petition of William A. Anthony;

Petition of J. C. and J. H. Atkins, administrators of N. G. Atkins, deceased;

Petition of A. V. Warr, administrator of N. H. Isbell, deceased;

Petition of Jordan Broadway;

Petition of Anne W. Byers;

Petition of Andrew Cathey;

Petition of Maggie Barron et al.;

Petition of Robert S. McDonald;

Petition of Elisha Nelson;

Petition of Robert H. Walton;

Petition of J. D. Askew, administrator of George W. Houghton, deceased;

Petition of J. D. Askew, administrator of Alexander Askew, deceased;

Petition of Louis Marat;

Petition of John McDowell;

Petition of Cynthia Milled;

Petition of John F. Byars;

Petition of Mrs. J. E. Robinson;

Petition of John H. Lanier, jr., administrator of John H. Lanier, sr., deceased;

Petition of John Irvin;

A bill (H. R. 477) for the relief of George H. Wells;

A bill (H. R. 2855) for the relief of the trustees of the Protestant Episcopal Seminary and High School in Virginia;

Petition of James B. Boykin;

Petition of Harriett E. McClelland;

Petition of Amelia B. Caldwell, administratrix of John Caldwell, deceased;

A bill (H. R. 7992) for the relief of Nathaniel McKay et al.;

A bill (H. R. 1194) for the relief of the estate of Joseph Cooper, deceased;

A bill (H. R. 6729) for the relief of H. C. Smith;

A bill (H. R. 7581) for the relief of Peter Cook;

House resolution (No. 115) for the relief of Maria V. Brown;

A bill (H. R. 5633) for the relief of Jacob Bloomstein;
 A bill (H. R. 348) for the relief of Jesse K. Vawter;
 A bill (H. R. 623) for the relief of William J. May;
 A bill (H. R. 2560) for the relief of David Hicks;
 A bill (H. R. 5559) for the relief of Lucy A. Hey;
 A bill (H. R. 3377) for the relief of Frederick Demming;
 A bill (H. R. 6015) for the relief of Lewis Rothermel;
 Petition of William Aymett;
 Petition of Thomas Fisher;
 Petition of Samuel Edmundson;
 Petition of Mary H. Bush;
 Petition of Robert W. Wilkinson;
 Petition of John W. Alexander, executor of James S. Williams, deceased;
 Petition of B. Y. Swart;
 Petition of Elisha M. Shaddon;
 Petition of John Vantreesse;
 Petition of Martha W. Hughes;
 Petition of Fidal Spah;
 Petition of F. Spah;
 Petition of William Vantreesse;
 Petition of the legal representatives of F. L. Cawthorne, deceased;
 Petition of W. S. Calloway;
 Petition of Mrs. E. Gant;
 Petition of Robert Smith;
 Petition of Calvin Spiney;
 Petition of Mrs. R. Stanfield;
 Petition of Mrs. Amanda Wadley;
 A bill (H. R. 7796) for the relief of Elizabeth Putnam;
 Petition of Rebecca A. Minor;
 Petition of James M. Seeds;
 Petition of Sophia G. Mitchell and Eliza J. Mahon;
 Petition of Eugene Fereult;
 A bill (H. R. 7690) for the relief of J. H. T. Main;
 Petition of Joseph M. Middlekauff;
 Petition of Henry Adams;
 Petition of Jacob R. Adams;
 Petition of Samuel Emmert;
 Petition of Thomas N. Heskest;
 Petition of William Householder;
 Petition of William Mathews;
 Petition of David Wolf;
 Petition of Solomon Newcomer;
 Petition of A. J. McAllister;
 Petition of George Snyder;
 Petition of Martha J. Wroe;
 Petition of Joshua Newcomer;
 Petition of Lewis Johnson;
 Petition of Henry McCauley;
 Petition of John Hammond;
 Petition of Jonas Spellman;
 Petition of Harrison Beeler;
 Petition of Abraham Shaff;
 Petition of the heirs of Jesse Viers, deceased;
 Petition of Dr. William H. Grimes;
 Petition of Eliza Eyer;
 Petition of Frederick Wyand;
 Petition of Thomas Corbett;
 Petition of Urias Buakirk;
 Petition of John D. Reedy;
 Petition of Lewis A. Grosh;
 Petition of Louisa A. Knode, administratrix of S. A. Knode, deceased;
 Petition of Mary E. Lucas;
 Petition of Hannah B. Edwards and Mary E. Lucas, heirs of Mary G. Wray, deceased;
 Petition of J. B. Stacy;
 Petition of Samuel May;
 Petition of George Keel;
 Petition of Stephen Bird, executor of John Bird, deceased;
 A bill (H. R. 867) for the relief of the heirs of Horatio N. Spencer;
 Petition of John Dillard;
 Petition of Calvin Chears;
 A bill (H. R. 2187) for the relief of Marcus L. Broadwell;
 A bill (H. R. 2189) for the relief of the estate of Thomas V. Stirman, deceased;
 A bill (H. R. 2191) for the relief of James S. Frizzell;
 A bill (H. R. 2192) for the relief of Isaac N. Webb;
 A bill (H. R. 2194) for the relief of Joseph B. McClintock;
 A bill (H. R. 3217) for the relief of Clara H. Flowers et al.;
 Petition of Ida M. Wells and others;
 Petition of G. W. Hughes;
 Petition of T. B. Planché;
 Petition of Tabitha Garnett;
 Petition of Lucy A. M. Jones;
 Petition of Daniel T. Wood;
 Petition of Lucinda Allen;
 Petition of Samuel W. Craft;
 Petition of John H. Hamiter;
 Petition of David L. Scott;
 Petition of Levi Middlekauff, administrator of John C. Middlekauff, deceased;
 Petition of John Monday;
 Petition of John H. King;
 Petition of Mrs. Catharine Little;
 Petition of Thomas Barnum;
 Petition of Louisa McCollister;
 Petition of Ramsey Robb Lees;
 Petition of Samuel Emmert;
 Petition of Henry C. Mumma and Samuel Mumma, executors of Samuel Mumma, deceased;
 Petition of Richard S. Kirk;
 Petition of Thomas R. Mitchell;
 Petition of Thomas Trundle;
 A bill (H. R. 8210) for the relief of Stephen H. Myers;
 A bill (H. R. 471) for the relief of Adam Hine;
 A bill (H. R. 4664) for the relief of Orien L. Dodd;
 Petition of William Reading;
 Petition of William H. Knode;
 Petition of Solomon S. Lumma;
 Petition of Benjamin Brown;
 Petition of Johnson Benson;
 Petition of John H. Fiery;
 Petition of John H. Huyett;
 Petition of John T. and Sarah A. De Sellum;
 Petition of Samuel M. Haller;
 Petition of Jonathan Yoste; and
 Petition of A. P. Burditt and James Fisk.

PUBLIC LANDS DECISIONS.

Mr. ROGERS, of New York, by unanimous consent, submitted a concurrent resolution to provide for printing the first and second volumes of decisions relating to the public lands; which was referred to the Committee on Printing, and ordered to be printed.

ORDER OF BUSINESS.

Mr. THOMAS. Now, Mr. Speaker, I call for the regular order.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had agreed to the report of the committee of conference on the bill (S. 1609) to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. 8179) making appropriation for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

The message further announced that the Senate had passed without amendments joint resolutions of the following titles:

Joint resolution (H. Res. 338) providing for printing additional copies of the sixth and seventh additional reports of the Director of the United States Geological Survey;

Joint resolution (H. Res. 339) providing for printing the sixth and seventh annual reports of the Director of the Bureau of Ethnology; and

Joint resolution (H. Res. 340) providing for printing monograph 2 of the publications of the United States Geological Survey.

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House was requested:

Joint resolution (S. R. 134) relative to the use of plants belonging to the public conservatories of the District of Columbia for inauguration ceremonies.

PERSONAL EXPLANATION.

Mr. SNYDER. Mr. Speaker, I rise to a privileged question.

The SPEAKER. The gentleman will state it.

Mr. SNYDER. I desire to explain my vote given yesterday.

The SPEAKER. That is not a privileged matter. The gentleman can proceed only by unanimous consent.

Mr. SNYDER. I ask unanimous consent to make a personal explanation. Mr. Speaker, on page 2439 of the RECORD of yesterday's proceedings I am recorded as having voted "ay" upon the resolution offered by the chairman of the Appropriations Committee. With a decided opinion as to the impropriety of the clause in the sundry civil bill relating to the suspension of silver coinage, and with the avowed intention of voting against the same when the opportunity was offered (the resolution providing for a separate vote upon said proposition), I voted "ay" to limit debate and facilitate business, in order that an extra session of Congress might be avoided.

I am opposed to any legislation on the part of Congress looking toward either the limitation or suspension of silver coinage. The subsequent statement of the gentleman from Pennsylvania demands that this explanation be made in order that my position may not be misunderstood by my constituents.

Mr. HAMMOND. I object. That is not a matter of privilege, and I object to further explanation.

The SPEAKER. The Chair so decided, and the gentleman proceeded by unanimous consent.

Mr. HAMMOND. I object. Every gentleman who casts a vote might occupy time of the House in the same way.

Several MEMBERS. Regular order.

The SPEAKER. The regular order is demanded.

ORDER OF BUSINESS.

Mr. CABELL. Mr. Speaker, I desire to suspend the rules to take up House bill 8029, to authorize the establishment of export tobacco manufacturing and for drawbacks upon imported articles used in manufacturing exported tobacco.

SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER. The House is acting under a suspension of the rules.

The regular order being called for, the House resumes, under the order adopted yesterday by suspension of the rules, the consideration of the bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes. The first question is upon the amendments to the clause in relation to the New Orleans Exposition.

Mr. HERR. The first amendment, as I understand, is the one which I offered.

The SPEAKER. That is the understanding of the Chair. A motion has been made by the gentleman from New York [Mr. POTTER] to strike out the clause; but that will not be voted upon until amendments to the text have been disposed of. The amendment of the gentleman from Michigan [Mr. HERR] will be read.

The Clerk read as follows:

Strike out the entire clause and insert in lieu thereof the following:

"For the purpose of aiding the World's Industrial and Cotton Centennial Exposition now being held in the city of New Orleans, in the State of Louisiana, not to exceed the sum of \$300,000, or so much thereof as may be necessary, to be immediately available and to be used first in payment of the indebtedness now outstanding of said exposition which is due to persons, firms, or corporations living and doing business outside of the State of Louisiana, including debts due to foreigners or foreign nations and such as are due to States and Territories from said exposition. Secondly, in payment of all premiums heretofore awarded or said shall be hereafter awarded by said exposition in accordance with the lists of awards heretofore published; said money to be disbursed under the direction of the Secretary of the Treasury, who shall make proper rules and regulations for the form and verification of vouchers in proof of such indebtedness and shall detail a proper agent of his Department to disburse said funds as directed by said Secretary, who shall make a detailed statement of his transactions to the Treasury Department."

The SPEAKER. The question is upon the motion of the gentleman from Michigan to strike out the clause in the bill and substitute what has just been read.

Mr. ELLWOOD. I rise for an inquiry. I have submitted a substitute. Will the vote upon this proposition of the gentleman from Michigan rule out my substitute?

The SPEAKER. Is the amendment of the gentleman from Michigan offered as a substitute?

Mr. ELLWOOD. I move to amend by adding to the substitute of the gentleman from Michigan the clause which I ask the Clerk to read.

The Clerk read as follows:

A committee of three members of the House shall be appointed by the Speaker to inquire into the expenditures by and money received by the managers of the World's Industrial Cotton and Centennial Exposition. The said committee are hereby empowered to administer oaths, to compel the attendance of witnesses, and to send for persons and papers; and it shall report the result of its investigation to the Forty-ninth Congress on or before December 10, 1885.

Mr. BLAND. That amendment is subject to a point of order.

The SPEAKER. The Chair thinks it is subject to a point of order. The point is sustained. The question is upon the substitute of the gentleman from Michigan.

Mr. ELLIS. As I understand it has been agreed between the gentleman and myself that his substitute shall be amended by striking out the words "or so much thereof as may be necessary." I understand the gentleman from Michigan is willing to accept this amendment.

The SPEAKER. The gentleman from Louisiana [Mr. ELLIS] moves to amend the substitute of the gentleman from Michigan by striking out the words "or so much thereof as may be necessary."

Mr. ELLIS. By agreement between the gentleman from Michigan and myself those words go out.

Mr. HERR. If it be in order I will state that in my judgment this amendment does not affect substantially my substitute; and I consent to it. I think every dollar of the appropriation will be spent, at any rate.

The question being taken on the amendment of Mr. ELLIS, there were—ayes 78, noes 20.

Mr. ANDERSON. I make the point that no quorum has voted. Tellers were ordered; and Mr. ANDERSON and Mr. ELLIS were appointed.

The House again divided; and the tellers reported—ayes 121, noes 44.

So the amendment of Mr. ELLIS was agreed to.

The SPEAKER. The question now recurs on the amendment proposed by the gentleman from Michigan [Mr. HERR] as amended.

Mr. BEACH. On this question I demand the yeas and nays. The yeas and nays were ordered, 45 members voting therefor.

The question was taken; and it was decided in the affirmative—yeas 206, nays 58, not voting 60; as follows:

YEAS—206.

Adams, G. E.
Aiken,
Alexander,
Anderson,
Atkinson,
Bagley,
Ballentine,
Barbour,
Barkdale,
Bayne,
Belmont,
Bennett,
Bibb,
Blanchard,
Bond,
Boutelle,
Brainerd,
Bratton,
Breckinridge,
Breitung,
Brewer, F. B.
Brewer, J. H.
Broadhead,
Brumm,
Buckner,
Budd,
Cable,
Caldwell,
Campbell, J. E.
Campbell, J. M.
Candler,

Carleton,
Clay,
Cobb,
Connolly,
Cook,
Cosgrove,
Covington,
Cox, W. R.
Craig,
Crisp,
Cullen,
Curtin,
Davidson,
Davis, G. R.
Davis, L. H.
Dibble,
Dibrell,
Dixon,
Dockery,
Dorschner,
Dowd,
Dunham,
Dunn,
Eldredge,
Elliott,
Ellis,
Ellwood,
English,
Ermentrout,
Everhart,
Ferrell,

Fiedler,
Findlay,
Finerty,
Follett,
Foran,
Forney,
Funston,
George,
Glasecock,
Greenleaf,
Guenther,
Hanback,
Hancock,
Harmer,
Hatch, H. H.
Haynes,
Hemphill,
Herbert,
Hewitt, A. S.
Hewitt, G. W.
Hill,
Holmes,
Holton,
Horr,
Houk,
Howey,
Hunt,
James,
Jeffords,
Jones, B. W.

Jones, J. H.
Jones, J. K.
Jones, J. T.
Kean,
Kelser,
Kelley,
Kellogg,
Ketcham,
King,
Kleiner,
Lacey,
Lawrence,
Lewis,
Libbey,
Long,
Lore,
Lowry,
Lyman,
McCold,
McComas,
McCormick,
McMillin,
McMillen,
Mitchell,
Morgan,
Morrill,
Morse,
Moulton,
Muldrow,
Muller,
Murphy,

Murray,
Mutchler,
Nelson,
Nicholls,
Nutting,
Oates,
O'Ferrall,
Paige,
Parker,
Payson,
Peel,
Perkins,
Peters,
Pettibone,
Phelps,
Poland,
Post,
Price,
Pryor,
Pusey,
Randall,

Ranney,
Ray, Ossian
Reagan,
Reid, J. W.
Reed, T. B.
Reese,
Riggs,
Robertson,
Robinson, W. E.
Rockwell,
Rogers, J. H.
Rogers, W. F.
Rosecrans,
Rowell,
Russell,
Ryan,
Seymour,
Shively,
Singleton,
Skinner, T. G.
Smalls,

Smith, A. Herr
Smith, H. Y.
Snyder,
Springer,
Steele,
Stephenson,
Stewart, J. W.
Stocksinger,
Stone,
Strait,
Struble,
Sumner, C. A.
Sumner, D. H.
Swope,
Talbott,
Taylor, J. D.
Townsend,
Valentine,
Vance,
Van Eaton,
Wait,

Wakefield,
Ward,
Washington,
Weaver,
Weller,
Wemple,
White, J. D.
White, Milo
Whiting,
Willis,
Wilson, James
Wilson, W. L.
Winans, E. B.
Winans, John
Wise, G. D.
Wood,
Worthington,
Yaple,
York.

NAYS—58.

Arnot,
Barr,
Beach,
Belford,
Blount,
Boyle,
Brown, W. W.
Browne, T. M.
Buchanan,
Burleigh,
Cassidy,
Clardy,
Clements,
Converse,
Cox, S. S.

Culberson, D. B.
Dargan,
Deuster,
Eaton,
Geddes,
Haskell,
Hammond,
Hardeman,
Hatch, W. H.
Henderson, T. J.
Holman,
Hopkins,
Houseman,
Lanham,
Le Fevre,

Matson,
Maybury,
Millard,
Miller, J. F.
Mills,
Money,
Patton,
Payne,
Pierce,
Potter,
Seney,
Skinner, C. R.
Stevens,
Stewart, Charles
Storm,

Taylor, J. M.
Thomas,
Thompson,
Tillman,
Tully,
Turner, H. G.
Turner, Oscar
Van Alstyne,
Wadsworth,
Wallace,
Warner, Richard
Wellborn,
Young.

NOT VOTING—60.

Adams, J. J.
Bingham,
Blackburn,
Bowen,
Burnes,
Campbell, Felix
Cannon,
Chalmers,
Collins,
Culbertson, W. W.
Cutecheon,
Davis, R. T.
Dingley,
Evans,
Fyan,

Garrison,
Gibson,
Goff,
Graves,
Green,
Hardy,
Hart,
Henderson, D. B.
Henley,
Hepburn,
Hiscock,
Hoblitzell,
Hooper,
Hurd,
Hutchins,

Johnson,
Jordan,
Laird,
Lamb,
Lovering,
McAdoo,
Miller, S. H.
Morrison,
Neece,
Ochiltree,
O'Hara,
O'Neill, Charles
O'Neill, J. J.
Rankin,
Ray, G. W.

Rice,
Robinson, J. S.
Shaw,
Slocum,
Spooner,
Spriggs,
Taylor, E. B.
Throckmorton,
Tucker,
Warner, A. J.
Wilkins,
Williams,
Wise, J. S.
Wolford,
Woodward.

So the amendment was agreed to.

During the roll-call,

Mr. BEACH moved that by unanimous consent the reading of the names be dispensed with.

There was no objection, and it was ordered accordingly.

Mr. HERR. Mr. Speaker, I rise to a parliamentary inquiry. Will it be proper to ask by unanimous consent a vote be taken on this proposition as amended or on this substitute? I have said, as I supposed was the fact, there would be a vote if this were amended. I am informed if this is voted in, as it is, there will be no further vote. That misled some gentlemen.

Mr. RANDALL. There will be a vote on the bill with this in it.

The SPEAKER. There will be no further vote on this clause as a separate proposition. The Chair will state the situation.

Mr. RANDALL. There will be a vote on the bill with that in it.

Mr. HERR. But that is not fair.

The SPEAKER. The gentleman from Michigan moved to strike out the clause and insert what has been read. The gentleman from New York [Mr. POTTER] made a motion to strike out the clause without inserting anything. The gentleman from Michigan offered his amendment first and the House voted on it first. If the House sustains the motion to strike out the words as they stood in the bill and insert the words of the amendment it closes the vote on this clause, because it is not competent under the rules of the House to strike out the identical thing just inserted by a vote; and the only way to reach that would be to reconsider that vote.

Mr. HERR. There can be unanimous consent that a vote be taken on the proposition. I do not think any one will object to that; it will be passed just the same.

Mr. BOUTELLE. I will enter the motion to reconsider.

The SPEAKER. The vote has not yet been announced.

Mr. HAMMOND. I rise to a parliamentary inquiry, and it is that as the vote has not been announced, can not the whole difficulty be obviated by gentlemen changing their votes?

The SPEAKER. The gentleman from Michigan asks unanimous consent that after the vote shall be announced, if the amendment be adopted, a vote shall then be taken on the motion to strike out the clause; is there objection?

Mr. HERR. There can be no objection.

There was no objection, and it was ordered accordingly.

The following pairs were then announced.

On all political questions, until further notice:

Mr. MORRISON with Mr. JOHN S. WISE.

Mr. SHAW with Mr. LAIRD.

Mr. THROCKMORTON with Mr. EZRA B. TAYLOR.
Mr. JORDAN with Mr. HENDERSON, of Iowa.
Mr. HURD with Mr. RICE.
Mr. NEECE with Mr. CHALMERS.
On this vote:
Mr. RANKIN with Mr. OCHILTREE.
Mr. FYAN with Mr. JOHNSON.
Mr. CAMPBELL, of New York, with Mr. HOOPER.
Mr. BLACKBURN with Mr. HART.
Mr. HOBLITZELL with Mr. GOFF.
Mr. MCADOO with Mr. O'NEILL, of Pennsylvania. If voting, Mr. O'NEILL would vote "ay" and Mr. MCADOO "no."

For the day:

Mr. WILLIAMS with Mr. CUTCHEON.

The vote was then announced as above recorded.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. PERKINS, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill and joint resolution of the following titles; when the Speaker signed the same, namely:

A bill (H. R. 48) providing for the erection of a building to contain the records, library, and museum of the Medical Department, United States Army; and

Joint resolution (H. Res. 320) authorizing the printing of the report of the Commissioner of Education for 1883 and 1884.

SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER. By order of the House the vote will now be taken on the motion of the gentleman from New York [Mr. POTTER] to strike the clause entirely from the bill.

Mr. POTTER. Upon that motion I call for the yeas and nays.

The yeas and nays were ordered.

Mr. YORK. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. YORK. I ask if this is on the vote to strike out the \$300,000?

The SPEAKER. The Chair will state that this is to strike out the entire clause.

Mr. BELFORD. I rise to a question of order. There is so much confusion and smoking on the floor that we can not determine what is going on.

The SPEAKER. The Chair will cause, on account of the complaints so frequently made to the Chair, clause 7 of Rule XIV to be read; and calls the attention of members on the floor and also of the officers of the House, the Doorkeeper and Sergeant-at-Arms, to the rule.

The Clerk read as follows:

7. When the Speaker is putting a question or addressing the House no member shall walk out of or across the Hall, nor, when a member is speaking, pass between him and the Chair; and during the session of the House no member shall wear his hat, or remain by the Clerk's desk during the call of the roll or the counting of ballots, or smoke upon the floor of the House; and the Sergeant-at-Arms and Doorkeeper are charged with the strict enforcement of this clause.

The SPEAKER. The Chair hopes the officers of the House charged with the execution of this rule will see that it is complied with on the floor.

The question is on agreeing to the motion of the gentleman from New York to strike out the clause on which the yeas and nays have been ordered; and the Clerk will call the roll.

The question was taken; and there were—yeas 124, nays 153, not voting 42; as follows:

YEAS—124.

Alexander,	Dargan,	McCoid,	Seymour,
Anderson,	Davis, L. H.	McComas,	Shively,
Arnot,	Deuster,	McCormick,	Skinner, C. R.
Barr,	Dingley,	McMillin,	Smith, A. Herr
Beach,	Dockery,	Matson,	Smith, H. Y.
Blair,	Eaton,	Maybury,	Springer,
Boutelle,	Eldredge,	Millard,	Steele,
Bowen,	Ellwood,	Miller, J. F.	Stevens,
Boyle,	English,	Milliken,	Storm,
Brainerd,	Everhart,	Mills,	Talbot,
Brewer, F. B.	Ferrell,	Mitchell,	Taylor, J. D.
Brewer, J. H.	Geddes,	Morgan,	Taylor, J. M.
Browne, T. M.	Halsell,	Moulton,	Thomas,
Buchanan,	Hammond,	Murray,	Turner, H. G.
Buckner,	Hardy,	Nutting,	Turner, Oscar
Burnes,	Hart,	Oates,	Van Alstyne,
Campbell, J. M.	Hatch, H. H.	O'Neill, J. J.	Wadsworth,
Candler,	Hatch, W. H.	Parker,	Wait,
Carleton,	Henderson, T. J.	Patton,	Warner, A. J.
Cassidy,	Hepburn,	Payson,	Warner, Richard
Clardy,	Hewitt, A. S.	Peel,	Weaver,
Clements,	Hitt,	Peters,	Wellborn,
Cobb,	Holman,	Peterson,	Whiting,
Connolly,	Howe,	Phelps,	Wilkins,
Cook,	James,	Pierce,	Winans, E. B.
Cosgrove,	Kean,	Post,	Winans, John
Covington,	Langham,	Potter,	Wood,
Cox, S. R.	Lawrence,	Raney,	Woodward,
Cox, W. R.	Le Fevre,	Ray, G. W.	Worthington.
Culbertson, D. B.	Lowry,	Rockwell,	Yaple,
	Lyman,	Seney,	York.

NAYS—153.

Adams, G. E.	Ballentine,	Belford,	Blanchard,
Alken,	Barbour,	Belmont,	Bratton,
Atkinson,	Barksdale,	Bennett,	Brekinridge,
Bagley,	Bayne,	Bisbee,	Breitung,

Broadhead,	Gibson,	Long,	Russell,
Brown, W. W.	Glascok,	Lore,	Ryan,
Brum,	Goff,	Lovering,	Singleton,
Budd,	Graves,	Miller, S. H.	Skinner, T. G.
Burleigh,	Green,	Money,	Smalls,
Cabell,	Greenleaf,	Morrill,	Snyder,
Caldwell,	Guenther,	Morse,	Spooner,
Campbell, J. E.	Hanback,	Muldrow,	Stephenson,
Cannon,	Harmer,	Muller,	Stewart, Charles
Converse,	Haynes,	Murphy,	Stewart, J. W.
Craig,	Hemphill,	Mutchler,	Stockslager,
Crisp,	Henley,	Nicholls,	Stone,
Cullen,	Herbert,	Ochiltree,	Struble,
Curtin,	Hewitt, G. W.	O'Ferrall,	Sumner, C. A.
Davidson,	Hill,	O'Hara,	Sumner, D. H.
Davis, G. R.	Hiscock,	O'Neill, Charles	Swope,
Davis, R. T.	Holmes,	Paige,	Thompson,
Dibble,	Hopkins,	Perkins,	Tillman,
Dibrell,	Horr,	Pettibone,	Townshend,
Dixon,	Houk,	Poland,	Tully,
Dorheimer,	Houseman,	Price,	Valentine,
Dowd,	Hunt,	Pryor,	Vance,
Dunham,	Jeffords,	Pusey,	Vog Eaton,
Dunn,	Johnson,	Randall,	Wallace,
Elliot,	Jones, B. W.	Ray, Ossian	Ward,
Ellis,	Jones, J. H.	Reagan,	Washburn,
Ermentrout,	Jones, J. K.	Reed, T. B.	Wemple,
Fiedler,	Jones, J. T.	Reid, J. W.	White, J. D.
Findlay,	Keifer,	Reese,	White, Milo
Finerty,	Kelley,	Riggs,	Willis,
Follett,	Kellogg,	Robertson,	Wilson, James
Foran,	King,	Robinson, W. H.	Wilson, W. L.
Forney,	Kleiner,	Rogers, J. H.	Wise, G. D.
Funston,	Lacey,	Rogers, W. F.	Wolford,
Garrison,	Lamb,	Rosecrans,	
George,	Lewis,	Rowell,	

NOT VOTING—42.

Adams, J. J.	Hancock,	Libbey,	Strait,
Bingham,	Hardeman,	McAdoo,	Taylor, E. B.
Blackburn,	Henderson, D. B.	Morrison,	Throckmorton,
Campbell, Felix	Hoblitzell,	Neece,	Tucker,
Chalmers,	Holton,	Nelson,	Wakefield,
Clay,	Hooper,	Rankin,	Weller,
Collins,	Hurd,	Rice,	Williams,
Culbertson, W. W.	Hutchins,	Robinson, J. S.	Wise, J. S.
Cutcheon,	Jordan,	Shaw,	Young,
Evans,	Ketcham,	Slocum,	
Fyan,	Laird,	Spriggs,	

So the motion to strike out was not agreed to.

On motion of Mr. ELLIS, by unanimous consent the reading of the names was dispensed with.

The following additional pairs were announced:

Mr. BLACKBURN with Mr. STRAIT, on this vote.

Mr. FYAN with Mr. BINGHAM, on this vote.

The result of the vote was then announced as above recorded.

Mr. ELLIS moved to reconsider the vote by which the motion to strike out was rejected; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The question now recurs upon ordering the bill as amended to be engrossed and read a third time.

The bill was ordered to be engrossed and read a third time.

The question recurred on the passage of the bill.

Mr. RANDALL. On that I demand the previous question.

Mr. WHITE, of Kentucky. I call for the reading of the engrossed bill.

The SPEAKER. The Chair does not think there is any rule or any recent practice of the House requiring the reading of the engrossed bill.

Mr. WHITE, of Kentucky. I understood the Speaker to say that the bill was now upon its passage.

The SPEAKER. The Chair so stated.

Mr. WHITE, of Kentucky. What bill?

The SPEAKER. The sundry civil appropriation bill.

Mr. WHITE, of Kentucky. Then I ask for the reading of the engrossed bill.

The SPEAKER. On the passage of the bill the gentleman from Pennsylvania has demanded the previous question.

Mr. WHITE, of Kentucky. And I call for the reading of the bill upon which we are to pass, which is the engrossed bill.

The SPEAKER. Under what rule?

Mr. WHITE, of Kentucky. The Speaker knows the rule.

The SPEAKER. The Chair knows of no such positive rule or late practice. If there be any, the Chair hopes the gentleman will call attention to it.

Mr. WHITE, of Kentucky. The Chair stated the question to be upon the passage of this bill, and that the gentleman from Pennsylvania had demanded the previous question. Now, upon that bill on which the previous question is demanded, which, as the Speaker states, is the sundry civil appropriation bill, I ask as a question of right for the reading of the engrossed bill.

The SPEAKER. The Chair will hear the gentleman from Kentucky on the subject as to whether there is any such rule or practice of the House.

Mr. WHITE, of Kentucky. I call the attention of the Chair to page 190 of the Digest, to Rule XXI, clause 2:

Bills and joint resolutions on their passage shall be read the first time by title and the second time in full, when, if the previous question is ordered, the Speaker

shall state the question to be: Shall the bill be engrossed and read a third time? and, if decided in the affirmative, it shall be read the third time by title, unless the reading in full is demanded by a member, and the question shall then be put upon its passage.

I contend that if the bill has been engrossed it ought to be here, and the Clerk should read that engrossed bill upon which we are here to vote. The rule says so; it is in the bond, and I call for the pound of flesh.

Mr. WAIT. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WAIT. Did not the House on yesterday by a vote of two-thirds direct the suspension of the rules for the remainder of the session upon the sundry civil appropriation bill?

The SPEAKER. The House by a vote of two-thirds suspended the rules to consider the bill under certain regulations prescribed in the motion itself, which regulations say nothing concerning the readings of the bill.

Mr. WAIT. Would not then the action of the House suspend any rule such as the gentleman from Kentucky invokes?

The SPEAKER. The Chair has not yet decided that.

Mr. COX, of New York. I would like the Chair to state to the House the exact situation of this bill at this time. If I understand it, the bill has been read a third time by its title. We have passed from that. The previous question has been called on the passage of the bill. Am I right?

The SPEAKER. The previous question has been demanded, but has not been ordered.

Mr. COX, of New York. The custom has been, so far as I recollect, after the proceedings on a bill have reached this stage not to have the engrossed bill read a third time at length.

Mr. POTTER. It has not been read at length at all.

Mr. CRISP. It was read here in the House.

Mr. POTTER. At what time?

Mr. CRISP. Between 6 and 7 o'clock last evening.

Mr. COX, of New York. My friend from New York was not present at that time.

I submit that since the adoption of the new rules there has been no practice calling for what the gentleman from Kentucky now demands, the reading of this bill at length at this stage.

Mr. REED, of Maine. This is not a question of what practice has arisen. The action of the House thus far has simply been to pass the bill to be engrossed. That is the order of the House; consequently the bill has got to be engrossed and read the third time. Now, how is it possible if a member demands the reading of the engrossed bill to say to him that that has not been done which the House has ordered to be done?

The SPEAKER. The Chair has no doubt as to the right of a member under the express language of the second clause of Rule XXI to demand the third reading of the bill at length before the question is taken on its passage; but the question of practice, as to which the Chair has some difficulty, is whether the member has a right to demand that the bill shall be actually engrossed before it is read.

There was a practice prevailing at one time, according to the impression of the Chair, to take the printed or manuscript bill and simply indorse it as an engrossed bill. That practice prevailed for a long time in the House according to the present recollection of the Chair, but was afterward discontinued, and the bill was simply read in its original printed form.

Mr. REED, of Maine. When I first came into this House it was understood if a member chose to demand the reading of the engrossed bill the bill had to be engrossed before it could be read to satisfy his demand; and I supposed that arose not from any particular rule but from the nature of the case. The first passage of the bill is a passage to be engrossed, and the House before it passes the bill finally, if it chooses, is entitled to have the engrossed bill read in order to see if that is the bill which has been actually passed in the House.

I remember once in the Legislature of my own State that a bill which was engrossed was actually different from the bill which passed the senate of the State, and that by reason of a mistake on the part of the clerk of the senate; so that the bill actually went to the governor, but was not signed, with amendments in it not one of which had been voted on by the senate. That occurred because the engrossment was made by mistake.

The SPEAKER. The Chair has no doubt the practice in most legislative bodies is as the gentleman has stated.

Mr. REED, of Maine. It is not in any respect different from the practice and from the principle of the rules of this House. The House has passed a bill to be engrossed. That has got to be done. The engrossment has to take place before the bill can be finally passed. It seems to me that is in the very nature of things and can not be eradicated by any custom of the House or by the rule.

Mr. RANDALL. I suppose that there may be members here who had the impression that this bill was not engrossed. I beg to state that that precaution has been taken and the bill is engrossed.

Mr. WHITE, of Kentucky. Then have it read.

Mr. RANDALL. And in that connection I ask the Chair whether the suspension of the rules under which we have been acting has exhausted itself?

The SPEAKER. The motion of the gentleman from Pennsylvania [Mr. RANDALL] was simply to suspend the rules and consider the bill under certain regulations. The Chair thinks that does not dispense with the rules ordinarily relating to the passage of bills.

Mr. RANDALL. If the suspension of the rules is not operating at this time I make the motion to suspend the rules so as to dispense with a reading of the bill at length.

The SPEAKER. The Chair prefers not to decide the question made by the gentleman from Kentucky [Mr. WHITE] as to his right to have the engrossed bill read at this time; because it is not necessary to do so or to establish a precedent which shall prevail in regard to this matter hereafter. The gentleman from Pennsylvania [Mr. RANDALL] moves to suspend the rules so as to take the vote on the passage of the bill without having it read a third time at length.

Mr. REED, of Maine. I desire to say in response to a single sentence of the gentleman from Pennsylvania that so far as concerns the actual demand made for the reading of the bill at length I neither knew it was going to be made—

Mr. RANDALL. I did not make any such charge.

Mr. REED, of Maine. Nor had I any disposition to make such a demand. I have spoken simply as a member of the House interested in the orderly conduct of its business.

The SPEAKER. This is of course an important parliamentary question, and may at some time become more so.

Mr. BAYNE. As I understand the position of this bill now, a majority may pass it. Am I correct?

Mr. RANDALL. I have made the motion to suspend the rules and dispense with the reading of the engrossed bill.

Mr. BAYNE. In the interest of this bill I suggest to my colleague [Mr. RANDALL] that he do not make that motion. I should prefer having the engrossed bill read if it should be necessary.

Mr. RANDALL. I would prefer not, because I do not want time, which is valuable, exhausted in that way.

Several MEMBERS. Regular order.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] moves to suspend the rules and vote upon the passage of the bill without reading it at length the third time.

Mr. WHITE, of Kentucky. Mr. Speaker, how did the gentleman from Pennsylvania [Mr. RANDALL] take me off my feet to make that motion?

The SPEAKER. He did not. Several gentlemen addressed the Chair after the gentleman from Kentucky [Mr. WHITE] concluded and before the gentleman from Pennsylvania obtained the floor.

Mr. WHITE, of Kentucky. But they were discussing the point of order. They were not making motions.

The SPEAKER. But there is no motion. The gentleman from Kentucky [Mr. WHITE] made no motion; he simply demanded the reading of the bill.

Mr. WHITE, of Kentucky. Under the rule.

The SPEAKER. Certainly; but that is not debatable. Is there a second demanded?

Mr. WHITE, of Kentucky. I demand a second.

The SPEAKER. A second is demanded. The Chair will appoint as tellers the gentleman from Kentucky, Mr. WHITE, and the gentleman from Pennsylvania, Mr. RANDALL. The question is on the motion of the gentleman from Pennsylvania to suspend the rules and vote upon the passage of this bill without reading it at length the third time.

The House divided; and there were—ayes 79, noes 11; so the motion was agreed to.

The SPEAKER. A second is ordered. Fifteen minutes are allowed for debate.

Mr. WHITE, of Kentucky. Mr. Speaker, I yield two minutes of my time to the gentleman from New York [Mr. JAMES].

Mr. JAMES. Mr. Speaker, in examining this sundry civil bill I find that the Committee on Appropriations have inserted general legislation in reference to the public buildings and the sites for such buildings in three of the States which are represented on the committee by three of its members. We ordinary members of this House when we wish to have the limit of expenditure upon public buildings in the communities we represent increased are obliged to introduce bills for that purpose, which are referred to a committee, and in due time are reported back and acted upon by the House; but here I find that members of the Committee on Appropriations propose in this general appropriation bill to increase the limits of expenditure upon certain public buildings. The bill proposes to increase the limit of expenditure on a public building at Dallas, Tex., from \$75,000 to \$100,000; the limit on the public building at Galveston, Tex., from \$125,000 to \$145,000, and the limit on public buildings at Jefferson City from \$100,000 to \$132,000.

Mr. KEAN. Where is Jefferson City?

Mr. JAMES. In Missouri.

Mr. KEAN. Oh! I thought it was in Indiana. [Laughter.]

Mr. JAMES. The limit of expenditure on the public building at Saint Joseph, Mo., is to be increased from \$75,000 to \$300,000.

The original limit for the public building and site at Minneapolis, Minn., was fixed at \$175,000, and it is to be increased by this bill to

\$500,000. I protest, Mr. Speaker, against this treatment of this House by the Committee on Appropriations, giving to the members of that committee an advantage over other members of the House who are equally interested in general appropriation bills.

Mr. WHITE, of Kentucky. Now, Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, three minutes of time have been yielded to me by the gentleman from Kentucky [Mr. WHITE], and I shall occupy that time in pointing out some peculiarities of this bill. The gentleman from New York [Mr. JAMES] has called attention to the six instances in which the Committee on Appropriations have introduced general legislation into this bill in violation of the rules of the House, and by the suspension of the rules the points of order which otherwise might have been made against these several appropriations have been cut off.

But this bill has some special features, which ought to commend it especially to this House, and I desire to call attention to those features. If we look at the appropriations for public buildings and grounds, keeping in view the personnel of the Committee on Appropriations, a new light will dawn upon the House. I call attention to the provisions in the bill beginning at line 29. I find that the first of these items is in the interest of Massachusetts, which is so ably represented on the Committee on Appropriations by the distinguished gentleman Mr. LONG.

Mr. LONG. If the gentleman will permit, there is not the slightest appropriation for Massachusetts.

Mr. THOMAS. I speak of the provisions of the bill.

Mr. LONG. There is not the slightest appropriation for Massachusetts there. It is a provision for the sale of a building belonging to the Government, a provision to put \$220,000 into the Treasury—not to take anything out of it.

Mr. THOMAS. But it is a provision which could not have been introduced on this bill if it had not been introduced in this way. It would have been subject to the point of order.

Mr. RANDALL. No; it would not.

Mr. LONG. It would not.

Mr. THOMAS. I decline to be interrupted further.

Mr. LONG. Then be honorable!

Mr. THOMAS. I am, in pointing out the true inwardness of this bill. Mr. Speaker, the next item to which I desire to call attention is that for the benefit of Brooklyn, N. Y., which State is so ably represented upon the committee by Mr. HUTCHINS. That gets \$135,000.

Mr. POST, of Pennsylvania. The gentleman [Mr. HUTCHINS] does not live in Brooklyn.

Mr. THOMAS. I say the appropriation is for the benefit of Brooklyn, in the State of New York, which is so ably represented on the committee by the distinguished gentleman I have named.

Mr. ROBINSON, of New York. The appropriation ought to be a great deal more.

Mr. THOMAS. The next item is for the benefit of Buffalo, N. Y., \$37,500. Then we come to Chicago, Ill., which State is so ably represented on the committee by my colleague, Mr. CANNON. Then come Cleveland and Columbus, Ohio, represented on the committee by Mr. FOLLETT.

A MEMBER. And General KEIFER.

Mr. THOMAS. Then we come to Dallas, Tex., which gets \$25,000. That State is represented on the committee by Mr. HANCOCK. Then we come to Fort Wayne, Ind., which State is represented on the committee by the distinguished gentleman Mr. HOLMAN, and I want to call attention to the fact that a bill has already passed this House giving him another appropriation for Fort Wayne; so that if this item goes through he is to have a double appropriation for this public building in Indiana. [Laughter.] Such is the work of the great watch-dog of the Treasury. I say it in no offensive sense.

Mr. REED, of Maine. If it is for Indiana it is meritorious.

Mr. THOMAS. Yes; if it is for Indiana it is very meritorious and is "in the line of economy." [Laughter.]

Mr. WHITE, of Kentucky. Will the gentleman allow me to ask him whether the appropriation for that Indiana building is not in excess of the amount authorized by law?

Mr. THOMAS. I understand that it is \$25,000 in excess of the amount authorized by law. Mr. Speaker, this is the economy and reform of this Democratic House under the guidance of the great economist, Mr. HOLMAN, of Indiana. [Renewed laughter.]

For Hannibal, Mo., which has as its representative on that committee the gentleman from Missouri, Mr. BURNES, the appropriation is \$37,500. Then for Jefferson City, also in the State represented by that gentleman, there is an appropriation of \$132,000. There is also an appropriation of \$15,000 for Kansas City, Mo., and \$50,000 for Saint Joseph, Mo. Then we come to Leavenworth, Kans., which is represented on that committee by the gentleman from Kansas, Mr. RYAN; then Montgomery, Ala., which is represented on that committee by the gentleman from Alabama, Mr. FORNEY. Then Minneapolis, Minn., gets \$100,000, and the limit heretofore fixed by law for the building there is increased, under the leadership of the distinguished Representative from Minneapolis, Mr. WASHBURN. [Laughter.] Then there is an appropriation of \$15,000 for New Orleans, represented

by the gentleman from Louisiana, Mr. ELLIS, a member of that committee. Then Peoria, Ill., under the leadership of the gentleman from Illinois, Mr. CANNON, obtains an appropriation; and then Poughkeepsie, N. Y., represented by the gentleman from New York, Mr. HUTCHINS. Then comes Philadelphia, Pa., represented by the gentleman from Pennsylvania, Mr. RANDALL. [Laughter.]

Mr. RANDALL. I ask the gentleman to read that provision. It is to put \$300,000 into the Treasury, not to take money out.

Mr. THOMAS. It is general legislation on an appropriation bill, which would have been subject to a point of order if this bill had been considered in the ordinary way. I have only called attention to these points so that the House and the country may see how well the districts and States represented on the Appropriations Committee are provided for in this bill.

Mr. MILLS. I remind the gentleman that he does great injustice to the gentleman from Illinois [Mr. TOWNSHEND], whom he has not mentioned.

Mr. THOMAS. I had forgotten that my colleague [Mr. TOWNSHEND] was on the Appropriations Committee, and beg his pardon for not giving him his due.

[Here the hammer fell.]

Mr. WHITE, of Kentucky. I yield two minutes to the gentleman from Maryland [Mr. MCOMAS].

Mr. MCOMAS. Mr. Speaker, in these two minutes I wish only to supplement the statement which has been made with reference to public buildings provided for in this bill. I have nothing to do with motives; but I have taken the trouble to add together the various appropriations in this bill for public buildings, and I find the total to be \$2,173,000.

Mr. RANDALL. The gentleman is mistaken.

Mr. MCOMAS. That is the calculation I have made, and I have made it from the bill. I take these figures from the printed bill, if not from the engrossed bill before this House.

Mr. RANDALL. The gentleman counts in perhaps provisions for the sale of two public properties—

Mr. MCOMAS. I have only a moment, and can not yield. I am not here to ascribe motives to anybody; but I want the House to say, while we protest time and again against sporadic extravagance, whether in an appropriation bill passed under a suspension of the rules in the last days of the session we shall pile up expenditures to the amount of two millions of dollars for these public buildings out of \$22,000,000 which the bill carries, although these provisions in many cases change the existing law, going beyond limitations heretofore enacted.

Now, there is no committee for which in its constitution I have higher respect than for the Committee on Appropriations, but I say we are driven by the force of this vote upon suspension of the rules to the alternative of spending \$2,000,000 without an opportunity to amend or diminish these appropriations.

[Here the hammer fell.]

Mr. PAYSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAYSON. Would it be in order at this time, as the gentleman from Michigan [Mr. HORR] is the only member on the Committee on Appropriations who seems to be unprovided for in this bill, to move that he be allowed an appropriation for a public building in his district?

Mr. RANDALL. I hope the gentleman from Illinois [Mr. THOMAS] will do justice by correcting the statement he has made. There is not a dollar in that part of the bill, so far as I know, that goes to my district or to Pennsylvania either.

Mr. WHITE, of Kentucky. I yield two minutes to the gentleman from New York [Mr. POTTER] reserving one minute to myself.

Mr. POTTER. Mr. Speaker, in the two minutes allowed me I desire to say, as forcibly as I may, that this departure from the uniform practice of this Government by passing great appropriation bills under a suspension of the rules can not be justified. It ought to be condemned by the entire country, and it will be so condemned. The evils of such a practice could not be more forcibly illustrated than in the attempt now being made to pass these bills, in which private interests may be concerned, without an opportunity for the scrutiny of this House. I protest in the name of honest government, I protest in the name of that vigilance which we are bound under our oaths as legislators to exercise, that we are revolutionizing the whole practice of the Government by this procedure.

I am willing to sit here day and night until the session closes in order that these bills may be passed in regular order, and that no appropriation necessitating taxation upon the country shall be passed without such scrutiny on the part of Representatives here as the Constitution and all the honest practice of the Government require.

[Here the hammer fell.]

The SPEAKER. The gentleman from Kentucky has one minute remaining.

Mr. WHITE, of Kentucky. In that one minute I desire to call the attention of this House to this remarkable bill, which provides in it over \$1,000,000 for public buildings beyond the limit allowed by law, and which bill is to be passed now under a suspension of the rules.

I wish to call the attention of the House to the fact that this same committee refused \$400 to the Freedmen's Hospital for a force-pump in

this city, while they put in millions of dollars beyond the limit provided by law for public buildings.

I wish also to call attention to the fact that they omit provision for payment of arrears of pay which may be certified to be due to officers and men of the United States Army. They also omitted to provide pay for two and three years' volunteers which may be certified to be due to the officers and men who served in the war of the rebellion. They also omitted to provide bounty to volunteers and their widows and legal heirs. They also omitted to provide for the payment of bounties under act of July 28, 1866.

The SPEAKER. The gentleman's time has expired.

Mr. WHITE, of Kentucky. I regret it. I wish I had an hour. [Laughter and applause.]

The SPEAKER. The gentleman from Pennsylvania has eighteen minutes.

Mr. RANDALL. Mr. Speaker, notwithstanding what the gentleman from Maryland [Mr. McCOMAS] has said, the amounts appropriated in this bill for public buildings aggregate \$1,794,719.84, which is about the amount which was appropriated for a like purpose last year.

As to individual members being influenced in that committee, I wish to give those gentlemen opportunity to defend themselves. But as my name has been drawn in here I want to say, so far as I know, not one dollar has been appropriated for any public building connected with Philadelphia by this appropriation bill. On the contrary an estimate of \$60,000 for the post-office building of that city was left unprovided for. All the Philadelphia Representative did was to authorize the sale of a public building in the city of Philadelphia, whereby \$300,000 or more would come into the Treasury of the United States.

Mr. THOMAS. What about the public building for Williamsport, Pa.?

Mr. BROWN, of Pennsylvania. The gentleman from Illinois is mistaken about the Williamsport public building, as that appropriation is within the limits of the law.

Mr. RANDALL. I have nothing to do with Williamsport. That was the action of this House. It is not, however, over the limit, but on the contrary is within the limit.

Several MEMBERS. How about the vaults? What about Minneapolis public building?

Mr. RANDALL. Those gentlemen who are interested can defend themselves, as they secured a majority of the committee in favor of these several propositions. I am not able to say what occurred in the committee in this respect and I do not wish to say even how I voted. I am not afraid of my record in that regard.

Mr. BELFORD. Let me ask the gentleman from Pennsylvania a question.

Mr. RANDALL. Now before leaving the subject I wish to say, in defense of the committee, I do not believe there is a dollar in that bill for a public building which will not be wisely and economically expended. I objected, perhaps, to its insertion here on the ground it would break the limit; but I think the public interests by legislation in connection therewith have not been imperiled in any particular whatever.

Now as to the payment of soldiers—because that is a tender subject, Mr. Speaker—the gentleman from Kentucky is entirely in error. There was no estimate for the soldiers to which the gentleman referred in connection with this bill. It referred to another bill altogether, and his objection, therefore, on that point falls to the ground.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that that body respectfully return without the signature of the President *pro tempore* an enrolled bill (S. 84) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux and Dakota Indians of Minnesota subsequent to June 1, 1861, and prior to the massacre of August, 1862.

It also requested the return of joint resolutions of the following titles:

Joint resolution (S. R. 127) to authorize the printing of the reports of the Bureau of Ethnology;

Joint resolution (S. R. 128) to authorize the printing of the reports of the Geological Survey; and

Joint resolution (S. R. 129) to authorize the printing of the reports of the Geological Survey.

It further announced the passage of a bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, with amendments; in which concurrence was requested.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. This bill has been added to largely for purposes intended to benefit the soldiers, and also to protect the country from disease. There is, for instance, \$400,000 appropriated in the bill for artificial limbs; which is an increase over the last appropriation, this being the fifth year. There is also \$350,000 incorporated in the bill to protect the United States from the approach of cholera, which adds largely, and there is another appropriation of \$200,000 in the bill more than that of last year because of the increased demand for money to be applied in support of the soldiers' homes. So that when the effort is

made to prejudice the mind of this House against the bill on the score that the soldier has not been taken care of, it is only necessary to examine the facts to destroy any such impression.

I now yield two minutes to the gentleman from Massachusetts, and then to the gentleman from Illinois.

Mr. BELFORD. Mr. Speaker, I wish to ask the gentleman from Pennsylvania a question.

Mr. RANDALL. I will yield for a question if the gentleman does not consume too much of my time.

Mr. BELFORD. I know it to be a fact that there is in the Treasury to-day \$145,000,000 of surplus revenue, and that instead of acting extravagantly you have cut the appropriations in every case, making them fall below the estimates. Now, why has this been done?

Mr. RANDALL. My answer to the gentleman's question is that in the first place I do not know the exact amount of surplus in the Treasury that can be safely placed in circulation, and further I say distinctly that economy and the good of the country at large demand that that money, whatever may be there, should be applied in paying the public debt. [Applause.]

Mr. BELFORD. You have not acted extravagantly in the appropriations.

Mr. RANDALL. I now yield to the gentleman from Massachusetts [Mr. LONG].

Mr. LONG. Mr. Speaker, whatever share of responsibility falls upon me as a member of the Committee on Appropriations, which reported this bill to the House, I accept and do not propose to shirk. And that responsibility extends to portions of the bill relating not only to the section of country from which I come, but to all other sections as well.

But I rise now, sir, simply to answer the assertion which has been made that the State I in part represent is specially benefited in this bill in the matter of appropriations for public buildings. The fact is exactly to the contrary, as the following statement will show:

I am the only member on the Committee on Appropriations from New England, and not a single public building in New England is represented in the appropriations of this bill. The new post-office and court-house building in the city of Boston is nearly finished. The old court-house will become vacant probably within ninety days, and as a matter of profit to the Treasury of the United States, as well as a question of economy, a provision has been inserted in the bill for the sale of the court-house, which will add \$225,000 to the Treasury and take not one dollar out of it.

[Here the hammer fell.]

Mr. RANDALL. I now yield to the gentleman from Illinois.

Mr. CANNON. How much time?

Mr. RANDALL. One minute.

Mr. CANNON. Well, I cannot do much in a minute. [Laughter.]

Mr. RANDALL. Well, say all you can in that time, because I have to yield to others on the other side.

Mr. CANNON. Mr. Speaker, I have had six years' service on the Committee on Appropriations, and during that time I have never had a dollar for the construction of a public building, or any public work, appropriated for the district I represent. I have taken the very best care I knew how to take of my State and section, and in doing so I was not neglectful of the responsibility that rested upon me to do exactly the same for the whole country. It is true this appropriation is in here for the Quincy and Peoria buildings, and it ought to be in, but they are within the limit.

By considerable effort I succeeded in getting Chicago in at \$40,000 for repairs and preservation of the custom-house, and it ought to be in. And my colleague [Mr. THOMAS] might have gone a little further and made reference to a former Congress while I was on that committee, at least I think, and I want the gentleman from New York on my left to notice that I was a respectable factor in getting an appropriation in the gentleman's own district of \$60,000 for the marine hospital at Cairo, [applause and laughter], and it ought to be there, and I was glad that it was put in.

Mr. HISCOCK. I always stand by my friend from Illinois. [Laughter.]

Mr. WELLER. It is an unfortunate fact that he does.

Mr. CANNON. And so I apprehend that gentlemen complain not so much for what is in the bill as for what is not in it. [Laughter and applause.]

Mr. THOMAS. I move that my colleague be excused. [Renewed laughter.]

Mr. RANDALL. I now yield to the gentleman from Ohio [Mr. KEIFER] one minute.

Mr. KEIFER. In one minute I can say that I voted to break the limit for the public building at Columbus, Ohio, because the Secretary of the Treasury and other officers interested in this matter recommended it. We propose by adding \$60,000 to the limit to build another story on the court-house, rather than come here a few years hence and ask an appropriation to erect another building, and the limit is yet too low. It is a question of merit, and not any other question, and I can say that in reference to the public building at Minneapolis as well as the small amount at Columbus. And I might also call the attention of the gentleman from Illinois to the fact that although he is in a large State it

has one million more in appropriations for public buildings than mine, which outnumbered it at the last census.

[Here the hammer fell.]

Mr. RANDALL. How much time have I?

The SPEAKER *pro tempore* (Mr. Cox, of New York). The gentleman has seven minutes of his time remaining.

Mr. MILLER, of Pennsylvania. I rise to a question of order. Would it be in order to ask unanimous consent to give each member of the Appropriations Committee five minutes to explain?

The SPEAKER *pro tempore*. That would not be in order.

Mr. MILLER, of Pennsylvania. I am sorry to hear it. [Cries of "Regular order!"]

Mr. RANDALL. I yield to the gentleman from Minnesota [Mr. WASHBURN].

[At this point Mr. HOLMAN was crossing the floor, and there were many cries of "Holman!" "Holman!"]

Mr. HOLMAN. Mr. Speaker, will the gentleman from Minnesota yield me a moment? [Loud applause.]

Mr. WASHBURN. I do not yield.

The SPEAKER *pro tempore*. The gentleman from Minnesota is entitled to the floor.

Mr. WASHBURN. I do not desire any five minutes to explain my vote or my action upon the Committee on Appropriations, and I do not believe there is any necessity for any gentleman to make any such explanation. As a matter of fact, in the last sundry civil appropriation bill there were appropriations of this character for thirty-five buildings. The gentleman from Illinois [Mr. THOMAS] talked as though this thing was unusual. This is the very bill in which these appropriations should be made.

So far as the appropriation for a building in my own city is concerned, I will state that Minneapolis is a city of 125,000 people, and before this building can be completed it will be a city of 200,000 people. The Secretary of the Treasury recommended \$600,000 for the construction of a building there. The demands of the public service required such a building, and I see no impropriety in having that appropriation.

Mr. MILLS. I wish to ask the gentleman a question. Did the architect who planned this building plan a \$500,000 building on a limit of \$175,000 appropriation?

Mr. WASHBURN. I will say to the gentleman from Texas that the appropriation made last year broke the limit. There was no limit, and the architect went forward and prepared the plans for such a building as he thought the service required.

Mr. MILLS. Notwithstanding the limit of \$175,000.

Mr. WASHBURN. The limit had been broken before.

Mr. MILLS. How?

Mr. WASHBURN. By making an appropriation in excess of the \$175,000. The requirements of our city are such that there should be no hesitation about making this appropriation.

The SPEAKER *pro tempore*. To whom does the gentleman from Pennsylvania [Mr. RANDALL] yield?

The gentleman from Indiana [Mr. HOLMAN] is recognized.

Mr. HOLMAN. Mr. Speaker, I could not hesitate to express my thanks to the House for the very good-natured greeting they gave me a few moments ago. My friend from Illinois [Mr. THOMAS] is under a misapprehension. This bill contains an appropriation \$25,000 less than the limit which has been fixed for the Fort Wayne, Ind., public building in the district represented by my friend Judge LOWRY. But the trouble is this: After this bill was reported to the House a bill which came from the Senate passed the House appropriating \$50,000 for this Fort Wayne building. The result of that is, there is in this bill \$25,000 too much for that building.

Mr. THOMAS. There are two appropriations for the same building.

Mr. HOLMAN. Certainly; but my friend will excuse me. I discovered that fact, and on yesterday I asked unanimous consent of the House to strike from this bill that \$25,000. My friend from Pennsylvania [Mr. MILLER] objected and then withdrew his objection, and then the gentleman from Iowa objected, and his objection stands yet. I now ask what I have been asking all the time, that the House will give unanimous consent that that unhappy \$25,000 shall be stricken out. Gentlemen will see that the passage of the Senate bill after this bill was reported produced the result of which gentlemen complain.

Mr. WELLER. I wish the gentleman from Indiana [Mr. HOLMAN] would indicate the gentleman from Iowa who objected. I am not the man.

Mr. HOLMAN. The gentleman from Iowa who objected was Mr. HEPBURN.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] has three minutes of his time remaining. To whom does he yield?

Mr. RANDALL. I yield to the gentleman from Missouri [Mr. BURNES].

Mr. BURNES rose.

Mr. WHITE, of Kentucky. I rise to a question of order.

The SPEAKER. The gentleman from Kentucky can not take the gentleman from Missouri off the floor on a question of order, unless it be a question of order as against the gentleman who is on the floor.

Mr. WHITE, of Kentucky. Will the gentleman yield one minute to the gentleman from Texas [Mr. HANCOCK] of the Committee on Appropriations to explain lines 1737 to 1740? [Cries of "Regular order!"]

Mr. BURNES. Mr. Speaker, if the gentlemen on the other side have sufficiently amused themselves and are disposed to be just a little serious I have a few words to offer. Of course the Committee on Appropriations need no defense against the pleasantries and wit with which the House has been so generously enlivened. So far as I know or have been advised no gentleman has presented any subject to the committee or to myself that failed to receive a careful and honest consideration, and no legal and meritorious appropriation for the continuation of work on any public building has been denied. In all cases when the Congress have authorized the erection of a public building it becomes the duty of the Supervising Architect, under the direction of the Secretary of the Treasury, to prepare plans and specifications for it, and submit estimates of appropriations from year to year as the progress of the work may require. The Committee on Appropriations have not undertaken to authorize the erection of any building, but simply to appropriate for such as are already authorized and established.

In the exercise of the power to bring in bills of appropriation the committee found in the official report of the Secretary of the Treasury that a building having been authorized and under construction at Jefferson City, the capital of my State, needed \$32,000 to make it of fire-proof material. Will any one say it was unwise to include an appropriation of the amount for such a proper purpose? My colleague, Mr. BLAND, who represents the capital district—always so careful and prudent in legislation—would not have warmly recommended it if it had not been in the interest of the Government. My colleague, Mr. HATCH, who represents the Hannibal district most faithfully, will verify the necessity and justice of the appropriation for making the building in Hannibal likewise fire-proof. I have no words of eulogy for my own city of Saint Joseph. She needs none.

There being no existing limit to the cost of the United States building in that city, we desired to make one. The Supervising Architect and the Secretary of the Treasury in their official reports have recommended to Congress that \$300,000 be appropriated as the cost of such building. The House Committee on Buildings and Grounds have unanimously reported to the House in favor of appropriations to that amount, and all these reports and recommendations were before your committee for action. In allowing what seemed to be so manifestly proper and so universally approved the committee provided that the cost of the building should not exceed the amount stated.

Mr. COOK. Did you get anything in the bill?

Mr. BURNES. The gentleman from Iowa, representing a district which needs neither public buildings nor improvement—

Mr. BLOUNT. I would like to ask the gentleman from Missouri—

Mr. BURNES. I can not yield even to my honored friend from Georgia. The gentleman from Iowa is not happy, evidently. His district needs nothing—

Mr. WELLER. I desire to correct the gentleman from Missouri—

Mr. BURNES. I do not yield. There are doubtless hundreds of gentlemen on this floor who are more competent than myself to represent my district and the interests of the Government therein; but, notwithstanding, I have, perhaps, that right; and those who know its varied interests, industries, and resources will sympathize with me in my feeble efforts to represent and protect them. Missionary service in its behalf by the able gentlemen from Iowa, New York, and Brooklyn is, in all kindness, appreciated, but commended as more appropriate at home.

[Here the hammer fell.]

Mr. RANDALL. Now, let us have a vote.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania [Mr. RANDALL] to suspend the rules so as to vote on the passage of the bill without reading it at length.

Mr. WHITE, of Kentucky. I call for the yeas and nays.

Mr. HERR. I desire just half a minute.

Mr. WHITE, of Kentucky. I do not object to the gentleman from Michigan having time for debate.

The SPEAKER. Is there objection?

Objection was made.

The SPEAKER. Objection is made to an extension of the time.

Mr. REED, of Maine. The gentleman is a member of the committee.

Mr. HOLMAN. Mr. Speaker, I rise to ask unanimous consent—

A MEMBER. Regular order.

Mr. BELFORD. Mr. Speaker, I do not rise to debate; I rise to ask unanimous consent—

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] is endeavoring to do the same thing; but objection is made.

Mr. HOLMAN. Mr. Speaker, to avoid mistake, I now ask unanimous consent that the possible duplication of the appropriation for the public building at Fort Wayne, Ind., may be corrected by striking out the appropriation of \$25,000 contained in this bill.

Mr. HEPBURN. I object.

Mr. ANDERSON. If it is proposed to pass this bill under a suspension of the rules, I object.

The SPEAKER. Objection is made. The question is on the motion of the gentleman from Pennsylvania [Mr. RANDALL].

Mr. WHITE, of Kentucky. I call for the yeas and nays.

The House divided; and there were—yeas 47, noes 142.

The SPEAKER. More than one-fifth of the last vote have voted in the affirmative, and the yeas and nays are ordered. The question is on the motion of the gentleman from Pennsylvania [Mr. RANDALL] to suspend the rules and take the vote upon the passage of the bill without reading it at length.

Mr. REED, of Maine. This is only on the motion to dispense with the reading.

The SPEAKER. That is the substance of it.

Mr. STOCKSLAGER. There will be another vote upon the passage of the bill?

The SPEAKER. Of course.

Mr. THOMAS. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. THOMAS. If this motion is decided in the affirmative will it pass the bill?

The SPEAKER. Not at all. If this shall be decided in the affirmative the first question will be on the demand for the previous question, and the next on the passage of the bill. The Clerk will call the roll.

Mr. WHITE, of Kentucky. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WHITE, of Kentucky. I desire to know whether this is a suspension of the rule which requires the engrossed bill to be read.

The SPEAKER. This motion, if decided in the affirmative, will dispense with the rule which requires the bill to be read in any form.

The question was taken; and there were—yeas 223, nays 55, not voting 46; as follows:

YEAS—223.

Aiken,	Dunham,	Kleiner,	Seymour,
Alexander,	Eaton,	Lacey,	Shively,
Amot,	Eldredge,	Lamb,	Singleton,
Bagley,	Elliott,	Lewis,	Skinner, T. G.
Bailentine,	Ellis,	Long,	Snyder,
Barbour,	Ellwood,	Lore,	Springer,
Bayne,	English,	Lovering,	Steele,
Beach,	Ermentrout,	Lowry,	Stevens,
Belmont,	Evans,	McAdoo,	Stewart, Charles
Bennett,	Everhart,	McComas,	Stockslager,
Bingham,	Ferrell,	McCormick,	Stone,
Blackburn,	Fiedler,	McMillin,	Storm,
Blanchard,	Findlay,	Matson,	Strait,
Bland,	Follett,	Maybury,	Struble,
Bloom,	Foran,	Miller, J. F.	Sumner, C. A.
Boutelle,	Forney,	Money,	Sumner, D. H.
Bowen,	Funston,	Morgan,	Swope,
Boyle,	Garrison,	Morrill,	Talbot,
Briston,	Geddes,	Morse,	Taylor, J. M.
Breckinridge,	George,	Moulton,	Townshend,
Bretting,	Gibson,	Muldrow,	Tucker,
Brewer, F. B.	Glascok,	Murray,	Tully,
Brewer, J. H.	Graves,	Mutcher,	Turner, H. G.
Broadhead,	Green,	Nelson,	Turner, Oscar
Brown, W. W.	Greenleaf,	Nichols,	Valentine,
Brown, T. M.	Guenther,	Ochiltree,	Van Alstyne,
Buckman,	Halsell,	O'Ferrall,	Vance,
Burleigh,	Hammoud,	O'Neill, Charles	Van Eaton,
Burnes,	Hancock,	O'Neill, J. J.	Wadsworth,
Cabell,	Hardeman,	Paige,	Wait,
Caldwell,	Hardy,	Parker,	Wakefield,
Campbell, J. E.	Harmer,	Patton,	Wallace,
Campbell, J. M.	Hatch, W. H.	Payne,	Ward,
Candler,	Hemphill,	Payson,	Warner, A. J.
Carleton,	Herbert,	Peel,	Warner, Richard
Clay,	Hewitt, A. S.	Perkins,	Washburn,
Clements,	Hewitt, G. W.	Pettibone,	Weaver,
Cobb,	Hill,	Phelps,	Wellborn,
Collins,	Hiscock,	Pierce,	White, Milo
Connolly,	Hoblitzell,	Poland,	Whiting,
Converse,	Holman,	Post,	Wilkins,
Cook,	Hopkins,	Pryor,	Willis,
Cosgrove,	Horr,	Pusey,	Wilson, James
Cox, R. S.	Howey,	Randall,	Wilson, W. L.
Cox, W. R.	Hunt,	Ray, G. W.	Winans, E. B.
Craig,	Hutchins,	Ray, Ossian	Winans, John
Crisp,	Jeffords,	Reagan,	Wise, G. D.
Culbertson, D. B.	Johnson,	Reid, J. W.	Wolford,
Curtin,	Jones, B. W.	Reese,	Wood,
Dargan,	Jones, J. H.	Riggs,	Woodward,
Davidson,	Jones, J. K.	Rogers, J. H.	Worthington,
Davis, L. H.	Keifer,	Rogers, W. F.	Yaple,
Dibrell,	Kellogg,	Rosecrans,	York,
Dockery,	Ketchum,	Rowell,	Young,
Dorchester,	King,	Ryan,	

NAYS—55.

Adams, G. E.	Dibble,	Ken,	Seney,
Adams, J. J.	Dixon,	Langham,	Smalls,
Anderson,	Finerty,	McCoid,	Smith, H. Y.
Atkinson,	Goff,	Millard,	Spooner,
Barr,	Hamback,	Miller, S. H.	Stephenson,
Belford,	Hart,	Mills,	Stewart, J. W.
Belmont,	Hatch, H. H.	Murphy,	Taylor, J. D.
Brumm,	Henderson, T. J.	Nutting,	Thomas,
Casidy,	Hepburn,	O'Hara,	Thompson,
Covington,	Hitt,	Peters,	Tillman,
Culbertson, W. W.	Houck,	Potter,	Weller,
Cullen,	Houseman,	Price,	Wemple,
Davis, G. R.	James,	Reed, T. B.	White, J. D.
Davis, R. T.	Jones, J. T.	Rockwell,	

NOT VOTING—46.

Barksdale,	Fyan,	Libbey,	Robinson, W. E.
Bisbee,	Haynes,	Milliken,	Russell,
Budd,	Henderson, D. B.	Mitchell,	Shaw,
Campbell, Felix	Henley,	Morrison,	Skinner, C. R.
Cannon,	Holmes,	Muller,	Stocum,
Chalmers,	Holton,	Neece,	Smith, A. Herr
Clarby,	Hooper,	Oates,	Taylor, E. B.
Cutcheon,	Hurd,	Rankin,	Throckmorton,
Deuster,	Jordan,	Ranney,	Williams,
Dingley,	Laird,	Rice,	Wise, J. S.
Dowd,	Lawrence,	Robertson,	
Dunn,	Le Fevre,	Robinson, J. S.	

So the motion was agreed to.

The following additional pairs were announced from the Clerk's desk:

Mr. DOWD with Mr. MILLIKEN, on this vote.

Mr. OATES with Mr. HOLMES, on this vote.

On motion of Mr. BEACH, by unanimous consent the reading of names was dispensed with.

The result of the vote was then announced as above stated.

Mr. RANDALL. Mr. Speaker, I now move the previous question on the passage of the bill.

The motion was agreed to.

Mr. RANDALL moved to reconsider the vote by which the previous question was ordered; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

Pending the roll-call, a message from the Senate, by Mr. SYMPSON, one of its clerks, requested the House to return to the Senate joint resolutions of the following titles:

Joint resolution (S. R. 127) to authorize the printing of the reports of the Bureau of Ethnology;

Joint resolution (S. R. 128) to authorize the printing of the reports of the Geological Survey; and

Joint resolution (S. R. 129) to authorize the printing of the reports of the Geological Survey.

The SPEAKER. In the absence of objection to the return of these joint resolutions it is so ordered.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HEPBURN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER *pro tempore* (Mr. BAGLEY). The gentleman will state it.

Mr. HEPBURN. After the previous question has been ordered, there having been no debate upon this bill, is it not now in order to have thirty minutes' debate?

Mr. RANDALL. The rule has been suspended.

Mr. HEPBURN. Mr. Speaker, I call attention to the third clause of Rule XXVIII, which provides that—

When a motion to suspend the rules has been seconded, it shall be in order, before the final vote is taken thereon, to debate the proposition to be voted upon for thirty minutes, one-half of such time to be given to debate in favor of, and one-half to debate in opposition to, such proposition, and the same right of debate shall be allowed whenever the previous question has been ordered on any proposition on which there has been no debate.

The SPEAKER *pro tempore*. The Chair will state that the rules have been suspended by order of the House.

Mr. RANDALL. That very debate was had on yesterday.

Mr. HEPBURN. I submit, Mr. Speaker, that the rule that has been suspended is the rule requiring the third reading of the bill in full.

Mr. RANDALL. On yesterday there was a debate of fifteen minutes on each side.

Mr. REED, of Maine. That was on another point.

Mr. HEPBURN. That was not upon the merits of the bill.

Mr. REED, of Maine. Mr. Speaker, I hope this question will be carefully considered. I wish to state the facts in regard to it. The motion to suspend the rules was so suspended them that the previous question might be ordered on the question.

There has been no debate on the bill. The debate already had was on the suspension, which is a totally different thing from the bill itself.

Now, we have arrived at this position, that the previous question has been ordered on the passage of the bill, but there has been no debate on the bill. The two hours' debate was simply upon one clause—was upon the question whether that particular clause should be a part of the bill or not. The bill itself has not been debated.

Mr. RANDALL. This matter is very plain.

Mr. HISCOCK. I desire to ask for the reading of the order or resolution which was adopted by a two-thirds vote.

The SPEAKER *pro tempore* (Mr. Cox, of New York). If there be no objection the order will be read. The Chair will state, however, before the order is read—

Mr. HISCOCK. I hope the Chair will defer his statement until this order has been read; for I think it will make it perfectly clear that the gentleman from Maine [Mr. REED] is right.

The SPEAKER *pro tempore*. The Chair will defer his statement.

The Clerk read as follows:

Resolved, That the rules be suspended so as to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill of the House 8256, making appropriations for the sundry civil expenses of the

Government for the fiscal year ending June 30, 1886, and for other purposes, and to consider the same for one hour, which time shall be occupied in debate on the clause relating to the World's Industrial and Cotton Exposition, said time to be equally divided; and said bill shall be subject only to amendment, to strike out, and amend said clause, after which the previous question shall be considered as ordered.

Mr. HISCOCK. I think the Chair will see that this bill is simply here for consideration under that order, and that now debate is in order.

Mr. RANDALL. If the Chair will observe the reading of the last clause of that resolution, he will find it says that the previous question shall be considered as ordered. That has nothing to do with the suspension of the rules.

Mr. REED, of Maine. Well, after the previous question is "considered as ordered," if there has been no debate on the bill, the rules which in this respect were not suspended give us the right to fifteen minutes' debate on each side. I hope the Chair will not cut off that debate. It is perfectly evident that we ought to have debate on the bill. Members who have not yet spoken are entitled to be heard.

Mr. HISCOCK. The debate already had has not been upon the passage of the bill at all. There has been no debate on the bill itself.

Mr. KEIFER. Mr. Speaker, I think the order just read provides for a debate of one hour on the bill, which I believe was subsequently changed to two hours. Then it provides that the time shall be devoted to debate upon a particular part of the bill; still that constitutes debate upon the bill, and operates to cut off the right of debate under the third paragraph of Rule XXVIII, to which the attention of the Chair has been called.

Mr. HEPBURN. Mr. Speaker, allow me to call your attention to the fact that the gentleman from Pennsylvania, after there had been some discussion with regard to the bill which he sent to the Clerk's desk at the time he introduced his resolution, proposed then to introduce a new and distinct bill, and asked a suspension of the rules upon that bill. Then there was an agreement later between him and certain gentlemen that there should be two hours of discussion upon a particular clause of the bill. The bill we are now considering is not the bill that was named in his resolution.

Mr. RANDALL. Oh, yes, it is.

Mr. HEPBURN. It is not the bill that came from the committee. It has not been offered as the committee's bill, but as the proposition of the gentleman himself.

Mr. RANDALL. Yes; and it was under a suspension of the rules.

The SPEAKER *pro tempore*. The Chair is prepared to decide this question. The Clerk will read the third paragraph of Rule XXVIII.

The Clerk read as follows:

3. When a motion to suspend the rules has been seconded, it shall be in order, before the final vote is taken thereon, to debate the proposition to be voted upon for thirty minutes, one-half of such time to be given to debate in favor of, and one-half to debate in opposition to, such proposition, and the same right of debate shall be allowed whenever the previous question has been ordered on any proposition on which there has been no debate.

The SPEAKER *pro tempore*. The Chair is clearly of opinion that the debate contemplated by the rule has been had. The previous question has been demanded. The question is on ordering the previous question.

The previous question was ordered.

Mr. RANDALL moved to reconsider the vote by which the previous question was ordered; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The question is now upon the passage of the bill; which, in accordance with the rule, will be taken by yeas and nays.

The question was taken; and it was decided in the affirmative—yeas 160, nays 107, not voting 48; as follows:

YEAS—160.

Aiken,	Converse,	Graves,	Ketcham,
Bagley,	Cox, S. S.	Green,	King,
Ballentine,	Craig,	Greenleaf,	Lacey,
Barbour,	Crisp,	Guenther,	Lamb,
Barksdale,	Curtin,	Hammond,	Lewis,
Bayne,	Dargan,	Hancock,	Libbey,
Belford,	Davidson,	Hardeman,	Long,
Belmont,	Davis, G. R.	Harmer,	Lore,
Bingham,	Dibrell,	Hart,	Lovering,
Blackburn,	Dorshelmer,	Hatch, H. H.	Lowry,
Blanchard,	Dunham,	Haynes,	Lyman,
Bland,	Eaton,	Hemphill,	McAdoo,
Blount,	Elliott,	Herbert,	McCormick,
Boutelle,	Ellis,	Hewitt, G. W.	Millard,
Bratton,	Ellwood,	Hiscock,	Miller, J. F.
Breitung,	Ermentrout,	Hoblitzell,	Mitchell,
Brewer, J. H.	Ferrell,	Hooper,	Morgan,
Broadhead,	Fiedler,	Hopkins,	Morrill,
Brown, W. W.	Findlay,	Horr,	Morse,
Browne, T. M.	Follett,	Houk,	Muldrow,
Buchanan,	Foran,	Hunt,	Muller,
Buckner,	Forney,	Jeffords,	Murphy,
Burnes,	Garrison,	Johnson,	Murray,
Campbell, J. E.	Geddes,	Jones, D. W.	Mutcher,
Candler,	George,	Jones, J. K.	Nelson,
Cannon,	Gibson,	Jones, J. T.	Nicholls,
Carleton,	Glascock,	Keller,	Ochiltree,
Clements,	Goff,	Kellogg,	O'Ferrall,
Collins,			O'Neill, Charles
			O'Neill, J. J.

Paige,	Riggs,	Stevens,
Parker,	Robinson, W. E.	Stone,
Patton,	Rogers, J. H.	Sumner, D. H.
Perkins,	Rogers, W. F.	Swope,
Pettibone,	Rosecrans,	Talbot,
Phelps,	Ryan,	Tillman,
Poland,	Seymour,	Townshend,
Pryor,	Singleton,	Valentine,
Pusey,	Slocum,	Van Alstyne,
Randall,	Smalls,	Vance,
Ray, Omsian	Snyder,	Van Eaton,
Reagan,	Spriggs,	Wakefield,
Reese,	Springer,	Wallace,

NAYS—107.

Adams, G. E.	Dixon,	McCoid,	Spooner,
Alexander,	Dockery,	McComas,	Stephenson,
Anderson,	Eldredge,	McMillin,	Stewart, Charles
Atkinson,	English,	Matson,	Stockslager,
Barr,	Evans,	Miller, S. H.	Storm,
Beach,	Everhart,	Milliken,	Struble,
Bennett,	Finerty,	Mills,	Sumner, C. A.
Bisbee,	Halsell,	Moulton,	Taylor, J. D.
Brainerd,	Hanback,	Nutting,	Taylor, J. M.
Brewer, F. B.	Hardy,	O'Hara,	Thomas,
Brumm,	Hatch, W. H.	Payne,	Tully,
Campbell, J. M.	Henderson, T. J.	Payson,	Turner, H. G.
Cassidy,	Henley,	Peters,	Turner, Oscar
Clardy,	Hepburn,	Pierce,	Wait,
Clay,	Hewitt, A. S.	Post,	Warner, A. J.
Cobb,	Hitt,	Potter,	Warner, Richard
Connolly,	Holman,	Price,	Weaver,
Cook,	Holmes,	Ranney,	Weller,
Cosgrove,	Houseman,	Rockwell,	White, J. D.
Covington,	Howey,	Rowell,	Winans, E. B.
Culbertson, D. B.	Jones,	Russell,	Wise, G. D.
Culbertson, W. W.	Jones, J. H.	Seney,	Wood,
Cullen,	Kean,	Shively,	Woodward,
Davis, L. H.	Kleiner,	Skinner, C. R.	Yaple,
Davis, R. T.	Lanham,	Skinner, T. G.	York,
Dibble,	Lawrence,	Smith, A. Herr	Young,
Dingley,	Le Fevre,	Smith, H. Y.	

NOT VOTING—48.

Adams, J. J.	Deuster,	Neece,	Stewart, J. W.
Arnot,	Dowd,	Oates,	Strait,
Bowen,	Fyan,	Peel,	Taylor, E. B.
Boyle,	Henderson, D. B.	Rankin,	Thompson,
Breckinridge,	Holton,	Ray, G. W.	Throckmorton,
Budd,	Hurd,	Reed, T. B.	Tucker,
Cabell,	Hutchins,	Reid, J. W.	Wadsworth,
Caldwell,	Jordan,	Rice,	Wemple,
Campbell, Felix	Laird,	Robertson,	Whiting,
Chalmers,	Maybury,	Robinson, J. S.	Williams,
Cox, W. H.	Money,	Shaw,	Wilson, James
Cutcheon,	Morrison,	Steele,	Wise, J. S.

So the bill was passed.

During the roll-call,

Mr. POST, of Pennsylvania. Mr. Speaker, I ask, by unanimous consent, that the reading of the names be dispensed with.

The SPEAKER. The Chair hears no objection, and it is ordered accordingly.

The following pairs were announced:

Mr. CABELL with Mr. WILSON, of Iowa, on this vote.

Mr. PEEL with Mr. STRAIT, on this vote.

Mr. RANDALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WILLIS. I move to suspend the rules and pass the following resolution:

Mr. TOWNSHEND. I rise to a privileged question.

Mr. WHITE, of Kentucky. I ask the Speaker to have read what has just taken place.

The SPEAKER. The Chair announced the passage of the bill, when the gentleman from Pennsylvania moved to reconsider the vote by which the bill was passed and also moved that the motion to reconsider be laid upon the table. The Chair then stated if there be no objection it would be so ordered.

There was no objection, and it was so ordered.

Mr. WHITE, of Kentucky. I have been waiting for the Chair to state if there be no objection the title would stand.

The SPEAKER. The Chair thinks the whole matter has passed beyond the control of the House.

Mr. WHITE, of Kentucky. I understand it was the duty of the Chair, under the rules, to announce the title of the bill would stand if there be no objection. I stood waiting for the Chair to make that announcement. [Cries of "Vote!" "Vote!"]

The SPEAKER. Will the gentleman from Kentucky call the attention of the Chair to the number of the rule?

Mr. WHITE, of Kentucky. On page 103 of the Manual it is there stated that after a bill has passed the title may be amended, and then the bill shall be sent to the other House.

The SPEAKER. That is not the rule.

Mr. WHITE, of Kentucky. Now I wish to call the attention of the Chair to the rule. [Cries of "Regular order!"] I call attention to page 117 of the Manual, and also to Rule XXVIII, page 205.

The SPEAKER. The gentleman will read what he called the attention of the Chair to on page 205.

Mr. RANDALL. I submit it is too late, as the whole matter has passed from the attention of the House.

The SPEAKER. The Chair thinks it is too late. The Chair had recognized the gentleman from Pennsylvania, who moved to reconsider and lay that motion on the table. That having been done, the Chair then recognized the gentleman from Kentucky [Mr. WILLIS], who made a motion to suspend the rules and pass the resolution which he sent up; and this was before the gentleman from Kentucky [Mr. WHITE] arose. [Cries of "Regular order!"]

Mr. ANDERSON. I demand a second on the motion of the gentleman from Kentucky [Mr. WILLIS] to suspend the rules and pass his resolution.

Mr. WHITE, of Kentucky. I ask whether it is not the custom of the Chair, after a bill has been passed, to ask whether the title of the bill shall be amended, and to state if there be no objection this will remain the title of the bill?

The SPEAKER. It has not, but the Chair has made the announcement, the bill has been passed, and the title will be as reported if there be no objection.

Mr. WHITE, of Kentucky. I was on my feet and waiting for the Chair to make that announcement.

The SPEAKER. Then the gentleman waited not only until the Speaker had completed his announcement, but until other motions had intervened and been acted on before he addressed the Chair. The Chair thinks he is too late. The gentleman from Kentucky moves to suspend the rules and pass this resolution, but pending that the gentleman from Oregon rises to submit a privileged report.

Mr. TOWNSHEND. I also have a privileged report to submit.

Mr. ANDERSON. I ask for a second of the motion to suspend the rules.

The SPEAKER. The privileged report submitted by the gentleman from Oregon will be first read.

ALLOTMENT IN SEVERALTY.

Mr. GEORGE. I submit the following report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (S. 66) providing for the allotment in severalty to Indians residing upon the Umatilla reservation, in the State of Oregon, and for other purposes, having met, after full and free conference agree to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to House amendment numbered 5; and agree to the same.

M. C. GEORGE,

R. S. STEVENS,

OLIN WELLBORN,

Managers on the part of the House.

HENRY L. DAWES,

JAMES H. SLATER,

ANGUS CAMERON,

Managers on the part of the Senate.

Mr. WHITE, of Kentucky. I ask for the reading of the amendment.

The amendment was read.

Mr. GEORGE. I demand the previous question on the adoption of the report.

The previous question was ordered; and under the operation thereof the conference report was adopted.

Mr. GEORGE moved to reconsider the vote by which the conference report was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

Mr. TOWNSHEND. I now rise to a privileged report. I am directed by the Committee on Appropriations to report back the House bill making appropriation for the postal service, and I ask that the Clerk read the report of the committee.

The Clerk read as follows:

The Committee on Appropriations, to whom was referred the bill (H. R. 8138) making appropriation for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes, together with the amendments of the Senate, having considered the same, beg leave to report as follows:

They recommend concurrence in the amendments of the Senate numbered 1, 2, 7, 8, 10, and 14. They recommend non-concurrence in amendments numbered 3, 4, 5, 6, 9, 11, 12, 13, 15, 16, 17, 18, 19, 20, and 21.

Mr. TOWNSHEND. I move the adoption of the report.

Mr. HISCOCK. I suppose these amendments are to be considered in the Committee of the Whole?

The SPEAKER. If the point is made.

Mr. HISCOCK. It is made.

The SPEAKER. The gentleman from New York makes the point that these amendments must have their first consideration in the Committee of the Whole House on the state of the Union. They will accordingly be so referred.

Mr. HOLMAN. I move to take from the Speaker's table the legislative, &c., appropriation bill returned from the Senate with amendments, and that they be referred to the Committee on Appropriations.

Mr. TOWNSHEND. I will yield for that purpose.

XVI—142

The SPEAKER. The amendments to the Post-Office appropriation bill have gone to the Committee of the Whole House on the state of the Union.

Mr. TOWNSHEND. May I be permitted to ask the gentleman from New York what amendments he objects to?

Mr. HISCOCK. I want to have them all read to know what they are.

Mr. TOWNSHEND. I am willing to have all the amendments read and considered.

Mr. HISCOCK. I presume that I should have no objection to considering them in the House as in Committee of the Whole with the right of debate and amendment.

Mr. TOWNSHEND. I have no objection to that, and ask that it be done and that the amendments be now read.

The SPEAKER. But there is a matter pending before the House—a motion to suspend the rules.

Mr. TOWNSHEND. By whom?

The SPEAKER. By the gentleman from Kentucky [Mr. WILLIS].

Mr. TOWNSHEND. I suppose that, the report being a privileged report, carried with it the right to have it considered.

The SPEAKER. The Chair thinks if the gentleman desires to have it considered he had better wait until the pending matter is disposed of.

Mr. TOWNSHEND. But I ask if it is privileged is it not likewise privileged for consideration?

The SPEAKER. It is under the rules of the House, but the gentleman proposes to waive the rule of the House and consider it in the House as in Committee of the Whole. There is now pending another matter before the House.

Mr. HISCOCK. I do not believe any objection will be made on this side to considering it in the House as in Committee of the Whole, subject to five minutes' debate and amendment.

Mr. TOWNSHEND. I will accept that.

Mr. HISCOCK. Very well.

Mr. TOWNSHEND. Then I again ask that we proceed to the consideration of the amendments in the House.

The SPEAKER. But there is a prior motion pending.

Mr. TOWNSHEND. The gentleman from New York agrees to consider it now in the House as in Committee of the Whole.

Mr. HOLMAN. That is all proper.

Now I ask, Mr. Speaker, that the bill with the Senate amendments—the legislative appropriation bill—be taken from the Speaker's table, the Senate amendments non-concurred in, and a committee of conference appointed.

Mr. HISCOCK. I think the amendments had better be read, and we can dispose of them here and now.

Mr. HOLMAN. Why there are a hundred or over.

Mr. TOWNSHEND. Is not the proposition that I have made pending?

The SPEAKER. The gentleman is not on the floor, the point of order being made that the first consideration must be in Committee of the Whole, but that point being waived by an agreement that it shall be considered in the House as in Committee of the Whole. Now there is a matter pending before the House prior to that.

Mr. REED, of Maine. But unanimous consent was granted to consider it in the House as in Committee of the Whole.

Mr. TOWNSHEND. And that arrangement dispensed with the point of order.

The SPEAKER. The Chair is anxious, of course, to get the appropriation bill in if an opportunity is given, if gentlemen can come to some understanding about it. But the gentleman from Kentucky [Mr. WILLIS] has a motion pending which is in the way at present.

Mr. REED, of Maine. If there is no objection why can not an arrangement be arrived at to consider the Post-Office bill now?

The SPEAKER. Is there objection to that request?

Mr. WILLIS. I am compelled to object.

Mr. CANNON. Would it not be in order for the gentleman from Illinois to ask that the rules be suspended—

The SPEAKER. There is a motion pending to suspend the rules now.

LEGISLATIVE APPROPRIATION BILL.

Mr. HISCOCK. I will withdraw the objection I made with reference to the legislative appropriation bill.

The SPEAKER. If there be no further objection the request of the gentleman from Indiana will be complied with and the bill taken from the Speaker's table, the Senate amendments non-concurred in, and the bill with the amendments printed, and a committee of conference asked on the disagreeing votes of the two Houses.

There was no objection.

The SPEAKER announced as the managers at the said conference on the part of the House, Mr. HOLMAN, Mr. HISCOCK, and Mr. CANNON.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. TOWNSHEND. The gentleman from Kentucky [Mr. WILLIS] assures me that the motion he proposes to make will occupy but a short time. I am willing therefore to allow the report of the committee to stand over until that is disposed of.

Mr. MILLER, of Pennsylvania. I now rise to a privileged motion. I move that the House do now adjourn. And pending that I move that when it adjourns it be to meet to-morrow at 10 o'clock.

The SPEAKER. That would be a recess.

The gentleman moves that the House do now adjourn.

The question was taken; and on a division there were—ayes 4, noes 105.

So the motion was not agreed to.

Mr. MILLER, of Pennsylvania. I move that the House take a recess until 10 o'clock to-morrow.

Mr. KEIFER. I make the point of order that that is not in order. A motion has been made to suspend the rules, and one motion to adjourn is in order and no other motion.

The SPEAKER. The gentleman is right; the motion is not in order until there has been action on the motion to suspend the rules. The Clerk will read the proposition which the gentleman from Kentucky moves to suspend the rules and pass.

The Clerk read as follows:

A bill making appropriations for the preservation and continuation of certain public works on rivers and harbors, and for other purposes.

Be it enacted, &c., That there is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, and to be expended under the direction and with the approval of the Secretary of War, for the preservation and continuation of such of the uncompleted public works mentioned and designated for improvement in an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved July 5, 1884, the sum of \$5,000,000, which sum of \$5,000,000 shall be applied by the Secretary of War to each of said public works respectively in proportion to the sums appropriated for such works under and by the said act: *Provided*, That no more shall be thus allotted than is sufficient for the completion of said works under the present estimate: *Provided*, That the work at the harbor of Galveston, Tex., shall be treated as if the sum of \$250,000 had been appropriated for said harbor of Galveston by said act: *And provided further*, That any money that shall be allotted under this act for the improvement of the Mississippi River below Cairo, except so much thereof as shall be necessary to be expended in preventing the works in progress on other portions of the river from waste and injury, shall be expended in the continuation and completion of the works on the Plum Point and Lake Providence reaches of the river now in progress of improvement as established by the commission, to the end that the proposed improvement of said two reaches of the river on which works are in progress shall be completed at an early day, and the plan of said commission for the improvement of the navigation of the river fully tested; and the money thus allotted by this act for the improvement of the Mississippi River below Cairo shall be expended by the Secretary of War in accordance with plans approved by him.

Mr. ANDERSON. I demand a second.

Mr. HOLMAN. I suggest to the gentleman from Kentucky [Mr. WILLIS] that the words "below Cairo," in the last clause of the bill, should be omitted.

Mr. WHITE, of Kentucky. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WHITE, of Kentucky. Is this a joint resolution or a bill?

The SPEAKER. It is a bill.

Mr. WHITE, of Kentucky. I ask the chairman of the Committee on Rivers and Harbors if this is the unanimous report from that committee, and if it has been considered by the full committee.

The SPEAKER. Is a second demanded?

Mr. ANDERSON. I demand a second.

Mr. MILLER, of Pennsylvania. And pending that I move that the House take a recess—

Mr. WILLIS. The gentleman from Pennsylvania has already made the only motion which he is entitled to make under the rules.

The SPEAKER. The gentleman from Pennsylvania has made a motion to adjourn, and the rule says after the result on the motion to adjourn is announced the Chair shall not entertain any other dilatory motion until a vote shall be taken on the motion to suspend the rules.

Mr. MILLER, of Pennsylvania. Do I understand that the Chair will entertain no further motion to adjourn or to take a recess until a vote is had on the proposition of the gentleman from Kentucky?

The SPEAKER. That is the rule of the House. The Clerk will read it.

The Clerk read clause 8 of Rule XVI, as follows:

8. Pending a motion to suspend the rules, the Speaker may entertain one motion that the House adjourn; but after the result thereon is announced he shall not entertain any other dilatory motion till the vote is taken on suspension.

Mr. MILLER, of Pennsylvania. Would not a motion that when the House adjourns it be to meet on Monday next be in order?

The SPEAKER. The Chair thinks that would be a dilatory motion.

Mr. MILLER, of Pennsylvania. Then I will wait till the House shall vote, when I will renew my motion.

Mr. WILLIS. The words "below Cairo" should be stricken out.

The SPEAKER. These words will be stricken out. A second having been demanded, the Chair appoints as tellers the gentleman from Kansas, Mr. ANDERSON, and the gentleman from Kentucky, Mr. WILLIS.

Mr. ANDERSON. I should like to understand what is stricken out. Would it be in order to have it read?

The SPEAKER. The Clerk will read the latter clause as modified.

The Clerk read as follows:

And the money thus allotted by this act for the improvement of the Mississippi River shall be expended by the Secretary of War and in accordance with plans approved by him.

The SPEAKER. The words "below Cairo" were originally in the bill after the words "Mississippi River." They are now stricken out. The question is on ordering a second. The tellers will take their places.

The tellers proceeded to take the vote.

Mr. WHITE, of Kentucky (while the vote was proceeding). I call for the enforcement of the rule that no member shall be allowed to be at the Clerk's desk while a vote is being taken.

The count having been completed, the tellers reported—ayes 158, noes 7.

So there was a second.

The SPEAKER. Under the rules thirty minutes are allowed for debate, fifteen minutes in support of the motion and fifteen minutes against. The gentleman from Kansas, Mr. ANDERSON, is recognized to control the time in opposition. The gentleman from Kentucky, Mr. WILLIS, will control the time in support of the motion.

Mr. ANDERSON. As I understand, it is for the gentleman advocating the suspension to occupy the floor first.

The SPEAKER. There is no rule on that subject.

Mr. ANDERSON. I think that would be the natural rule under parliamentary law. The affirmative should open.

Mr. WILLIS. I will occupy five minutes and will then yield to the opposition, and then my friend from Pennsylvania [Mr. BAYNE] will take five minutes, and I will reserve five minutes.

If I can have the attention of the House I will endeavor briefly to explain this bill. It is a substitute for the bill that has been pending. After consultation with gentlemen on both sides of the House it was thought best not to leave these great works of the Government in the next three years without appropriations sufficient to take care of them and to protect them against waste and ruin. As the result of that consultation we have brought in this bill for \$5,000,000.

It may be proper to state that the estimates of the Engineer Department for this year of the sum which could be profitably expended during the year was over \$34,000,000. This, therefore, is barely one-seventh of the amount which the engineers say could be profitably expended upon these public works. The bill does not leave the expenditure of these \$5,000,000 to the discretion of the Secretary of War. On the contrary, it declares in express terms that he shall expend this money upon those public works that are mentioned and described in the last river and harbor act, which passed July 5, 1884. So that there is no room for doubt that each of those public improvements which has been approved by Congress will receive its pro rata of this \$5,000,000 for the preservation, or, if not needed for the preservation, for the continuation of the work. The harbor at Galveston is included in this bill because, when the committee reported an amount for Galveston at the last session, upon motion in Committee of the Whole it was stricken out, and it was now thought but fair that, for the preservation of the expensive Government plant at that city, Galveston should have its pro rata of this \$5,000,000; which it would not have except for the mention of it in the pending bill, as it is not one of the works described in the last river and harbor act.

In regard to the Mississippi River improvement, this bill incorporates the amendment presented in Committee of the Whole during the pendency of the bill and reported by the committee, limiting the expenditure of money upon the Mississippi River improvement to the two reaches of Plum Point and Providence. That is the amendment offered in Committee of the Whole by the gentleman from Indiana [Mr. HOLMAN], and which was acceptable to an overwhelming majority of the committee. The bill requires the Government to test these methods of improvement upon the two reaches I have named before any portion of this amount shall be expended in any other direction. It is believed by the Committee on Rivers and Harbors, and by gentlemen of the House whom I have consulted, that it is simply a matter of legislative propriety and of the highest legislative duty that this Congress should not adjourn leaving the public works upon the great rivers and the great harbors of our country without a dollar of appropriation in the event of storm or injury from natural causes, and in that view it is believed that there should be at least this amount ready at hand to meet any demand or emergency that may arise from such causes. The bill is submitted to the House as a compromise, because we understand—we know—that under our rules the discussion of the other bill making an appropriation for rivers and harbors would occupy valuable time of this House to the exclusion of pressing appropriation bills that ought to be disposed of if we wish to avoid an extra session.

[Here the hammer fell.]

Mr. ANDERSON. Mr. Speaker, I now yield five minutes to the gentleman from New York [Mr. HISCOCK].

Mr. HISCOCK. Mr. Speaker, I have a word to say in regard to this bill. This is the third appropriation bill brought into this House by our friends upon the other side, which they propose to pass under a suspension of the rules. The River and Harbor Committee brought in a bill here which, in two of its largest appropriations, was against the sentiment of the House, and upon the substantial defeat of those two propositions the committee now seek to pass this bill appropriating \$5,000,000. The two propositions upon which they were defeated were the appropriation for Galveston Harbor and the appropriation for the

Mississippi River improvement. We all remember the vote in this House upon adopting the amendment of the Committee of the Whole. It was defeated by a scant majority, made by changes after the roll-call had been concluded. And, Mr. Speaker, what is this bill now proposed? In the law for the current year there are forty-three items, carrying \$910,000, none of which are included in the bill for the next year; and I do not include in this statement the Mississippi River or the Missouri.

There are, I say, forty-three items in the law for the current year that are not in the bill reported to the House at this session, and we have a right to assume that the necessity for expenditure upon those works has ceased; yet this bill proposes to appropriate for these works the sum of \$350,000 out of the total appropriation of five million dollars which the bill makes. Can gentlemen give us any explanation of this? Are we to vote blind here for a bill containing items that you have discarded from your general river and harbor bill, and which, for aught I know, have been discarded from the reports and estimates of the engineers? You exclude these items from your river and harbor bill, and yet you now propose, in this pending bill, to appropriate for the same works over \$350,000. I regard it proper that the attention of the House should be called to this proposition.

I submit to the House a list of the forty-three public works to which I refer:

Portland, Me.....	\$30,000
Scituate, Mass.....	10,000
Block Island, R. I.....	15,000
Black Rock, Conn.....	20,000
Oak Orchard, N. Y.....	5,000
Pensacola, Fla.....	55,000
Cedar Keys, Fla.....	5,000
Neches River, Texas.....	7,000
Harbor of refuge near Cincinnati.....	17,000
Ice-harbor at Belle River, Mich.....	2,000
Pennsauken, Wis.....	5,000
Stockholm, Lake Pepin, Wisconsin.....	15,000
Harbor, Redwood, Cal.....	3,000
Coos Bay, Oregon.....	30,000
Cochecho River, New Hampshire.....	28,000
Merrimac River, at Rock's Bridge, Massachusetts.....	3,500
Taunton River, Massachusetts.....	26,500
Gedney's Channel, through Sandy Hook Bar, New York.....	200,000
Corsica Creek, Maryland.....	5,000
Harbor at entrance Saint Jerome's Creek, Maryland.....	15,000
Harbor at Beaufort, N. C.....	20,000
Edenton Bay, North Carolina.....	10,000
Trent River, North Carolina.....	10,000
Contentnea or Moccasin River, North Carolina.....	5,000
New River, North Carolina.....	5,000
Scuppernon River, North Carolina.....	2,000
Saint Jones River, Delaware.....	10,000
Ecambia River, Florida.....	3,000
Black Warrior River, Alabama.....	50,000
Horn Island Pass, Mississippi.....	5,000
Bayou Pierre, Louisiana.....	8,000
Loggy Bayou, La., Louisiana.....	5,000
Tangipahoa River, Louisiana.....	2,000
Survey of Arkansas River from Little Rock.....	19,000
Arkansas River at Pine Bluff.....	55,000
Saline River, Arkansas.....	5,000
Grand River, below Grand Rapids, Mich.....	25,000
Mouth and harbor, Cedar River, Michigan.....	15,000
Mokelumne River, California.....	\$8,500
Colorado River.....	25,000
Mouth of Columbia River, Oregon and Washington Territory.....	100,000
Lake City, Minn.....	15,000
Falls of Saint Anthony, Minnesota.....	10,000
Total.....	910,000

Now, sir, as to the public works embraced in this list, appropriated for by the law for the current fiscal year, not included in the bill reported by the Rivers and Harbors Committee, but entitled to receive distribution under the pending bill, the House has no means of knowing whether there should be any further appropriations for them or not; yet this bill gives them \$350,000. It will be observed that this list is exclusive of the items for the Mississippi and Missouri Rivers.

I am and always have been in favor of liberal appropriations for river and harbor improvements, but I am opposed now, as I always have been, to appropriations for public works which never have been considered by a committee, as to which the House has no information upon which to base judicious action, and which are vouched for only by the judgment of one man—for this bill, sir, has never been considered by the Committee on Rivers and Harbors at all.

Mr. Speaker, it seems to me that if we can not have time to perfect our legislation so that we may feel satisfied with it, we had better defeat it altogether rather than to vote away money for purposes that have not been discussed or considered at all. In this bill there is an appropriation of \$250,000 for Galveston Harbor, and yet every gentleman from Texas who has spoken in reference to that harbor has told us that an appropriation of \$250,000, if voted, would be simply wasted. Right back of me sits a Representative from the State of Texas [Mr. OCHILTREE], who has spoken upon that subject, and has told us that such an appropriation would be merely thrown away. Another gentleman from Texas [Mr. MILLS] has been heard upon the same question, and has denounced such an appropriation. Yet it is proposed in this bill to force that appropriation upon them. What reason is there for including that item in the bill? Last year when your river and harbor bill came in here carrying an item for that work, as I remember, some gentleman from Texas arose and asked to have it stricken out, and it was

stricken out unanimously. And I desire to ask the gentleman from Kentucky why it is that you propose to force this sum upon them? Does that committee set up its judgment against that of these gentlemen who live in the locality interested? Does it assume to speak for the people of that State?

[Here the hammer fell.]

Mr. MILLS. To what does the gentleman refer when he speaks of my having said that we have no use for any appropriation of this kind?

Mr. HISCOCK. I refer to remarks which the gentleman made and which, had I the time, I should with great pleasure read.

Mr. MILLS. The gentleman can profit by reading my speeches.

Mr. ANDERSON. I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, we have been informed by the Committee on Rivers and Harbors that they have done an immense deal of work upon a river and harbor bill, and that they could not report it earlier. With all the aid of engineers' reports, after daily and nightly meetings, after months of incubation, as they inform us, they produced a bill which has been discussed in Committee of the Whole, but the consideration of which is not yet completed. Now the gentleman from Kentucky [Mr. WILLIS] comes into this House with a bill matured by no committee, not specific in its terms, not even printed, his own handiwork, and he moves that almost in the twinkling of an eye, after only thirty minutes' debate, we shall by a two-thirds vote pass this bill giving this money, \$5,000,000, in a lump sum.

Mr. WILLIS. Did not the Committee on Appropriations, of which the gentleman is a member, report and have passed under a suspension of the rules the sundry civil bill?

Mr. CANNON. Oh, the sundry civil bill was matured in full by a committee of the House. But even if the Committee on Appropriations failed in its duty it is no reason why you should fail in yours. This bill never had even the blessing or condemnation or consideration of a committee of this House for a moment. Yet we are asked to pass it. What does it mean? There are not twenty men in this House who can tell what it means. I confess I can not, after having heard it read and after hearing thus far the expressions in debate upon it.

I am in favor of internal improvements; but I want intelligent appropriations and correct expenditure of the money as directed by the Congress after full consideration.

Mr. Speaker, we have the spectacle in a House of Representatives with a Democratic majority of seventy or eighty, of the gentleman from Kentucky [Mr. WILLIS] coming here in the last four days of the session and giving us, as is stated, the choice of letting these improvements suffer, of having a special session, or voting \$5,000,000 in a lump, to be expended by the incoming Secretary of War. Worse things could happen to this country than a special session of Congress. Why, gentlemen, in your canvass last fall and since you have congratulated the country that at last it is to have a Democratic Executive; that at last your hand is to be placed on the helm. Yet now, when your Executive is about to come into power, you come here and beseech us to suspend the rules and pass such crude measures as this with the threat that if we do not the incoming President will have to inflict upon the country a special session of Congress. In other words, the fear that you have of yourselves makes you willing to pass, and to ask us to pass, these crude measures. For one, so far as I am concerned, I am not going to do it.

Mr. HENLEY. Is not the gentleman somewhat accustomed to that business as a member of the Appropriations Committee?

Mr. CANNON. What business?

Mr. HENLEY. The business of passing under a suspension of the rules bills appropriating millions of dollars.

Mr. CANNON. I am in the minority, doing the best I can—

Mr. HENLEY. On that you are with the majority.

Mr. CANNON. It was your duty with 76 of a majority to have such rules, such proceedings, and such committees as would have brought this business forward in order.

Mr. HENLEY. The gentleman was with the majority on this matter this morning.

Mr. CANNON. I do not yield further.

Mr. HENLEY. And the gentleman defended the action of the Committee on Appropriations.

Mr. CANNON. I defend nothing that this Democratic House has done or can do, because I do not believe that any good and praiseworthy thing from a public standpoint has been or will be consummated by it or come from it.

[Here the hammer fell.]

Mr. ANDERSON. I yield two minutes to the gentleman from Pennsylvania [Mr. MILLER].

Mr. MILLER, of Pennsylvania. Mr. Speaker, the passage of this bill in the manner now proposed will be a fitting act for the closing days of the Forty-eighth Congress. Within the last two days the House under suspension of the rules has appropriated without debate or investigation more than \$24,000,000; and now, after it has been demonstrated that the House will not pass a river and harbor bill in the ordinary course of procedure, we are brought face to face with the proposition to pass this bill appropriating \$5,000,000 under a like suspension.

If it were to stop there, Mr. Speaker, I would not so seriously oppose the proposition; but this measure is to be passed here with the expectation on the part of its authors that at the other end of this Capitol an increase of one to five million dollars will be made; and with this bill once in a committee of conference this House will be confronted with the question whether it will pass without discussion such a bill as the Senate may see fit to tack upon this.

In November, 1882, when the Forty-eighth Congress was elected, the people of this country were led to expect much from its labors. But this Congress spent all or nearly all of the last session in the attempt to change the revenue laws and failed. It has spent all of this session in endeavoring to get the Appropriations Committee to report their bills; yet they only bring them in at such an hour that discussion can not be had. No other act of special importance has been passed by this Congress. Every bill of any particular consequence to the country that has been proposed and brought before this body has been defeated; and the Forty-eighth Congress is now going out of power without having done anything to advance the prosperity or the material interests of this country.

[Here the hammer fell.]

Mr. ANDERSON. I yield one minute to my colleague [Mr. HANBACK].

Mr. HANBACK. Mr. Speaker, I am opposed unalterably to this bill. Coming as it does to this House in the twinkling of an eye, to be voted on without consideration, asking the appropriation of \$5,000,000 to be expended where no member of the House can tell, I as one of the Representatives of the people enter my protest against this kind of legislation. The Committee on Rivers and Harbors, sitting for sixty days with closed doors, no man admitted within the sacred precincts of that committee-room, came here fully armed and equipped with a bill which has met with signal defeat at the hands of this House; and now that committee seeks to recover its lost ground and by a kind of enabling act to its failure pass a measure of this kind in violation of every principle which should be exercised to guard the Treasury and protect the interests of the people.

[Here the hammer fell.]

Mr. ANDERSON. How much time have I remaining?

The SPEAKER. Two minutes.

Mr. ANDERSON. I yield the remainder of my time to the gentleman from Maine [Mr. BOUTELLE].

Mr. BOUTELLE. Mr. Speaker, I imagine that in two minutes it will be about as futile for a member of this House to undertake to interpose any obstacle to the railroading through of this scheme as it has been and will be in the future to attempt to tie up the mighty currents of the Mississippi River by annual appropriations from Congress.

This proposition, sir, can not be claimed to be presented here in good faith. It is not what it purports to be on its face. It is not a proposition to distribute \$5,000,000 upon a pro rata established in a bill passed by a former Congress, for one item of large dimensions is inserted here which had no place in that former bill. We are asked to appropriate what will be equivalent to some \$90,000 under this bill to carry on the work at Galveston Harbor, which has been declared by Representatives of that State on this floor, Mr. OCHILTREE and Mr. REAGAN, to be an absolutely useless expenditure.

I desire to read from page 1068 of the RECORD what Mr. REAGAN said:

In relation to the expenditure of money on Galveston Harbor, it is true that a million and a half of dollars have been expended from first to last, and there is but little difference in the condition of the harbor now and when the expenditure was commenced.

Again, on page 1069, the same gentleman declared:

Mr. Chairman, for eleven years this Congress has been most liberal in its appropriations for the harbor of Galveston. It has required the expenditures there to be made under the direction of the Engineer Corps of the United States. It has expended in attempting the prosecution of that work about a million and a half of dollars. That money has been expended and substantially no progress has been made.

The CHAIRMAN. The gentleman's time has expired.

Mr. BOUTELLE. I will take but one minute to read another extract in reference to this harbor improvement at Galveston. [Cries of "Order!"]

All right; railroad it through, and then let us suspend all the rules and go home. [Applause.]

Mr. WILLIS. I now yield two minutes to the gentleman from Maine.

Mr. MILLIKEN. I do not think, Mr. Speaker, any member of this House can object more strongly than I do to putting bills through here under suspension of the rules. I hesitate not to say I think the manner in which the sundry civil bill was put through to-day was an outrage upon the House as well as an insult to the people of the United States, whose representatives we are upon this floor. But this bill comes in very differently. The sundry civil bill was brought in here but a few days ago, this House never having had an opportunity to examine it, while on the contrary the River and Harbor Committee brought in their bill on the 1st day of February, and they have done all they

could to get it considered in the ordinary way and through proper channels, but they have failed to do it. Now they come and ask us to pass this bill in order to preserve the works already in course of construction, and if anything shall remain over then to continue them. It seems to me to be a fair proposition, one demanded by the country, so deeply interested in the continuance and preservation of works of improvement already commenced.

[Here the hammer fell.]

Mr. WILLIS. I yield one minute to the gentleman from Missouri [Mr. O'NEILL].

Mr. O'NEILL, of Missouri. Mr. Speaker, I appeal to those members whose prejudices are enlisted against this measure because of their failure to insert in the river and harbor bill their peculiar items, not to carry them so far as to injure threefold more than the amount involved the interests of the Government as they are affected by the plants it already owns. A failure to pass this proposition, Mr. Speaker, means the loss of millions of dollars, not alone in the works partially completed and requiring constant attention until completed, but in depreciation and loss of steamers, barges, and other appliances going to make up the necessary outfits of works of internal improvement. You should not do it. It would be a blunder; it would be more than a blunder, it would be a crime. I hope, therefore, those members will not let their prejudices influence their action in a matter of this kind, but will agree to vote this small pittance for the preservation of the costly plants now owned by the Government of the United States, amounting in value to many millions of dollars.

[Here the hammer fell.]

Mr. WILLIS. I now yield two minutes to the gentleman from Louisiana [Mr. KING].

Mr. KING. Mr. Speaker, I shall vote for this bill with reluctance, because it is far inadequate to the needs of the public works now in progress under the charge of the engineers of the Government. The amount here called for will not go further than meet the wear and tear upon these works during the coming fiscal year.

I hope the country, Mr. Speaker, will recognize upon whom the responsibility rests for having failed to pass a full measure, appropriate to the demands of these public works, at this session of Congress.

I can not here permit to go unchallenged the frequent allegation that the works constructed by the Mississippi River Commission are merely experimental in their nature. Now, those works have been in progress for six years, and in every instance where they have in any degree been completed their results have warranted the expenditure made upon them, thus vindicating the wisdom, the energy, and the honest purpose of the commission.

This House has been led to believe the money expended upon these works has been disbursed by the commission. The most casual investigation will show that not one dollar has been so expended. Every dollar has passed through the hands of the Secretary.

What I most strenuously oppose in this measure is the amendments which have been injected into it by the gentleman from Indiana [Mr. HOLMAN]. They, whether aimed for that purpose or not, unless stricken out, must result in the destruction of the entire system already so successfully put into operation for the improvement of that river and the destruction of the works themselves, which have been built and are now contributing so greatly to this improvement, in which upward of 30,000,000 of the people of the Republic are interested for the obtaining of cheaper freights and safer and cheaper transportation to the markets of the country and of the world.

Mr. WILLIS. I now yield to the gentleman from Pennsylvania [Mr. BAYNE], my colleague on the committee.

The SPEAKER *pro tempore*. How much time?

Mr. WILLIS. The remainder of the time.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman for five minutes.

Mr. BAYNE. Mr. Speaker, this bill has been criticised very unjustly in several respects. The gentleman from New York [Mr. HISCOCK] has stated that it makes appropriations for a long list of places which he mentioned. The fact is it makes no appropriation, or the Secretary of War will apply none of the appropriation made by the bill, as the gentleman will find at any point where the work has been completed.

Mr. HISCOCK. But you do not know whether the work has been completed or not. Now, the difficulty is—

Mr. BAYNE. I do not yield; I have but a few moments. The Secretary of War will know it if the gentleman from New York does not; and he claims to know it now.

Another gentleman from Kansas says that he does not know where one cent of the money will go. Evidently the gentleman has not read the river and harbor appropriation bill of 1884. The committee is not able, unfortunately, to furnish all gentlemen who need information with that very necessary article. But if gentlemen will turn to the law they will find exactly where the appropriations are to be applied.

The gentleman from Maine has contended, and very justly, that there should be responsibility on the part of somebody, and that this responsibility should be fixed somewhere and definitely for the expenditure of

the money. There can be no complaint of this bill on that ground. The responsibility is fixed clearly. It says that the money shall be expended under the direction and with the approval of the Secretary of War, and if there is a dollar of this money misapplied the Secretary of War will stand responsible for it.

Mr. JOSEPH D. TAYLOR. But you do not know who the Secretary of War is going to be.

Mr. BAYNE. Oh! you will have to trust somebody; you must fix the responsibility somewhere.

Mr. JOSEPH D. TAYLOR. That is just the trouble.

Mr. BAYNE. If the gentleman from Ohio himself was Secretary of War there would be no doubt of the proper application of the appropriations. [Laughter.]

Mr. JOSEPH D. TAYLOR. Thank you.

Mr. BAYNE. This bill appropriates enough, and only enough as it is believed, to keep in repair the public works already in progress throughout the country; and they are going to suffer detriment and the Government very serious loss if some appropriation is not made at this session of Congress. The Secretary of War himself, who has been already cited here over and over again with the entire approbation of the House, has recommended to Congress, as gentlemen will find on an examination of the subject, and his recommendations are usually heartily concurred in, for the repair and preservation of works on rivers and harbors the sum of \$8,000,000. This bill now before us appropriates only \$5,000,000, and, therefore, is on the side of retrenchment and reform in public expenditures to the extent of \$3,000,000. That fact can not be denied.

The amount that will go to the improvement of the Lower Mississippi by this bill will probably be \$450,000 to \$500,000. Under the proposition of the gentleman from Indiana, which is incorporated in this bill, that money will have to be applied, except so far as may be necessary for dredging and the removal of snags and bars, to two points on the river—Plum Point and Lake Providence reaches—with a view to testing to a conclusion the experiments which have been begun at those points. I think, under all the circumstances, it is fair enough to allow this amount of money, since we have spent so much already, to be applied to testing the experiment of the improvement of the Mississippi River at those two points and explicitly in the manner in which the work has progressed up to this time.

The safeguards thrown around the bill, I venture to say, in reference to the expenditure of the money appropriated by it, are better, more complete, and more certain of securing the interests of the Government than those that have been applied to any river and harbor bill that ever passed the American Congress.

Mr. HENDERSON, of Illinois. Why do not you let the committee consider that for themselves?

Mr. BAYNE. And never before has such a responsibility been absolutely attached to an officer of the Government in the application of the fund appropriated for this purpose as this bill provides. And I say further, that the incoming Secretary of War, whoever he may be, under the language and the intent of this bill, as I understand it, and as I think the House will and should understand it, will be held strictly responsible for the expenditure of this money, and if there are misapplications of it we will know who is responsible for it.

Mr. WHITE, of Kentucky. Do not you think it would be better to wait until it has been printed, so that we can examine it and determine for ourselves?

Mr. BAYNE. Mr. Speaker, it is very easy for gentlemen to carp and criticise and find fault; and one of the besetting sins in the American Congress is for members to get up here and find fault with the methods and not go into the merits of measures.

Mr. WHITE, of Kentucky. We have had no opportunity of going into the merits of this.

Mr. BAYNE. There has been ample time for consideration, but we have had debate after debate and motion after motion, delaying the business, by gentlemen rendering themselves famous—I was going to use another word—but famous throughout the country because they fritter away the time of the House discussing points of order, making motions, and commenting on what they are pleased to call the "star chamber" proceedings of the committee, instead of considering the merits of propositions.

I hope this bill will pass, and it ought to pass.

[Here the hammer fell.]

Mr. ANDERSON. I rise to a parliamentary inquiry in regard to the manner in which this vote is to be taken.

Clause 6 of Rule XXI provides:

Upon all general appropriation and revenue bills, and bills for the improvement of rivers and harbors, the yeas and nays shall be taken on the passage of such bills in the House and entered upon the Journal.

Now this is a motion to suspend the rules and pass the bill, which I understand is a river and harbor appropriation bill. My inquiry is whether under the rule that vote must be taken by yeas and nays?

The SPEAKER. The Chair decided that question at the last session of Congress, and held when a motion was made to suspend all the rules of the House and pass a bill the bill might be passed without a yeas-and-

nay vote; because if it received a majority it could be passed under the Constitution of the United States.

Mr. ANDERSON. Then I ask for the yeas and nays.

The yeas and nays were ordered, 52 members voting therefor.

Mr. DAVIS, of Illinois. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DAVIS, of Illinois. Does this bill come from any committee of the House?

The SPEAKER. The Chair does not know officially what the committee has done in regard to this bill.

Mr. HENDERSON, of Illinois. I would suggest to my friend the chairman of the Committee on Rivers and Harbors that it is due to state that this is not the bill of the Committee on Rivers and Harbors. They have never considered it. It has never been referred to them.

ENROLLED JOINT RESOLUTIONS.

Mr. GLASCOCK, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled joint resolutions of the following titles; when the Speaker signed the same:

Joint resolution (H. Res. 338) providing for printing additional copies of the sixth and seventh annual reports of the Director of the United States Geological Survey;

Joint resolution (H. Res. 339) providing for printing the sixth and seventh annual reports of the Director of the Bureau of Ethnology; and

Joint resolution (H. Res. 340) providing for printing monograph 2 of the publications of the United States Geological Survey.

RIVER AND HARBOR APPROPRIATION BILL.

The question was taken; and there were—yeas 192, nays 88, not voting 44; as follows:

YEAS—192.

Adams, J. J.	Dorsheimer,	Kleiner,	Rogers, J. H.
Aiken,	Dunn,	Lacey,	Rogers, W. F.
Alexander,	Eldredge,	Lamb,	Rosecrans,
Ballentine,	Ellwood,	Lanham,	Russell,
Barbour,	Ermentrout,	Lewis,	Seney,
Barksdale,	Evans,	Libbey,	Seymour,
Bayne,	Ferrell,	Long,	Shively,
Belmont,	Findlay,	McAdoo,	Singleton,
Bennett,	Follett,	McCoid,	Skinner, T. G.
Bisbee,	Foran,	McMillin,	Slocum,
Blackburn,	Forney,	Maybury,	Smalls,
Blanchard,	Garrison,	Miller, J. F.	Snyder,
Bland,	Geddes,	Milliken,	Spooner,
Blount,	George,	Mitchell,	Stephenson,
Brainerd,	Gibson,	Money,	Stewart, Charles
Bratton,	Glascock,	Morgan,	Stockslager,
Breckinridge,	Goff,	Moulton,	Stone,
Bretting,	Graves,	Muldrow,	Strait,
Broadhead,	Green,	Muller,	Struble,
Buchanan,	Greenleaf,	Murray,	Sumner, C. A.
Buckner,	Guenther,	Mutchler,	Talbot,
Budd,	Halsell,	Nelson,	Taylor, J. M.
Burleigh,	Hancock,	Nicholls,	Thomas,
Burnes,	Hardeman,	Nutting,	Thompson,
Cabell,	Hatch, H. H.	Oates,	Tillman,
Caldwell,	Hatch, W. H.	Ochiltree,	Tucker,
Campbell, J. E.	Haynes,	O'Ferrall,	Tully,
Candler,	Hemphill,	O'Hara,	Turner, H. G.
Carleton,	Henley,	O'Neill, Charles	Vance,
Clardy,	Hewitt, A. S.	O'Neill, J. J.	Van Eaton,
Clements,	Hill,	Paige,	Wakefield,
Collins,	Hitt,	Payne,	Wallace,
Converse,	Hoblitzell,	Peele,	Warner, A. J.
Cosgrove,	Holman,	Pettibone,	Warner, Richard
Covington,	Hopkins,	Phelps,	Washburn,
Cox, W. R.	Horr,	Pierce,	Wellborn,
Craig,	Houk,	Poland,	Wemple,
Crisp,	Houseman,	Potter,	White, Milo
Culbertson, W. W.	Hunt,	Price,	Wilkins,
Dargan,	Hutchins,	Pryor,	Willis,
Davidson,	Jeffords,	Randall,	Wilson, W. L.
Davis, L. H.	Johnson,	Ray, Ossian	Winans, E. B.
Davis, R. T.	Jones, B. W.	Reagan,	Wise, G. D.
Deuster,	Jones, J. H.	Reed, T. B.	Wolford,
Dibble,	Jones, J. T.	Reid, J. W.	Wood,
Dibrell,	Kellogg,	Reese,	Worthington,
Dixon,	King,	Robertson,	Yaple,
Dockery,		Robinson, W. E.	Young.

NAYS—88.

Adams, G. E.	Davis, G. R.	Lawrence,	Smith, H. Y.
Anderson,	Dingley,	Le Fevre,	Spriggs,
Barr,	Dunham,	Lyman,	Springer,
Beach,	Eaton,	McComas,	Steele,
Boutelle,	Elliott,	McCormick,	Stevens,
Bowen,	English,	Miller, S. H.	Stewart, J. W.
Boyle,	Everhart,	Mills,	Storm,
Brewer, F. B.	Finerty,	Morrill,	Sumner, D. H.
Brewer, J. H.	Funston,	Morse,	Swope,
Brown, W. W.	Hanback,	Murphy,	Taylor, J. D.
Browne, T. M.	Hardy,	Parker,	Townshend,
Brumm,	Harmer,	Patton,	Turner, Oscar
Campbell, J. M.	Henderson, T. J.	Payson,	Valentine,
Cannon,	Hepburn,	Perkins,	Van Alstyne,
Cassidy,	Hiscock,	Peters,	Wadsworth,
Clay,	Holmes,	Pusey,	Wait,
Cobb,	Holton,	Ranney,	Weaver,
Connolly,	Howey,	Rockwell,	Weller,
Cook,	James,	Rowell,	White, J. D.
Cox, S. S.	Kean,	Ryan,	Whiting,
Culbertson, D. B.	Kelley,	Skinner, C. R.	Winans, John
Cullen,	Ketcham,	Smith, A. Herr	York.

NOT VOTING—44.

Arnot,	Fiedler,	Laird,	Rice,
Atkinson,	Fyan,	Lore,	Riggs,
Bagley,	Hammond,	Loving,	Robinson, J. S.
Belford,	Hart,	Lowry,	Shaw,
Bingham,	Henderson, D. B.	Matson,	Taylor, E. B.
Campbell, Felix	Herbert,	Millard,	Throckmorton,
Chalmers,	Hooper,	Morrison,	Ward,
Curtin,	Hurd,	Neece,	Williams,
Cutcheon,	Jones, J. K.	Post,	Wilson, James
Dowd,	Jordan,	Rankin,	Wise, J. S.
Ellis,	Kelley,	Ray, G. W.	Woodward.

So the rules were suspended (two-thirds voting in favor thereof) and the bill (H. R. 8280) was passed.

Mr. CURTIN. I desire to say that I was in the room of my committee while the roll was being called. I desire to vote.

The SPEAKER. Under the rule the Chair can not entertain the gentleman's request.

Mr. WILLIS. I understood the gentleman to say he was in the Hall.

Mr. CURTIN. No, sir; I was in the committee-room.

Mr. ANDERSON. If the gentleman from Pennsylvania was on the floor I would not object, but as he states he was in his committee-room I do.

Mr. TOWNSHEND. I ask unanimous consent to dispense with the reading of the names.

Mr. ANDERSON. I object.

The Clerk read the names of members voting.

The following additional pairs were announced:

Mr. ELLIS with Mr. POST, of Pennsylvania, on this vote.

Mr. LEWIS with Mr. ARNOT, on this vote.

Mr. CURTIN with Mr. BINGHAM, on this vote.

Mr. FIEDLER with Mr. ATKINSON, on this vote.

Mr. HART with Mr. HAMMOND, on the river and harbor bill.

Mr. HERBERT with Mr. KELLEY, for the rest of this day.

Mr. LOWRY with Mr. WILSON, of Iowa, for the rest of this day.

Mr. LEWIS. I desire to state that if I were not paired with Mr. ARNOT I should vote "ay." Mr. ARNOT would vote "no."

The result of the vote was then announced, as above stated.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed the bill (H. R. 8239) making appropriations for the naval service for the fiscal year ending June 30, 1896, and for other purposes, with amendments; in which the concurrence of the House was requested.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Georgia [Mr. TURNER] is recognized.

Mr. TURNER, of Georgia. I call up the contested-election case of Pool vs. Skinner, first district of North Carolina.

Mr. TOWNSHEND. I desire as a privileged question to call up the Post-Office appropriation bill.

The SPEAKER. The gentleman from Georgia [Mr. TURNER] calls up an election case, which is a matter of higher privilege than any other.

Mr. TOWNSHEND. I will say to the gentleman from Georgia that this will take but a moment. The object is to get the Post-Office appropriation bill into conference.

Mr. TURNER, of Georgia. I am aware that the gentleman from Illinois has made several efforts heretofore to proceed with that bill and they have always provoked discussion.

Mr. TOWNSHEND. If discussion is provoked I will not insist on going on with the bill.

Mr. HISCOCK. I understand the gentleman from Illinois [Mr. TOWNSHEND] proposes to call up the Post-Office appropriation bill. I have told the gentleman I would not again make the point that it should go to the Committee of the Whole House on the state of the Union for the consideration of the Senate amendments. But as against an election case I shall insist on the amendments going to the Committee of the Whole House on the state of the Union to be discussed and considered. I think if we have time enough in these late days of the session to take up election cases we have time enough to consider these appropriation bills in committee.

Mr. TURNER, of Georgia. How does the gentleman from New York get the floor?

Mr. HISCOCK. I give notice to the gentleman from Georgia if he does not want an extra session he must give the Appropriations Committee the right of way.

Mr. TURNER, of Georgia. The gentleman has no right to thrust in his "notice" here while I am on the floor.

Mr. MILLER, of Pennsylvania (to Mr. TURNER, of Georgia). If you are ever going to get your election case in you must get it in now.

The SPEAKER. The gentleman from Georgia [Mr. TURNER] calls up the report of the Committee on Elections in the case of Mr. Pool against Mr. Skinner, in the first Congressional district of North Carolina. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the old first Congressional district of North Carolina, in which

Walter F. Pool was chosen as Representative to the Forty-eighth Congress, was the only proper district in which to call and hold an election to fill the vacancy caused by his death.

Resolved, That Thomas G. Skinner is not entitled to retain longer his seat in this House as the Representative from the first Congressional district of North Carolina to the Forty-eighth Congress.

Mr. TURNER, of Georgia. Mr. Speaker, the Clerk has read the resolution reported by the minority of the committee.

The SPEAKER. The Clerk will read the resolution reported by the majority of the committee.

Mr. HISCOCK. Mr. Speaker, I wish to inquire whether this is a case in which the Committee on Elections are agreed.

Mr. TURNER, of Georgia. Mr. Speaker, I insist that the gentleman from New York shall not interrupt the proceedings of the House in this way.

Mr. HISCOCK. The gentleman from New York will know what is doing.

Mr. TURNER, of Georgia. The gentleman from New York [Mr. HISCOCK] has no right to take me off the floor by impertinent interruptions.

The SPEAKER. This question is not debatable. The Clerk has read the resolution reported by the minority. He will now read the resolution reported by the majority of the Committee on Elections.

The Clerk read as follows:

Resolved, That Thomas G. Skinner retain his seat, without prejudice to the ultimate right to the seat involved in the contested-election case of Charles C. Pool vs. Thomas G. Skinner.

The SPEAKER. The question is, Will the House now consider this report of the Committee on Elections?

Mr. TOWNSHEND. Mr. Speaker, I want to notify the House that I raise the question of consideration.

The SPEAKER. The Chair is putting that question now. [Having put the question.] In the opinion of the Chair the yeas have it.

Mr. TURNER. I ask for a division.

Mr. HERR. Mr. Speaker, I want to know how I am to vote.

Mr. MILLER, of Pennsylvania. Mr. Speaker, what is the question before the House?

The SPEAKER. The question of consideration.

Mr. TOWNSHEND. On what bill?

The SPEAKER. No bill at all; an election case from the State of North Carolina. As many as are in favor of proceeding with the consideration of this report of the Committee on Elections will rise and be counted.

The House divided; and there were—ayes 76, noes 113.

The SPEAKER. The yeas have it; and the House refuses to consider the report.

Mr. BENNETT. Mr. Speaker, I call up the contested-election case of Frederick vs. Wilson.

Mr. TOWNSHEND. Now, Mr. Speaker, I move the adoption of the report of the Committee on Appropriations in relation to the amendments of the Senate to the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1896, and for other purposes.

The SPEAKER. Still the matter called up by the gentleman from North Carolina [Mr. BENNETT], being a matter of higher privilege, would cut the gentleman off.

Mr. TOWNSHEND. I understood, Mr. Speaker, after the motion of the gentleman from Georgia [Mr. TURNER] was disposed of I would be recognized.

The SPEAKER. The Chair will secure to the gentleman from Illinois [Mr. TOWNSHEND] the consideration of the matter he desires to call up as soon as possible; but the gentleman from North Carolina [Mr. BENNETT] calls up a matter of higher privilege.

Mr. BENNETT. Mr. Speaker, I do not want to call up this case if I am to antagonize the fertile gentleman from the State of Illinois [Mr. TOWNSHEND]. I would rather keep out of the way of my friend from Illinois, but I would like to have my chance immediately after he has his.

Several MEMBERS. Regular order.

The SPEAKER. The gentleman from North Carolina has charge of a privileged matter, which he can call up whenever he sees fit. The gentleman from Illinois [Mr. TOWNSHEND] is recognized.

POST-OFFICE APPROPRIATION BILL.

Mr. TOWNSHEND. Mr. Speaker, I now move the adoption of the report of the Committee on Appropriations in regard to the Senate amendments to the Post-Office appropriation bill.

Several MEMBERS. Let us have it read.

Mr. HISCOCK. We may as well go to the Committee of the Whole with it, or else consider it in the House as in Committee of the Whole.

The SPEAKER. The gentleman from New York [Mr. HISCOCK] makes the point of order that this must first be considered in Committee of the Whole.

Mr. TOWNSHEND. I am willing to have it considered in the House as in the Committee of the Whole.

Mr. HISCOCK. I have no objection to that, Mr. Speaker. I say frankly that the only purpose I have is to keep out election cases.

The SPEAKER. If there be no objection the report moved by the gentleman from Illinois [Mr. TOWNSHEND] will be considered in the House as in the Committee of the Whole House on the State of the Union.

Before the consideration of that matter is begun the Chair will state that under a rule heretofore made, and which is still in force, at 5 o'clock p. m. the Chair will be compelled to declare the House in recess until 8 o'clock this evening.

Mr. TOWNSHEND. Then I ask unanimous consent that the House may continue its sitting until 6 o'clock.

Mr. MILLER, of Pennsylvania, and other members objected.

Mr. MILLER, of Pennsylvania. I rise to a parliamentary inquiry. Is there a report in this case?

The SPEAKER. There is.

Mr. MILLER, of Pennsylvania. Then I ask for its reading. I believe I have that right.

The SPEAKER. The report has been read.

Mr. MILLER, of Pennsylvania. When?

The SPEAKER. Half an hour or perhaps an hour ago.

Mr. MILLER, of Pennsylvania. Is it in order to call for the reading of the bill?

The SPEAKER. It is not. The gentleman can have it read in his own time whenever he may obtain the floor. The gentleman has a right to have the amendments read.

Mr. MILLER, of Pennsylvania. Then I ask for the reading of the amendments.

The SPEAKER. The Chair has already directed the Clerk to read them.

Mr. SPRINGER. I rise to a parliamentary inquiry. Is it in order now to move to rescind the order by which the House on Friday takes a recess from 5 till 8 o'clock?

The SPEAKER. That can only be done by unanimous consent or by a suspension of the rules.

Mr. SPRINGER. I move, then, to suspend the rules in order to revoke that order. There is no pension business for this evening.

The SPEAKER. This business may be disposed of before 5 o'clock.

Mr. SPRINGER. I presume there would be no objection to vacating by unanimous consent the order for a recess.

The SPEAKER. That proposition has been made and there was objection. The Clerk will read the amendments of the Senate to the Post-Office appropriation bill.

The first amendment was read, as follows:

On page 1, line 21, strike out "three hundred" and insert "one hundred and fifty."

Mr. MILLER, of Pennsylvania. I would like to have the context read in connection with the amendment so that the amendment may be understood.

The SPEAKER. The Chair will direct that each amendment be so read.

The Clerk read as follows:

Page 1, line 21, strike out "three hundred" and insert "one hundred and fifty," so as to read:

"For compensation to clerks in post-offices, \$5,150,000."

Mr. TOWNSHEND. If it be in order, I desire to move concurrence in that amendment.

The SPEAKER. It is in order to make that motion. Each amendment must be acted on separately.

The motion of Mr. TOWNSHEND to concur in the amendment was agreed to.

The second amendment was read, as follows:

Page 2, line 6, strike out "five hundred and thirty-five" and insert "four hundred and eighty-five;" so as to read:

"For payment to letter-carriers and the incidental expenses of the free-delivery system, \$4,485,000; \$45,000 of which may be used, in the discretion of the Postmaster-General, for the establishment, under existing law, of a free-delivery system in cities where it is not now established."

Mr. TOWNSHEND. By direction of the committee I move concurrence in this amendment.

The motion was agreed to.

The third amendment was read, as follows:

Page 2, line 16, strike out the word "hereafter," after the word "that;" so as to read:

"That the Postmaster-General may," &c.

Mr. TOWNSHEND. I desire to submit a proposition to which I think the entire House will agree. It is needless to occupy time in reading all these amendments. All I desire is to have the report of the Committee on Appropriations adopted. Now, I submit to the House this proposition—that if the report of the Committee on Appropriations be adopted, I will then move that the House take a recess till 8 o'clock.

Mr. HISCOCK. We will consent, if an order be entered to that effect, that the report be adopted and a recess at once taken.

Mr. TURNER, of Georgia. I would like to inquire by what right the gentleman from Illinois makes that proposition. He stated that he would require not more than five minutes for this matter; and now he proposes that immediately after it is disposed of the House shall take a recess.

Mr. TOWNSHEND. If the gentleman from Georgia objects, of course I do not press the proposition.

Mr. TURNER, of Georgia. I do object.

The SPEAKER. Objection is made.

Mr. TOWNSHEND. I move to non-concur in the amendment last read.

The motion was agreed to; there being—ayes 82, noes 23.

The fourth amendment was read, as follows:

Page 2, line 16, strike out "lease" and insert "in the disbursement of this appropriation, apply part thereof to the purpose of leasing;" so that the clause will read:

"That the Postmaster-General may, in the disbursement of this appropriation, apply part thereof to the purpose of leasing premises for use for post-offices."

Mr. TOWNSHEND. I am instructed by the Committee on Appropriations to move non-concurrence in this amendment.

The amendment was non-concurred in.

The fifth amendment was read, as follows:

Page 2, line 17, strike out the word "and," between the word "first" and "second."

Mr. TOWNSHEND. I am instructed by the Committee on Appropriations to move that this amendment be non-concurred in.

The motion was agreed to.

The sixth amendment was read, as follows:

Page 2, line 17, after the word "second," insert "and third;" so as to read: "Post-offices of the second and third classes."

Mr. TOWNSHEND. In accordance with instructions of the Committee on Appropriations I move that this amendment be non-concurred in.

The motion was agreed to.

The seventh amendment was read, as follows:

Page 2, line 25, after the word "for," insert "safes and other;" so as to read: "For safes and other office furniture."

Mr. TOWNSHEND. The Committee on Appropriations have instructed me to move that this amendment be concurred in.

The motion was agreed to; there being—ayes 98, noes 10.

The eighth amendment was read, as follows:

Page 2, line 25, strike out "twenty" and insert "thirty;" so as to read: "Post-office and other office furniture, \$30,000."

Mr. TOWNSHEND. Mr. Speaker, this amendment makes an increase of \$10,000. In accordance with the instruction of the committee I move concurrence.

The motion was agreed to; there being—ayes 101, noes 12.

The tenth amendment was read, as follows:

Page 3, line 4, strike out "and ten" and insert "five hundred;" so as to read: "For inland mail transportation, namely: For transportation on railroad routes, \$14,500,000."

Mr. TOWNSHEND. I am instructed by the Committee on Appropriations to move non-concurrence in that amendment.

The amendment was non-concurred in.

The next amendment was read, as follows:

After the word "thereof" insert "and reduced by the act of March 3, 1883, to 2 cents for each half ounce or fraction thereof;" so it will read:

Office of the Third Assistant Postmaster-General: For manufacture of adhesive postage-stamps and of newspaper and periodical stamps, \$174,000. That upon all matter of the first class, as defined by chapter 180 of the laws of Congress, approved March 3, 1879, entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes," and by that act declared subject to postage at the rate of 3 cents for each half ounce or fraction thereof, and reduced by the act of March 3, 1883, to 2 cents for each half ounce or fraction thereof, postage shall be charged, on and after the 1st day of July, 1883, at the rate of 2 cents per ounce or fraction thereof; and drop letters shall be mailed at the rate of 2 cents per ounce or fraction thereof, including delivery at letter-carrier offices, and 1 cent for each ounce or fraction thereof where free delivery by carrier is not established.

Mr. TOWNSHEND. As instructed by the Committee on Appropriations, I move concurrence in that amendment.

Mr. ADAMS, of Illinois. I should like to have some explanation of it.

Mr. TOWNSHEND. It is a mere formal amendment and only makes the original text more specific. For myself I do not think the amendment is necessary, but the Senate disagrees with the House in reference to that matter, and I have been instructed to move concurrence.

The amendment was agreed to.

Eleventh amendment:

Strike out the words "to bona fide subscribers" and insert "including sample copies;" so it will read:

"That all publications of the second class, except as provided in section 23 of said act, when sent by the publisher thereof, and from the office of publication, including sample copies, or when sent from a news agency to actual subscribers thereto."

Mr. TOWNSHEND. I have been instructed by the Committee on Appropriations to move non-concurrence. I will say this is the amendment about which most of us here have received a great many communications from a certain class of newspaper publishers. I think it would be better for the House to put this question in conference, where it is possible we may reach some agreement, which perhaps we may not be able to do here this afternoon.

The only difference between this and the original text is that it restores the law enabling newspaper publishers to send sample copies.

Mr. BINGHAM. I move to concur.

Mr. TOWNSHEND. I hope my friend will not press that motion, because it will lead to delay.

Mr. BINGHAM. Have I the floor?

The SPEAKER. The gentleman has the floor and will proceed.

Mr. BINGHAM. I desire to state that when this section of the Post-Office bill was before the House the paragraph relating to sample copies was not even referred to or discussed in any way whatever, and while I thought I had some familiarity with the bill I am free to say I had overlooked this section entirely. I believed it had been the purpose of the committee reporting this bill when they reduced newspaper postage from 2 cents a pound to 1 cent a pound to make that reduction consistent with existing law—that it was a reduction of 1 cent a pound throughout the entire law. But it is not so. Under the present law newspaper postage from a known office of publication to subscribers goes at the rate of 2 cents a pound, sample copies included. The bill reduces newspaper postage to 1 cent a pound, and makes sample copies 4 cents a pound. It doubles the rate of postage on sample copies, and if I am permitted to refer to a discussion in another place where this section was fully discussed, I will state that when the matter was explained it was unanimously adopted as being a fair adjustment and consistent with the action of the committee on another section.

Now, sir, in another section you will reach you say to these newspaper publishers you can send your sample copies at the rate of 1 cent if they weigh an ounce and then it repeals all other acts inconsistent with that act. Permit me to say to the gentleman that under the law today, which we passed at the first session of this Congress, newspaper publishers, if they could not to-day send under the pound rate, may, under public act No. 46, as he can and I can when we send through the mails miscellaneous papers.

Further, by the section which he proposes to hold on to, in the next amendment to the bill he wipes out absolutely that act (public 46) which allows a citizen to send four ounces of newspaper matter for 1 cent. It was patent to the judgment of the House that the two ounces for 1 cent covered but a few of the large publications of the country. Before the Committee on the Post-Office and Post-Roads the large metropolitan papers were weighed, and, with a single exception, almost every one was between three and four ounces in weight. The popular judgment has been that any paper could go through the mails for 1 cent, but we find the greater number weighed over two ounces; and therefore the Committee on the Post-Office and Post-Roads brought into this House a bill fixing the rate for transient newspapers at 1 cent for four ounces.

The result of that action has been that instead of having in the large offices thousands of newspapers daily held for postage and sold for waste paper, they are transmitted through the mails at 1 cent for four ounces. The bill of the gentleman from Illinois, as we passed it through the House, repealed that act, and it did further: it doubled the rate on newspaper publishers in sending sample copies by increasing the postage from 2 to 4 cents, when it reduced the rate on their regular open editions to 1 cent per pound.

The matter was discussed elsewhere, and every member in this House has doubtless received his communications from the publishers of these great newspapers that for all the publications going out their offices they want one rate of postage; and I had thought that such was the purpose the gentleman had in view in presenting the bill. It was the purpose of the Committee on Post-Offices and Post-Roads when they recommended the postal bill to the House, and when their distinguished chairman appeared before the Committee on Appropriations.

How much time have I remaining?

The SPEAKER. The gentleman has occupied four minutes.

Mr. BINGHAM. I will reserve the remaining time.

Mr. TOWNSHEND. Mr. Speaker, the first proposition introduced in Congress to reduce newspaper postage was introduced by myself in the last Congress. It was referred to the committee of which the gentleman from Pennsylvania was chairman. That committee then entirely ignored the question. It took no action on the subject until during this Congress.

Mr. BINGHAM. The gentleman is entirely welcome to all the distinction which is properly due to him for his efforts in that direction. I am willing that he shall have all the credit.

Mr. TOWNSHEND. The gentleman is not more anxious to see a reduction of newspaper postage than I am. Now, when the Committee on Appropriations had this bill under consideration I offered an amendment to reduce the postage on newspapers one-half; my amendment went no further. That amendment was adopted by the committee. Afterward the Postmaster-General appeared before our committee and recommended that we restrict the law allowing sample copies to go through the mails. He urged as a reason that many merely advertising sheets had taken advantage of this law and were using the mail facilities to flood the country with advertisements of lottery, patent medicines, and other schemes at pound rates. Therefore, the Postmaster-General recommended a modification of the law in respect to sample copies by restricting them to the use of this privilege twice a year.

The Committee on Appropriations, after careful consideration, concluded that if it was wrong to allow them to send sample copies under these circumstances more than twice a year, it was wrong to allow them to be sent at all, and that they should be forbidden altogether. The

committee therefore modified my amendment so as to forbid sample copies from being sent at any other than the same rates at which transient newspapers are allowed to go through the mails. That amendment was brought in here by me under the instructions of the committee, and the House adopted it. It was discussed then by my intelligent friend from Pennsylvania.

Mr. BINGHAM. The gentleman is entirely mistaken; that section of the bill was never alluded to in that discussion. It was not discussed one minute on this floor.

Mr. TOWNSHEND. The RECORD will show that the gentleman himself not only discussed it, but offered an amendment to that very provision, which was adopted.

Mr. BINGHAM. The gentleman is in error wholly.

Mr. TOWNSHEND. Now I have received a very large number of communications from newspaper publishers on this question, more than, perhaps, any other member of this House. I have received nearly five hundred letters from a certain class of papers, not strictly newspapers, but papers promoting special objects, mostly weekly papers, scientific periodicals, many of them very worthy and valuable papers, but a great many of them merely advertising sheets. Among all of these letters none will be found from purely daily newspapers, and I have received but very few from country newspapers. The country newspapers, as a rule, and the daily press also, are satisfied with the provision as recommended by the Committee on Appropriations and adopted by the House.

I believe it would be well to allow papers to send sample copies for the purpose of extending their circulation, but believe that the exercise of this privilege two or three times a year would be sufficient to promote circulation and secure subscribers.

Now I desire that this question shall go to a conference committee, where we can reach an agreement or a compromise after a general interchange of views. But the gentleman from Pennsylvania insists upon forcing it here upon the House. That being the case, I must meet it now. I believe, as the Postmaster-General believes, that this privilege is greatly abused by a certain class of newspapers, and that we should restrict the sending of sample copies to some extent at least. I am willing to allow the question to be considered by a conference committee, who may, after a full investigation of the subject, agree upon some reasonable plan in that respect which will satisfy reasonable demands; but to open the mails to an unlimited extent to every advertising sheet throughout the country every day in the year is a proposition to which I am opposed.

[Here the hammer fell.]

Mr. BINGHAM. I believe I have one minute remaining. I desire in that time to make just this statement to the House: that no newspaper can go through the mails at second-class rates, as proposed by this bill, at 1 cent a pound until it has been duly registered at the post-office from which it goes under the sworn statement of the publisher of that paper. Therefore the gentleman's statement as to patent-medicine circulars and lottery publications and advertising sheets, and papers generally of that kind, is effectually disposed of.

Now a further fact: the gentleman incorporates in this bill, authorizing this amendment, the provision that they can send their sample copies at 1 cent for each four ounces, and then wipes out all other laws existing on the subject.

[Here the hammer fell.]

Mr. ANDERSON. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ANDERSON. Would it be in order to move to strike out the last word?

The SPEAKER. There is no last word. It is a motion to concur. The question is on the motion of the gentleman from Pennsylvania [Mr. BINGHAM] to concur in the amendment.

The House divided; and there were—ayes 67, noes 43.

Mr. TOWNSHEND. I call for tellers.

Mr. HOLMAN. No quorum.

The SPEAKER. The point is made that a quorum has not voted. The Chair will appoint as tellers the gentleman from Illinois, Mr. TOWNSHEND, and the gentleman from Pennsylvania, Mr. BINGHAM.

ENROLLED BILL SIGNED.

Mr. PETERS, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill and joint resolution of the following titles; when the Speaker signed the same:

A bill (S. 1609) to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich; and

Joint resolution (S. R. 109) authorizing the loan of certain flags and bunting to the committee on inauguration ceremonies.

POST-OFFICE APPROPRIATION BILL.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania to concur in the Senate amendment.

The House divided; and the tellers proceeded to count the vote.

The SPEAKER. Will the tellers report the affirmative vote?

Mr. ANDERSON. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ANDERSON. Is it in order to call the attention of the Chair

to the fact that the hour of 5 o'clock, when under the order of the House a recess should be taken, has arrived?

The SPEAKER. The Chair takes notice of the fact himself, and now declares the House in recess until 8 o'clock this evening.

The gentleman from New York [Mr. BAGLEY] will occupy the chair as Speaker *pro tempore* at the evening session.

EVENING SESSION.

The recess having expired, the House reassembled at 7 o'clock p.m., Mr. BAGLEY in the chair as Speaker *pro tempore*.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Clerk will read the order under which the House meets this evening.

The Clerk read as follows:

That until the further order of this House, on each Friday the House will take a recess at 5 o'clock until 8 p.m., at which evening sessions bills on the Private Calendar reported from the Committee on Pensions and the Committee on Invalid Pensions shall be considered.

February 13, 1885.—Amended so as to include bills for the removal of political disabilities reported by the Judiciary Committee and Senate bills on the Speaker's table for the removal of political disabilities.

LEAVE TO PRINT.

The SPEAKER *pro tempore*. The Chair desires to present the personal request of a member which was overlooked at the time the recess was taken.

The Clerk read as follows:

Mr. HEWITT, of New York, asks unanimous consent to print remarks on the bill (H. R. 7366) being a bill to carry into effect the convention between the United States of America and the United States of Mexico, signed on the 20th day of January, 1883.

Mr. ANDERSON. Ought not that to go over till to-morrow? Is it important that that request should be granted to-night?

The SPEAKER *pro tempore*. The permanent Speaker informed the present occupant of the chair that it was proper this request should be submitted.

Mr. ANDERSON. This will not be considered as a precedent for bringing in any other business to-night?

The SPEAKER *pro tempore*. Not at all.

There being no objection, the request of Mr. HEWITT, of New York, was granted.

ROBERT CAREY.

Mr. HILL. I ask unanimous consent to take from the Speaker's table the bill (H. R. 6011) granting an increase of pension to Robert Carey, with an amendment by the Senate. It is only a technical amendment. A mistake was made in spelling the man's name.

Mr. ANDERSON. All right.

There being no objection, the bill (H. R. 6011) was taken from the Speaker's table, and the Senate amendments were read, as follows:

In line 3, strike out "Robert Carey" and insert "Robert Cary."
Amend the title so as to read: "An act granting an increase of pension to Robert Cary."

The amendments of the Senate were concurred in.

Mr. HILL moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the Senate amendment to the fifth amendment of the House to the bill (S. 66) providing for allotment of lands in severalty to the Indians residing on the Umatilla reservation in the State of Oregon, and granting patents therefor, and for other purposes.

The message further announced that the Senate has passed the bill (H. R. 6658) to provide for the sale of the Sac and Fox Indian reservation in the States of Nebraska and Kansas, and for other purposes, with amendments, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. DAWES, Mr. HARRISON, and Mr. COKE as conferees on the part of the Senate.

The message further announced that the Senate insisted upon its amendments to the bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1886, and for other purposes, disagreed to by the House of Representatives, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. DAWES, and Mr. COCKRELL as conferees on the part of the Senate.

The message further announced that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. 847) for the relief of Francis B. Van Haesen;

A bill (H. R. 851) for the relief of the heirs of Mary Jane Vezie, deceased;

A bill (H. R. 948) for the relief of John M. Dorsey and William F. Shepard;

A bill (H. R. 1132) to place J. Washington Brank on the muster-rolls of Company B, Second North Carolina Mounted Infantry;

A bill (H. R. 1566) for the relief of O. L. Cochran, late postmaster at Houston, Tex., reimbursing him for moneys erroneously collected from him by the Post-Office Department;

A bill (H. R. 1567) for the relief of the legal representatives of the late Capt. John G. Tod, of the Texas navy;

A bill (H. R. 2158) for the benefit of John C. Herndon;

A bill (H. R. 2185) for the relief of Rosa Ventner Jeffrey and others;

A bill (H. R. 4686) for the relief of Fendall Carpenter;

A bill (H. R. 5452) for the relief of John W. Martin;

A bill (H. R. 5747) to authorize an increase of the capital stock of the First National Bank of Larned, Kans., not to exceed \$250,000;

A bill (H. R. 6824) authorizing the President of the United States to appoint one passed assistant engineer now on the retired-list of the Navy a chief engineer on the retired-list of the Navy;

A bill (H. R. 8034) for the relief of the estate of Hugh and Byrd Douglas, deceased;

A bill (H. R. 7655) granting an increase of pension to the widow of Maj. Thomas T. Thornburgh, late of the United States Army;

A bill (H. R. 7830) granting a pension to the widow of the late Commander S. Dana Greene, of the United States Navy;

A bill (H. R. 4280) to increase the pension of Mrs. Martha C. Breese;

A bill (H. R. 1813) granting an increase of pension to Anne Cornelia Lanman;

A bill (H. R. 1091) granting an increase of pension to Sophia A. Morgan, widow of the late Charles H. Morgan, a brevet brigadier-general in the United States Army; and

A bill (H. R. 7659) granting a pension to Mrs. Emily L. Alvord.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 993) for the relief of Maria G. Dunbar;

A bill (S. 1811) granting a pension to Annie T. Dicks;

A bill (S. 2666) to provide for the printing of the report and proceedings of the commission to provide suitable ceremonies at the dedication of the Washington Monument;

A bill (S. 957) granting a pension to Margaret D. Marchand;

A bill (S. 2359) granting a pension to M. Louise Butler;

A bill (S. 2448) for the relief of Sally C. Mulligan;

A bill (S. 2654) granting a pension to Charles F. Hildreth;

A bill (S. 2661) granting a pension to Miss Amelia J. Gill;

A bill (S. 2662) granting an increase of pension to Ella W. Thornton, widow of Capt. James S. Thornton, late of the United States Navy;

A bill (S. 2665) granting an increase of pension to Ann Atkinson;

A bill (S. 2620) granting a pension to Thomas H. Boaz;

A bill (S. 2546) granting a pension to Charlotte C. B. Hatch; and

A bill (S. 2619) granting a pension to Martha Hughes.

ORDER OF BUSINESS.

Mr. MORRILL. Mr. Speaker, I move that the pension bills just received from the Senate be referred to the Committee on Invalid Pensions.

The motion was agreed to.

Mr. MATSON, from the Committee on Invalid Pensions, reported favorably bills of the following titles; which were referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed:

A bill (S. 1877) granting an increase of pension to John Hall;

A bill (S. 2245) granting a pension to William N. Morris;

A bill (S. 2302) granting a pension to John Lowe;

A bill (S. 2279) granting a pension to Lewis L. Canady;

A bill (S. 2316) granting a pension to Mrs. Cordelia Brainerd Thomas;

A bill (S. 544) granting an increase of pension to Elijah W. Penny;

A bill (S. 2367) granting a pension to Sarah A. White;

A bill (S. 1739) granting a pension to the widow and children of the late Byram Pitney;

A bill (S. 2437) granting a pension to Mrs. Mary Gordon;

A bill (S. 2125) granting a pension to Sarah Jane Prince; and

A bill (S. 2527) granting a pension to Robert Sheridan.

Mr. MORRILL, from the Committee on Invalid Pensions, reported favorably bills of the following titles; which were referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed:

A bill (S. 2620) granting a pension to Thomas H. Boaz;

A bill (S. 2546) granting a pension to Charlotte C. B. Hatch; and

A bill (S. 2619) granting a pension to Martha Hughes.

Mr. MATSON, from the Committee on Invalid Pensions, reported favorably bills of the following titles; which were referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed:

A bill (H. R. 7907) granting a pension to Matilda Cody; and

A bill (H. R. 603) granting a pension to Rachel Nickel.

Mr. MATSON, from the Committee on Invalid Pensions, reported adversely a bill (H. R. 3760) granting a pension to J. Combe; which was laid on the table.

Mr. MORRILL, from the Committee on Invalid Pensions, reported

bills of the following titles; which were referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed:

- A bill (S. 2443) granting an increase of pension to Polly Young;
- A bill (S. 1113) granting a pension to Ann C. Manchester;
- A bill (S. 2153) granting a pension to Benjamin F. Brockett;
- A bill (S. 1836) granting a pension to Sarah Hagne; and
- A bill (S. 1612) granting a pension to Bryson R. McCartney.

Mr. CULLEN, from the Committee on Invalid Pensions, reported favorably bills of the following titles; which were referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed:

- A bill (S. 2262) granting a pension to Sedate T. Martin; and
- A bill (S. 1633) granting a pension to James Bond.

Mr. HOLMES, from the Committee on Invalid Pensions, reported favorably bills of the following titles; which were referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed:

- A bill (H. R. 8237) granting a pension to Mary J. Dickson; and
- A bill (H. R. 8155) granting a pension to Addie L. Moore.

Mr. HOLMES, from the Committee on Invalid Pensions, reported adversely a bill (H. R. 7757) granting a pension to Elizabeth Crawford which was laid on the table.

ROBERT J. BALLORT.

Mr. WINANS, of Michigan, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2268) for the relief of Robert J. Ballort; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARY HOWARD FARQUHAR.

Mr. WINANS, of Michigan, from the Committee on Invalid Pensions, also reported back adversely the bill (S. 1960) for the relief of Mary Howard Farquhar; which was laid on the table, and the accompanying report ordered to be printed.

DUNCAN L. CLINCH.

Mr. NICHOLLS. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. 1911) for the relief of Duncan L. Clinch, of the State of Georgia.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That Duncan L. Clinch, a citizen of the State of Georgia, be, and he is hereby, relieved of all political disabilities imposed upon him by the fourteenth amendment to the Constitution of the United States.

There being no objection, the bill was taken from the Speaker's table, read three times, and passed (two-thirds voting in favor thereof).

JOHN E. DENHAM.

Mr. JAMES. I ask to have taken from the Speaker's table, for concurrence in an amendment of the Senate, the bill (H. R. 5798) granting a pension to John E. Denham.

There being no objection, the bill was taken from the Speaker's table, and the following amendment of the Senate was read and concurred in:

In lines 4 and 5 strike out the following: "and grant him a pension of \$8 a month from the passage of this act."

JEREMIAH M'CARTY.

Mr. SPOONER. I ask unanimous consent that the bill (H. R. 6029) for the relief of Jeremiah McCarty be taken from the Speaker's table for concurrence in a Senate amendment.

There being no objection, the bill was taken from the Speaker's table and the following amendment of the Senate read and concurred in:

In lines 5 and 6 strike out the words "of fifty dollars per month" and insert "at the rate to which a private soldier is and shall be entitled by law for like disabilities."

ORDER OF BUSINESS.

Mr. MATSON. I move that the House now resolve itself into Committee of the Whole on the Private Calendar for the purpose of considering business under the special order for the Friday evening session.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole on the Private Calendar, Mr. HATCH, of Missouri, in the chair.

Mr. MATSON. I ask unanimous consent that Senate bills be first considered in the order in which they stand upon the Calendar.

There being no objection, it was so ordered.

JOHN HALL.

The first business on the Private Calendar was the bill (S. 1877) granting an increase of pension to John Hall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions of the pension laws, the name of John Hall, late a private in Company B, Tenth United States Infantry, Mexican war, at the rate of \$30 per month, in lieu of the \$3 per month heretofore allowed him, as specified in pension certificate 3170.

Mr. MILLER, of Pennsylvania. If there is a report in this case I ask that it be read.

The report (by Mr. MATSON) was read, as follows:

Your committee has had under consideration Senate bill No. 1877, and report

the same back to the House with a recommendation that it do pass; and they have adopted the Senate report in this case as the favorable report of this committee.

The claimant was a private in Company B, Tenth New York Volunteers, and was injured on the 10th day of May, 1847, while in the service and in line of duty. While on drill at or near Fort Hamilton, N. Y., in crossing a fence he was suddenly and violently thrown down and the end of a rail striking him in the lower part of the body caused a large rupture which required a severe surgical operation to save his life, which was in imminent peril from the injury. The injury resulted in double inguinal hernia. The proof of the injury, surgical operation, and resulting hernia is clear and convincing. He was discharged on account of this injury and disability the 24th day of July, 1847. He applied for a pension and was placed on the pension-roll in 1847 at \$4 per month, and in 1852 his pension was increased to \$8, which rate he has been since paid and is now receiving. In 1853 he became totally blind, and in 1874 suffered a paralytic stroke, since when he has been a great charge upon his aged wife and two daughters, being unable to dress or undress himself without assistance.

In 1883 he made an application for an increase on account of an increase of his disabilities, claiming that his lost eyesight and paralysis resulted from his original injuries. The medical referee gave it as his opinion that the blindness and paralysis were not the results of the original injury. It can not be expected that laymen will usually oppose their opinions or views against the opinions of medical men, but in this case the evidence is so clear, and the fact that the neuralgia which terminated in blindness was connected with the surgical operation so distinctly shown, that your committee can hardly doubt that the medical referee in this instance is mistaken.

The surgeon performing the operation says in his certificate, under date of the 13th July, 1847, that the injury rendered "an operation necessary for strangulated hernia which was performed by myself; the injury and consequent operation have been followed by debility and lameness, which still continues." The claimant in his own affidavit says, in speaking of the operation, that—

"He had to lay while undergoing treatment * * * with his head and shoulders much lower than the rest of his body, in which position he remained for thirty days. * * * Neuralgia set in, and on being released from this position his eyes were affected, and he suffered from neuralgia to the present time."

This was in 1883. He also says that the "neuralgia pains burst his eyeballs, and the aqueous humor of the eyes escaped, leaving him blind." He also says that after the operation he frequently felt a numbness in his limbs and side and want of nerve sensibility, and was at times almost deprived of motive power, which continued up to 1874, when he had a severe stroke of paralysis. From these facts your committee are constrained to believe that the blindness and paralysis of this soldier were resulting conditions from the original injury he received and the operation he was compelled to undergo, and think that justice requires that his pension should be increased. Therefore your committee recommend the passage of this bill.

Mr. BELFORD. I move to amend this bill by adding the provision which I send to the desk.

The Clerk read as follows:

That the sum of \$500,000 be appropriated for the construction of a home for the orphan children of the Union and Confederate soldiers of the Republic, at the city of Fredericksburg, in the State of Virginia, said sum to be expended under the direction of the Secretary of War.

Mr. KEAN. I make a point of order on this amendment.

Mr. HEWITT, of Alabama. I make the point of order that this amendment is not germane to the bill.

Mr. BELFORD. I ask that the point of order be reserved till I can make a statement.

The CHAIRMAN. The Chair will hear the gentleman from Colorado for five minutes upon the point of order.

Mr. BELFORD. Mr. Chairman, the shadows of fifteen years have floated over this Republic and the unhappy memories of the war should be forgotten now and forever. You gentlemen from the South should have at least the courage of a Northern Republican to take care of the orphans produced by the war in the South. It was a war of the politicians in which the poor people suffered and were conscripted into the army; and I propose that their little children shall be provided for just as the children of soldiers of the Union Army have been provided for.

When the Greeks, the moderns of ancient civilization, achieved a victory in civil war they celebrated that victory by erecting a monument of wood which would perish under the abrasions and erosions of the atmosphere. When they achieved a victory over a foreign foe, they erected a monument of bronze. [At this point Mr. BELFORD walked toward the Democratic side of the House.]

Mr. BROWNE, of Indiana. I make the point of order that the gentleman has no right under the rules to speak except from his seat.

Mr. BELFORD. Then I will go to my seat. I will obey the perfunctory order of the distinguished brigadier from Indiana.

Now, what did England do after her great civil war between the White Rose and the Red Rose? She blended them together and made England the great nation of her day. Are we to carry out the prejudices of certain gentlemen on this floor and overlook the fact this is our magnificent nation from the northern lakes to the southern gulf, from the Atlantic Ocean to the Pacific, upon which floats the commerce of our country?

I have offered this amendment in the interest of reconciliation, of peace, of recognition of the fact we are one nation to-day, and will remain so I hope forever. [Applause.]

The CHAIRMAN. The Chair sustains the point of order and the amendment is ruled out.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM N. MORRIS.

The next business on the Private Calendar was the bill (S. 2245) granting a pension to William N. Morris.

The bill, which was read, provides that the Secretary of the Interior be authorized and directed to place on the pension-roll, subject to the

limitations and provisions of the pension laws, the name of William N. Morris, late a private in Company F, Seventeenth Regiment Indiana Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN LOWE.

The next business on the Private Calendar was the bill (S. 2302) granting a pension to John Lowe.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Lowe, late of Company F, Fifty-third Regiment Indiana Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

LEWIS L. CANADY.

The next business on the Private Calendar was the bill (S. 2279) granting a pension to Lewis L. Canady.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lewis L. Canady, late a private in the war of 1812.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. CORDELIA BRAINERD THOMAS.

The next business on the Private Calendar was the bill (S. 2316) granting a pension to Mrs. Cordelia Brainerd Thomas.

The bill, which was read, authorizes the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Cordelia Brainerd Thomas, widow of the late Rev. E. Thomas, who was killed by the Modoc Indians in 1873 while acting as a member of the Peace Commission sent by the United States Government to treat with said Indians, and to pay her from and after the passage of this act, during her widowhood, the sum of \$50 a month.

Mr. PETERS. I would like to hear the report in that case read. The Clerk read as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2316) granting a pension to Mrs. Cordelia Brainerd Thomas, having considered the same, beg leave to report it back with a recommendation that it be amended by inserting the word "twenty," after the words "sum of," in the eleventh line of said bill; so it shall provide payment to Mrs. Cordelia Brainerd Thomas of the sum of \$20 a month—

Mr. PETERS. I do not ask for the reading of any more of the report, as I see the amendment limits it to \$20 a month.

Mr. MATSON. The Senate proposition was to give her a pension of \$50 per month. Her husband was with General Canby at the time he was killed. He was a minister of the gospel. The amendment proposes to give her the pension of a chaplain.

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ELIJAH W. PENNY.

The next business on the Private Calendar was the bill (S. 544) granting an increase of pension to Elijah W. Penny.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elijah W. Penny, late lieutenant-colonel of the One hundred and thirtieth Regiment Indiana Volunteers, at the rate of \$42 per month, in lieu of the \$36 per month heretofore allowed him as certified in pension certificate 76144.

Mr. MILLER, of Pennsylvania. I ask the gentleman from Indiana why this pension is increased from \$36 to \$42 per month, and why the claimant comes here instead of going to the Pension Office?

Mr. MATSON. I take pleasure in informing the gentleman from Pennsylvania his coming here grows out of the fact there is a defect in the law. There is no rate of pension between \$24 and \$50 per month.

Mr. MILLER, of Pennsylvania. Is there not a rate of \$30 a month? Mr. MATSON. There is for specific disability, but there is no rate for general disability. Colonel Penny received two gunshot wounds, and receives a pension for disability not specific as to one. He has an arm off, and gets \$30 a month. He has another gunshot wound which entitles him to more than he is receiving.

Mr. MILLER, of Pennsylvania. Is it not a fact if the claimant was disabled in a certain degree he can receive \$30 or \$40 a month?

Mr. MATSON. No, sir; there is no rate of \$40 per month.

Mr. MILLER, of Pennsylvania. What is the next rate above \$30?

Mr. MATSON. It is \$50.

Mr. MILLER, of Pennsylvania. Why should there be an exception made in this particular case? Are there not other persons in the same condition who would be entitled to the same relief?

Mr. MATSON. My judgment is that the law is essentially deficient in this particular, and I think my friend from Indiana, the former chairman of the Committee on Invalid Pensions, General BROWNE, will agree with me, as I believe I have heard him express the same sentiment before.

I will state to the gentleman from Pennsylvania that there are cases of men who are suffering from disability from wounds who are not in that helpless condition that requires the regular attendance of other persons, so as to bring them within the law; and hence they can not receive the pension of \$50, but they are worse disabled than if they had lost one arm or a leg; and so to apply relief in cases of that kind we have these special bills of which the gentleman speaks.

Mr. BROWNE, of Indiana. Mr. Chairman, the difficulty is that the general law fixes the rates for specific disability, and every gentleman of observation will readily understand that it is impossible under a general law to adequately adjust every possible character of disability that may arise. It is utterly impossible to do it; and just so long as we grant pensions at all and undertake to provide for them by general acts there will be instances in which appeals will be made to Congress to allow something in addition, perhaps above the lowest provided in the list of disabilities and lower than the highest or the next immediately preceding rate. But for myself I have a great deal more respect for those cases in which increases are granted than for many of those in which pensions are originally granted, because where there is an increase given there is no doubt of the existence of the disability.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH A. WHITE.

The next business on the Calendar was the bill (S. 2367) granting a pension to Sarah A. White.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. White, of Abington, Mass., widow of Ebenezer White, late a lieutenant in the Kansas cavalry volunteers.

Mr. HEWITT, of Alabama. I would like to know why it is necessary to grant relief in this particular case?

Mr. MATSON. To save time, I will ask the gentleman from Massachusetts [Mr. LONG], who I believe is familiar with the case, to state the facts.

Mr. LONG. What is the question of the gentleman from Alabama? Mr. HEWITT, of Alabama. I desire to know why it is necessary to apply to Congress for relief in this case.

Mr. LONG. I am not familiar with the circumstances. It is a bill which was examined by the Senate committee and passed the Senate. I presume the Senate report will convey the facts.

Mr. HEWITT, of Alabama. I ask for the reading of the report of the committee accompanying it.

The report (by Mr. LOVERING) was read, as follows:

Your committee have had under consideration Senate bill No. 2367, and report the same back to the House with the recommendation that it do pass, adopting the Senate report hereto attached as the favorable report of this committee:

"The evidence is somewhat conflicting, but the balance thereof is strongly in favor of the claim."

"The bill simply proposes to place the name of the applicant on the pension-roll as the widow of the soldier, and it appears that she is in great need."

"The evidence also discloses the fact that she rendered excellent service as an army nurse, and might well be pensioned at a higher rate for that service."

"Your committee recommend the passage of the bill."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

BYRAM PITNEY.

The next business on the Private Calendar was the bill (S. 1739) granting a pension to the widow and children of the late Byram Pitney.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the names of the widow and children of Byram Pitney, late of Company K, Twenty-sixth Regiment New Jersey Volunteers.

Mr. HEWITT, of Alabama. I would like to have some explanation of that bill, or else to have the report read.

The CHAIRMAN. The Chair will state that this is a very long report, and perhaps it will save time if some gentleman who is familiar with the facts will make an explanation.

Mr. BAGLEY. I think I can explain to the gentleman and to his satisfaction. It seems that this man received a severe wound in the neighborhood of the spine which gave him very serious trouble and for which he was pensioned. The man lived, it is true, until some time in 1883, but the disease of which he died proved to be continuous; that is to say that the diseased condition of his lungs, of which he finally died, dated back to his service in the Army and finally resulted in acute pneumonia. The medical testimony goes to show that it was directly on account of this disease, which resulted from the service and which finally culminated in acute pneumonia, that his death resulted. I believe it to be a good case, and hence it was reported favorably.

Mr. JOSEPH D. TAYLOR. Let me ask the gentleman were all of these cases examined by the House committee?

Mr. BAGLEY. They were, sir; all of them.

The CHAIRMAN. The Chair will state to the gentleman from Ohio that these bills have been all referred to the committee and reported back from the Committee on Pensions and Invalid Pensions.

Mr. JOSEPH D. TAYLOR. I so supposed.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY GORDON.

The next business on the Private Calendar was the bill (S. 2437) granting a pension to Mrs. Mary Gordon.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Mary Gordon, mother of Samuel F. Gordon, late a private in Company G, Sixteenth Regiment Ohio Volunteers.

The report (by Mr. LEFEVRE) is as follows:

Your committee have had under consideration Senate bill No. 2437 and report the same back to the House with the recommendation that it do pass, and they have adopted the Senate report hereto attached as a part of the report of this committee.

"The Committee on Pensions, to whom was referred the bill (S. 2437) granting a pension to Mrs. Mary Gordon, have examined the same, and report:

"That the claimant is the mother of Samuel F. Gordon, who applied for a pension at the Department, but her claim was rejected on the ground that the records of the War Department afford no information as to enlistment or service of the soldier.

"There appears to be ample evidence to show the dependence of the claimant as the mother of the soldier. Her husband died in 1837, and her son, the soldier, died unmarried. The only question to be considered is that of the soldier's service.

"William M. Ross, late first lieutenant of Company G, Sixteenth Ohio Volunteers, testifies that Samuel F. Gordon, the son of the claimant, enlisted October 2, 1861, in the forenoon, as a private in that company, and that in the afternoon the said Gordon was shot and killed by the accidental discharge of a pistol. He also swears that the captain of the company is dead, and the original muster-roll can not be obtained.

"This is corroborated by two comrades of the soldier, who swear to his enlistment and muster and accidental death.

"It also appears from the papers on file that the claimant is 82 years of age, and is and has been for many years a helpless invalid from partial paralysis; and also that she has been supported for seventeen years by a daughter who has been engaged in teaching. The daughter now states that, owing to her mother's increasing helplessness, she is unable to longer provide her a comfortable support.

"In view of all the facts in this case your committee report the bill with a recommendation that it do pass."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. MATSON. In order to save the time that would be occupied in reading these reports I ask that all of them may be printed in the RECORD.

The CHAIRMAN. If there be no objection it will be so ordered. There was no objection.

The CHAIRMAN. The Chair will state to the gentleman from Indiana that many of these reports just come from the committee are in manuscript, and it will be impossible to have them transcribed. The originals may be sent to the Public Printer under the order the gentleman from Indiana suggested, and which has just been made. If there be no objection it will be so ordered.

There was no objection.

SARAH JANE PRINCE.

The next business on the Private Calendar was the bill (S. 2125) granting a pension to Sarah Jane Prince.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Sarah Jane Prince, widow of the late Capt. Albert Prince, of the Fifteenth Regiment Massachusetts Volunteer Infantry.

The report (by Mr. LOVERING) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2125) granting a pension to Sarah Jane Prince, having examined the same, adopt the Senate report and recommend that the same do pass.

"The Committee on Pensions, to whom was referred the bill (S. 2125) granting a pension to Sarah J. Prince, have examined the same, and report:

"That the said Sarah J. Prince is the widow of Capt. Albert Prince, late captain of Company E, Fifteenth Massachusetts Volunteers. Captain Prince was a pensioner. He died March 2, 1881. The widow applied for a pension April 27, 1881. Her claim was rejected on the ground that she had been married previous to her marriage with the said Captain Prince, and that her husband by the first marriage is still living. She now applies to Congress to grant her a pension by special act.

"It appears in the evidence that the second marriage was contracted in the belief that the first husband was dead. She states the facts under oath, as follows, namely:

"On the 30th day of August, A. D. 1836, I was married to David K. Dyke, of Lyme, N. H., at Chelsea, in the State of Vermont; that thereafter I lived with said David K. Dyke, as his wife, at said Lyme, N. H., and at Lowell, in the State of Massachusetts, till the month of September, A. D. 1857, when the said David A. Dyke deserted me at said Lowell, taking with him all the money I earned the previous month for labor in the Merrimack mill; that since said David K. deserted me I have had no communication from him, though for some months after said desertion I wrote letters to him at said Lyme, N. H., asking him to return to me, which letters were never replied to by him; that I continued to reside at said Lowell, working in said mill, till October, A. D. 1859, when I came to Worcester, and have since that time resided here; that on the 9th day of December, A. D. 1865, I received a letter from Fanny M. Dyke, a sister of said David K. Dyke, a copy of which is hereby attached, marked A, informing me of the death of the said David K. Dyke. Coming from the sister of the said David K. Dyke I had no reason to doubt the truth of the information contained therein, and did not doubt the same till since the death of Capt. Albert Prince, formerly captain of the Fifteenth Regiment Massachusetts Volunteer Infantry, to whom I was married on the 24th day of December, A. D. 1865, and with whom after said marriage I lived as his wife till his death.

"After the death of the said Capt. Albert Prince, through the advice of P. F. Murray, of this city, a former comrade of Capt. Albert Prince, I made applica-

tion for a widow's pension, and after some time I was called upon to furnish the Pension Department with evidence of the death of my first husband. Captain Murray communicated with the town clerk of Lyme, N. H., with a view of obtaining the evidence called for, and from said town clerk came the information that the said David K. Dyke was alive.

"When I became acquainted with said Albert Prince I told him of my former marriage, and showed him the letter hereinbefore mentioned, and I was married under the firm belief that I was the widow of David K. Dyke."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ROBERT SHERIDAN.

The next business on the Private Calendar was the bill (S. 2527) granting a pension to Robert Sheridan.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Robert Sheridan, late a private in Company D, First Rhode Island Light Artillery.

The report (by Mr. LOVERING) is as follows:

The Committee on Invalid Pensions, to whom was referred bill (S. 2527) granting a pension to Robert Sheridan, having examined the same, and having adopted the Senate report, recommend that same do pass, a copy of the same being hereto attached:

"The Committee on Pensions, to whom was referred the bill (S. 2527) granting a pension to Robert Sheridan, have examined the same and report recommending its passage. The facts are stated in the petition, which we annex as the most convenient form of presenting them to the Senate:

"The honorable Senate and House of Representatives in Congress assembled:

"The undersigned, Robert Sheridan, of National Soldiers' Home, Togus, Me., late private Company D, First Rhode Island Light Artillery, respectfully represents that on the 18th day of June, 1873, at said national home (he being then an inmate of said institution as a disabled soldier), he was detailed by order of General William S. Tilton, commander of said home, to fire a salute on the occasion of Decoration Day observance, and that while so employed, through the carelessness of one of the men whose business it was to close the rent, the gun was prematurely discharged while your petitioner was ramming home the cartridge, thereby shattering his right arm so badly that it had to be amputated above the elbow.

"He further states that he is now in receipt of a small pension of \$4 per month. He now asks that in consideration of his misfortune, which has deprived him almost entirely of the means of obtaining a living, and as said wound was received while in the line of duty, acting under the orders of General Tilton, an officer of the United States and whose orders he was bound to obey, that he may be granted an increased pension, so that his rate may be \$24 per month, thereto now allowed by law for a similar disability; and, as in duty bound, will ever pray.

"ROBERT SHERIDAN.

"Late Private Company D, First Regiment Rhode Island Light Artillery.

"STATE OF MAINE,
County of Kennebec, ss:

"December 8, 1882, there personally appeared the above-named Robert Sheridan, and made oath that the facts as set forth in the foregoing petition are true in substance and fact, so far as they relate to the receiving of his wound and injury.

"Before me—
[SEAL.]

H. F. BLANCHARD,
Notary Public."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS H. BOAZ.

The next pension bill on the Private Calendar was the bill (S. 2630) granting a pension to Thomas H. Boaz.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas H. Boaz, late of Company H, Second Regiment Ohio Heavy Artillery.

The report (by Mr. MORRILL) is as follows:

Your Committee on Invalid Pensions, to whom was referred the bill (S. 2630) granting a pension to Thomas H. Boaz, having considered the same, respectfully report as follows:

The claimant, Thomas H. Boaz, was a private in Company H, Second Ohio Heavy Artillery. He was enrolled on the 12th of August, 1863, for three years, and was discharged August 29, 1865, to date August 23, 1865. He filed his application for pension on August 7, 1882, alleging disability by reason of being injured by the cars in the small of his back, shoulder, and left thigh, and for rheumatism, all incurred in the service on or about July 5, 1865, at Claysville, in the State of Ohio. The records of the Surgeon-General's office show treatment of the claimant at the general hospital, Camp Denison, Ohio, in August, 1865, for the injuries which the claimant alleges, and that he was returned to duty August 23, 1865. This was evidently only for the purpose of being discharged.

The testimony in the case proves conclusively that at date of enlistment the soldier was a stout, able-bodied man, free from any and all of the alleged ailments. That he continued to do regular service with his company until about the last of June, 1865, when he was granted a furlough for twenty days, cause not stated. That on the 5th of July, at Claysville, in the State of Ohio, he was injured by the cars in the manner stated, the testimony of one witness, who rendered him assistance at the time of the injury, and of the physician who treated him at the time, being on file. There is ample testimony also showing that from the time of his discharge the soldier suffered more or less from rheumatism, which has continued and increased in severity until, by the examining surgeon's certificate, claimant is shown to be totally disabled and helpless, and that he had to be brought into the office to be examined, and he pronounces the disease sciatica, with paralysis of the lower limbs. Your committee are of the opinion that this is a meritorious case, and calls for the immediate relief, and therefore return the bill with recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLOTTE C. B. HATCH.

The next business on the Private Calendar was the bill (S. 2546) granting a pension to Charlotte C. B. Hatch.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the restrictions and limitations of the pension laws, the name of Charlotte C. B. Hatch, dependent widow of Maj. E. A. C. Hatch, late of Hatch's Battalion Minnesota Volunteers.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred S. 2546 granting a pension to Charlotte C. B. Hatch, have examined the same, and report: That claimant is the widow of Edwin A. C. Hatch, major Independent Battalion Minnesota Cavalry, regularly mustered into the United States service, who was discharged July 7, 1864, on surgeon's certificate of disability. He was a sound, healthy man when he entered the service, and became disabled in the service, and had a continuing disability until his death. While the cause of death was reported as cholera morbus, still his health had been so much impaired and constitution broken by disabilities contracted by exposure and hardships in the Territory of Dakota, that he was not, by reason of such service, so able to withstand disease as could be done by a healthy and sound man.

Your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARTHA HUGHES.

The next business on the Private Calendar was the bill (S. 2619) granting a pension to Martha Hughes.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Martha Hughes, widow, whose husband was a member of Company E, Seventeenth Regiment Wisconsin Infantry.

The report (by Mr. MORRILL) is as follows:

Your Committee on Invalid Pensions, to whom was referred the bill (S. 2619), granting a pension to Martha Hughes, having considered the same, respectfully report as follows:

The claimant is the widow of John Hughes, late a corporal in Company E, Seventeenth Wisconsin Infantry Volunteers. As shown by the report of the Adjutant-General, the soldier enlisted on December 23, 1861, for three years, and was discharged at Corinth, Miss., on July 10, 1862, cause not stated. The regimental hospital records are not on file and there are no records of the regiment in the office of the Surgeon-General. It is shown by the testimony on file that the soldier was a stout, able-bodied man at the time of enlistment, and that when he was discharged from the Army he was suffering with chronic diarrhea, which incapacitated him for manual labor, and continued to the time of his death.

The soldier made application on account of disability from chronic diarrhea contracted near Shiloh, Tenn., in April, 1862, and states that he was treated in regimental hospital for said disease, and it is reasonable to suppose that this was the cause of his discharge, although the records are silent. His application for pension was filed October 1, 1881, but he died on the 4th of July, 1882, before the claim was finally proven up to the satisfaction of the Pension Office. The attending physician testifies that the death was the result of chronic diarrhea and tuberculous consumption, and states his belief that the diarrhea was the cause of the disease of the lungs. The widow (claimant herein) then made application for a pension in her own right, which was filed on August 2, 1882, but for reasons unknown to your committee it has not been allowed. Your committee think that the evidence in the case is sufficient to prove the incurrence of the disease in the service from which the soldier died, and we therefore report the bill back with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

POLLY YOUNG.

The next business on the Private Calendar was the bill (S. 2443) to increase the pension of Polly Young.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Polly Young, widow of Jesse Young, a soldier in the war of 1812, and pay her a pension from and after the passage of this act of \$30 a month in lieu of the pension she now receives.

Mr. HEWITT, of Alabama. I would like to ask the chairman of the Committee on Invalid Pensions—

Mr. BROWNE, of Indiana. I suppose that comes from the Committee on Pensions.

Mr. HEWITT, of Alabama. It should have gone to the Committee on Pensions; but I do not make a question about that. I would like to ask the chairman of the Committee on Invalid Pensions whether any of these bills were reported to the Senate adversely by the Senate Committee on Pensions, or whether this bill in particular was reported adversely.

Mr. MATSON. There was one case that I remember, that of Colonel Penny, the case we were discussing a few moments ago. The original bill in the Senate proposed to give him \$50 a month. The bill was finally amended so as to make the amount \$42. The remainder of these bills, so far as I now remember, and I think I have examined all of them, were reported favorably by the Committee on Pensions of the Senate. The bill I have spoken of proposed originally to give \$50 a month and was amended so as to make it \$42.

Mr. HEWITT, of Alabama. This bill now under consideration proposes to increase the pension of the widow of a soldier of the war of 1812 from \$8 to \$30 a month. Why is that done in this particular case?

Mr. MATSON. Let the report speak.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2443) granting an increase of pension to Polly Young, having examined the same, have adopted the Senate report, which is hereto attached, and made a part of their report, as follows:

The Committee on Pensions, to whom was referred the bill (S. 2443) granting

an increase of pension to Polly Young, have examined the same, and report as follows:

"That Polly Young is now 93 years of age, and receiving a pension of \$8 per month by reason of service of her husband in the war of 1812. The history of her family shows remarkable loyalty and devotion to the Republic, dating from the Revolutionary war. Her grandfather and four brothers were in that war. Her husband and three of her brothers were in the war of 1812. She had three sons. All did honorable and long service in the late rebellion. One of these sons, now an old man, furnishes from his small means her support in an humble way.

Every year the number of this class of aged pensioners is becoming less, while the infirmities of age increase and the necessity for care and attendance greater.

"A government, generous in its benefactions to the widows of those of high rank and brilliant service, can well afford to be just and generous to the widows of those who suffered and fought in the ranks, particularly when misfortunes render necessary aid from some quarter to smooth the pathway to the grave."

The committee recommend that the bill above referred to do pass.

ANN E. MANCHESTER.

The next business on the Private Calendar was the bill (S. 1113) granting a pension to Ann E. Manchester.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ann E. Manchester, the widow of Abel W. Manchester, deceased, who was a sergeant of Company H, Seventh United States Infantry.

The report is as follows:

Your committee have had under consideration the accompanying bill, and have adopted the Senate report in same, hereto attached:

"The Committee on Pensions, to which was referred the bill (S. 1113) granting a pension to Ann E. Manchester, has examined the same, and reports:

"That Abel W. Manchester was enlisted on the 2d of October, 1846, at New York, to serve five years, and was assigned to Company E, Seventh Regiment of United States Infantry, and served until September 1, 1851. His marriage with the said Ann E. Manchester is established, and they continued to live together as husband and wife to the date of his death, which occurred November 2, 1870.

"The widow applied for a pension and her application was rejected, 'because the records of the War Department do not show the existence of heart disease (which caused the soldier's death, November 2, 1870) in the service, and applicant is unable to show that said disease had its origin in the service.' This is the statement of the Commissioner of Pensions to the committee.

"The records of the War Department do show that the soldier served during the Mexican war, and that he is reported sick at Pueblo, Mexico, June 30, 1847, and again October 31, 1847, and again at Jefferson Barracks, Mo., October 31, 1848, but do not state the nature of sickness.

"It is in evidence that the soldier was sick when he returned home in 1851, and that he had at that time heart disease; that he continued disabled from said disease until he finally died. The widow has been unable to furnish the evidence of officers of her husband's company, because they are all dead, and they are so reported by the Adjutant-General of the Army. But she has furnished the evidence of persons acquainted with him, and who establish his disabled condition from the year of his discharge to the time of his death.

"In the opinion of your committee there is sufficient evidence to justify a favorable report on the bill, and it is accordingly so reported, with a recommendation that it do pass."

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

BENJAMIN F. BROCKETT.

The next business upon the Private Calendar was the bill (S. 2153) granting a pension to Benjamin F. Brockett.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Benjamin H. Brockett, late a captain Company I, Eighty-seventh Illinois Volunteer Infantry.

The report (by Mr. MORRILL) is as follows:

Your committee have had under consideration Senate bill No. 2153, granting a pension to the above-named claimant, and have adopted the Senate report as the favorable report of this committee, and as so reported they recommend the passage of the bill:

"The Committee on Pensions, to whom was referred the bill (S. 2153) granting a pension to Benjamin F. Brockett, have examined the same, and report:

"That Benjamin F. Brockett, late captain of Company I, Eighty-seventh Illinois Volunteers, entered the service August 15, 1862, and remained therein until December 10, 1863. He applied for a pension, and alleges that when he entered the service—

"He was a sound and healthy man * * * and that he was in good health and always ready for duty until about the 1st of June, 1863; that about that time he was ordered to take charge of a foraging expedition when in camp near Vicksburg, Miss., and had special orders to bring in beef for the hospital supplies; that he ordered the men under his charge to capture a wild Texas cow; that his men failed to capture her, and that in running past him he caught the cow by the horns, when he was thrown under her feet, trampled upon, and forced against a fence; that the men in endeavoring to assist him in her capture frightened her, and in her attempt to jump over the fence she trampled upon him on the lower right side of his abdomen, and on the left side above the hip-joint; that the injury to his right wrist-joint and right ankle were received at the same time; also the injury to the lower right side of his abdomen; that the injuries were so severe that he was unable to stand without assistance, and that his men carried him to a wagon and hauled him to Warrenton or Warrington, some eight miles below Vicksburg, where a part of the regiment was encamped."

"This statement is supported by the testimony of S. S. Gentry, D. M. Grulla, R. B. Graham, and B. J. Brockett, who were members of the same company and present when said injuries are alleged to have been received.

"On the case stated he claimed a pension for injury to wrist, thumb, and ankle, and rupture in the right side.

"During the pendency of this case in the Pension Office he was examined on three several occasions by examining surgeons of the pension service, and was each time reported at three-fourths total disability.

"The claim was finally rejected by the Commissioner of Pensions on the ground that the 'alleged disabilities have originated since discharge, as shown by evidence adduced by special examiners.'

"It does not seem to the committee that this was a just result. The evidence of the witnesses who testify to the incurrence of the disabilities from personal knowledge is not impeached, and there is but little in the testimony taken by the special examiners which can not be allowed to stand and still not disprove the fact that the injuries from which the claimant is now suffering were incurred as

he alleges. That they may have developed into more serious conditions than existed when the witnesses whose testimony was taken by the special examiners were examined, is doubtless true, and this very fact may have misled some of said witnesses. But when the case is considered as a whole, and in its several phases, the committee can but conclude that the disabilities of which the claimant complains did originate in the service. Considering the character of the claimant, as attested by his position in the community in which he resides, and the good reputation certified to by his fellow-citizens belonging to the Grand Army of the Republic in Kansas, who assert that he is a man incapable of attempting to 'receive a pension on fraudulent evidence,' the committee feel justified in reporting the bill to the Senate with the recommendation that it do pass."

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH HAGUE.

The next business on the Private Calendar was the bill (S. 1836) granting a pension to Sarah Hague.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah Hague, the dependent mother of W. C. Hague, late of Company L, Sixth New York Heavy Artillery.

The report (by Mr. HOLMES) is as follows:

Your committee have had under consideration the Senate bill granting a pension to Sarah Hague, No. 1836, and have adopted the Senate report recommending that the bill for her relief do pass:

"The Committee on Pensions, to which was referred the bill (S. 1836) granting a pension to Sarah Hague, has examined the same, and reports:

"That Sarah Hague is the mother of M. C. Hague, who was a private in Company L, Sixth New York Heavy Artillery. The soldier was enlisted January 4, 1864; was wounded in battle near Bethesda church, Va., May 30, 1864, was captured by the confederates, taken to Richmond, Va., and placed in rebel general hospital, where he died June 17, 1864. These facts appear from the records in the offices of the Adjutant-General and Surgeon-General, United States Army.

"The said Sarah Hague applied for a pension as a dependent mother. Her claim was rejected on the ground 'that the claimant was not dependent upon the soldier, as her husband was able to, and did, support her at the time of the soldier's death.'

"The committee is not of the opinion that this finding is supported by the record and proofs in the case. On the contrary, it does appear that the son did contribute to the support of his parents; that the husband was so afflicted with disease that the results of his labors were not sufficient to support the family, and that it required the efforts of all the members of the family, the assistance of friends, and the strictest economy to effect what the said finding of the Pension Office said the husband alone did. This being the case, the committee can but believe that this mother, whose son died in a rebel prison from wounds received in battle, and who had contributed to her support, and to whom she had looked for aid for years, is entitled to a pension. The bill is accordingly reported with a recommendation that it do pass."

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

BRYSON R. McCARTNEY.

The next business upon the Private Calendar was the bill (S. 1612) granting a pension to Bryson R. McCartney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Bryson R. McCartney, late of Company K, Ninth Regiment Illinois Infantry.

The report (by Mr. MORRILL) is as follows:

Your committee have had under consideration Senate bill No. 1612, granting a pension to the above named claimant, and they recommend the adoption of the Senate report in the case as the favorable report of this committee; and as so reported they recommend that the bill do pass. Senate report hereto attached:

"The Committee on Pensions, to whom was referred the bill (S. 1612) granting a pension to Bryson R. McCartney, having examined the same, report:

"That Bryson R. McCartney enlisted in Company I, One hundred and twenty-eighth Illinois Volunteers, September 26, 1862, and was discharged from the service January 9, 1864, on a surgeon's certificate of disability, from chronic rheumatism and general debility. In his application for a pension he alleged that he contracted rheumatism and general debility in the winter of 1862-'63, at Cairo, Ill., by reason of exposure while performing camp and garrison duty. His claim was rejected on the strength of a report made by a special examiner, submitting testimony from a number of former neighbors, going to show that claimant's disability existed prior to enlistment. This testimony shows that claimant had a severe illness two years previous to his enlistment, and was not in as good health afterward, but does not cover the time immediately before enlistment.

"On the other hand, claimant submitted the testimony of two physicians as to his soundness at enlistment; of his lieutenant, and of several neighbors to the same effect. The Pension Office surgeon, who examined him in 1877, pronounced him disabled in excess of total, and declared him 'too feeble to work.' This physician said that claimant's knees and right hand were stiffened, and that the sight of his left eye was nearly gone, and rated him as totally disabled by general debility and five-eighths of total by rheumatism.

"The committee has received petitions signed by a number of citizens of Greenwood County, Kansas, where claimant has resided for many years past, calling attention to his total disability and destitute condition. Claimant is 74 years of age, and has been totally disabled since his discharge. As his services were accepted by the Government we are disposed to give him the benefit of any doubt that may exist as to his soundness at enlistment, and therefore recommend the passage of the accompanying bill."

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

SEDATE P. MARTIN.

The next business on the Private Calendar was the bill (S. 2262) granting a pension to Sedate P. Martin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place upon the pension-roll, upon the evidence on file in the office of the Commissioner of Pensions, subject to the provisions and limitations of the pension laws, the name of Sedate P. Martin, late a private Company B, One hundred and forty-first Illinois Volunteers.

The report (by Mr. CULLEN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2262) granting a pension to Sedate P. Martin, having examined the same, have adopted the Senate report, which is hereto attached and made a part of their report, as follows:

"This soldier belonged to Company B, One hundred and forty-first Illinois Infantry Volunteers. He alleges that in August, 1864, while on a march near Caseyville, Ky., going down hill in the dark, he stepped into a depression and met with a severe shock which resulted in a constant pain in the left side; that he never went into hospital, but was soon mustered out of the service and returned home. The pain in his side continued after his return home, as his neighbors testify.

"The comrades who knew about his injury are dead, and his captain and lieutenant could not be found. There have been three medical examinations made by the Pension Office, which show that the disability is internal, and that its exact character and location can not be determined. He is described by the physicians as bent, wrinkled, and decrepit beyond his years, his general physical condition being broken and unsteady. His condition has brought on heart disease, and he has also become totally blind.

"The soldier and his wife have for some years been dependent wholly upon the charity of the community in which they live. He is vouched for as a worthy, deserving man, and, under all the circumstances, the committee report the bill for his relief favorably, and recommend that it do pass."

Mr. HEWITT, of Alabama. Mr. Chairman, if this man is to be put upon the pension-roll I would like to know what amount of pension he is to draw. It seems to me that it will be very difficult for the Pension Office to determine how this man should be rated. It is said that he is totally blind. If he is totally blind, and if that is the result of his service in the war, then, under the pension laws, he will be entitled to \$72 a month. If his blindness is not the result of his service in the war, and you place him upon the pension-roll under this special act, under the evidence that is filed in this Pension Bureau, as the bill provides, I would like the gentleman from Indiana [Mr. MATSON] to tell us what will be the amount of pension per month that this man will draw?

Mr. MATSON. Mr. Chairman, this bill is, I believe, in the usual form requiring the Secretary of the Interior to place this man on the pension-roll, subject to the provisions and limitations of the pension laws.

Mr. HEWITT, of Alabama. That is not my understanding of it. My understanding is that this bill requires him to be placed on the pension-roll "under the evidence that is filed in the Pension Office." Now, what does that mean?

Mr. MATSON. That means exactly what I have already stated. He is to be placed upon the roll, subject to the provisions and limitations of the pension laws, and I apprehend that unless he is rated it will be impossible for him to be placed there.

Mr. HEWITT, of Alabama. But how is he to be rated? Suppose he is totally blind now, and that his blindness did not result from his service in the Army, will he be rated as totally blind?

Mr. MATSON. Not unless he proves that his blindness was the result of his service.

Mr. HEWITT, of Alabama. But suppose the testimony tends to show that his blindness did result from his service, although the weight of testimony is the other way, and you place him upon the pension-roll by this special act, will not that be an instruction to the Pension Office to give him a pension for his blindness?

Mr. MATSON. If he had alleged blindness in his application to the Pension Office, and if Congress, after a review of that case and that allegation, should pass an act providing that he be placed on the pension-roll, I should say that when he came to be examined if the physicians found him to be blind he would be rated for blindness. If he alleged at the Pension Office an injury in the side, or an internal injury in any part of the body, and that particular allegation was considered by Congress, and in pursuance of it a bill passed requiring that he be placed on the pension-roll, subject to the provisions and limitations of the pension laws, that action would be construed as having been taken with reference to the precise injury or disease or wound that might have been alleged before.

Mr. HEWITT, of Alabama. Now, I wish to inquire whether this man's application in the Pension Office was based upon the ground of blindness—whether that was one of the allegations?

Mr. MATSON. I think not.

Mr. BROWNE, of Indiana. I would like to make an inquiry. Is this bill in the ordinary form, simply directing that the name of the person be placed on the pension-roll, subject to the provisions and limitations of the pension laws?

The CHAIRMAN. The Chair will cause the bill to be again read. The Clerk again read the bill.

Mr. BROWNE, of Indiana. That bill is very singularly drawn.

Mr. HEWITT, of Alabama. From the report which has been read it appears that this soldier filed an application for a pension upon the ground that one night, while walking along, he made a misstep, the consequence of which was a pain in his side, from which he was suffering at the time he was discharged. The Pension Office, after weighing the evidence put on file there, came to the conclusion that he was not suffering from any disability which originated in the service, and hence that office refused to grant him a pension.

This bill, which is not in the ordinary form, but which is extraordinary in its terms, directs that he shall be placed on the pension-roll upon the evidence filed in the Department, subject to the provisions and

limitations of the pension laws. Now, if the application made to the Pension Office was for a pension on account of total blindness—if that was the allegation of the application, and the applicant filed evidence showing that he was blind, but failing to show that the blindness resulted from service in the war—under these circumstances if Congress should direct that this man be placed upon the pension-roll, our act has reference to the application and evidence already filed, and would be construed as instructing the Pension Bureau to pay him a pension according to the disability under which he alleged he was suffering. If the allegation was total blindness, the Pension Bureau would have no ground upon which it could refuse to pay him a pension of \$72 a month, even though the evidence might go to prove that his blindness had nothing to do with his service in the Army, but resulted altogether from other causes.

Mr. BROWNE, of Indiana. The language of this bill is extraordinary; at least I do not remember another instance in which similar language has been used. Under the bill passed in this form the Pension Bureau would have nothing in the world to do except to place the name of the beneficiary on the pension-roll and ascertain the extent of his existing disabilities. He would be placed on the roll as being entitled to a pension; he would be referred to an examining board simply for the purpose of ascertaining the character of his disabilities, and he would be rated accordingly.

I do not believe that this bill, in its legal effect, differs in the slightest degree from our bills in the ordinary form, directing that the name of the beneficiary be placed on the roll, subject to the limitations and provisions of the pension laws; and in those cases it has always been held by the Commissioner of Pensions that the Pension Office has nothing to do in the nature of instituting an inquiry as to the manner in which the disability was incurred. The man may have been injured by an accident on the railroad or in a saw-mill or by a threshing-machine; yet when Congress, having sovereign legislative power, declares in this general way that a man is entitled to a pension, nothing is left for the Pension Office to do but to ascertain the character of his disabilities that he may receive a rating in conformity with the law. I feel sure that is precisely the condition in which this claimant will be left if this bill be made law. I have no objection to the bill. I shall support it, supposing that this man ought to be pensioned according to his disabilities.

Mr. PETERS. I wish to inquire of the gentleman whether that language in this bill which makes it extraordinary in its character is not surplusage.

Mr. BROWNE, of Indiana. I so esteem it. In this bill Congress, as I understand, does nothing more than to say that this man is entitled to a pension on the evidence. This language "on the evidence" is of no consequence, for Congress, without making any reference whatever to the evidence, may declare him entitled to a pension. The bill does not say the Pension Office shall grant a pension if, upon the evidence, the Commissioner believes him entitled to a pension. By the general law, as it now is, Congress gives the Pension Bureau that direction. It is the duty of that bureau under existing law to grant the claimant a pension on the evidence, if the evidence justifies such action on the part of the office. All that this bill does is to declare this man entitled to a pension on the evidence; and it refers the character of the disability to the Pension Office to be ascertained in order that it may be able to make a correct rating under the law. I have no doubt it is right that the bill should be in that form.

Mr. BUCHANAN. Mr. Chairman, this bill, if it has no greater effect than what the gentleman from Indiana, as I understand, would claim for it, can not be enforced in the Pension Office. This man has made his application there and filed his evidence; and the officials authorized to pass upon that evidence have declared that under the limitations of the pension laws he is not entitled to a pension. Now, if this bill is merely equivalent to the ordinary provision directing that a person be placed on the rolls subject to the limitations of the pension laws, if the bill does that and nothing more, this applicant can not get a pension under the bill.

Mr. BROWNE, of Indiana. Will the gentleman allow me to interrupt him?

Mr. BUCHANAN. With pleasure.

Mr. BROWNE, of Indiana. It is the standing rule of the Pension Committee and of Congress that no pension will be awarded by a pension act where it might be given under the general law until the evidence has been first examined in the Pension Bureau and the pension denied. So in nine hundred and ninety cases out of each thousand we pass here, we pass them over the head of the Pension Bureau in cases in which the Pension Bureau on the evidence has denied the pension altogether. That will be the effect exactly of this law.

Mr. BROWN, of Pennsylvania. That is to say, the act of Congress supplies the place of evidence.

Mr. BUCHANAN. Certainly. If the man is entitled to a pension under the limitations of the pension laws, then he ought to obtain it at the Pension Bureau. There is the place. And here is an appeal in this case from the decision of those officers. It is true that Congress may try that appeal and grant a pension either with or without cause. But I take it that every bill that is presented to Congress shows some reason why a gratuity should be conferred upon the claimant.

Mr. JOSEPH D. TAYLOR. Is it not your opinion that every man who was in the first place a good soldier, who was honorably discharged and had a good record, having existing disability, the origin of which we can not trace perhaps, and is without any present means of support—where these three things appear, as they do here, is it not your judgment in all such cases the soldier ought to be pensioned without making further inquiry.

Mr. BUCHANAN. It is not worth while for me to give my judgment what ought or ought not to be done. I stand by what is the law of the land, and that ought to be enforced.

Mr. BROWNE, of Indiana. Will the gentleman allow me to answer the gentleman from Ohio?

Mr. BUCHANAN. Certainly.

Mr. BROWNE, of Indiana. While I agree in the case put by him a pension should go, I wish to say quite distinctly it ought not to go in special cases; that a general law in such cases should pass so there may be a perfect equality of all occupying a common level.

I desire to say the meaning of "the provisions and limitations of the pension laws" as employed in pension bills is just this and no more, that the rating of the pension is to be subject to the provisions and limitations of existing law. That is, you ascertain the extent of the disability and grant the pension accordingly. If subsequently Congress should increase that rating then the pension goes up, but if it diminishes the rating the pension goes down. Therefore the pension granted by special act is all the time subject to the provisions and limitations of the pension laws, and when that language is employed it means that and nothing more, unless a specific rate is fixed in the act itself, and then, of course, it does not apply.

Mr. BUCHANAN. On the other point taken by the gentleman from Alabama, this bill, in my judgment, is incapable of the construction this is to be on the evidence. The evidence shows, for one thing, this man is blind, and for another he has pain in his side; consequently this bill should be amended and the evidence filed in the Pension Office, designated whether he should be rated for blindness or for minor injury. I do not say how this bill can be construed in rating the pension received by this individual by the evidence filed in the Pension Bureau, which I presume is the same which appears in the report of the committee.

Now, how is this man to be rated—how are they to rate him? Is it for the minor or the greater injury? All the facts are now before the bureau, and on these facts the bureau determined he was not entitled to any pension at all. Congress now says he is entitled to the pension on that evidence. That evidence indicates two injuries, one blindness and the other of a minor character—some affection of the side. There is not a judge who can construe whether he is to be rated for blindness or for the minor injury.

Mr. BROWN, of Pennsylvania. But the act of Congress, in my estimation, eliminates the matter of rating altogether. The pension and what the amount of that pension is to be depend on his physical disability, without reference to blindness or anything else.

If he is blind and the blindness dates back to his service in the Army or is traceable to that cause, he is entitled to the pension fixed for that character of disability—\$70 per month. If he is not blind, then he would receive a pension according to his present condition. It all depends upon the physical disability which now exists.

Mr. VAN ALSTYNE. I would like to have the gentleman recite the language of the statute to which he refers, in view of the fact that we are called upon to vote upon this bill.

Mr. BROWN, of Pennsylvania. The gentleman can do that for himself if he wants to.

Mr. VAN ALSTYNE. I would like very much to see the statute.

Mr. BUCHANAN. What is the disability as shown by the evidence on file in the Pension Bureau?

Mr. BROWN, of Pennsylvania. It makes no difference whatever. That would determine nothing.

Mr. BUCHANAN. I think the gentleman is mistaken in that respect.

Mr. MATSON. Mr. Chairman, I have attempted to say before during the discussion of these bills that as I understand the practice at the Pension Office when a special act is passed the officer there reviews the case with reference to the allegations contained in the claimant's application, if he has made one, in the Pension Office, and particularly with reference to the disability considered by Congress as shown by the reports. It will not do to say that when a man is placed on the pension-roll by act of Congress prescribing that he shall be there placed subject to the provisions and limitations of the pension laws he is to be pensioned for every disability which may afflict him. That is not the effect of the law at all.

On the contrary, the effect is to place him there for the disability which he claimed in the Pension Office, but which he could not quite prove originated in the service, or perhaps could not comply with the law in other respects, as far as the testimony is concerned, and he would be pensioned for that disability, and that only. He may have a dozen other disabilities and not be pensioned for any other than that for which the application is made and the proof filed.

There may have been disabilities incurred before he enlisted at all, or disabilities incurred afterward, but when he is placed upon the pen-

sion-roll by act of Congress he is placed there under the practice of the office; and within the last two days an officer of that department has come to me from the office to get the reports with a view to fixing the rating of a man for whose benefit a special act was passed, so that they could instruct the examining surgeons of the particular disease or injury alleged.

Mr. BROWNE, of Indiana. Suppose a case where the report of the committee does not indicate any disability at all, but simply directs that the office shall place the applicant on the pension-roll. How would the office determine the pension in such a case as that, under the illustration the gentleman now makes?

Mr. MATSON. Such a case could not arise, for the fact is the report itself always states the ground of the application, and states what it is for which the man is to be pensioned. They never fail to do so.

Now, in this particular case, the man alleges an internal rupture of some kind by reason of slipping or stepping down into a depression during his term of service, and for that injury when the bill is passed he will be pensioned, and not for blindness, for he has never alleged blindness in the application to the office for a pension.

The report does set forth the fact that the man is blind, but it does not state that he alleges that he incurred the blindness while in the service, or that it is a ground for granting him a pension at all.

The allegation of the claimant is that he was internally ruptured in some manner and for which injury he asks to be pensioned. As to the language of the bill, which provides that he shall be pensioned upon the evidence on file in the Pension Office, I take that as rather qualifying the terms of the bill than otherwise. I take it as being language which points out to the office in this particular case that it must be in reference to the particular disability for which the pension is asked; although as a matter of fact that would be of no consequence, for the same effect would follow if the language was omitted. And so I regard the expression "to be pensioned on the evidence upon file in the Pension Office" as mere surplusage which leaves the bill in effect just the same as if the language had not been inserted.

Mr. BUCHANAN. Do I understand that there is no evidence on file in the Pension Office as to the blindness?

Mr. MATSON. I presume not. At least there is no allegation that blindness was incurred in the service or that it is set up as a ground for pension. I did not report the bill and can not say that I am familiar with the facts, but I am sure there is not, because the pension is not applied for on that ground at all.

Mr. BUCHANAN. If there is no evidence in the office of blindness as a claim for the pension, that of course would make a different case altogether.

Mr. VAN ALSTYNE. Mr. Chairman, there have been no satisfactory reasons assigned why this bill should be made an exception to the thousand other bills of like character which have passed this Congress. I take it that it is not the intention of the House to make it an exception; and therefore it should not carry language that may be construed for the benefit of this applicant in preference to any other. I therefore offer an amendment, and I do it in earnest, not proposing to argue it either, but I think it should prevail.

It is to strike out all after the words "pension-roll" in the bill down to the words "subject to," so that it will read in harmony with every other bill, without exception, so far as I know, which has been passed by the present Congress.

Mr. PERKINS. May I ask the gentleman a question?

Mr. VAN ALSTYNE. Certainly.

Mr. PERKINS. Let me ask if the language in the bill to which you take exception has any effect at all as to imposing any limit upon the power of the Commissioner of Pensions? Does it really confer any power to rate the pension upon the evidence rather than the certificate given by the examining board of surgeons?

Mr. HEWITT, of Alabama. That is just the trouble. I would rather take the certificate of the surgeon.

The CHAIRMAN. The Clerk will report the proposed amendment.

The Clerk read as follows:

Strike out the words "upon evidence on file in the office of the Commissioner of Pensions."

The CHAIRMAN. Without objection the amendment will be considered as agreed to.

Mr. HOUK. I rise to a question of order. I addressed the Chair long before the question was put.

The CHAIRMAN. For what purpose does the gentleman from Tennessee rise?

Mr. HOUK. I want to discuss that amendment.

The CHAIRMAN. The gentleman from Tennessee says he rose and addressed the Chair before the question was put on the amendment. The gentleman is recognized.

Mr. HOUK. I wish to say to the committee it will be a misfortune to adopt that amendment. In the first place, the language proposed to be stricken out has not one particle of effect in determining the measure of disability or anything in regard to the rights of the pensioner under the bill. In the next place if you amend the bill by striking that out and send it back to the Senate, in all human probability the bill will not be passed and you do absolute injustice to this applicant.

I have listened to the discussion here, and I must submit if there is any point or any force in the argument in regard to this language proposed to be stricken out I am wholly incapable of comprehending it. This simply places the applicant on the pension-roll to be rated by an examining board. The first duty of the Pension Office will be to enroll him as a pensioner. The next will be to refer him to the proper board to be examined; and it will be the duty of the Pension Office to place him at whatever rate he may be rated at by the examining board. And I think it would be wrong to endanger the bill now by making this amendment.

Mr. HEWITT, of Alabama. Will the gentleman from Tennessee allow me—

Mr. HOUK. The gentleman from Alabama has spoken all night, and I should like him to take his seat and let me alone. If there is any one man that talks more than another the choice lies between my friend from Alabama and my friend from Kentucky, who is not here this evening.

A MEMBER. He was here a short time ago.

Mr. HOUK. I hope my friend from Alabama will let me alone. I protest against encumbering this bill with this amendment, because in all probability it will prevent this applicant getting a pension.

There is not a lawyer who does not understand that the bill has no more legal effect or force about it than the bills in the usual language which we pass here night after night. All this discussion it seems to me is surplusage and unnecessary; and I appeal to gentlemen to vote down this amendment.

Mr. HEWITT, of Alabama. I did not propose to talk again on this question; but I want to call the attention of the gentleman from Tennessee to one point. I do not profess to know much law, but the gentleman from Tennessee is a lawyer, and I desire to call his attention to this fact. If you pass a law putting a man on the pension-roll subject to the provisions and limitations of the pension-laws, and if that man has a disability he must be put on the pension-roll under those laws and rated according to the disability; but if as the years go by he becomes a sound man and his disability is removed—

Mr. HOUK. Then the Pension Office would have the right to have him re-examined.

Mr. HEWITT, of Alabama. Then according to the limitations of the pension laws usually applicable his pension ceases because he has no pension disability.

Mr. HOUK. Nobody disputes that.

Mr. HEWITT, of Alabama. But, now, here you see the pensioner must be put on the pension-roll subject to the provisions and limitations of the pension laws, with one exception, that is, "upon the evidence now on file in the Pension Office;" they can look to nothing else; they can not inquire hereafter as to whether he has a disability or not if he has got a disability now. If the evidence shows that you must put him on the pension-roll and keep him there, although hereafter he may become a sound man. There is a distinction between the two cases, and it is a distinction which I think any lawyer can see.

Mr. HOUK. Do not the provisions and limitations of the pension law offer every remedy that is necessary to provide the means of ascertaining when the disability ceases?

Mr. HEWITT, of Alabama. Not when you say he is put there on the evidence now on file.

Mr. HOUK. He is put there on that evidence. But after he is put there he is subject to the provisions and limitations of the pension law as it exists in the general law.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. VAN ALSTYNE].

A division was demanded.

The question was taken; and there were—ayes 4, noes 28.

Mr. VAN ALSTYNE. No quorum.

Mr. KEAN. I hope the gentleman will not insist on the point as to a quorum.

The CHAIRMAN. The point being made that a quorum has not voted the Chair will appoint tellers.

Mr. MATSON. I ask unanimous consent that this bill be laid aside informally.

Mr. VAN ALSTYNE. I object.

Mr. HOUK. I have not changed my opinion as to this matter, but I doubt the propriety of jeopardizing the case of this pensioner.

Mr. LONG. The Senate will concur.

Mr. HOUK. I am assured by Governor LONG that the Senate will concur in the amendment. I presume that gentleman knows what he talks about. I will therefore stop my opposition and let the amendment go.

Mr. MORRILL. I ask that by unanimous consent the amendment may be adopted.

The CHAIRMAN. Unanimous consent is asked to vacate the vote by which the amendment was disagreed to. Is there objection?

There was no objection.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from New York [Mr. VAN ALSTYNE].

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JAMES BOND.

The next business on the Private Calendar was the bill (S. 1633) granting a pension to James Bond.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the United States pension-roll the name of James Bond, who was a private in Company B, Fifty-second Regiment Ohio Infantry in the late war of the rebellion, the pension under this act to date from and after the passage of the act.

The report (by Mr. CULLEN) is as follows:

Your committee have had under consideration Senate bill No. 1633, granting a pension to the above-named claimant, and they recommend the adoption of the majority report of the Senate Committee on Pensions as the favorable report of this committee, and further recommend the passage of the accompanying bill. Senate report hereto attached:

"The Committee on Pensions, to whom was referred the bill (S. 1633) granting a pension to James Bond, have examined the same, and report as follows:

"It appears that this case was forwarded to the House Committee on Invalid Pensions last session by the Commissioner of Pensions, who made the following statement of the case in his letter of transmittal:

"I have the honor to call the attention of the honorable Committee on Invalid Pensions, House of Representatives, to the accompanying claim to pension under the general pension laws of James Bond, late of Company B, Fifty-second Ohio Volunteers, No. 54896, rejected by this bureau, under date of August 24, 1881, on the ground that the disability upon which the claim was based was not contracted in the line of duty, and most respectfully ask your attention to the same (under a resolution of Congress passed May 20, 1880), and suggest the passage of a special act granting him a pension from the date of his discharge, September 2, 1864, the amount of which to be governed by the laws now on the statutes.

"By a reference to the papers it will be seen that the claim is for the loss of the left arm and the loss of sight of left eye from the explosion of a shell at Chickamauga, Georgia, while out on a pass from the brigade commander visiting the battlefield at said place, in the month of April, 1864.

"It is shown by the testimony of Lieut. Col. Charles W. Clancy, who was Bond's captain, and assisted in the amputation of his arm, that the regiment was encamped near the battleground, and that Bond and four comrades obtained a pass from the brigade commander to procure boards for quarters, and to go through the battleground of Chickamauga; that while going over the field one of Bond's comrades handed him a small bombshell, which exploded in his hands; that as a result of his injuries his left arm was amputated at the shoulder, his left eye so badly injured as to lose his sight, and his right eye injured somewhat.

"Colonel Clancy testified that the injury was received in the line of duty, that it was accidental, and that it was no fault of the soldier's.

"The Pension Office officials appear to have been divided in opinion as to whether this injury was received in the line of duty. The examiner who briefed the case said in a note on this point:

"It certainly is a pensionable incident of the war, for if he had not been in the service he would not have been injured in this way; and he was not necessarily out of line of duty, while the captain testifies he was in line of duty, being on the battlefield by permission of superior officer."

"Another examiner submitted a long statement in support of his opinion that the claim was justly pensionable under existing laws, because the claimant's terrible disability is a pensionable incident of his services in the Army.

"Still another examiner, in an opinion given at the request of the chief of his division, says:

"The question at issue is as to line of duty. I regard it as a delicate one to decide, and one susceptible of different conclusions. It seems desirable in such cases, where the equities of the claim are recognized, that we should construe the law liberally.

"It is shown that the claimant was visiting the battle-ground with proper permission, and that fact suggests that he was in line of duty at the time. If he had received the same injury within the limits of the camp, we could not hold that he was not in the line of duty, and yet he was to all intents and purposes as much in line of duty as if within the confines of the camp at the time.

"The whole matter may be condensed and covered in this conclusion—the wound was accidental and was a resulting incident of his service. If the circumstances under which the injury was received are truthfully stated, in my opinion we have no impregnable or even tenable ground for denying the pension. If we have not the facts clearly presented, we should then endeavor to obtain them before finally deciding the question involved. The deputy commissioner has already decided the action in the case adverse to the legal right, while admitting the equity of the claim.

"In my judgment, if the claimant has now an equitable title, he has also a legal one, although the claim admits of argument on that point."

"When the case was submitted to the deputy commissioner, another official said:

"The record shows the explosion was accidental, and contains nothing to show that claimant was out of the line of his duty. It appears to have been incidental to the service."

"The case was finally passed upon by the Commissioner, who says in his opinion:

"In my opinion the action then taken (referring to the rejection of the claim) was correct, because every soldier is held to the exercise of common sense and common prudence. An unexploded shell upon a deserted battlefield is not a thing to be carelessly handled, or handled at all, and if an old soldier of two years' service, well knowing the danger he incurred, picked up an unexploded shell, he did it at his own peril and own personal risk. The only safe thing to handle under such circumstances would be an exploded shell, or rather the fragments of one.

"Under some circumstances a soldier picking up an unexploded shell might be pensionable if followed by the results as detailed in this case, i. e., were the shell to fall in the midst of his comrades, and in an effort to save life he should pick it up and in trying to throw it away it should explode, as this did, he would be given a pension by me. But when, as in this case, away from camp and far off from comrades, out of idle curiosity and in the face of what he knew to be the risk he ran, he takes it up and either by percussion or other act ignites the fuse, he certainly is not in line of duty. * * * In my opinion the first action of the office was correct, and should be adhered to."

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ROBERT J. BALLORT.

The next business on the Private Calendar was the bill (S. 2268) for the relief of Robert J. Ballort.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the United States pension-roll, subject to the provisions and limitations of the pension laws, the name of Robert J. Ballort, a private in Company F, Eighth Regiment Michigan Cavalry.

The report (by Mr. WINANS, of Michigan) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2268) granting a pension to Robert J. Ballort, having examined the same, make the following report. Having adopted the Senate report, recommend that the same do pass, a copy of the same being hereto attached:

"The Committee on Pensions, to whom was referred the bill (S. 2268) granting a pension to Robert J. Ballort, have examined the same, and report, recommending its passage.

"This is a case where if the applicant must make out a case before the Pension Office beyond a reasonable or possible doubt he may fail; if he is to be treated as well as the party in an ordinary civil case in the courts he should have prevailed there and have had the benefits of the law long since. Nothing is more required in the administration of the pension laws than uniform rules of evidence as liberal as those of the common law. The Congress might find in this direction the opportunity of rendering claimants and the administrators of the law an important service.

"We print one document from the Pension Office:

"DEPARTMENT OF THE INTERIOR, PENSION OFFICE.
"Detroit, Mich., October 11, 1883.

"SIR: I have the honor to return herewith the papers in original in valid claim No. 321037 of Robert J. Ballort, late private Company H, Eighth Michigan Cavalry, for adjudication on report of Special Examiner George C. Kober.

"After a careful review of this claim in connection with No. 324597 of John T. Ballort (also transmitted to-day), I am led to differ from the conclusions of the special examiner in this case, and I recommend its admission for chronic diarrhoea.

"Very respectfully,

"WM. T. SULLIVAN,
"Supervising Examiner.

"Hon. Wm. W. DUDLEY,

"Commissioner of Pensions, Washington, D. C."

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY HOWARD FARQUHAR.

The next business on the Private Calendar was the bill (S. 1960) for the relief of Mary Howard Farquhar; reported adversely from the Committee on Invalid Pensions.

The report (by Mr. PATTON) is as follows:

Your committee have had under consideration Senate bill No. 1960, granting a pension to the above-named claimant, which passed the Senate granting her a pension at the rate of \$30 per month in lieu of the pension she is now receiving, namely, \$25 per month, as the widow of Maj. Francis V. Farquhar, Corps of Engineers, and brevet lieutenant-colonel United States Army. The amount she is now receiving is the highest rate of pensions allowed by law to widows of officers of this grade, and therefore your committee are of the opinion the bill should be reported adversely.

The bill was laid on the table.

The CHAIRMAN. The Chair will state to the gentleman from Indiana [Mr. MATSON] that this completes the list of Senate bills included in his resolution.

Mr. MATSON. Mr. Chairman, there are two or three House bills that I ask to have taken up.

Mr. CULLEN. Mr. Chairman, before passing to these House bills I desire to call attention to the fact that House bill No. 2514, granting a pension to David T. Hoover, is upon the Calendar. The RECORD shows that that bill passed on Friday evening last, and if the Journal corroborates the RECORD the bill is evidently on the Calendar by mistake.

The CHAIRMAN. The Chair will inform the gentleman [Mr. CULLEN] that the Clerk of the House discovered the mistake, and has stricken the bill from the Calendar.

MATILDA CODY.

The next business on the Private Calendar was the bill (H. R. 7907) granting a pension to Matilda Cody.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Matilda Cody, widow of John Cody, as shown by No. 181661 on file in the Pension Office.

The report (by Mr. LE FEVRE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7907) granting a pension to Matilda Cody, respectfully report as follows:

The proof shows that John Cody, the husband of Matilda Cody, served in Company L, Fourteenth Regiment Kentucky Cavalry, from December 10, 1862, until March 24, 1864, when he was mustered out by expiration of service. That said John Cody then enlisted in the Three Forks Kentucky Battalion, but had not been mustered for want of an opportunity, there being no muster officer; when, acting under orders of Capt. Shadrock Combs, the said John Cody, in company with other soldiers, went on a scout and was killed in the line of duty about October 7, 1864. The proof shows that the soldier's widow, Matilda Cody, never remarried.

In view of all the facts the committee recommend the passage of the bill.

The amendment reported by the committee is as follows:

Strike out the words "as shown by number one hundred and eighty-one thousand six hundred and sixty-one, on file in the Pension Office," and insert "late of Company L, Fourteenth Kentucky Cavalry."

The amendment was agreed to.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

RACHEL NICKEL.

The next business on the Private Calendar was the bill (H. R. 603) granting a pension to Rachel Nickel.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and

limitations of the pension laws, the name Rachel Nickell, widow of Asbury Nickell, as shown by No. 233993 on file in Pension Office.

The report (by Mr. LE FEVRE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 603) granting a pension to Rachel Nickell, beg leave to report as follows:

That the proof shows conclusively that Rachel Nickell is the dependent mother of Asbury S. Nickell, who enlisted as a private in Company I, Forty-seventh Kentucky Mounted Infantry, although the soldier's name does not appear on the muster-rolls.

The proof shows that he, in company with other soldiers, was detailed and sent on a scout, and that while in the performance of duty, Asbury S. Nickell was captured and killed by rebels or guerrillas on or about the 28th day of September, 1863. That Rachel Nickell never remarried, and is very old and in indigent circumstances.

In view of all the facts the committee recommend the passage of the bill.

The amendment reported by the committee is as follows:

Strike out the words "as shown by number two hundred and thirty-three thousand eight hundred and eighty-three, on file in the Pension Office" and insert "late Company I, Seventh Regiment Kentucky Mounted Infantry."

Mr. WHITE, of Kentucky. Mr. Chairman, I move that where the name occurs it be spelled "Nickell."

The amendment was agreed to.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY J. DICKSON.

The next business upon the Private Calendar was the bill (H. R. 8237) granting a pension to Mary J. Dickson.

The bill was read:

The report (by Mr. HOLMES) was read, as follows:

Your Committee on Invalid Pensions, to whom was referred the bill (H. R. 8237) granting a pension to Mary J. Dickson, having had the same under consideration, report as follows:

"The claimant, Mary J. Dickson, asks a pension from Congress by special act, as dependent sister of Sylvester R. Dickson, who enlisted in Company A, Eighty-third Illinois Volunteer Infantry, in August, 1862, and was killed in a skirmish with the enemy while in line of duty on the 2d day of January, 1863, near Fort Donaldson, Tennessee. The claimant under the rules of the Pension Office can not obtain a pension, and has made no application in that direction. From the proofs on file it appears that the deceased soldier was never married, that at the time he enlisted as stated claimant was an invalid, and dependent upon him for support. That when he enlisted he willed claimant all his property, which amounted to about \$1,000; and that after he went to the Army he sent her money for her support.

Claimant has never married, and during all the years since the soldier's enlistment has remained an invalid. She has long since exhausted the property her brother left her, and is without means and is unable to support herself. Her mother died in 1890, and her father in 1870, the latter remaining a widower after the death of his wife before referred to. Claimant states that she has three other brothers living, but two of them have no property save a few household goods, and neither of them own a homestead, and have no other property; that one of the brothers is 57 years of age, and the other is 66 years of age, both being in poor health.

The third brother has eighty acres of land, upon which he lives with his family, consisting of a wife and four children. That said farm is worth not to exceed \$2,400, on which there is a mortgage of \$900, besides numerous other debts. That he has but little personal property, and that only sufficient to work his farm. That he is in poor health and is not able to do any work, and is now 61 years old. She has no sister living. The statements of claimant are supported by those of many reputable citizens who have known claimant and her family for many years. There is, besides, a petition, signed by many of the leading men of the State, earnestly recommending her case to Congress for favorable action.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ADDIE L. MOORE.

The next business on the Private Calendar was the bill (H. R. 8155) granting a pension to Addie L. Moore.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll of the United States the name of Addie L. Moore, widow of Camillus A. Moore, late a private in Company E, Seventy-fourth Regiment Illinois Volunteers, subject to the limitations and provisions of the pension laws, to take effect from and after the passage of this act.

The report (by Mr. HOLMES) was read, as follows:

Your Committee on Invalid Pensions, to whom was referred the bill (H. R. 8155) granting a pension to Adeline L. Moore, having considered the same, report as follows:

The claimant is the widow of Camillus A. Moore, late a private in Company E, Seventy-fourth Regiment Illinois Volunteer Infantry. He enlisted on August 14, 1862, and was discharged February 3, 1863. He died October 7, 1873. The soldier never filed an application for pension, but his widow, on the 24th of April, 1873, filed her application, which was finally rejected by the Pension Office on the 26th of February, 1883, on the ground that the disease of which the soldier died was not the result of his military service. It is shown by the proof on file at the Pension Office that the husband of claimant was discharged on surgeon's certificate of disability.

The certificate of disability and discharge both state that he is discharged "by reason of greatly impaired health, resulting from measles, followed by erysipelas, chronic diarrhoea and cough, that is very unpromising." The record of the Adjutant-General's Office shows that he was sick in hospital at Nashville, Tenn., since December 30, 1862, and was discharged on surgeon's certificate of disability at Nashville, Tenn., on the 3d day of February, 1863.

The evidence is uncontradicted that prior to his enlistment he was an able-bodied man, sound and healthy in every respect. The evidence of numerous witnesses shows that he was entirely broken in health at the time of his discharge, and was unable to do manual labor to any appreciable extent up to the time of his death.

The evidence of the physicians is somewhat conflicting as to the duration of his last sickness; some of them place it at three or four days, and one doctor as high as seventy-five days. The Pension Office decided the cause of his death to have been "cerebral hemorrhage." The evidence in his case would indicate that

his death was the result or sequel of the same disabilities with which he was afflicted when he was discharged from the service. The fact shown that he was continuously ill, and that he had a pain in his head for years, together with the further symptoms narrated by the physicians and witnesses, further showing his continuous illness from the time of discharge to the time of his death, will combine, we think, to make a clear case for relief under the bill before your committee.

The soldier had formerly been married, but his first wife died and there were no children surviving as the result of their marriage. By the second wife (the claimant herein) there was born one child, namely, Howard Cornelius Moore, on the 14th of March, 1875.

The soldier seems to have performed his duty well until he was stricken down with the measles, and your committee think it but just that his widow and little child should receive a pension for the services in which he sacrificed his life. Your committee therefore report the bill back with the recommendation that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS R. WARE.

Mr. HEWITT, of Alabama, called up a bill (H. R. 8278) to remove the political disabilities of Thomas R. Ware, of Virginia.

The bill was read.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. MORRILL. In order that several Senate bills may be reported in the House from the Committee on Invalid Pensions I move that the committee rise, the purpose being that we shall again go into Committee of the Whole immediately.

Mr. STOCKSLAGER. Before that is done, I would like to call up several bills, two of them for the gentleman from Nebraska [Mr. LAIRD], who is confined to his room by sickness.

Mr. MORRILL. Very well; I will withdraw the motion for a few moments.

WILLIAM H. HOUGHTON.

Mr. STOCKSLAGER. I call up the bill (H. R. 4026) for the relief of William H. Houghton.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, at the rate of \$100 per month, the name of William H. Houghton, late a sergeant of Captain Sherman's company of Iowa Militia Volunteers, under the command of General Dodge, in the Black Hawk war, subject to the conditions and limitations of the pension laws.

The report (by Mr. STOCKSLAGER) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4026) for the relief of William H. Houghton, respectfully report:

Mr. Houghton was sergeant in Captain Sherman's company of Iowa Volunteers in the Black Hawk war. Having lost his discharge, he was unable to share in the appropriation made by Congress for the payment of the soldiers of that war, and so far has been unable to get a pension for the disability which he incurred in the line of duty. And in justice to the worthy old veteran the committee recommend the passage of the bill, with an amendment striking out the words "at the rate of \$100 per month."

The amendment reported by the Committee on Invalid Pensions, to strike out the words "at the rate of \$100 per month," was read and agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

DELIA G. WEBBER.

Mr. STOCKSLAGER. I call up the bill (H. R. 7504) granting a pension to Delia G. Webber.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Delia G. Webber, widow of Louis Webber; and that the said Delia G. Webber and her children of a pensionable age receive the same pension which they would be entitled to if said Louis Webber had been a private soldier killed in the line of his duty, per month.

Sec 2. That paragraph 3 of section 4693 of the Revised Statutes shall not operate to prevent the granting of the above pension.

The report (by Mr. LAIRD) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 7504) for the relief of Delia G. Webber and others, having had the same under consideration, respectfully report:

This bill seeks to extend the time within which Delia G. Webber, L. H. Aaron, Mary Anne Mesdall, they or their legal representatives, may file their applications for pensions under paragraph 3 of section 4693 of the Revised Statutes. The paragraph referred to is as follows:

"Any person not an enlisted soldier in the Army, serving for the time being as a member of the militia of any State, under orders of an officer of the United States, or who volunteered for the time being to serve with any regularly organized military or naval force of the United States, or who otherwise volunteered and rendered service in any engagement with rebels or Indians, disabled in consequence of wounds or injury received in the line of duty in such temporary service. But no claim of a State militiaman, or non-enlisted person, on account of disability from wounds or injury received in battle with rebels or Indians, while temporarily rendering service, shall be valid unless prosecuted to a successful issue prior to the 4th day of July, 1874."

Your committee recommend that the bill do pass. As to the above-named Delia G. Webber, your committee, finding the facts in her case on file, have reported a bill granting her a pension.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

VALINCA S. HUTCHINSON.

Mr. STOCKSLAGER. I also call up the bill (H. R. 3581) for the relief of Valina S. Hutchins.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Valina S. Hutchins, widow of Curtis C. Hutchins, formerly a member of Col. J. S. Calhoun's battalion of Georgia Mounted Volunteers, service of Mexican war, whose name through error was not carried on the roll, although enlisted in the service of the United States, and who died while in said service, the pension of said widow to date from application subject to the rules and limitations of the pension laws.

The report (by Mr. LAIRD) was as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 3581) for the relief of Valina S. Hutchins, respectfully report:
It appears from the evidence that Curtis C. Hutchinson volunteered at Aurora, Lumpkin County, Georgia, on or about the 15th day of June, 1847, for five years of the war in a company formed at that place, and which was afterward known as Company F, commanded by Capt. Charles H. Nelson, in the Georgia Battalion of Mounted Volunteers, commanded by Colonel Calhoun, in the late war with Mexico. They marched to Cassville, Ga., where they were organized, and from thence marched to Columbus, Ga., where they joined the battalion, were mustered into service, and marched to Mexico and joined the United States Army and served to the close of the war.

While on the march from Cassville to Columbus, Ga., Hutchinson was taken sick from exposure on the road, and in four days died. He had always been a strong, healthy man. Your committee believe that he was in the line of duty when taken sick, and that his widow is entitled to a pension, and recommend that the bill (H. R. 3581) do pass with the following amendments:

In line 5 strike out the words "Valina S. Hutchins, widow of Curtis C. Hutchins," and insert the word "war," and lines 8, 9, and 10. Also amend the title of the bill by making it read "Valencia S. Hutchinson" instead of "Valina S. Hutchins." Also amend the bill to the same effect wherever said name occurs; also by changing the name of "Curtis C. Hutchins," where it occurs in line 5 of the bill, so that it shall read "Curtis C. Hutchinson."

The amendments stated in the concluding paragraph of the report were read and agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. GEORGE. I desire to call up the bill—

Mr. MATSON. I move that the committee rise.

Mr. GEORGE. I hope the gentleman will withhold that motion for a moment.

Mr. MATSON. I would do so, but I think the gentleman's bill will provoke discussion.

The motion of Mr. MATSON that the committee rise was agreed to.

The committee accordingly rose; and Mr. BAGLEY having taken the chair as Speaker *pro tempore*, Mr. HATCH, of Missouri, reported that the Committee of the Whole House on the Private Calendar had, according to order, had under consideration sundry bills on the Private Calendar reported by the Committee on Pensions and the Committee on Invalid Pensions, and also bills for the removal of political disabilities, and had directed him to report the same back to the House with various recommendations.

LEAVE OF ABSENCE.

Mr. RICE, by unanimous consent, obtained indefinite leave of absence from the 20th instant, on account of sickness.

MARY B. HOLMES.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2607) granting a pension to Mary B. Holmes; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ANNE T. DICKS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 1811) granting a pension to Anne T. Dicks; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARIA G. DUNBAR.

Mr. MORRILL also reported back adversely, from the Committee on Invalid Pensions, the bill (S. 993) for the relief of Maria G. Dunbar; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

Mr. MORRILL. I now move that the House again resolve itself into Committee of the Whole on the Private Calendar for the consideration of the business under the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the Private Calendar, Mr. HATCH, of Missouri, in the chair.

MARY B. HOLMES.

The first business on the Private Calendar was the bill (S. 2607) granting a pension to Mary B. Holmes.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary B. Holmes, widow of Henry W. Holmes, late a lieutenant of Company F, Seventy-second Regiment, New York Volunteers, and allow her the same pension drawn by her husband during his life.

The report (by Mr. MORRILL) is as follows:

Your Committee on Invalid Pensions, to whom was referred the bill S. 2607, granting a pension to Mary B. Holmes, submit the following report:

Your committee adopt the report of the Senate committee, which is herewith submitted. Cases similar to this have been repeatedly passed where it is shown as it is herein, that the disability incurred in the service contributed to his death. Your committee report the bill back with the recommendation that it pass:

"Petitioner is the widow of John W. Holmes, late a lieutenant, Company F, Seventy-second Regiment, New York Volunteers, who was pensioned at the rate of \$15 per month on account of disability incurred in the service and resulting from disease of the eyes and chronic diarrhea. Her husband was killed by a freight train in New York city in 1881, and his widow is now destitute. She asks a pension on the ground that the accident which caused his death was the result of his defective vision and not of his own carelessness or neglect."

"The soldier's death under these circumstances did not, of course, result directly from his military service, but does seem to have been due to the disability incurred in the service, and to that extent was a result thereof. Taking this view of the case your committee are disposed to regard the claim as a meritorious one, and therefore recommend the passage of the bill."

Mr. HEWITT, of Alabama. I would like to ask what is the difference between the pension which this lady's husband drew and the pension which she would receive without any special provision of this kind?

Mr. MORRILL. There is no difference at all; but as the bill is drawn in this particular form we have not thought it worth while to change it.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ANNE T. DICKS.

The next business on the Private Calendar was the bill (S. 1811) granting a pension to Anne T. Dicks.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Anne T. Dicks, widow of John W. Dicks, late an acting master in the United States Navy.

The report (by Mr. MORRILL) was as follows:

Your committee, to whom was referred the bill (S. 1811) granting a pension to Anne T. Dicks, submit the following report:

Your committee adopt the report of the Committee on Pensions of the Senate, which is herewith submitted, with the recommendation that the bill pass:

"The claimant is the widow of John W. Dicks, acting master United States Navy. The officer died of cancer superinduced by wounds and injuries received in the service."

"The evidence is clear to the committee that the constitution of this man was broken down and the entire digestive system prostrated and deprived of normal action by these causes, and that the fatal cancerous affection was a part of the results of the service."

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARIA G. DUNBAR.

The next business on the Private Calendar was the bill (S. 993) for the relief of Maria G. Dunbar, reported adversely from the Committee on Invalid Pensions.

The bill was read, as follows:

Be it enacted, &c., That the Commissioner of Pensions is hereby authorized and directed to allow the claim of Maria G. Dunbar, widow of Moses C. Dunbar, late of the Twenty-seventh Regiment Massachusetts State Volunteers, for arrears of pensions: *Provided*, That she shall establish to the satisfaction of the Commissioner that an application for said arrears was filed by said Moses C. Dunbar within the time fixed by law, and failed of being forwarded to the Pension Office through no fault of said Dunbar.

The report (by Mr. MORRILL) is as follows:

Your Committee on Invalid Pensions, to whom was referred the bill (S. 993) for the relief of Maria G. Dunbar, submit the following report:

Your committee find that this bill proposes "to pay to Maria G. Dunbar arrears of pensions provided she shall establish to the satisfaction of the Commissioner that an application for said arrears was properly executed by Moses G. Dunbar within the time fixed by law and failed of being forwarded to the Pension Office through no fault of said Dunbar."

The facts, as she claims them, are that her husband made an application for pension several months prior to July, 1890; that through the carelessness of her attorney the papers were not filed until after the expiration of the limitation. This committee have again and again rejected cases of a similar character. The case of Nancy B. Leach, reported to the House a few days ago, is almost precisely like this, and your committee would refer to that report for their views in similar cases. Your committee report adversely, but ask that it be placed on the Calendar.

The CHAIRMAN. The report in this case being adverse, the question is, Shall the bill be laid aside to be reported to the House with a recommendation that it lie on the table?

Mr. LONG. Before the question is put, I wish to say that this is a very deserving case. If, however, the principle upon which it has been reported adversely is to be considered as settled, I do not propose to waste time by arguing the question.

It is a case in which the applicant was not at all responsible for delay in filing the application; but as appears very fully and clearly by the sworn evidence, the delay occurred in the first place in consequence of the fault of the attorney charged with the preparation of the papers; and then owing to his death there was still further delay. For this reason the papers were not filed in time to enable the applicant to receive the benefit of the arrears of pension. If this question has been settled in the Leach case, which was argued a week ago—

Mr. RAY, of New Hampshire. That case is still pending before the Committee of the Whole; it has not been acted on finally. There was an adverse report in that case.

Mr. LONG. If that case has not been acted on, then I should like this to take the same course and be laid aside informally.

Mr. RAY, of New Hampshire. I have not thought it proper to press the Leach case so long as there were favorable reports on Senate bills to be acted on, as I did not wish to take up the time of the Committee of the Whole in discussion.

Mr. LONG. I ask that this bill be laid aside informally to await the determination of the question in the other case.

The CHAIRMAN. If there be no objection this bill will be laid aside informally. The Chair hears no objection, and it is so ordered.

Mr. MATSON. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BAGLEY having taken the chair as Speaker *pro tempore*, Mr. HATCH, of Missouri, reported that the Committee of the Whole House had had under consideration, pursuant to order, sundry bills on the Private Calendar, and had directed him to report the same back to the House with various recommendations.

DAVID M. NAGLE.

On motion of Mr. JAMES, by unanimous consent, the amendments of the Senate to the bill (H. R. 5543) granting a pension to David M. Nagle were taken from the Speaker's table and concurred in.

Bills of the following titles were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed (two-thirds voting in favor thereof):

A bill (H. R. 8278) to remove the political disabilities of Thomas R. Ware, of Virginia; and

A bill (H. R. 8277) to remove the political disabilities of J. Taylor Wood, of Louisiana.

BILLS PASSED.

The following bills reported from the Committee of the Whole House without amendment were severally ordered to a third reading; and they were accordingly read the third time, and passed:

- A bill (S. 1877) granting increase of pension to John Hall;
- A bill (S. 2245) granting a pension to William N. Norris;
- A bill (S. 2302) granting a pension to John Lowe;
- A bill (S. 2279) granting a pension to Eliza L. Canady;
- A bill (S. 544) granting increase of pension to Elijah W. Penny;
- A bill (S. 2367) granting a pension to Sarah A. White;
- A bill (S. 1739) granting a pension to the widow and children of the late Byram Pitney;
- A bill (S. 2437) granting a pension to Mrs. Mary Gordon;
- A bill (S. 2125) granting a pension to Sarah Jane Prince;
- A bill (S. 2620) granting a pension to James H. Boaz;
- A bill (S. 2546) granting a pension to Charlotte C. B. Hatch;
- A bill (S. 2443) granting an increase of pension to Polly Young;
- A bill (S. 1113) granting a pension to Anne E. Manchester;
- A bill (S. 2153) granting a pension to Benjamin F. Brockett;
- A bill (S. 1836) granting an increase of pension to Sarah Hague;
- A bill (S. 1612) granting a pension to Bryson R. McCartney;
- A bill (S. 1633) granting a pension to James Bond;
- A bill (S. 2268) for the relief of Robert J. Ballort;
- A bill (S. 2607) granting a pension to Mary B. Holmes; and
- A bill (S. 1811) granting a pension to Anne T. Dicks.

Amendments to bills of the following titles were agreed to, and the bills as amended were severally ordered to a third reading; and were accordingly read the third time, and passed:

- A bill (S. 2262) granting a pension to Sedate P. Martin; and
 - A bill (S. 2316) granting a pension to Mrs. Cordelia Brainerd Thomas.
- A bill (S. 1960) for the relief of Mary Howard Farquhar, reported adversely, was laid on the table.

Mr. VAN ALSTYNE moved to reconsider the votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Bills of the following titles were severally ordered to be engrossed and read a third time; and being engrossed, were accordingly read the third time, and passed:

- A bill (H. R. 8237) granting a pension to Mary J. Dickson;
- A bill (H. R. 8155) granting a pension to Addie L. Moore; and
- A bill (H. R. 7504) granting a pension to Delia G. Webber.

Amendments to bills of the following titles were severally agreed to, and the bills as amended were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

- A bill (H. R. 7907) granting a pension to Matilda Cody;
- A bill (H. R. 4026) for the relief of William H. Houghton;
- A bill (H. R. 603) granting a pension to Rachel Nickell; and
- A bill (H. R. 3581) for the relief of Valincia S. Hutchinson.

In the two latter cases the titles also were amended.

By unanimous consent, the following House bills with Senate amendments were taken from the Speaker's table and the Senate amendments severally concurred in, namely:

- A bill (H. R. 5364) granting a pension to William H. Whitcomb; and
- A bill (H. R. 7617) granting a pension to Mrs. Ann E. Gridley.

Mr. MATSON moved to reconsider the several votes by which the

House pension bills were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MATSON. Mr. Speaker, I ask the indulgence of the House for a few moments. On last Friday evening I stated that the business of the pension committees of the House was concluded for this Congress.

At that time I neglected to say what ought to have been said and what I now wish to say, that the Committee on Invalid Pensions, the Committee on Pensions, and I think the House itself, as well as the soldiers throughout this country, are much indebted to the gentleman from Missouri [Mr. HATCH], who has presided at these evening sessions every single Friday evening with the exception of one night, when he was necessarily and unavoidably absent, during the entire Congress, and has given the most faithful and untiring service to the House and to the interests of the soldiers in passing these pension bills. I feel, therefore, as if this mark of recognition ought to be given to him.

I now move, Mr. Speaker, that the House adjourn.

The motion was agreed to; and accordingly (at 10 o'clock and 20 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BINGHAM: Resolutions of the Legislature of Pennsylvania, asking for the passage of the bill placing General U. S. Grant upon the retired-list—to the Committee on Military Affairs.

Also, resolutions of the Legislature of Pennsylvania, asking Senators and Representatives to oppose the abolition of the National Board of Health—to the Select Committee on the Public Health.

By Mr. BRAINERD: Petitions of citizens of Erie County, Pennsylvania, relative to the Mormon question—to the Committee on the Judiciary.

By Mr. CALDWELL: Petition of M. H. Clark & Bro., and others, citizens of Clarksville, Tenn., for publication of tobacco monograph of the census in full—to the Select Committee to ascertain the results of the Tenth Census.

By Mr. S. S. COX: Petition of Gideon J. Tucker, a citizen of New York, in relation to certain false statements of historical occurrences in a book published by the Congress of the United States—to the Committee on Public Lands.

By Mr. G. R. DAVIS: Petitions of twelve departments of Grand Army of the Republic, representing 993 posts and a membership of 51,000 ex-soldiers, that Lieutenant-General Sheridan and Major-General Hancock be promoted respectively to the positions of General and Lieutenant-General of the Army—to the Committee on Military Affairs.

By Mr. FINDLAY: Memorial of prisoners of war in the late war, for pensions—to the Committee on Invalid Pensions.

By Mr. GEDDES: Petition of F. R. Ross and 60 others, citizens of Huron County, Ohio, for the passage of laws relating to Mormonism—to the Committee on the Judiciary.

By Mr. JAMES: Petitions of Rev. L. R. Foote and 56 others, citizens of Brooklyn, N. Y., and of Rev. Arch. McCulloch, D. D., and 59 others, women, members of Ross Street Presbyterian church, of Brooklyn, N. Y., asking for legislation upon the Mormon question—to the Committee on the Judiciary.

By Mr. LANHAM: Petition of Benjamin Martin, for relief—to the Committee on War Claims.

By Mr. LAWRENCE: Resolutions of the Legislature of Pennsylvania, asking that the bill retiring General Grant on full pay may be passed—to the Committee on Military Affairs.

Also, resolutions of the Legislature of Pennsylvania, requesting the representatives of the State in Congress to vote against abolishing the National Board of Health—to the Select Committee on the Public Health.

By Mr. MATSON: Petitions of Henry H. Mathias and 33 other Union soldiers, and of F. Conklin and 37 others, ex-soldiers, of Greencastle, Ind., for the repeal of all limitations upon arrears of pensions—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. MILLER: Petitions of citizens of Meadville and of Cambridge, Pa., in favor of legislation to restrict Mormonism—to the Committee on the Judiciary.

By Mr. PARKER: Petition of the New York Produce Exchange, in favor of the purchase of the Portage Lake and Lake Superior Ship Canals—to the Committee on Rivers and Harbors.

By Mr. SENEY: Petition of W. H. Gibson and others, for legislation on the Mormon question—to the Committee on the Judiciary.

By Mr. C. R. SKINNER: Resolution of the board of managers of the New York Produce Exchange, recommending the purchase by the United States of the Portage Lake and Lake Superior Ship Canals—to the Committee on Rivers and Harbors.

By Mr. A. HERR SMITH: Concurrent resolution of the Legislature of Pennsylvania, in favor of placing General Grant on the retired-list—to the Committee on Military Affairs.

Also, concurrent resolution of the Legislature of Pennsylvania, against abolishing the National Board of Health—to the Committee on the Public Health.

By Mr. STEELE: Two petitions of ex-soldiers, asking the passage of an act granting a land-warrant for one hundred and sixty acres of land without condition of settlement to every honorably discharged soldier or sailor—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. STORM: Joint resolution of the Legislature of the State of Pennsylvania, requesting her Senators and Members in Congress to vote for the passage of a bill placing General Grant on the retired-list—to the Committee on Military Affairs.

Also, joint resolution of the Legislature of Pennsylvania, requesting her Senators and Representatives in Congress to oppose the attempt to abolish the National Board of Health—to the Committee on Public Health.

By Mr. STRAIT: Joint resolution of the Legislature of the State of Minnesota, praying for liberal and immediate appropriations for the enlargement of the Saint Saint Mary's Canal—to the Committee on Rivers and Harbors.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. LACEY: Of A. C. Clark and 24 others, of Clarendon, and of C. H. Quantrell and 17 others, of Charlotte, Mich.

SENATE.

SATURDAY, February 28, 1885.

The Senate met at 11 o'clock a. m. Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

Mr. HALE. I rise to present a privileged report—the conference report upon the agricultural appropriation bill.

The PRESIDENT *pro tempore*. The Chair is under the impression that the higher privilege is the laying before the Senate bills from the House of Representatives and other formal matters on the table.

Mr. HALE. I wish to get the conference report out of the way as soon as possible, because I am engaged in the Committee on Appropriations.

The PRESIDENT *pro tempore*. If the Senator asks unanimous consent the Chair will put the question, but the Chair thinks under the rules it is the duty of the Chair to lay before the Senate two or three House bills that are on the table.

Mr. HALE. It is not of importance enough for me to insist. I do not make any request at present.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 20th instant, sundry papers relating to the claim of William Ward for professional services in suits against the United States revenue-steamer William H. Seward. If there be no objection the letter will be printed, and, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. MITCHELL. I move that the communication be referred to the Committee on Appropriations. An amendment relating to the matter is pending before that committee. It is desired to insert a provision in the sundry civil appropriation bill.

The PRESIDENT *pro tempore*. If there be no objection, the papers will be referred to the Committee on Appropriations without printing. The Chair hears no objection.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Attorney-General, urging that the estimates heretofore made for fees of jurors, witnesses, marshals, and district attorneys, for the year 1885, may be provided for in the deficiency appropriation bill, and inclosing a letter from the First Comptroller of the Treasury on the subject; which, with the accompanying papers, was referred to the Committee on Appropriations.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a report of the allowance by the accounting officers of the Treasury of the twenty-third installment of the war claims of the State of Ohio, now awaiting an appropriation for its payment; which, with the accompanying papers, was referred to the Committee on Appropriations.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers, with accompanying report of Col. C. E. Blunt, Corps of Engineers, relative to the improvement of the Coheco River at Dover, N. H.; which, with the accompanying papers, was referred to the Committee on Commerce.

RETURN OF BILLS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate three joint resolutions which passed the Senate day before yesterday, concerning the printing of certain documents, which were returned to

the Senate at its request from the House of Representatives. The titles of the joint resolutions will be read.

The Chief Clerk read as follows:

Joint resolution (S. R. 127) to authorize the printing of the reports of the Bureau of Ethnology;

Joint resolution (S. R. 128) to authorize the printing of the reports of the Geological Survey; and

Joint resolution (S. R. 129) to authorize the printing of the reports of the Geological Survey.

The PRESIDENT *pro tempore*. If there be no objection the votes of the Senate passing these joint resolutions will be reconsidered, and they will be referred to the Committee on Printing. The Chair understands that precisely identical resolutions have already passed both Houses.

PUBLIC-LAND DECISIONS.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives of the United States (the Senate concurring), That there be printed 3,500 copies of the first and second volumes of Decisions Relating to the Public Lands, prepared under the direction of the Department of the Interior, of which 1,000 shall be for the use of members of the Senate, 2,000 for the use of the members of the House of Representatives, and 500 for the use of the Department of the Interior.

AGRICULTURAL APPROPRIATION BILL.

Mr. HALE. If the Chair has found no further objection, I will present the report of the conference committee on the agricultural appropriation bill.

The PRESIDENT *pro tempore*. The Chair has found no objection at all to the presentation of the report.

Mr. HALE. I did not insist on the report being received after the reading of the Journal, but the reason why I presented it at that time I thought I found in Rule XXVII, which I ask may be read.

The PRESIDENT *pro tempore*. Rule XXVII will be read.

The Chief Clerk read as follows:

REPORTS OF CONFERENCE COMMITTEES.

The presentation of reports of committees of conference shall always be in order except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is dividing; and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

The PRESIDENT *pro tempore*. The Chair had reference, if the Senator from Maine will pardon him, to the seventh rule, which is positively affirmative, requiring the Chair to lay before the Senate before the call for petitions, immediately after the reading of the Journal, bills and resolutions from the House of Representatives, messages from the President, &c. The Chair was under the impression that this privileged business on the table would precede the report of a committee of conference. Perhaps the Chair is wrong, but the Chair thought so.

Mr. HALE. I have sent up the papers. I ask that the report be read.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8000) "making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1886, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 17, 18, and 19.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 10, 11, 13, 14, 15, 16, 20, 21, 22, and 23, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$25,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$32,900;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$40,000;" and the Senate agree to the same.

EUGENE HALE,

P. B. PLUMB,

WILKINSON CALL,

Managers on the part of the Senate.

G. G. DIBRELL,

LEWIS BEACH,

WM. CULLEN,

Managers on the part of the House.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. 5304) granting a pension to William H. Whitcomb;

A bill (H. R. 5543) granting a pension to David M. Nagle;

A bill (H. R. 7617) granting a pension to Mrs. Ann E. Gridley;

A bill (H. R. 5798) granting a pension to John E. Denham;

A bill (H. R. 6029) for the relief of Jeremiah McCarty; and

A bill (H. R. 6011) granting an increase of pension to Robert Carey.

The message also announced that the House had passed the following bills:

A bill (S. 544) granting increase of pension to Elijah W. Penny;

A bill (S. 1113) granting a pension to Anne E. Manchester;

A bill (S. 1612) granting a pension to Bryson R. McCartney;

A bill (S. 1633) granting a pension to James Bond;
 A bill (S. 1739) granting a pension to the widow and children of the late Byram Pitney;
 A bill (S. 1811) granting a pension to Anne T. Dicks;
 A bill (S. 1836) granting a pension to Sarah Hague;
 A bill (S. 1877) granting an increase of pension to John Hall;
 A bill (S. 1911) for the relief of Duncan L. Clinch, of the State of Georgia;

A bill (S. 2125) granting a pension to Sarah Jane Prince;
 A bill (S. 2153) granting a pension to Benjamin F. Brockett;
 A bill (S. 2245) granting a pension to William N. Morris;
 A bill (S. 2268) for the relief of Robert J. Ballort;
 A bill (S. 2279) granting a pension to Lewis L. Canady;
 A bill (S. 2302) granting a pension to John Lowe;
 A bill (S. 2367) granting a pension to Sarah A. White;
 A bill (S. 2437) granting a pension to Mrs. Mary Gordon;
 A bill (S. 2443) granting an increase of pension to Polly Young;
 A bill (S. 2527) granting a pension to Robert Sheridan;
 A bill (S. 2546) granting a pension to Charlotte C. B. Hatch;
 A bill (S. 2607) granting a pension to Mary B. Holmes;
 A bill (S. 2619) granting an increase of pension to Martha Hughes;

and

A bill (S. 2620) granting a pension to Thomas H. Boaz.
 The message further announced that the House had passed the following bills, each with an amendment, in which it requested the concurrence of the Senate:

A bill (S. 2262) granting a pension to Sedate P. Martin; and
 A bill (S. 2316) granting a pension to Mrs. Cordelia Brainerd Thomas.
 The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 8277) to remove the political disabilities of J. Taylor Wood, of Louisiana; and
 A bill (H. R. 8278) to remove the political disabilities of Thomas R. Ware, of Virginia.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a memorial of the Legislature of Dakota Territory, urging the passage of an act reducing the price of all public lands now held at \$2.50 per acre to the standard rate of \$1.25 per acre; which was referred to the Committee on Public Lands.
 He also presented a telegraphic memorial of the Grand Army of the Republic, Department of New Mexico, urging the passage of the bill placing U. S. Grant upon the retired-list of the Army; which was ordered to lie on the table.

Mr. BAYARD. I present the petition of Gideon J. Tucker, a citizen of New York, in which he calls attention to certain inaccurate statements of a historical character in a book which has been published by the United States; and because I know of no committee which may be considered properly charged with this subject, I will ask that the petition be read. It is entirely respectful in form, and perhaps the object of the petitioner will be better reached by this publicity.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the petition will be read.

The Chief Clerk read as follows:

To the Senate and House of Representatives of the United States of America:

The petition of Gideon J. Tucker, a citizen of the State of New York, respectfully shows as follows:

I ask the attention of the Congress of the United States to a book purporting to have been prepared and published under its authority, the title of which is: The Public Domain: its history, with statistics. Public Land Commission; Committee on Codification. Prepared by Thomas Donaldson, of the commission and committee. . . . Prepared in pursuance of a joint resolution of Congress approved August 7, 1882. Washington: Government Printing Office, 1884.

At page 30 of this book, under the heading of "Chapter 2: English Colonization in America," are the following statements:

"1609. Discovery and exploration of the Hudson River, as far as latitude 30 degrees north, by Hendrick Hudson, holding a commission from the King of England, but in the service of the States-General of Holland.

"1630. The Dutch applied for and obtained permission from James I to 'build some cottages' on Manhattan Island, at the mouth of Hudson's River, and under this license they settled a colony, which they called 'New Amsterdam,' now New York."

And, at page 35, the compiler of this book refers to (among others) Bancroft's History of the United States as an "authority" for the statements contained in "Chapter 2."

I respectfully submit to the Congress of the United States that the above-quoted statements are notoriously incorrect, unhistorical, and untrue in fact; that the discovery of the Hudson River and the settlement of the colony of New Netherlands were not in any sense an English colonization; that Hendrick Hudson held no commission from the King of England, nor was such discovery made by him while in the service of the States-General of Holland, but while in the employ and at the cost of members of the Dutch East India Company; that King James I of England was not applied to by the Dutch for permission to "build some cottages" on Manhattan Island, and never gave such permission, but, on the contrary, Dutch forts and dwellings were on the island before 1614; and that the settlement of New Amsterdam was not made "under license" from the King of England, or by permission of any but the native Indian sachems, from whom the land was purchased.

And I further respectfully submit that no warrant or authority for any of these false statements can be found in Bancroft's History of the United States, or in any other authentic history of the discovery and first settlement at the "mouth of Hudson's River."

I respectfully suggest that it touches the dignity of your honorable bodies that these false statements of historical occurrences should have been put forth to the world in a book covered with the sanction of the Congress of the United States. It touches your dignity that history should be falsified and buried in your name. At least 2,000,000 of the American citizens of to-day are descended from

the immigrants who came from Holland and its neighboring States between the years 1613 and 1664, which immigrants are represented by this book, bearing the official stamp of the Congress, to have been either interlopers and intruders upon English ground, or else to have settled under the license and permission of their enemy, the King of England.

I respectfully ask that some official action be taken by the Congress in correction and disavowal of these false statements, and in vindication of the truth of history.

GIDEON J. TUCKER,
 No. 120 Nassau street, New York city.

Mr. BAYARD. Perhaps the petition had better be referred to the Committee on the Library.

The PRESIDENT *pro tempore*. It will be referred to the Committee on the Library.

Mr. SHERMAN. I present the petition of a large number of citizens of Ohio, praying for the passage of the bill commonly known as the Mexican war pension bill. As that bill is now pending in the House of Representatives, I move that the petition lie on the table.

The motion was agreed to.

Mr. VAN WYCK presented a petition of the Nebraska Woman Suffrage Association, praying Congress to submit to the people of the several States, through their Legislatures, an amendment to the National Constitution prohibiting the United States, or any State, from disfranchising citizens on account of sex; which was referred to the Committee on Woman Suffrage.

Mr. MITCHELL. I present a resolution of the Legislature of Pennsylvania, favoring the passage of the Mexican war pension bill. As the bill is still pending in the House of Representatives, I move that the resolution lie on the table.

The motion was agreed to.

Mr. MITCHELL presented a petition of Thomas C. Hand, president of the Delaware Marine Fire Insurance Company, William A. Platt, vice-president of the Insurance Company of North America, and other inland marine underwriters of Philadelphia, Pa., praying that the United States Government acquire the ownership of the two canals crossing Point Keweenaw, Lake Superior, Michigan; which was referred to the Committee on Commerce.

Mr. CALL. I present the petition of Hiram J. Simonton, a citizen of the State of Florida, and a resident of San Antonio, in the county of Hernando. The petition is as follows:

Your petitioner, Hiram J. Simonton, of San Antonio, county of Hernando, State of Florida, respectfully represents that—

Whereas Congress, by an act approved May 17, 1856 (11 Statutes, page 15), granted to the State of Florida, to aid in the construction of certain railroads in said State (by a company then known as the Florida Railroad Company, and now styled the Florida Railway and Navigation Company), a tract of land, fully set forth and described in said act as extending from Amelia Island, on the Atlantic, to the waters of Tampa Bay, in South Florida, with an extension to Cedar Keys, in East Florida, with limitation to ten years from the date thereof, to complete said roads over the said tract; and

Whereas it is now nearly twenty-nine years since the passage of said act, the said company has not completed a road over that portion of the said tract described as extending from Amelia Island, on the Atlantic, to the waters of Tampa Bay, in South Florida; and

Whereas, notwithstanding your honorable bodies have, at your session last past, taken steps looking to the forfeiture of said grant, the said company has continued to operate the same, and in a manner detrimental to the interests of your petitioner and hundreds of other settlers thereon, to the interests of the State and of the United States, as follows:

That the company, on or about the 1st day of December last, in the person of one S. I. Wailes, land commissioner for the same, proceeded to dispose of, at public sale, the lands occupied by your petitioner and all the settlers residing in his vicinity;

That the company appraised the lands at their improved value, and the settlers had either to pay for their own improvements, which they have established with great toil and pecuniary cost, or permit their little homes (perhaps their all on earth) to pass into the hands of a stranger—a mercenary speculator;

That many of the settlers were too poor to pay the exorbitant price set upon their lands, and many others refrained from purchasing, being so advised by Hon. H. M. Teller, Secretary of the Interior, in an open communication dated June 9, 1884;

That as a consequence of this condition of affairs, the company being predisposed to sell to the party or parties who would purchase in large quantities and pay cash, large tracts of land passed into the hands of parties who have no interest in the soil beyond mere speculation;

That these lands will be held at a price far beyond their present value, and, consequently, will not be purchased by actual settlers and cultivated for many years to come;

Now, therefore, in view of said grievances, your petitioner would respectfully but earnestly pray your honorable bodies to pass, at the earliest date possible, a resolution prohibiting such further operations on the part of said company, of the nature herein complained of, until such time as you shall have an opportunity to make known your further intention in the premises.

I ask that the petition be laid upon the table, and I give notice that at the close of the morning hour on Monday, if not sooner, I shall ask of the Senate the privilege of making some remarks upon the subject.

The PRESIDENT *pro tempore*. The petition will lie on the table.

Mr. DAWES. I present a memorial submitted in behalf of the Stockbridge tribe of Indians, by J. C. Adams, of Stockbridge, in the State of Wisconsin, protesting against the passage of House bill 2889, and against a claim set up in their own behalf in Senate Miscellaneous Document 119 of this Congress. The memorialists ask that this memorial may be printed, as that document has been printed, and referred to the Committee on Indian Affairs. I do not know exactly how it may be put in the form of a document. It is very desirable that it should be printed. If it can be printed in the form of a miscellaneous document I will ask that it be so printed. It is in answer to a public document sent up in their own behalf, and they protest against the

claim made upon the United States Government in their own behalf. I do not know exactly the merits of Miscellaneous Document 119. It is a very long document, which has just come into my hands.

The PRESIDENT *pro tempore*. What disposition does the Senator from Massachusetts desire of the memorial?

Mr. DAWES. I ask that it may be printed in document form.

The PRESIDENT *pro tempore*. It will be printed in document form, under the ordinary order, if ordered to be printed at all. The Senator from Massachusetts moves that the memorial be printed and referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. PLUMB presented a memorial of the Legislature of Kansas; which was referred to the Committee on Pensions, and ordered to be printed in the RECORD, as follows:

Whereas it is the first duty of government to honor and provide for the welfare and comfort of those who voluntarily offer their lives in defense of their country; and

Whereas only a fractional portion of the brave men who have faithfully served the United States in the Army and Navy prior to and during the late rebellion are now living: Therefore,

Be it resolved by the house of representatives (senate concurring therein). That our Senators in Congress be instructed, and our Representatives respectively requested, to introduce and aid in securing the passage of a law granting all un-pensioned and honorably discharged soldiers and sailors of the United States, who did not give aid and comfort to the rebellion, and who are physically disabled for the active duties of life by reason of disease, accident, or any other good and sufficient cause, or who have arrived at the age of 50 years, a reasonable pension.

Resolved, That the secretary of state is hereby requested to forward to each of our Senators and Representatives in Congress a certified copy hereof.

I, E. B. ALLEN, secretary of state of the State of Kansas, do hereby certify that the above and foregoing is a true and correct copy of the original resolution now on file in my office.

In testimony whereof, I have hereunto subscribed my name and affixed my official seal. Done at Topeka, Kans., this 24th day of February, A. D. 1885.

(SEAL.)

E. B. ALLEN,
Secretary of State.

REPORTS OF COMMITTEES.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 411) granting a pension to Elizabeth Connor;

A bill (H. R. 1142) granting a pension to Nelly Roberts;

A bill (H. R. 6173) for the relief of Rose Dougherty;

A bill (H. R. 5086) for the relief of Elizabeth W. Creighton;

A bill (H. R. 6775) granting a pension to Edward Wilcox;

A bill (H. R. 5103) granting a pension to Joshua F. Justice;

A bill (H. R. 4668) for the relief of Nathaniel Pond, jr.;

A bill (H. R. 1587) granting a pension to Mrs. Elizabeth A. Randall, widow of Capt. Fernando Randall;

A bill (H. R. 2457) granting a pension to Richard Dillon; and

A bill (H. R. 3340) granting a pension to James M. Pike.

Mr. MITCHELL, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7863) granting a pension to Thomas M. McChesney;

A bill (H. R. 6904) for the relief of John F. Chase;

A bill (H. R. 5146) granting a pension to Jesse C. Buck;

A bill (H. R. 8152) for the relief of William D. Farnsworth;

A bill (H. R. 7993) for the relief of William Stansberry;

A bill (H. R. 7992) for the relief of Christian Arndt; and

A bill (H. R. 6960) for the relief of Charles L. Alden.

Mr. MITCHELL. I am also instructed by the Committee on Pensions, to whom was referred the bill (H. R. 1982) granting a pension to Benjamin Jeffries, to report it adversely. In this case the pension has been granted at the Pension Office since the bill was introduced. I move the indefinite postponement of the bill.

The motion was agreed to.

Mr. WILSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7447) granting a pension to Sebert Toney;

A bill (H. R. 8142) granting a pension to Mrs. Lucy Parr;

A bill (H. R. 5304) for the relief of Mary Royal;

A bill (H. R. 7170) for the relief of Frederick Hutton;

A bill (H. R. 7334) granting a pension to Judson Bostwick;

A bill (H. R. 7728) for the relief of Pardon H. Morey; and

A bill (H. R. 7047) granting a pension to Patrick Murphy.

Mr. WILSON, from the Committee on Pensions, to whom was referred the bill (H. R. 4556) granting a pension to Joseph Williams, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. CULLOM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 552) granting a pension to Lemuel J. Bennett;

A bill (H. R. 8132) to restore to the pension-roll the name of Rachel A. Queen;

A bill (H. R. 4021) granting a pension to Abraham Cover; and

A bill (H. R. 5728) granting a pension to Anna Beck.

Mr. CULLOM, from the Committee on Pensions, to whom was re-

ferred the bill (S. 2223) granting a pension to Lemuel J. Bennett, reported adversely thereon; and the bill was postponed indefinitely.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (H. R. 449) to provide for the appraisal and sale of lots in the town of Peru, Dubuque County, Iowa, reported it without amendment.

Mr. VAN WYCK, from the Committee on the Improvement of the Mississippi River, to whom was referred the bill (S. 2650) making an appropriation for the improvement of the Missouri River at or near Eastport, opposite Nebraska City, reported it without amendment.

Mr. BAYARD, from the Committee on Private Land Claims, to whom was referred the bill (S. 1043) to quiet certain land titles in the State of Mississippi, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

SOCIETY OF THE RED CROSS.

Mr. LAPHAM. The Committee on Foreign Relations have instructed me to report back Executive Document 59, being a message from the President communicating to Congress the report of the delegates on behalf of the United States to the international convention of the Society of the Red Cross at Geneva in September last, with an accompanying resolution, and I ask for the present consideration of the resolution. I wish to state that I have inquired, and learn that the expense of the printing provided for by the resolution will be only about \$50. I ask that the resolution be now adopted, so that it may go to the other House for consideration there.

The PRESIDENT *pro tempore*. The Senator from New York reports from the Committee on Foreign Relations a message from the President of the United States hitherto referred to that committee, together with a concurrent resolution. The resolution will be read.

The resolution was read, as follows:

Resolved by the Senate of the United States (the House of Representatives concurring). That there be printed for the Department of State 5,000 copies of Executive Document No. 59, being the report of the delegates on behalf of the United States to the third international convention of the Society of the Red Cross at Geneva in September last, and the message of the President transmitting the same to Congress.

The resolution was considered by unanimous consent, and agreed to.

WILLIAM G. FORD.

Mr. JACKSON. The Committee on Claims have instructed me to report back the bill (S. 2653) for the relief of S. S. Webb & Co., for the use of William G. Ford, with an amendment striking out the second section of the bill, and accompanying it with a resolution to refer the claim to the Court of Claims. I ask for the immediate consideration of the bill and resolution.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks unanimous consent that the bill be now considered. Is there objection?

Mr. BLAIR. I reserve the right to object if there is discussion.

Mr. JACKSON. There is no question about it.

Mr. BLAIR. All right.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It refers to the Court of Claims the claim of S. S. Webb & Co., for the use of William G. Ford, for the proceeds of fifty bales of cotton, containing 25,568 pounds, seized under the captured and abandoned property act, at Mobile, Ala., in May, 1865, by Acting Quartermaster Samuel Lappin, and shipped by him on the bark Ada Carter to the chief quartermaster at New York and sold, and the proceeds paid into the Treasury.

The bill was reported from the Committee on Claims with an amendment, to strike out section 2, in the following words:

SEC. 2. That the evidence heretofore taken in the case and filed in the Treasury Department, and the evidence and papers on file before Congress, shall be admitted and heard by the court the same as if taken over again under the rules and orders of the court; and either party may take additional testimony, and shall have the right of appeal as in other cases.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The Chair will now lay before the Senate the resolution which is to dispose of the bill without its passage, as the Chair understands the committee to desire.

Mr. JACKSON. Yes, sir.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Resolved. That the claim of S. S. Webb & Co., for the use of William G. Ford, as embraced in Senate bill 2653 of the Forty-eighth Congress, be referred, in accordance with the provisions of section 1059 of the Revised Statutes of the United States, to the Court of Claims, together with the papers, vouchers, proofs, and documents appertaining thereto.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

MOQUELAMOS GRANT IN CALIFORNIA.

Mr. MANDERSON. There was referred to the Committee on Printing a letter from the Secretary of the Interior, transmitting, in response to a Senate resolution, papers on file in his Department relating to the Moquelamos grant in California. The question presented to the committee was whether these accompanying papers should be printed. Upon investigation it is ascertained that the printing of the papers,

which pertain to a private grant, would cost nearly \$1,400. The committee report adversely, and ask that the papers simply be kept on the files of the Senate and not printed.

The PRESIDENT *pro tempore*. The Senator from Nebraska, from the Committee on Printing, reports adversely to printing the papers transmitted by the Secretary of the Interior in response to a Senate resolution of February 5, 1885, on file in his Department, relating to the Moquelamos grant in California. If there be no objection the report will be considered as agreed to and the papers placed on file.

SENATE MANUAL.

Mr. MANDERSON, from the Committee on Printing, to whom was referred the following resolution, reported it without amendment, and it was considered by unanimous consent, and agreed to:

Resolved, That there be printed and bound for the use of the Senate, under the direction of the Committee on Rules, 1,000 additional copies of the revised Senate Manual.

AGRICULTURAL REPORT FOR 1885.

Mr. MANDERSON. Yesterday, from the Committee on Printing, I reported favorably a joint resolution for printing the annual report of the Commissioner of Agriculture, which is a House resolution. I ask unanimous consent that it may now be considered. It is important that it should pass and become a law.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. Res. 342) to authorize the printing of 400,000 copies of the annual report of the Commissioner of Agriculture for the year 1885.

The joint resolution was reported from the Committee on Printing with amendments.

The first amendment was, in line 3, before the word "thousand," to strike out "four hundred" and insert "three hundred and ten;" so as to read:

That there be printed 310,000 copies of the annual report of the Commissioner of Agriculture for the year 1885.

Mr. MORRILL. I ask the Senator from Nebraska whether he has not made a mistake as to the date of the report? Ought it not to be the report for 1884 instead of 1885?

Mr. MANDERSON. No; the printing of the report for 1884 was ordered at the last session of Congress. The reports are ordered a year ahead.

Mr. MORRILL. Very well, if the Senator is sure he is right.

Mr. COCKRELL. We can not hear a word on this side of the Chamber.

Mr. MANDERSON. The date is correct. The Agricultural Report for 1884 was ordered to be printed at the last session of Congress. This is the report for the present year, and provision is now made so that it may be issued by the next session.

Mr. COCKRELL. I should like to ask the Senator from Nebraska how many copies were ordered to be printed last year of the Agricultural Report for 1884?

Mr. MANDERSON. Four hundred thousand copies, I am told by the clerk of the Printing Committee.

Mr. COCKRELL. How were they distributed between the Senate and House?

Mr. MANDERSON. In accordance with the requirements of the House resolution.

Mr. COCKRELL. What was that?

Mr. MANDERSON. Three hundred thousand copies to the House of Representatives, 70,000 copies to the Senate, and 30,000 copies to the Department of Agriculture.

Mr. COCKRELL. I suppose the Senate committee then yielded all the rights of the Senate in the matter and let the House have its own way.

Mr. MANDERSON. If the Senator from Missouri will examine the present report of the Committee on Printing he will see that we recommend that the number to the House of Representatives be cut down 90,000 copies.

Mr. COCKRELL. How do you propose to distribute these 310,000 copies?

Mr. MANDERSON. By the amendment 210,000 copies to the House, 70,000 copies to the Senate, and 30,000 copies to the Department of Agriculture, thus giving to the Senate about one-third of the number supplied to the House.

Mr. COCKRELL. Not quite a third.

Mr. MANDERSON. Exactly a third—seventy to two hundred and ten.

Mr. COCKRELL. There will be 280,000 printed for the Senate and House. One-third of that number would be over 90,000. I therefore move to amend the joint resolution to make the number conform to what we require, and what I think the Senate has repeatedly decided that we required in other cases. I see no reason why such an enormous number more should be given to the House of this particular document. We have calls for it from the whole of our States, and I think we ought to have an increased number. The number is disproportioned. We are to have 70,000 and they 210,000. Ordinarily we have one-third of the whole number and they two-thirds. Apply that rule

and it would give us 93,000; but if the joint resolution proposes to give to the Senate the same number as was heretofore given in 1883 and 1884, and simply reduces the number to the House, and if other Senators are satisfied, I shall make no further objection. I wish to be sure, however, that we are to have the same number that we had last year.

Mr. MANDERSON. That is as the committee understands it. The Senate has the same number and the House a reduced number by the amendments proposed by the Committee on Printing.

The PRESIDENT *pro tempore*. The amendment of the Committee on Printing will be again read.

The CHIEF CLERK. In line 3, before the word "thousand," it is proposed to strike out "four hundred" and insert "three hundred and ten;" so as to read:

That there be printed 310,000 copies of the annual report of the Commissioner of Agriculture for the year 1885.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The next amendment reported by the Committee on Printing will be read:

The CHIEF CLERK. In line 6, before the word "thousand," the committee report to strike out "three hundred" and insert "two hundred and ten;" so as to read:

Two hundred and ten thousand copies for the use of members of the House of Representatives.

The PRESIDENT *pro tempore*. Is the Senate ready for the question on agreeing to this amendment? If there be no objection—

Mr. MORRILL. I think the Senator from Missouri proposed an amendment to that amendment.

Mr. COCKRELL. Let the joint resolution be read as proposed to be amended by the Committee on Printing. Let it be read as amended.

The PRESIDENT *pro tempore*. The last amendment has not been acted upon. The Senator from Vermont addressed the Chair, and the Chair suspended putting the question. The question is on agreeing to the amendment.

Mr. MORRILL. I think the Senator from Missouri proposed an amendment to this amendment, giving the Senate a larger number and the House a less number than was proposed by the Committee on Printing.

Mr. COCKRELL. How many copies are provided for the Senate?

Mr. MANDERSON. Seventy thousand for the Senate.

Mr. COCKRELL. I move to amend by giving the Senate 80,000 copies and the House 200,000 copies.

The PRESIDENT *pro tempore*. The Senator from Missouri moves to amend the amendment. The amendment to the amendment will be read.

The CHIEF CLERK. In line 6 of the proposed amendment strike out the words "and ten;" so as to read:

Two hundred thousand copies for the use of members of the House of Representatives.

And in line 7 strike out "seventy" and insert "eighty;" so as to read:

Eighty thousand for the use of members of the Senate.

The PRESIDENT *pro tempore*. The question is on agreeing to the first amendment proposed by the Senator from Missouri to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The PRESIDENT *pro tempore*. The next amendment proposed by the Senator from Missouri will be again read.

The CHIEF CLERK. In line 7, before the word "thousand," strike out "seventy" and insert "eighty;" so as to read:

Eighty thousand for the use of members of the Senate.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

The title was amended to read: "A joint resolution to authorize the printing of 310,000 copies of the annual report of the Commissioner of Agriculture for the year 1885."

BILLS RECOMMITTED.

Mr. GORMAN. For the purpose of having the bill recommitted to the Committee on Indian Affairs, I move to take up the bill (S. 1963) for the relief of J. G. Fell, Edward Harper, and George Burnham. There is an error in the bill as reported, and some members of the committee desire to further consider it.

The PRESIDENT *pro tempore*. The Senator from Maryland asks unanimous consent to take up the bill indicated by him. The Chair hears no objection, and it is before the Senate.

Mr. GORMAN. I move that the bill be recommitted to the Committee on Indian Affairs.

The motion was agreed to.

MOSES F. CARLETON.

Mr. CONGER. I move that the Senate proceed to the consideration of the bill (H. R. 6089) for the relief of Moses F. Carleton. It is for the benefit of a soldier.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Moses F. Carleton, late of Company I, Fourth Michigan Infantry Volunteers, the pay and allowances of a second lieutenant of infantry from October 24, 1865, until June 12, 1866, deducting therefrom the pay he received as sergeant of infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BACKBONE RAILROAD GRANT.

Mr. HILL. I call for the regular order, the regular morning business.

The PRESIDENT *pro tempore*. The regular order is "reports of committees," although, the hour of 12 o'clock having passed, it is in order for any Senator to move to take up any bill.

Mr. HILL. I merely wish to offer a resolution for reference. I ask unanimous consent.

The PRESIDENT *pro tempore*. The Senator from Colorado asks unanimous consent to present a resolution at this time. If there be no objection it will be received and read.

The Chief Clerk read the resolution, as follows:

Resolved, That it is the opinion of the Senate that no patents should issue to the assignee of the New Orleans, Baton Rouge and Vicksburg Railroad Company to the lands granted to the said company until the Senate has acted upon the pending bill relating to that subject.

Mr. HILL. I believe there is urgent necessity that the resolution should be acted upon at once, and I trust the Committee on Public Lands will act upon it promptly. I therefore move its reference to that committee.

The motion was agreed to.

RIVER AND HARBOR BILL.

Mr. MITCHELL. I wish to offer a resolution at this time.

The PRESIDENT *pro tempore*. The order of resolutions is not yet reached. Are there further "reports of committees?" If there be none, that order is closed. The "introduction of bills" is in order.

The Chair thinks it is his duty now to lay before the Senate for action a bill of the House, which was read the first time yesterday and objection was made to its second reading. The Chair is not at all clear under the rules whether the bill now belongs on the Calendar or should be laid before the Senate at this time. In this state of doubt the Chair will lay the bill before the Senate for its action; and the question will be, unless it be objected to or a point of order raised, whether the bill shall be read the second time. The Chair hears no objection to that question being now put. The question is, Shall the bill be read the second time?

Mr. BLAIR. What is the name of the bill?

The PRESIDENT *pro tempore*. The river and harbor bill.

Mr. BLAIR. That will be simply for reference, I suppose.

The PRESIDENT *pro tempore*. The Chair supposes so. It can not be debated until after its second reading.

Mr. INGALLS. I should like to have it read the second time at length.

The PRESIDENT *pro tempore*. The bill will be read the second time at length if there be no objection.

Mr. BLAIR. I object.

The PRESIDENT *pro tempore*. Objection is made to the second reading. The question is, Shall the bill be read the second time? [Putting the question.]

Mr. BLAIR. If it is a short bill I withdraw the objection.

The PRESIDENT *pro tempore*. The Chair is putting the question. The ayes have it, and the bill will be read the second time at length, as the Senator from Kansas desires.

The bill (H. R. 8260) making appropriations for the preservation and continuation of certain public works on rivers and harbors, and for other purposes, was read the second time at length, as follows:

Be it enacted, &c., That there is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, and to be expended under the direction and with the approval of the Secretary of War, for the preservation and continuation of such of the uncompleted public works mentioned and designated for improvement in an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved July 5, 1884, the sum of \$5,000,000, which sum of \$5,000,000 shall be applied by the Secretary of War to each of said public works, respectively, in proportion to the sums appropriated for such works in and by the said act: *Provided*, That no more shall be thus allotted than is sufficient for the completion of said works under the present estimates: *Provided*, That the work at the harbor of Galveston, Tex., shall be treated as if the sum of \$250,000 had been appropriated for said harbor of Galveston by said act: *And provided further*, That any money which shall be allotted under this act for the improvement of the Mississippi River below Cairo, except so much thereof as it shall be necessary to expend in preventing the works in progress on other portions of the river from waste and injury, shall be expended in the continuation and completion of the works on the Plum Point and Lake Providence reaches of the river now in progress of improvement, as established by the commission, to the end that the progress shall be completed at an early day, and the plan of said commission for the improvement of the navigation of the river

fully tested; and the money thus allotted by this act for the improvement of the Mississippi River shall be expended by the Secretary of War and in accordance with plans approved by him.

Mr. McMILLAN. I move that the bill be referred to the Committee on Commerce.

The motion was agreed to.

Mr. McMILLAN. I ask unanimous consent that the Committee on Commerce have leave to sit during the sessions of the Senate.

The PRESIDING OFFICER (Mr. INGALLS in the chair). That order will be entered if there be no objection.

BILLS INTRODUCED.

Mr. MANDERSON introduced a bill (S. 2667) making appropriation for the improvement of the Missouri River at or near Omaha, Nebr., and Council Bluffs, Iowa; which was read twice by its title, and referred to the Committee on the Improvement of the Mississippi River.

Mr. BLAIR introduced a bill (S. 2668) granting a pension to John M. Milton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 2669) to authorize the Secretary of the Treasury to issue a duplicate certificate of deposit to the People's National Bank of Lawrenceburg, Ind.; which was read twice by its title, and referred to the Committee on Finance.

Mr. COLQUITT introduced a bill (S. 2670) to remove the political disabilities of John W. Nixon, of Georgia; which was read twice by its title, and, with the accompanying petition, referred to the Committee on the Judiciary.

SARAH M. BISSELL.

Mr. BLAIR. I ask unanimous consent of the Senate to take up Calendar No. 1300, being the bill (H. R. 6940) granting a pension to Sarah M. Bissell.

Mr. HARRIS. I call for the regular order.

The PRESIDING OFFICER. The Chair understands that it is in order under the rule at this hour for the Senator from New Hampshire to either ask unanimous consent or to move to proceed to the consideration of any bill on the Calendar.

Mr. HARRIS. There is no question about the right of the Senator to make such a motion; but I call for the regular order, which is an objection to unanimous consent.

Mr. BLAIR. I move to take up the bill referred to.

The PRESIDING OFFICER. The Senator from New Hampshire moves that the Senate now proceed to the consideration of the bill (H. R. 6940) granting a pension to Sarah M. Bissell.

Mr. MITCHELL. I desire to offer a resolution. I can not do so, as I understand it, if that bill is taken up now.

The PRESIDING OFFICER. It may be offered by unanimous consent.

Mr. BLAIR. If the motion is in order, I have no objection to a resolution being offered for reference, but I wish to make progress with this and a few other cases of the kind, and I think the Senator ought not to obstruct them.

Mr. MITCHELL. I do not desire to obstruct any motion to take up a pension bill, but I want to present a resolution which I understand to be in order now, and I must object to anything else being interposed.

Mr. BLAIR. Is the resolution proposed for action?

Mr. MITCHELL. It is a resolution that calls for action unless objection be made.

Mr. BLAIR. I ask for action on my motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from New Hampshire [Mr. BLAIR].

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6940) granting a pension to Sarah M. Bissell. It proposes to place on the pension-roll the name of Sarah M. Bissell, widow of Commodore Simon B. Bissell, late of the United States Navy, at \$50 per month.

Mr. HARRIS. Is that bill reported favorably or unfavorably?

The PRESIDING OFFICER. It is reported unfavorably.

Mr. BLAIR. Let the report be read. The bill is for the widow of a rear-admiral. It is like half a dozen other cases passed yesterday giving pensions of \$50 a month. There are three or four others, and I desire that they may be disposed of and off my mind.

Mr. COCKRELL. I ask for the reading of the adverse report.

The PRESIDING OFFICER. The report will be read.

Mr. BLAIR. I hope the Senate will listen to the report.

The Secretary read the following report, submitted by Mr. BLAIR February 20, 1885:

The Committee on Pensions, to whom was referred the bill (H. R. 6940) granting a pension to Sarah M. Bissell, have examined the same, and report recommending the indefinite postponement of the bill.

The record and other facts are printed below. The commodore was in the service from 1826 until 1883.

[House report No. 2066, Forty-eighth Congress, first session.]

The committee have given Mrs. Bissell's case thoughtful consideration, and are convinced that no more deserving claim has come before Congress. Mrs. Bissell is the widow of the late Commodore Simon B. Bissell, who gallantly and faithfully served his country through a long and honorable career in the Navy, and now in utter helplessness she appeals for a pension barely sufficient to keep

her from actual want. And in this connection the committee call attention to the following letter from that gallant patriot Admiral David D. Porter; it tells its own eloquent story. The committee make the said letter a part of this report:

OFFICE OF THE ADMIRAL, Washington, D. C., June 19, 1884.

MY DEAR SIR: Please accept my warmest thanks for your kind and encouraging letter regarding the pension of Mrs. Bissell.

I regret very much to hear that there is not a prospect of getting a bill through for the relief of Mrs. Bissell during the present session. The distress of this interesting family is the most dreadful that has come to my knowledge for many years.

It can scarcely be conceived that a person once holding Mrs. Bissell's position as the wife of a commodore in the Navy could be reduced to such poverty. Mrs. Bissell and her daughter have not a cent in the world. They have been obliged to sell every little article of value to purchase food. Fortunately they have a small house of their own in which they can hide their grief and their poverty.

I never knew until day before yesterday their actual destitute condition, and I yesterday sent them the first square meal they have had for two weeks.

Commodore Bissell, when he was retired, took his family abroad to a cheap place, where he was enabled to lay up a little from year to year. He put the money in the hands of a relative of his wife's to invest for her. After the commodore's death his family returned to America to find that all their savings which they had sent home had been made way with, and that absolute poverty stared them in the face. Their own relatives are unwilling to help them by a loan of even a dollar.

How they will get along God only knows, unless they can get this pension. It is not right that the family of an officer who so faithfully performed his duty, as did Commodore Bissell, should be suffering such extreme poverty from no fault of their own.

I hope you will excuse me for troubling you with this long story; but as you have interested yourself in the matter, and it comes under your cognizance, I thought it my duty to state to you the exact condition of this family. If anything could be done for them this session, it would be an act of mercy.

I am sure you have sympathy enough for this case to excuse my intrusion on your time, and I am glad to know that you consider the claim of Mrs. Bissell a just one.

I am about the only one who interests himself in the cases of the wives of old officers left by the death of their husbands in distress. I do so because I know their merits and demerits, and must be the last one to recommend any person for a pension who did not actually deserve it. These good people, Mrs. Bissell and her daughter, deserve more than ordinary consideration. Thanking you for your courtesy in finding time to write and give me such encouraging news for the future,

I have the honor to remain, very respectfully and truly, yours,

DAVID D. PORTER, Admiral.

Hon. G. W. HEWITT, M. C.,
Chairman Committee on Pensions,
United States House of Representatives.

The committee earnestly recommend the passage of the bill.

To the honorable the Senate of the United States:

I, the undersigned, widow of the late Commodore Simon B. Bissell, United States Navy, who died at Paris, France, February 18, 1883, respectfully appeal to your honorable body for the aid that has been granted to the widows of officers of the rank of my late husband, and pray the passage of the accompanying bill, granting me a pension of \$50 per month. My necessities are such as to compel me to make this appeal in as urgent a form as possible. My age is 73, and the records of the Department will show the honorable career of my late husband, whose services covered a period of over fifty years, he having entered the Navy in 1823, having passed successively through all the grades to that of commodore on the active-list, in which latter grade he was honorably retired on attaining the age of 62. During his forty-seven years of active service he filled with credit all the positions to which a naval officer is ever assigned. In the grades through which he passed, and in whatever position he was placed, he left an unblemished record.

I append hereto the record of my late husband as transmitted to me from the Bureau of Navigation and Office of Detail, Navy Department. The petitioner begs that her prayer may be granted.

SARAH M. BISSELL.

The petitioner begs to add that Congress has on many occasions made precedents. Not to go further back than 1876, the following instances are cited in which this has been done: In 1876 to the widow of Commodore Elliott; in 1877 to the widows of Admirals Bell and Winslow; in 1878 to the widow of Admiral Wilkes; in 1879, of Commodores Frailey, Gallagher, and McKeever, and of Admiral Stringham; in 1880, of Admiral Davis; in 1881, of Admiral Paulding, and Commodores McOuley and Guest; and, finally, last winter and summer, to the widows of Admirals Goldsborough, Hoff, Reynolds, Lardner, Spotts, and Rodgers, and Commodore Wood.

SARAH M. BISSELL.

DISTRICT OF COLUMBIA,
County of Washington, ss:

Sworn to and subscribed before me this 8th day of April, 1884.

[SEAL.]

EUGENE ROSIS,

Notary Public, District of Columbia.

ABSTRACT OF SERVICES OF SIMON B. BISSELL, LATE COMMODORE UNITED STATES NAVY.

1823, March 1. Appointed midshipman.
1826, July 23. Ordered to the Vincennes, Pacific squadron.
1830, June 29. Detached and granted leave.
1830, August 19. Ordered to the naval school at New York.
1830, December 16. Granted leave.
1831, July 12. Ordered to the navy-yard at Portsmouth, N. H.
1831, July 23. Warranted as passed midshipman, to take rank from the 4th June, 1831.
1833, April 6. Ordered to the United States Mediterranean squadron; was transferred to the Delaware, same squadron.
1836, February 23. Detached from the Delaware.
1837, March 6. Commissioned as lieutenant, to take rank from February 9, 1837.
1837, November 7. Ordered to the steamer Fulton.
1838, October 18. Detached and granted leave.
1838, December 8. Ordered to the Macedonian, West India squadron.
1839, December 2. Ordered to the steamer Fulton.
1840, May 13. Granted leave.
1841, December 29. Ordered to the steamer Missouri.
1843, October 19. Detached and placed on waiting orders.
1845, February 19. Ordered to the Union; special service.
1846, April 14. Detached and placed on waiting orders.
1846, October 14. Ordered to the Albany, home squadron; attached to the naval battery during the siege of Vera Cruz (war with Mexico).
1848, May 11. Detached from home squadron.
1855, September 13. Transferred to reserve-list.

1859, January 6. Commissioned as commander on the active-list, to take rank from the 14th of September, 1855, and next after Commander John P. Gillis.
1859, March 22. Ordered to command the receiving ship Independence at Mare Island, Cal.

1860, October 29. Detached and ordered to command the Cyane, Pacific squadron.

1862, November 12. Detached and ordered to the navy-yard, Mare Island.

1864, August 8. Detached.

1865, February 29. Commissioned as captain to take rank from July 16, 1861.

1866, April 25. Ordered to special duty at Washington.

1866, November 8. Detached and ordered to command the Monongahela, North Atlantic squadron.

1866, December 29. Commissioned as commodore to take rank from the 12th of October, 1866.

1868, July 1. Detached from the Monongahela and placed on waiting orders.

1869, June 2. Ordered as member of board of examiners.

1869, July 19. Also as member of retiring board.

1870, March 1. Placed on the retired-list. Sixty-two years.

1871, September 18. Detached from duty as member of examining and retiring boards and placed on waiting orders.

1872, May 23. Ordered as a member of board of examiners.

1872, September 30. Detached and placed on waiting orders.

1873, April 30. Granted leave of absence until his services should be required, with permission to remain abroad.

He died in Paris, France, February 18, 1883.

Mr. BLAIR. I only desire to add to the statement of Admiral Porter written last summer, with reference to the extreme need of Mrs. Bissell, that I have come personally to know that it is in no wise exaggerated even in its strongest statement. I hope that the bill will pass.

While I am on my feet—

Mr. COCKRELL. Will the Senator permit me to ask a question for information?

Mr. BLAIR. Certainly.

Mr. COCKRELL. Is Mrs. Bissell now drawing a pension?

Mr. BLAIR. I do not understand that she is. Her husband recently died and the application is made direct to Congress, as I understand, as in the case of Mrs. Alvord, whose husband died this last year.

Mr. COCKRELL. She would be entitled to \$30 under the general law, would she not?

Mr. BLAIR. Under the general law she would, and under the universal custom, as these cases have been brought to Congress, to \$50.

Mr. COCKRELL. That is where there has been any necessity for it.

Mr. BLAIR. Where there has been any necessity?

Mr. COCKRELL. Where there has been necessity, as I understood the Senator to say yesterday evening, \$50 per month had been allowed.

Mr. BLAIR. I should like to say on that point that while the Senate has seen fit, and members of the Pensions Committee who have dissented from this class of bills have deemed fit, when personally interested in such cases, to recommend Congress to pass such bills for those of much lower rank, I have always insisted, and I claim that I am the conservative member of the committee in that regard, that this excessive pension should never be given except where there are special claims founded upon long service, distinguished service, and actual need. In cases where life has been taken and service has been very brief, I think death ought to be accounted as an equivalent to long service; but at all events distinguished service and actual need should be insisted on. I am the conservative member of the Committee on Pensions in that regard, and I should like the Senator from Missouri and everybody else to take notice accordingly.

Mr. COCKRELL. I am very much obliged for the information, for I am sure I would not, unless the Senator had called my attention to the fact, have formed the opinion which he has stated.

Mr. BLAIR. The Senator will pardon me.

Mr. COCKRELL. This is the question I want to ask: I see these papers speak of property. It seems these persons have a comfortable home. What is the value of the real estate?

Mr. BLAIR. It does not say they have a comfortable home. They have a house which they have inherited. I do not know the value of the house. I do not understand it to be a valuable house, one at all unsuitable to their condition in life.

The Senator will observe, of course, that this is a case where the statement of the details in a public way naturally affects a sensitive nature, and I did not desire myself the reading of the report; and yet where an application of this sort is made it is only right that the Senate, who must pass upon it, should know the details in full; and I state with reference to all the circumstances of this family, excepting the dwelling, in regard to which I do not know, that the letter of Admiral Porter is not exaggerated. I have come to know personally that his statements are by no means stronger than the truth.

Mr. JACKSON. Will the Senator from New Hampshire yield for a question?

Mr. BLAIR. Certainly.

Mr. JACKSON. Do the papers in this case show that the husband died of disease contracted in the service?

Mr. BLAIR. I do not know in regard to that. They show that he died in the year 1883, after over fifty years' service and forty-seven on the active-list.

Mr. JACKSON. After he had been on the retired-list a long while. Mr. BLAIR. He had been on the retired-list since 1873, I think, but had been performing actual duty much of the time after he was retired. He went abroad with leave to remain abroad, his absence being on account of his health, and finally died in Paris, France, in 1883.

With regard to the Senator's question as to whether Commodore Bissell died from disease contracted in the service, I will say that he died after he had obtained extreme old age, the whole of his life having been spent in the service of the United States. I know but very few instances where these pensions have been extended to \$50 a month by special act where the death of the husband was traceable directly to anything but old age and the natural effect of long service. In some instances, to be sure, the death was attributable to the combined effect of wounds or disease contracted and extreme age, but as a rule in the cases we passed yesterday, the cases which we passed at the last session, and other cases still upon our Calendar, the prolonged service, the high rank, the distinguished character of the service, and the need of the party have been the basis on which I for one have urged the increase to \$50.

Where the widow of an admiral has means to support herself in reasonable comfort I do not think she ought to receive anything more than the \$30; in fact she ought to make out her case like a private in order to receive any pension whatever. The question which the Senator propounds would in such a case be a pertinent one.

Mr. CAMDEN. Mr. President, I feel it my duty to protest again, as I did yesterday, against this discrimination in increasing the pensions of one class of persons or of particular individuals over the report of the Pensions Committee, especially where there is no other ground for an increase than the necessity of the claimant. Now, it is a fact which all will recognize that of the thousands and thousands of pensioners enjoying the bounty of the Government there is not one single case in which the pensioner might not properly come before the Senate and ask an increase of pension upon the ground that the pension received is not sufficient to support him or her and his or her family.

By these precedents we are inviting every widow now upon the pension-roll of this Government to come before the Committee on Pensions and before Congress and ask for an increase. If we give it in one instance simply for meritorious services we set a precedent after which we can not well deny it to any other widow or any other claimant whose pension is not sufficient for his or her support. Thus you will bring before this committee hundreds and hundreds of cases that come with the same claim for an increase, urging the same reasons for an increase that have been sufficient in the other cases.

I think it is unwise, I think it is impolitic to multiply these precedents which are to be used against us in similar cases. The cases that we passed yesterday are precedents for the same class of cases to-day, and they will be precedents at future sessions of Congress for allowing an increase of many other pensions upon the same grounds.

Mr. President, is long service a good cause for increasing a pension? If the Government has for a great number of years furnished lucrative and high positions to any class of persons serving the Government, are they not as much under obligations to the Government for the positions afforded them as the Government is to support their families after their death? I do not see the propriety of such a marked distinction between the military and civil service of the Government. Whether one man served forty years, another fifty years, or another ten years, if they died in the service, they all alike have a meritorious record, because the simple fact of being in the service and dying in the service is evidence that they performed their duty well; they could not have remained in the service unless they had discharged their duty honestly and faithfully.

I desire to call attention particularly to the result of what is being done and to the evils that must flow from it.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass?

Mr. CAMDEN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MITCHELL. I desire to say one word in regard to this bill. A number of cases similar to this have passed the Senate. So many of them have passed this body that I regard myself as instructed upon them. This I regard as one of the best cases we have considered, and I trust the Senate will pass the bill.

The Secretary proceeded to call the roll.

Mr. SAWYER (when his name was called). I am paired with the Senator from Delaware (Mr. SAULSBURY). If he were here, I should vote "yea." My pair has been transferred; and I vote "yea."

The roll-call having been concluded the result was announced—yeas 24, nays 27; as follows:

YEAS—24.

Brown,	Dolph,	Lapham,	Morgan,
Call,	Edmonds,	McMillan,	Morrill,
Cameron of Wis.,	Frye,	Manderson,	Palmer,
Chace,	Hoar,	Miller of Cal.,	Pike,
Conger,	Ingalls,	Miller of N. Y.,	Sabin,
Cullum,	Jones of Florida,	Mitchell,	Sawyer.

NAYS—27.

Bayard,	Garland,	Lamar,	Slater,
Blair,	Gibson,	Maxey,	Vance,
Cameron,	Groome,	Pendleton,	Van Wyck,
Cookrell,	Hampton,	Plumb,	Vest,
Coke,	Harris,	Pugh,	Williams,
Culquist,	Jackson,	Ransom,	Wilson,
Fair,	Jonas,	Riddleberger,	

ABSENT—25.

Aldrich,	Farley,	Jones of Nevada,	Sewell,
Allison,	George,	Kenna,	Sherman,
Beck,	Gorman,	Logan,	Voorhees,
Bowen,	Hale,	McPherson,	Waiker,
Butler,	Harrison,	Mahone,	
Cameron of Pa.,	Hawley,	Platt,	
Dawes,	Hill,	Saulsbury,	

So the bill was rejected.

Mr. BLAIR. I desire to enter a motion to reconsider the vote just taken.

The PRESIDENT *pro tempore*. The Senator from New Hampshire enters a motion to reconsider. Does he desire it acted on now?

Mr. VAN WYCK. I hope not now. Let the other bills be considered.

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire make the motion, or simply ask to enter it?

Mr. BLAIR. I simply enter the motion.

The PRESIDENT *pro tempore*. The motion to reconsider is entered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 603) granting a pension to Rachel Nickell;
A bill (H. R. 3581) for the relief of Valincia S. Hutchinson;
A bill (H. R. 4026) for the relief of William H. Houghton;
A bill (H. R. 7504) granting a pension to Delia G. Webber.
A bill (H. R. 7907) granting a pension to Matilda Cody;
A bill (H. R. 8155) granting a pension to Addie L. Moore; and
A bill (H. R. 8237) granting a pension to Mary J. Dickson.

The message also announced that the House insisted upon its amendments to the bill (S. 84) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. OLIN WELLBORN of Texas, Mr. HORACE B. STRAIT of Wisconsin, and Mr. ROBERT S. STEVENS of New York managers at the conference on its part.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5713) to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. W. S. ROSECRANS of California, Mr. ROBERT M. MURRAY of Ohio, and Mr. GEORGE W. STEELE of Indiana managers at the conference on its part.

ANSON B. SAMS.

Mr. VANCE. The Committee on Pensions reported adversely on a bill for the relief of one of my constituents, without my observing it. I ask to have the action on the adverse report reconsidered and the bill placed on the Calendar.

The PRESIDENT *pro tempore*. Will the Senator state the title of the bill?

Mr. VANCE. A bill granting a pension to Anson B. Sams.

The PRESIDENT *pro tempore*. How long is it since the bill was indefinitely postponed?

Mr. VANCE. Three days since, I think.

The PRESIDENT *pro tempore*. The Senator from North Carolina asks unanimous consent that the vote of the Senate indefinitely postponing the bill (H. R. 1127) granting a pension to Anson B. Sams be reconsidered, and that the bill be placed on the Calendar. The Chair hears no objection, and that order is made.

SUSPENSION OF SILVER COINAGE.

Mr. MITCHELL. I desire to offer a resolution. Is not that in order at this time?

The PRESIDENT *pro tempore*. The Chair will receive it, if there be no objection.

The resolution was read, as follows:

Whereas the commercial value of silver has so far depreciated that the standard silver dollars coined under the act of 1873 are now worth but 82 cents in the open market; and whereas the continued coinage of such depreciated dollars, now amounting to nearly \$200,000,000, seriously threatens a suspension of gold payments by the Government from necessity, and the consequent banishment of gold coin from active circulation: Therefore,

Resolved, That the Committee on Finance be, and hereby is, instructed forthwith to prepare and report to the Senate a proper bill to provide for the immediate suspension of the coinage of standard silver dollars and for the resumption of such coinage whenever the commercial value of the standard dollars aforesaid shall rise to within 5 per cent. of par with the standard gold dollars of the United States.

Mr. MITCHELL. I ask unanimous consent to have read a very important letter from a very distinguished person relating to this subject, to make public record of the fact.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. HARRIS. There is.

The PRESIDENT *pro tempore*. Objection is made.
Mr. MITCHELL. I did not understand objection to be made to the reading of the letter.

The PRESIDENT *pro tempore*. Is there objection to the reading of the paper?

Mr. HARRIS. There is.

Mr. MITCHELL. Very well.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

Mr. HARRIS, from the Committee on Epidemic Diseases, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

Mr. MITCHELL submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. McPHERSON submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PENDLETON submitted two amendments intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce.

Mr. WILLIAMS submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

SENATE P. MARTIN.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 2262) granting a pension to Sedate P. Martin, which was to strike out all after the word "pension-roll" in line 3 down to and including the word "pensions" in line 4.

Mr. COCKRELL. Let the words to be stricken out be read.
The PRESIDENT *pro tempore*. The bill had better be read as it would stand if amended.

The CHIEF CLERK. If the amendment be agreed to, the bill will read:
Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sedate P. Martin, late a private in Company B, One hundred and forty-first Regiment Illinois Volunteers.

The PRESIDENT *pro tempore*. The amendment is before the Senate.
Mr. JACKSON. I move that the Senate concur in the amendment of the House of Representatives.
The motion was agreed to.

MRS. CORDELIA BRAINERD THOMAS.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 2316) granting a pension to Mrs. Cordelia Brainerd Thomas, which was, in line 10, to strike out the word "fifty" and to insert "twenty;" so as to read:

And to pay her, from and after the passage of this act, during her widowhood, the sum of \$20 a month.

Mr. JACKSON. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

- A bill (H. R. 603) granting a pension to Rachel Nickell;
- A bill (H. R. 3581) for the relief of Valincia S. Hutchinson;
- A bill (H. R. 4026) for the relief of William H. Houghton;
- A bill (H. R. 7504) granting a pension to Delia G. Webber;
- A bill (H. R. 7907) granting a pension to Matilda Cody;
- A bill (H. R. 8155) granting a pension to Addie L. Moore; and
- A bill (H. R. 8237) granting a pension to Mary J. Dickson.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

- A bill (H. R. 8277) to remove the political disabilities of J. Taylor Wood, of Louisiana; and
- A bill (H. R. 8278) to remove the political disabilities of Thomas R. Ware, of Virginia.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in some and non-concurred in other amendments of the Senate to the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. R. W. TOWNSEND of Illinois, Mr. W. S. HOLMAN of Indiana, and Mr. R. G. HOBBS of Michigan managers of the conference on the part of the House.

SAINT PAUL AND SIOUX CITY RAILROAD LANDS.

Mr. WILSON. I move that the Senate proceed to the consideration of House bill No. 7299, Order of Business 1071.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate proceed to the consideration of Order of Business 1071, being the bill (H. R. 7299) forfeiting a part of certain lands granted to the State of Iowa to aid in the construction of railroads in that State, and for other purposes.

Mr. McMILLAN. Mr. President—

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. McMILLAN. I ask unanimous consent to make an inquiry. I ask if that is a bill forfeiting lands granted to the State of Iowa for railroad purposes?

The PRESIDENT *pro tempore*. It is.

Mr. McMILLAN. I hope the Senate will not consider such a bill now. That will require great discussion.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Iowa.

Mr. McMILLAN. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. HOAR. I ask unanimous consent to make a statement.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent to make a statement. Is there objection? The Chair hears none.

Mr. HOAR. This is a matter something like the Des Moines land-grant bill in some respects. It relates to a complicated subject and will require a very continuous and extensive debate. It affects important rights, individual rights, on which I understand the committee were divided. I think we ought not to be asked to legislate on matters of this kind at this period of the session. The other matters which the Senate has made special orders, which it has assigned to be taken up, are being laid aside, because there is not sufficient time for considerate legislation on the subjects; and it seems to me that in these last three days of the session the Senate ought not to be asked to give special consideration out of order to matters of this kind.

Mr. MORGAN. I wish to say, with the consent of the Senate of course—

The PRESIDENT *pro tempore*. The Senator from Alabama asks leave to be heard upon this question. Is there objection? The Chair hears none.

Mr. MORGAN. This case differs from the Des Moines case entirely. I think no member of the Committee on Public Lands has any doubt at all that this case is within the jurisdiction of the courts and that nothing remains to be done but to adjust the jurisdiction, and that in doing so and in subjecting this case now to the consideration of the courts we shall save very much such trouble and imbrogio as there is about the Des Moines case. I believe that no more rightful or necessary legislation can take place than for the Senate to consider and pass this bill.

Mr. McMILLAN. I ask the unanimous consent of the Senate to be allowed to make one or two remarks in regard to this matter.

The PRESIDENT *pro tempore*. The Senator from Minnesota asks leave to be heard on this question. Is there objection? The Chair hears none.

Mr. McMILLAN. This bill involves the right of the State of Iowa and of a railroad company under a grant from the State of Iowa to certain lands appropriated by the State to the building of a railroad. The securities of the railroad company are in the hands of people throughout this country, based for their payment on these lands. They are in the hands of widows and orphans in different portions of the country, and in the possession of trustees, constituting trust funds for the wards of trustees and guardians. It seems to me that to attempt to consider this bill at this stage of the session under the circumstances in which we are placed now, with great appropriation bills coming constantly to the attention of the Senate, would be very unwise, and great injustice would be done to private rights and to public interest. I hope the Senate will not take up the bill.

Mr. WILSON. I ask unanimous consent to submit an observation.
The PRESIDENT *pro tempore*. The Senator from Iowa asks leave to be heard on this question. Is there objection? The Chair hears none.

Mr. WILSON. If this case involves the element stated by the Senator from Minnesota, then one result follows, and that is that the railroad company having claims under the grant in question has perpetrated a gross fraud upon the parties referred to by the Senator from Minnesota.

This case is one of very great importance to a section of the State of Iowa. It involves a controversy covering about 85,000 acres of land. That controversy involves the rights of the State of Iowa, the rights of the United States, and the rights of persons settled upon these lands. Instead of endeavoring to determine by legislative decision what rights these various parties have, the bill proposes to send the entire question involved to the circuit court of the United States in order that all these elements may be resolved judicially; and until some such course is taken, some such remedy applied, that section of country and this great body of land will simply be covered by titles questioned and clouded, and concerning which there should be no doubt whatever left.

Now, therefore, and inasmuch as this bill has waited through months and months, I ask that the Senate will give a little time to its consideration and that it may become a law. There is no more important subject for Congress to consider and to resolve than one which relates to

the titles to land upon which people are making their homes, and therefore I ask that this bill may be considered at this time.

Mr. McMILLAN. I ask unanimous consent to make a further suggestion.

The PRESIDENT *pro tempore*. The Senator from Minnesota asks unanimous consent to be heard on this question. Is there objection? The Chair hears none.

Mr. McMILLAN. The Senator from Iowa says that the question of the titles of settlers on the public lands is involved in this question. It is conceded that the lands along the line of this road had been withdrawn from market and had not been subject to settlement as public land at any time since the grant was made, and that the parties who are endeavoring to be benefited by this bill had no right whatever to go upon these lands. They had no right to make settlement there; but this bill recognizes their right to the extent that they are permitted to appear as proper settlers on these lands to raise questions of title which they suggest in regard to this grant.

The lands have not been patented to the company because a contest arose between two railroad companies as to which company should receive the patent to the lands, they both entering the same territory within which these lands lie. The case is one, it seems to me, in which there can be no question of *bona fide* settlers upon the public lands of the United States, because they are there as trespassers instead of being there under the laws of the United States.

The PRESIDENT *pro tempore*. The hour of 1 o'clock having arrived it becomes the duty of the Chair to place before the Senate the unfinished business, which is the bill (S. 498) granting a pension to Letitia Tyler Semple.

Mr. WILSON. I move that that be laid aside, and that the Senate proceed to consider the bill stated in my former motion.

The PRESIDENT *pro tempore*. Senate bill 498 is before the Senate, the question being on its passage, pending which the Senator from Iowa moves to proceed to the consideration of the bill (H. R. 7299) forfeiting a part of certain lands granted to the State of Iowa to aid in the construction of railroads in that State, and for other purposes. The question is on the motion of the Senator from Iowa.

Mr. WILSON called for the yeas and nays, and they were ordered. The Secretary proceeded to call the roll.

Mr. CAMERON, of Wisconsin (when Mr. SAWYER's name was called). My colleague [Mr. SAWYER] is paired for the day with the Senator from Delaware [Mr. SAULSBURY].

The roll-call having been concluded, the result was announced—yeas 28, nays 20; as follows:

YEAS—28.			
Allison,	Groome,	Kenna,	Pugh,
Bayard,	Hale,	McPherson,	Vance,
Butler,	Hampton,	Maxey,	Van Wyck,
Candien,	Harris,	Mitchell,	Vest,
Cockrell,	Harrison,	Morgan,	Voorhees,
Conger,	Hill,	Pendleton,	Walker,
Garland,	Jackson,	Plumb,	Wilson.
NAYS—20.			
Hair,	Dolph,	McMillan,	Pike,
Cameron of Wis.,	Edmunds,	Manderson,	Platt,
Chase,	Hoar,	Miller of N. Y.,	Riddleberger,
Callom,	Ingalls,	Morrill,	Sabin,
Dawes,	Lapham,	Palmer,	Williams.
ABSENT—28.			
Aldrich,	Colquitt,	Hawley,	Miller of Cal.,
Beck,	Fair,	Jonas,	Ransom,
Brown,	Farley,	Jones of Florida,	Saulsbury,
Call,	Frye,	Jones of Nevada,	Sawyer,
Cameron of Pa.,	George,	Lamar,	Sewell,
Coke,	Gibson,	Logan,	Sherman,
	Gorman,	Mahone,	Slater.

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7299) forfeiting a part of certain lands granted to the State of Iowa to aid in the construction of railroads in that State, and for other purposes.

The bill was reported from the Committee on Public Lands with an amendment to strike out all after the enacting clause and insert:

That jurisdiction is hereby conferred on the circuit court of the United States for the northern district of Iowa to hear and determine any controversy of either a legal or equitable nature that may exist between the United States and the State of Iowa, or any corporation or person who claims any lands under the laws of said State or of the United States, by reason of an act of Congress entitled "An act for a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of a railroad in said State," approved May 12, 1864, concerning such of said lands as have been patented to the State of Iowa for the use and benefit of the Sioux City and Saint Paul Railroad Company, and have not been by said State conveyed to said railroad company, the United States hereby asserting its reversionary right to all of said lands, or so much thereof as shall be found to have been patented in excess of the amount of land earned by said company, in compliance with the act of Congress aforesaid, and hereby resumes possession of the same, subject to the conditions hereinafter named.

Sec. 2. That the district attorney of the United States for the northern district of Iowa, under the direction of the Attorney-General, shall bring suit at law or in equity in the circuit court for said district against any persons or corporations who are claiming the ownership of the lands granted in said act to the State of Iowa and by said State withheld as aforesaid, so as to fully ascertain and settle all questions as to the interest of the United States in said lands; and any persons or corporations who are claiming any of said lands under the State of Iowa, or by reason of the act of Congress aforesaid, and who are necessary or proper parties, shall be joined as defendants therein; and said court may cause publications to be made, under the laws and rules of court, to bring in non-resident defendants as parties to the suit.

SEC. 3. That the State of Iowa, or any corporation or person not made a party defendant in such suit, may petition the court to be admitted as a party defendant therein, and may set up any interest such defendant may have in the said lands, in such manner as the court may direct, and have the judgment of the court upon the same.

SEC. 4. That the parties to such suit, respectively, shall have the right to revise the judgment or decree of the circuit court rendered therein in the Supreme Court of the United States, on writ of error or appeal, under the laws governing appeals and writs of error in civil causes decided in the circuit courts of the United States: *Provided*, That such writ of error or appeal is prosecuted within six months from the date of the enrolling of the final decree in such cause; and said cause shall be advanced on the docket of the Supreme Court so as to be heard as speedily as the other business of the court in which the United States is a party will admit.

SEC. 5. That if any of the lands mentioned herein are adjudged to belong to the United States, the same shall constitute a part of the public domain, and shall be disposed of as lands of the United States that are subject to homestead and pre-emption entry: *Provided*, That in case any lands so decided to belong to the United States have been sold (not encumbered) by said railroad company, prior to January 1, 1864, to persons who purchased the same in good faith for the purpose of making for themselves homes, and have in good faith occupied the same, or for the purpose of adding to other property occupied by them as homes or for business purposes, the person or persons having purchased any of said lands as aforesaid, or their grantees, shall have the right to the lands so purchased, not exceeding one quarter-section to any one purchaser, upon making proof to the satisfaction of the Secretary of the Interior of the fact of such purchase, which proof may be first made at the local land office of the district in which said land may be located; and upon the proof being made as above within twelve months after the passage of this act, patents shall issue to the party or parties entitled thereto for the land, not exceeding one quarter-section to any one purchaser as aforesaid.

SEC. 6. That all actual, *bona fide* settlers upon any of the lands hereby resumed and which may be decided as aforesaid to belong to the United States, who possess the proper qualifications under the general land laws, and are in actual occupancy thereof at the date of the passage of the same, shall, for the purposes of this act, be considered as having entered upon the same lawfully, and shall be treated as if at the date of their entry upon said land the same had been in fact subject to entry under existing laws; and in any proceeding to perfect their titles the date of their actual occupancy shall be considered as the date of entry: *Provided*, That such occupancy shall have been continuous; and such persons shall have preference in making formal entries at the land office to the extent of such land as each of said settlers may occupy, not exceeding one quarter-section to each settler, and be entitled to enter under existing laws: *Provided further*, That the Secretary of the Interior shall adopt rules to govern such entries not inconsistent with the terms of this act; and in case of conflicting claims among alleged actual settlers, he shall, in deciding the same, give preference to the one who may establish prior and continuous occupancy, regardless of the date of entry at the local land office.

Mr. PLUMB. If I can have the attention of the Senate for a few minutes, I will make a statement in regard to this case which I think will not be controverted so far as it is a statement of fact.

In 1864 Congress made a grant of land to aid in building a railroad from Saint Paul to Sioux City, the grant being to the State of Iowa, to be by the State of Iowa in turn given to such railroad company as the State might select for the accomplishment of the purpose. The distance from the Iowa State line to the point where the railroad as constructed from Saint Paul strikes that line to Sioux City in Iowa is about eighty miles. On this line of road, and between the north line of the State of Iowa and Sioux City, is the town of Le Mars, distant 56.13 miles from the northern boundary of the State of Iowa. In the process of time, and within the time named in the grant of the General Government, the Sioux City and Saint Paul Railroad Company, which had been selected by the State for the purpose of building this railroad and to which the State had agreed to give the grant as it was earned, built the railroad from the northern line of the State of Iowa to the town of Le Mars.

At that point it found constructed or being constructed a railroad extending from Sioux City to the town of Le Mars and substantially parallel with the line on which this company had expected to construct its own road; and there the construction stopped, the company having built, as I said, under this grant and in pursuance of its charter from the State of Iowa 56.13 miles of railroad, for which it was entitled to receive from the General Government through the State of Iowa land at the rate of ten sections a mile, or 6,400 acres for every mile of railroad built.

The original grant provided that this land should be patented to the State of Iowa as fast only as the governor of that State should certify to the Secretary of the Interior that the road had been built in sections of ten miles; that is to say, whenever the governor certified that ten miles of railroad had been built the Secretary of the Interior was authorized to patent to the State of Iowa for the use of the railroad company the requisite land at the rate of 6,400 acres per mile. It was provided in the grant also that if this land should not be found within the proper limits on each side of the road, then the company was to have the right to take lands or to have patented for its benefit the lands within twenty miles of the line of the road.

The company built, as I said, 56.13 miles of railroad; and from time to time there were patented to the State for the benefit of the company lands amounting to 407,879.13 acres, being 87,879 acres more than the road was entitled to by reason of having built even sections of ten miles each. The company had built five sections of ten miles each, for which it was entitled to receive 320,000 acres of land; but by reason of a mistake in the Interior Department the amount of 407,879.13 acres was patented to the State instead of the 320,000 acres which the State was entitled to have patented to it by the General Government.

There is no question of the right of the railroad company to the 320,000 acres of land, being 6,400 acres for each mile as it was constructed up to the fiftieth mile-stone, leaving the only question to be

settled, as is now apparent, as to whether the railroad company is entitled to land for the 6.13 miles that it built beyond the limits of the last ten-mile section. This would be the only question in the case if it were not suggested that, by reason of litigation now pending between this railroad company and another one crossing it substantially at right angles, the land should be divided within the common limits, which raises the point whether in the event of this company losing any of the land heretofore patented to it it is entitled to indemnity by reason of such loss. If it should be, by reason of the fact that it would lose about 25,000 acres of land within these common limits, then that other question should be settled by the courts. These two propositions are of a kind which can not be settled by legislation unless Congress is to give a new grant, because the right of the company attached under the grant originally made, and the construction of that grant should only be made by the courts; and the first and main question to be decided is, is the company entitled, by reason of the equity arising from the building of the 6.13 miles of railroad, to the lands as it would have been if it had gone on and completed the ten-mile section? As I said, that brings up the construction of the act by which the grant was originally made, and that question can only be settled by the courts; and this bill provides that that question, and also all other questions that arise in this case, shall be decided by the courts, and by the decision of the courts the United States of course, and all other persons in privity with it or holding under it, will be concluded.

It has been sought, and will be I have no doubt by amendments to be proposed to this bill, to so construe the act of 1864 under which these lands were originally granted as to affirmatively give to the railroad company lands for all the road that it built beyond the last completed ten-mile section. That, however it may be viewed, is substantially a new grant.

Mr. McMILLAN. Will the Senator state that position again, if he pleases? I did not hear it exactly.

Mr. PLUMB. I said it had been proposed, and would be again, as I believe, in the form of an amendment to the bill, to give to the railroad company land at the rate of ten sections per mile for the six miles and a fraction which had been built beyond the limits of the last ten-mile section; and while I am not going to say that there is any merit in that proposition, at the same time I do say that it is equivalent to making a new grant, because if they are entitled to that land now by reason of the old grant they can get the land; and if they can not, then the act which does propose it will be equivalent to giving them that which the law as it now stands does not give them; and that is, I understand, making a new grant to that extent.

It has been sought to prejudice this bill by saying that it was in the interest of some men who, without any law or license, have gone as squatters upon these lands, seeking to obtain title to them under the general land laws of the United States. If that were so it would not prejudice the legislation in my mind at all, because if these lands are public lands there is no doubt of the perfect right of any citizen of the United States to go upon them seeking to acquire title under the general land laws. If they are not, then all there is of it is that these men have made a mistake, of which, of course, they must take the consequences; but it does not militate against this bill in my mind that under the impression that has been created by the failure of this company to build its road through to the terminus at Sioux City there are lands, a portion of the grant, which became subject to the operation of the general land laws, having reverted to the General Government, and therefore these people felt themselves included in the invitation which was extended by the general laws of the United States to all the citizens of the United States to go on the public lands for the purpose of acquiring homes thereon.

But, Mr. President, aside from all question in regard to the settlers who may now be upon these lands is the question of the right and the duty of the General Government to assert its own power as the original proprietor of these lands and as the grantor to whom these lands, by reason of the failure to build the railroad, have reverted; and in this bill the Government only seeks to bring all questions in relation to this grant so far as they relate to the lands beyond the limits of the completed sections of ten miles before the courts, in order that not only the rights of the Government but the rights of the railroad company may be fully and finally decided, and decided, as I said before, in the only tribunal in which they can be decided.

As I said before, there were patented to the State of Iowa by misadventure nearly 88,000 acres of land more than the company were entitled to by a strict construction of the terms of the granting act. These lands the State of Iowa refused to patent to the railroad company. The Legislature of the State of Iowa, by an act passed a few years ago, proposed to surrender to the General Government a portion of these lands, for the reason that the railroad company was not entitled to them; but while the order made by that law upon the governor was in the process of execution the railroad company, by an injunction obtained in a local court, sought to prevent, and has so far prevented, the governor from reconveying, according to the direction of the Legislature, any of these lands to the General Government. That question, therefore, is pending upon this incidental proceeding in a State court in the State of Iowa, a court practically without jurisdiction to settle the question that is at the bottom of this grant.

In addition to that, the Secretary of the Interior, in a letter written some time ago, recognized the fact that there were lands which had been patented to the State of Iowa, without expressing any opinion as to the quantity, which were public lands of the United States by operation of the law under which they were originally granted, because that law provided that if the railroad was not built according to the terms of the act so much of the lands as applied to the unearned portion should revert to the General Government. At once the question arises, what portion of these lands have reverted? Some of them have undoubtedly, because the railroad company can not claim land for more than the 6.13 miles built, under any circumstances, and there will still be a fraction over which the Government to-day is the owner by reason of this reversionary clause of the original granting act, leaving only to be determined the question as to the extent of the lands and their location, and that can not be done by any authority short of the courts.

Mr. President, it is idle for the railroad company to think for a moment that it can ever acquire a single acre of land which it has not now got, unless it gets it by reason of just such a proceeding as is here contemplated. The Legislature of the State of Iowa will never confer or authorize its executive to confer upon this railroad company a single acre of land not already patented to it. The General Government can not act directly under the law as it now stands in giving any land whatever to the company, because the law provides that all the land shall go to the State of Iowa, to be in turn patented according to the direction and the discretion of that State to the railroad company entitled to the same.

Therefore, Mr. President, for the interest of the Government, which undoubtedly has title to some of these lands, for the purpose of settling the question of that ownership under the reversionary clause of the original granting act, and for the purpose of the settlement and the only effective settlement of the claim of the railroad company, this proceeding must be come to finally.

There is another reason why not only the interests of the Government but those of the railroad company conspire to require the settlement of this question in this way. The suit to which I have referred as pending between this company and the Milwaukee and Saint Paul Company, a company which succeeded to the land grant to build a railroad from Dubuque to Sioux City, and whose road crosses this road at right angles, is now pending in the Supreme Court of the United States for hearing.

Mr. McMILLAN. Submitted to the court.

Mr. PLUMB. If it shall result from that suit that a portion of the lands heretofore patented to this Sioux City and Saint Paul Railroad Company go to the Milwaukee and Saint Paul Company, then, as I understand the position of the Sioux City and Saint Paul Company, it is ready to claim that by reason of losing these lands within the common limits it will be entitled to indemnity for them, and there will be a question of about 35,000 or 40,000 acres of land to which it will set up a claim, and which claim it can only enforce in the courts. These persons who have gone on these lands—for a portion of them have been settled upon—are themselves willing and anxious that this bill shall pass. They recognize in this authority for a judicial proceeding the only method whereby there can be an authoritative decision of the question whether the lands on which they have settled are public lands or not. It is due to them, to the men who have gone upon the lands on the faith of the failure or refusal of the Legislature of the State of Iowa to order a patent to be made to the railroad company, for they thereby ascertained the fact that they had not been earned and were still public lands, and because of the fact that the Secretary of the Interior, in a letter which has been made public, decided that some portion of these lands which had been patented by the State of Iowa were public lands, and any man with a piece of paper and a pencil could determine the fact that some of these lands at least were public lands. By reason of all these facts, I say this question ought to be sent to the courts.

In addition to that, the counties in which they are located are interested in the settlement of this matter, because in the present condition of things these lands are not subject to taxation. The naked legal right is in the State of Iowa, but it holds as trustee without benefit, and the lands can not be taxed while they remain in this condition. This unsettled condition of the title not only unfavorably affects the men who have settled upon the lands, but it also unfavorably affects the counties in which they are located. The administration of justice, the transaction of the county business can only be secured by taxes levied on the property within its jurisdiction; and the financial interests of the whole State of Iowa as well are affected, because if there were titles to these lands the State could levy upon them for necessary taxes for the administration of local and general affairs.

But besides all this there is the question of public peace, I may say. I do not say anything which is applicable alone to this locality when I declare that where there is no title to land there can never be stable government; where there is no title to land there can be no public peace, no social order, practically no civilization.

In addition to that, I think the railroad company itself has a greater interest, so far at least as money is concerned, in having this question disposed of now and in this way than any and all other persons whatsoever. However much mistaken they may be, and however ample authority they may have given to the Senator from Minnesota to speak for

them in this particular and to obstruct the passage of the bill, I say what I shall recar to from now on until this bill shall become a law, if it shall fail to become a law at this session, that every day's delay is against the interest of the railroad company, and that they never can and never will get title to one single acre of land that they have not now got patented to them unless they get it as the result of the judgment of a court.

I do not need to say here that Congress will make no new land grant. That goes without saying. I do not need to say here that while measures of this kind are pending, while claims of this kind are open and subject to dispute, the State of Iowa will never confer on this railroad company a single acre of land. The Senator from Iowa can say that for his State better than I, but I think I know enough about the sentiment in that State to say that they will exercise no doubtful power for the purpose of conveying to this railroad company a single acre of land to which it is not entitled.

I may say, Mr. President, that when I first came to the examination of this question the bent of my mind was in favor of giving, if it could be done without affirmative legislation in any way which did not seem to confer a new right, to the railroad company lands for the 6.13 miles of railroad beyond the limits of the last ten-mile section; but the longer the subject was considered in committee, the more reflection I gave to it, the more I was driven inevitably to the conclusion that it was a question for the courts, and that it was a question for no other tribunal, and that until it was settled there we should be confronted by it year after year as we have been by the Des Moines River case, until finally it might get into as bad a title as that case has got into. That case is a solemn warning against any attempt to tinker by statute with rights that have from time to time grown up and attached to land, which rights can never be settled as they ought to be settled unless they are adjudicated by the courts. For that reason I have given my unhesitating assent to this bill as a matter demanded by every private interest that relates to these lands in any way, shape, or form, and for the reason also that apparently here is a great public interest which can never be settled so well, so wisely, so in the interests of peace and of order and of harmony and of justice as it can be settled now.

It will be said here that there are people who hold mortgages on these lands; and that is true. That I believe is the accompaniment of every land grant; but this bill provides that every person holding a mortgage bond and the trustees of all the mortgages, if there are more than one, can come into court and set up their rights in the premises and have them adjudicated as well; and I do not need to say to the Senate that no right could be conferred upon them by the act of the railroad company which the railroad company did not have itself; and if the railroad company has any rights, however slight, in these lands the courts will protect them as amply as it will protect those of the Government.

Mr. HOAR. Where is that provision to which the Senator refers about the mortgages going into court?

Mr. PLUMB. If the Senator will read line 7 of the first section of the amendment he will find that it is provided:

That jurisdiction is hereby conferred on the circuit court of the United States for the northern district of Iowa to hear and determine any controversy of either a legal or equitable nature that may exist between the United States and the State of Iowa, or any corporation or person who claims any lands under the laws of said State or of the United States, by reason of an act of Congress, &c.

Mr. HOAR. That would not permit the holder of a bond to come in.

Mr. PLUMB. If he claimed an interest in the land, would it not?

Mr. HOAR. I should doubt whether it would. The Senator can make it plain.

Mr. PLUMB. It can be made more ample. The Senator from Massachusetts, with that vigilance which always characterizes him here when the interests of his people or of his State are involved, is concerned about some people in the State of Massachusetts who hold bonds of the railroad company secured by mortgage upon these lands; but I ask him to say himself whether he believes there can ever be any effective settlement made of this question unless it is sent to the courts.

Mr. HOAR. If the Senator will pardon me, I might as well answer that now if he will allow me to do so.

Mr. PLUMB. Certainly.

Mr. HOAR. All I know about this case is that a gentleman, resident in Massachusetts, who was commended to me as a man of character and respectability—some of whose relatives I know, and I would infer from what I know of them what he is likely to be—called upon me with this story: He said that he and some others with whom he was interested held a considerable quantity—I think \$800,000 was the entire interest—of mortgage bonds of a railroad company in Iowa, which, I suppose, is the railroad company named in this bill—I do not remember the name—the land having been mortgaged to a trustee and the trustee holding the mortgage for the benefit of the bondholders. They had not got any return either in principal or interest on their bonds for many years, and their only security was these lands, the railroad company itself not being responsible as a solvent debtor; that the railroad company had a grant of lands.

The next statement I am going to make I am not quite sure of, but the Senator will correct me if I state it wrong. I think the statement was that the company was entitled by the original charter to so much land for every mile it constructed; then a subsequent amendment to

the charter stated that the patents should issue for so much land for every ten miles of road constructed.

Mr. PLUMB. There is a mistake about that.

Mr. HOAR. At any rate they were to have their patent for so many lands for every ten miles of road constructed. Thereupon another road was also constructed, with a conflicting land grant going side by side with this road to some extent and coming into it and crossing it at an angle; so that when this company constructed about six miles of the last ten miles that they were to construct the other road came in, making it in the first place unnecessary for this company to have their road completed, and in the next place making it impossible for them to get their land for the road they did build. If there is any incorrectness in this statement I beg the Senator not to impute it to the incorrectness of the statement of the man who made it to me, but to the imperfection of my memory, because, not supposing the bill would come up at this Congress, I have given it no further attention and the matter is a little vague in my memory. If I have got it wrong, I hope the Senator will not impute it to the gentleman who made the statement to me.

Mr. PLUMB. I do not think that there is anything to be mistaken about the facts of this case.

Mr. HOAR. If that is true that they have without their fault failed to build the remaining four miles of the ten, or whatever the distance is, the United States ought not certainly to pass a bill which would certainly authorize a court to consider this matter of legal right alone; for the technical title is now in the United States, open to public entry, letting in all the settlers who may choose to come in; and especially they should not say that everybody who has squatted upon the land shall be treated as if he were a *bona fide* settler at the time he went there. What they ought to do is, so far as is in the power of the United States, to grant the company the lands they are entitled to for the six miles. If the United States create a tribunal to determine the question, it seems to me the tribunal ought to be authorized to say what is the equitable or just or fair claim of these mortgagees, the bondholders, and creditors of the road to the land which had been earned by the building of the six miles. It should not be merely the naked question of whether the United States have patented the lands, because nobody doubts that they have not patented the lands for that portion of the road.

Mr. PLUMB. A portion of the Senator's statement is incorrect. I acquit the gentleman who made the statement of any design to misrepresent; but I have stated the case exactly as it was. I think the person alluded to is the same gentleman who came to me with a letter from a constituent of the Senator from Massachusetts whom I know very well, and who I know would not have given him a letter to me unless he was a person entirely worthy of credit. But there is no mistake about the facts in the case, and there can not be any. It is a question simply as to what rule should be applied to the facts as they are known to exist. There was no amendment of the original act, and it was provided in the original act in the terms which I shall read:

That the lands hereby granted shall be disposed of by said State for the purposes aforesaid only, and in manner following, namely: When the governor of said State shall certify to the Secretary of the Interior that any section of ten consecutive miles of either of said roads—

The two roads embraced in the act—

is completed in a good, substantial, and workmanlike manner, as a first-class railroad, then the Secretary of the Interior shall issue to the State patents for one hundred sections of land for the benefit of the road having completed the ten consecutive miles as aforesaid. When the governor of said State shall certify that another section of ten consecutive miles shall have been completed as aforesaid, then the Secretary of the Interior shall issue patents to said State in like manner for a like number.

Mr. HOAR. Is there not a previous statement that there should be granted so much for every mile?

Mr. PLUMB. The act proceeds:

And when certificates of the completion of additional sections of ten consecutive miles of either of said roads are from time to time made as aforesaid, additional sections of land shall be patented as aforesaid until said roads or either of them are completed, when the whole of the lands hereby granted shall be patented to the State for the uses aforesaid and none other.

Then there is a further provision that if the road is not made at the proper time the State of Iowa may have the benefit of conferring the grant upon some other railroad company; and if not completed within a certain period of time, then the whole grant, all that remains unearned, shall revert to the United States.

Mr. HOAR. If I am not interrupting the Senator, let me ask him for information, is not the matter of issuing a patent when ten miles are completed merely a matter of convenience? Of course a patent could not be issued for every half mile or mile. Is not the provision which makes the earning for every mile and waiting until they get ten miles done merely an incident of administration?

Mr. PLUMB. There is some provision of the kind in the law.

Mr. HOAR. Does not the bill destroy in the railroad company the benefit of that provision?

Mr. PLUMB. Not at all; but it leaves to the court to decide what the legal effect of the provision was. If the Senator will read the bill and look at the committee's amendment he will find in line 5 that the court is to determine any controversy of either a legal or equitable nature.

Mr. HOAR. Would the Senator then object to have the bill amended

by distinctly, in terms, giving to the court the power to determine whether the building of any portion less than ten miles gave the railroad company building it under the circumstances an equitable right to the land?

Mr. MORGAN. I will suggest to the Senator from Massachusetts—

Mr. PLUMB. Let me proceed. In the first place, I am reading the act. I read it before, but was not quite familiar with its terms. I am prepared to say now that I do not find in it, and I do not think there is in it, any provision that the company shall have so much per mile. The first section contains a general grant, in these terms:

That there be, and is hereby, granted to the State of Iowa—

I omit certain formalities which follow—

every alternate section of land designated by odd numbers for ten sections in width on each side of said roads.

Not ten sections per mile, or anything of that kind. But in case it shall appear that the United States shall have, when the lines of road are located, made a certain disposition of any part of the lands, then the grantee shall be entitled to indemnity. That is the general granting clause, and the application of that is made in the fourth section, which I have just read.

Even admitting what the Senator says, we are sending this question to the courts to decide upon the legal and equitable right of the company or of anybody else who claims these lands. That is all there is about it. I take it that with as much concern as the Senator has for his constituents, or anybody else who may be interested in the result of this litigation, he would not say that men who have money enough to build a railroad, who have sense enough to put that money into proper use in building the railroad, who built the railroad upon the faith of this act of Congress, should not be required to stand or fall by what they did in pursuance of the act of Congress. They could have built ten miles farther and had a tenth section completed and have got their land grant for building that ten-mile section. They chose not to do it. The Government was willing that they should build not only that much railroad, but build all the rest of the line up to the final terminus. They said, "No; we will stop here at this point, where we find another railroad built up to it; we can make arrangements with them to get to Sioux City, the south terminus of the road." They did stop there. They are there yet. They do not propose to build any farther. The time has gone by when they could legally build any farther; and I take it that the Senator himself out of no consideration for these people, personally or otherwise, would propose that we should give to them something which we can no longer give to them. What he wants and what I want is that this law shall be construed in the courts, and that the courts shall say whether the company was entitled to lands within the 6.13 miles or not. That I think the bill does; but if the Senator can provide ways more ample, direction more complete to accomplish this object, I beg him to propose it.

Mr. President, I am not willing that this question shall go to the courts with any direction except to do what the law requires to be done as it now stands. I am not willing to have these people go there with a new assertion on the part of the Government as to what originally was contemplated in the act under which they built their railroad, because if we open that door, and something now is to be added or something to be subtracted for the benefit of anybody, a lot of questions will come to the front that I fear will make this grant of very little avail to these people, their patents to the contrary notwithstanding.

Mr. McMILLAN. Mr. President, the Senator from Kansas [Mr. PLUMB], the chairman of the Committee on Public Lands, who reported the bill, understands some of the facts of the case, and has stated them, so far as he has stated them, in the main correctly. The grant of lands in this case was not for building a railroad from Saint Paul to Sioux City. The grant was to the State of Iowa, and the State of Iowa granted certain of those lands to the Sioux City and Saint Paul Railroad Company for the construction of a road from Sioux City to the Minnesota State line.

Mr. PLUMB. I know the Senator does not design to make any misstatement of fact.

Mr. McMILLAN. Certainly not.

Mr. PLUMB. I think we agree upon all the facts, but differ simply as to what was done.

Mr. McMILLAN. I was calling attention to the fact that the act making the grant of land was to the State of Iowa for the purpose of building a railroad running from Sioux City to the Minnesota State line.

Mr. PLUMB. That is precisely what I said.

Mr. McMILLAN. The Senator said that the road was built under a grant of land for a railroad from Saint Paul to Sioux City.

Mr. PLUMB. There was another grant for the purpose of building it from Saint Paul to the Minnesota line.

Mr. McMILLAN. Not at that time.

Mr. PLUMB. But the lands on that part of the line are not in controversy.

Mr. McMILLAN. I was just calling the attention of the Senator to the fact that so far as he is familiar with the facts he has stated them in the main correctly.

Mr. PLUMB. Does the Senator say that the other fact is material?

Mr. McMILLAN. It is in this connection, as I wish to show.

Mr. PLUMB. I do not think it is.

Mr. McMILLAN. That merely illustrates the fact that the Senator is not quite as familiar with the facts in the case as perhaps he might be.

Mr. PLUMB. Thank you.

Mr. McMILLAN. I wish to bespeak from the members of the Senate their serious and candid attention to this measure. If I am not mistaken the proposition of the bill is in the name of a popular prejudice to do a great violence to public rights and to private rights.

The efforts made to accomplish the passage of this bill are remarkable. It seems to me that the members of another branch of the Legislature of this nation have been more active in this measure than the members of this body. They are continually found upon this floor, they have been upon it constantly, they are upon it now urging, pressing, constantly forcing this measure. I think the members of the Committee on Public Lands of the Senate and the members of the Senate are capable of taking their own counsels and forming their own judgments in regard to any public measure which is brought before the Senate.

Let me state, if I can, correctly and clearly the facts in this case as they exist. Long before this land grant to the State of Iowa Congress granted lands to the State of Minnesota to aid in the construction of an entire system of railroads within that State. One of the branches of that system extended from Saint Paul southwest to the Minnesota and Iowa State line. That road was constructed by a company organized and incorporated under the laws of the State of Minnesota, and was known and designated as the Saint Paul and Sioux City Railroad Company. Their line of road extended from Saint Paul to the Iowa line, running directly southwest toward the Missouri River.

The land granted to the State of Iowa for a road from Sioux City to the Iowa State line was the completion of a line from the southwestern terminus of the Saint Paul road to the Missouri River. Sioux City is on the bank of the Missouri River; Saint Paul is on the bank of the Mississippi River; and these two grants furnished a complete line of road from Saint Paul through that State southwest, continuous through the State of Iowa to the Missouri River, making a complete line of road, bringing the prairies of Northwestern Iowa, of Southeastern Dakota, of Northeastern Nebraska, and the plains of Kansas, treeless and fit only for agricultural lands, into direct communication, first with the waters of Lake Superior, then with the great pine regions of Minnesota, giving to those portions of the country access to a market for lumber and furnishing to them the building material which they needed for the construction of their homes upon the beautiful and vast prairies of that section of the country.

It was for the purpose of giving such facilities to that country that this line of road was built. The men who formed the Saint Paul and Sioux City Company were not adventurers. They were not bondholders or rich capitalists of the East. They were men who had gone to the frontier. They had come to Minnesota; they had as settlers and business men there contributed their efforts, their enterprise, their integrity to building up all that portion of country. Under my own observation I have seen an empire grow up in the State of Minnesota and in the northwestern portion of the country. The men who entered into the Saint Paul and Sioux City Company were the men who contributed in large degree to that great object and have accomplished it nobly.

They are residents still of that country, the greater number of them. They have made whatever wealth they possess in their efforts to build up the country and to extend the business enterprises of all that region. They made the effort, and succeeded in extending these railroad facilities and in bringing to this prairie country all the advantages to which I have alluded. After going through a series of hardships and losses which I believe to be unequalled in the history of railroad enterprises, they succeeded in building the road as far as it is now completed.

After its completion, for a number of years in succession, Providence and all the elements seemed to be against their success. First, the harvests were destroyed by drought. Then came the locusts, as the locusts in Egypt, to destroy, year after year, the crops which in the early season promised to be fruitful and abundant. So they labored on, season after season, harvest after harvest, enduring great losses; but they were firm in their purposes to accomplish this great enterprise, and with some aid from abroad they procured means which secured at last its completion.

Of course it was necessary under these circumstances to issue bonds and execute mortgages upon these lands. Large numbers of those bonds are held now in the State which I have the honor in part to represent on this floor. They are held by widows and orphans there as well as by widows and orphans elsewhere throughout New England, throughout the financial centers of the East; and the only securities these people have for the payment of their bonds are the lands which this railroad company believe they honestly and fairly earned in accomplishing these great public enterprises.

The company proceeded to build this line of road. They built, in connection with the road from Saint Paul to the Iowa line, the road from the Iowa line to the town of Le Mars, which is twenty-four miles from Sioux City. When they built their line to Le Mars they found that another land-grant railroad company, having a grant of land to build a road from Dubuque in Iowa to Sioux City, had built their line directly through

Le Mars and thence southwest in the direct line in which the Sioux City road extended would be built from Le Mars to Sioux City. When they reached Le Mars they found that line of road completed, and if they had built farther it would have been directly along the line of the Dubuque and Sioux City road, already built as a land-grant road and completed to Sioux City.

Under those circumstances this company did not believe they would be acting in good faith to the Government to proceed farther than Le Mars with the construction of their actual line.

But they did not leave the people of that region without a competing line of road over that portion of the route. They made arrangements with the McGregor road, by which they secured the right of way from Le Mars to Sioux City over that road, thus in all respects affording competition over that portion of the road to the same extent that would have been afforded had they built their own road. At the southwestern terminus of the road in Sioux City they secured all the terminal facilities for their own road that they would have done if they had built the intervening portion between Le Mars and Sioux City, twenty-four miles, and they have invested large sums of money in the erection of depots, shops, and other terminal works at that place. They are not dependent upon the McGregor road for their terminal facilities. They have built up and improved the town of Sioux City by these buildings and improvements to a very large extent, and are entirely independent of this other road; so that the community through which it passes has all the benefit of a competing line.

This company under those circumstances believed they were acting in good faith in refraining from building that portion of the line. They set up no claim for land for any portion of the road between Le Mars and Sioux City which they did not actually build. They might have expended their money in building that portion of the road which would have entitled them to the lands, and yet have given to the people of Iowa no greater railroad advantages than they now enjoy; but instead of that they used the money which might have secured them these additional lands in building other lines of road in Iowa and Nebraska for which no lands had been granted, but which give to the people of those States great advantages and contribute largely to the wealth and development of the resources of that region of the country.

They were not idle, and that section of country is indebted to the Sioux City and Saint Paul Company for the benefits which they now possess in railroad facilities in different directions, for which no grant was made and for which no claim has ever been set up. The people of Iowa have been treated honestly and fairly in every sense by this company, and it would be unjust and ungrateful in the Commonwealth of Iowa or in the people of that State to attempt to deprive it of one acre of land to which it may by any reasonable construction be entitled. These are not speculators who have gone in to rob a community; they are our own citizens, and men who are well known and respected by all who know them. Some of the men originally interested in this road are dead and have left their estates to their widows and children, some of whom are living in my own city, who hold the bonds of this company which are secured by the lands embraced in this bill.

In addition to the railroad from Dubuque to Sioux City there was another road, a land-grant road, authorized by Congress from a point on the Mississippi River, at McGregor, running directly west, which crosses the Sioux City and Saint Paul road at right angles at the town of Sheldon, which is nearly half way between Sioux City and the Iowa State line. This McGregor road is now a part of the Milwaukee and Saint Paul system, owned by the Chicago, Milwaukee and Saint Paul Company. That road crossing the Sioux City road claims a portion of the lands through which it passes and which are continuous with the line of the Sioux City and Saint Paul road. So these two roads crossing at that place claim this grant, both of them claiming the same lands.

That dispute having arisen between these companies, the State of Iowa refused to patent the lands to either company. The State of Iowa had certified to the Sioux City and Saint Paul road the lands lying north of those disputed lands, but these are lands lying midway between the Iowa line and Sioux City, continuous with the Sioux City road. They are good agricultural lands. The patent had been issued by the Government of the United States to the State of Iowa for all those lands, and the legal title is in the State of Iowa. The Government of the United States has no legal title whatever in them. It has parted with its title by a patent.

In regard to the lands which are in dispute between these two companies an action is pending in the Supreme Court of the United States, and, as I am informed, has been argued and is submitted to the Supreme Court, the determination of which will settle the title to these lands. That action will be determined by the court within a comparatively short period. The lands within the ten-mile limits must go to one or the other of these roads, whichever the court shall determine is entitled to them.

The legal title of the United States having been divested by this grant and patent to the State of Iowa, the lands embraced in the bill under consideration were withdrawn from market, and were not open to settlement under the pre-emption or homestead laws. No person had a legal right to go upon the lands and claim the benefit of the pre-emption law or the homestead law of the United States. Every person who entered upon

the land was certainly a trespasser. They had no more right to enter upon those lands and attempt to make a settlement than the men who have attempted to go upon the territory known as Oklahoma. The Government of the United States has commanded her armies to prevent any American citizen from entering upon that land, and no more had these settlers a right to enter upon this land.

Yet having gone upon these lands because they were not certified to the railroad company and because the company had not constructed a portion of its line to which I have referred, these parties now claim that they are settlers upon the public lands, and that if any portion of the land grant of the Sioux City road had not been earned in time the lands to be forfeited must be the lands which lie continuous with the completed line of the road, because all the lands which are embraced in the settlements of these parties lie along the line of the completed road, and that portion of it was completed to Le Mars within the time authorized by law.

The Senator from Kansas, the chairman of the Committee on Public Lands, says there can be no relief to the company by granting them an allowance of lands for the portion of the road six miles and a quarter from Le Mars without making a new grant. The Senator seemed to rely very much upon the point of making a new grant. I am not aware that it would be any greater violation of right to make a change in the law which would permit a railroad company to have lands to which it is equitably entitled than it would be to legalize the settlement of persons who have gone upon the land as settlers under the homestead or pre-emption law when they had no right to do so. To grant to them the right to acquire a settlement is certainly a change of the law.

The bill proposes to relieve these settlers by making that change. It requires the courts to recognize them as having a right to settle upon these lands when under the existing law they had no such right. To grant to the Sioux City and Saint Paul Railroad Company the allowance of lands set apart by the grant of lands for the six and one-fourth miles northeast of Le Mars would not be making a new grant. The grant of lands to Iowa was a complete grant, an entire grant, but in determining the mode of certifying the lands to the company by the State of Iowa it was provided that the patent should only issue when ten consecutive miles of road were completed. The grant in this case is contained in the act approved May 12, 1864.

As I stated before, this was a grant of land of ten sections for each mile of road along this line of road from Sioux City to the northern line of Iowa. That I claim is a grant of the lands. In respect of the title to the land, it vested in the company under that general grant to the State of Iowa under the first section of the act of Congress and the grant from the State to the company. The fourth section of the act of Congress prescribes the manner in which the land shall be certified to the railroad company. The regulation prescribed by that section was that the lands should be certified upon the completion of each ten consecutive miles of the road. Under that provision five ten-mile sections extended from the Iowa line to within about six miles of Le Mars. The remaining six miles and a fraction to Le Mars was, of course, not a complete ten-mile section, and no lands have been certified to the company for that portion of the road.

To authorize the company to receive the legal title to the proportionate quantity of lands for those six miles of completed road would not be, as the Senator from Kansas argues, a new grant. The grant has already been made, and they are entitled to the land if they complete the road. The change removing the restriction to the certifying of lands to the company except upon the completion of ten miles of road would only be a change of the section which prescribes the mode in which the naked legal title to the lands shall be certified to the company. It would not be a new grant.

So there is no difficulty whatever in removing that restriction. They get but the portion of land to which they would be entitled for building each mile of the road, and not for any more road than is actually constructed. The Senate can do no less, it seems to me, than to adopt such an amendment as that.

I shall offer and move the adoption by the Senate of an amendment to the bill as reported from the Committee on Public Lands. I shall move to strike out of the first section of the substitute all after the word "company" in line 14 to the word "the" in line 16, and to insert in lieu thereof the following:

Except such of said lands as lie opposite to and continuous with the constructed road of said company built within the time limited by said granting act, and such of said lands as have been certified or conveyed to said railroad company.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a joint resolution (H. R. 341) to authorize the printing of 50,000 copies of the second annual report of the Bureau of Animal Industry for the year 1885; in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the concurrent resolution of the Senate to print the report of the National Academy of Sciences for 1884, with its appendices.

The message further announced that the House had passed a concurrent resolution for the printing of the report of the Director of the Mint

on the production of the precious metals in the United States for the year 1884.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 66) providing for allotment of lands in severalty to the Indians residing upon the Umatilla reservation, in the State of Oregon, and granting patents therefor, and for other purposes; and it was thereupon signed by the President *pro tempore*.

FRENCH SPOILATION CLAIMS ACT.

Mr. FRYE. Mr. Smith, of the document-room, informs me that the number of copies printed of the act to provide for the ascertainment of the claims of American citizens for spoiliations committed by the French prior to the 1st day of July, 1801, is entirely exhausted, and that there is a large number of letters on file asking for copies. I ask unanimous consent to submit a resolution providing that a thousand additional copies of the act may be printed, and that it may be done without reference to the Committee on Printing.

The PRESIDING OFFICER (Mr. GARLAND in the chair). The Senator from Maine asks leave at this time to submit a resolution. If there be no objection it will be received and read.

The resolution was read, as follows:

Ordered, That there be printed for the files of the Senate document-room 1,000 additional copies of public act No. 13, "An act to provide for the ascertainment of claims of American citizens for spoiliations committed by the French prior to the 31st day of July, 1801," approved January 30, 1865.

The resolution was considered by unanimous consent, and agreed to.

PRIVILEGES OF THE FLOOR.

Mr. HOAR. I ask unanimous consent that the rule of the Senate shall be so construed as to admit members-elect of the House of Representatives to the floor. That has always been the practical construction of the rule, and it is a courtesy which I am sure the Senate would like to extend to the members of the other House. The doorkeepers do not understand that they are authorized to admit members-elect.

The PRESIDING OFFICER. The Senate has heard the request made by the Senator from Massachusetts. Is there objection? The Chair hearing none, the request will be considered as granted.

PUBLIC BUILDING BILLS.

Mr. MAHONE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Virginia?

Mr. McMILLAN. I do.

Mr. MAHONE. I ask the Senate to take up at this time House bill 870.

The PRESIDING OFFICER. If there is no objection the bill will be read for information.

Mr. WILSON. There is objection if it tends to interfere with the regular order.

Mr. MAHONE. There are a few House bills on the Calendar relating to public buildings which it is necessary to have passed at this time in order that the Committee on Appropriations may be advised as to the necessity of certain appropriations.

Mr. KENNA. It will require only a few minutes to dispose of them.

Mr. MILLER, of New York. Let the pending order be laid aside temporarily.

The PRESIDING OFFICER. Is there objection to laying aside temporarily the existing order? If not, the Senator from Virginia will be recognized.

PUBLIC BUILDING AT ABERDEEN.

Mr. MAHONE. I move that the Senate take up House bill 870.

Mr. CAMERON, of Wisconsin. I suggest to the Senator from Virginia to ask unanimous consent to proceed to the consideration of the bill.

Mr. MAHONE. I will ask unanimous consent that the bill be taken up.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 870) to provide for the erection of a public building at Aberdeen, Miss., for use as a post-office, United States court, and for United States internal-revenue officials, and for other Government purposes.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT READING.

Mr. MAHONE. I ask unanimous consent to take up the bill (H. R. 3593) for the erection of a public building at Chicago, Ill.

Mr. MILLER, of New York. I should like to have the bills taken up in their order on the Calendar.

Mr. CAMERON, of Wisconsin. Yes; let them be taken up in the order in which they are on the Calendar.

Mr. MAHONE. All right. Then I ask unanimous consent to take up the bill (H. R. 1321) for the erection of a public building at Reading, Pa.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT CLARKSBURG, W. VA.

Mr. MAHONE. I ask unanimous consent to proceed to the consideration of the bill (H. R. 1618) to provide for the construction of a court-house and post-office at Clarksburg, W. Va.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT WICHITA, KANS.

Mr. MAHONE. I ask unanimous consent to proceed to the consideration of the bill (H. R. 2123) for the erection of a public building at Wichita, Kans.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT PORT TOWNSEND, WASH.

Mr. MAHONE. I ask unanimous consent to proceed to the consideration of the bill (H. R. 2949) for the erection of a public building at Port Townsend, Wash.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT AUBURN, N. Y.

Mr. MAHONE. I ask unanimous consent to proceed to the consideration of the bill (H. R. 3343) for the erection of a public building in the city of Auburn, N. Y.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT CHICAGO.

Mr. MAHONE. I ask unanimous consent to proceed to the consideration of the bill (H. R. 3593) for the erection of a public building at Chicago, Ill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 441) for the completion of a public building at Council Bluffs, Iowa, reported it with an amendment.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3735) granting a pension to Mary A. Grennon; and

A bill (S. 2668) granting a pension to John M. Milton.

Mr. VAN WYCK, from the Committee on the Mississippi River, to whom was referred the bill (S. 2667) making an appropriation for the improvement of the Missouri River at or near Omaha, Nebr., and Council Bluffs, Iowa, reported it without amendment.

Mr. CULLOM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1873) for the relief of Edward Kraemer; and

A bill (H. R. 7248) to increase the pension of Jane D. Brent.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CAMERON, of Wisconsin, submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which, with the accompanying papers, was referred to the Committee on Appropriations.

Mr. CULLOM submitted two amendments, intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. VOORHEES submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

Mr. McPHERSON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which, with the accompanying papers, was referred to the Committee on Appropriations.

PUBLIC BUILDING AT LOUISVILLE.

Mr. HARRIS. I ask the consent of the Senate to proceed at this time to the consideration of the bill (H. R. 2722) for the relief of Martha Turner.

The PRESIDING OFFICER (Mr. HARRISON in the chair). Is there objection to the request of the Senator from Tennessee?

Mr. WILLIAMS. May I inquire if the bill in relation to the public building at Louisville was passed?

The PRESIDING OFFICER. The Chair understands that it has not been passed.

Mr. WILLIAMS. I ask the Senator from Tennessee to allow that bill to be passed now.

The PRESIDING OFFICER. Does the Senator from Tennessee withdraw his request?

Mr. HARRIS. I withdraw the request if that is one of the public-building bills.

Mr. MAHONE. I thought I had called up that bill.

The PRESIDING OFFICER. The clerks inform the Chair that the bill has not been returned from the Printer.

Mr. HARRIS. Then I ask the Senate to proceed to the consideration of the bill I have indicated. The Senator from Kentucky will have no trouble in getting his bill up whenever it may come back from the Printing Office.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee to consider the bill (H. R. 2722) for the relief of Martha Turner?

Mr. WILSON. If that is to interfere with the bill on which we have been proceeding this afternoon I shall have to object.

Mr. HARRIS. In order that it should not interfere I ask unanimous consent.

The PRESIDING OFFICER. The Senator from Tennessee has asked for unanimous consent.

Mr. WILSON. If it does not interfere with the regular order I do not object.

The PRESIDING OFFICER. Is there objection?

Mr. PLATT. Let the bill be read for information.

Mr. WILLIAMS. The bill in relation to the Louisville building is in the same position exactly as the other public-building bills we have passed.

The PRESIDING OFFICER. The Chair will state that while the bill referred to a few moments ago has not been printed, the engrossed bill is now on the Secretary's table. If it be the pleasure of the Senate that bill can be considered.

Mr. HARRIS. Then I withdraw my request in order to allow the Senate to proceed to the consideration of that bill.

Mr. MAHONE. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 4067) to change the limit of appropriations for the public building at Louisville, Ky.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA TURNER.

Mr. HARRIS. I now renew my request for unanimous consent to consider the bill (H. R. 2722) for the relief of Martha Turner, and I will say that if it leads to any debate beyond the reading of the report I shall not insist upon continuing its consideration.

The PRESIDING OFFICER. The Chair understood that unanimous consent was given to proceed to the consideration of the bill referred to by the Senator from Tennessee.

Mr. HARRIS. Then I hope the bill will be read.

Mr. McMILLAN. The confusion now is evidently so great, and there is so much business here that requires to be done, and which ought to be done, that the Senate certainly can not appreciate the merits of the question which is up for discussion on the Iowa railroad bill. I have been interrupted several times, giving way to Senators, and I see the necessity of doing so. I move that the further consideration of the bill be postponed until—

The PRESIDING OFFICER. The Chair will state to the Senator from Minnesota that unanimous consent has been given to the consideration of the bill referred to by the Senator from Tennessee.

Mr. McMILLAN. Then I will wait until that is disposed of.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2722) for the relief of Martha Turner. It proposes to pay to Martha Turner, widow and beneficiary of John Turner, late of Union County, Tennessee, \$2,000, in full payment for the services of her husband in piloting and conducting recruits from the confederate to the Union lines during the late war.

Mr. PLATT. Is there a report in that case?

Mr. HARRIS. There is.

Mr. PLATT. I should like to hear it read.

The PRESIDING OFFICER. The Chair is informed that there is a report, which will be read.

Mr. PLATT. Inasmuch as I desire to hear the reading of the report, I should like to have the Senate in such a condition that I can hear it.

The PRESIDING OFFICER. The Chair will request Senators and others on the floor of the Senate to cease conversation. Senators will resume their seats.

Mr. HARRIS. I would ask the attention of the Senate to the report of the Senator from New Hampshire upon this bill.

The Chief Clerk read the following report, submitted by Mr. PIKE January 29, 1885:

The Committee on Claims, to whom was referred the bill (H. R. 2722) for the relief of Martha Turner, having considered the same, make the following report:

That John Turner, sr., late of Union County, Tennessee, petitioned the Forty-first Congress to allow him \$2,000 in full for his services rendered in piloting and guiding recruits from within the confederate lines to the Union Army, and for all moneys expended by him while thus engaged; that the country in which he performed this service was the mountainous regions of East Tennessee and Southern and Eastern Kentucky; that upon the evidence it is clear that from the deceased Turner's knowledge of the mountain passes and the formation of the country generally he was of great service to the Union cause by so piloting large numbers of refugees and recruits over the mountains to the Federal Army at various points in Kentucky; that in doing this he experienced great hardships and many privations; that the testimony of several commissioned officers and many private citizens, in connection with other papers filed, shows that the said Turner commenced the work of piloting recruits, as above stated, about the 1st of January, 1862, and continued the same for all the time till about September 1, 1863, making full twenty months; that his services, as certified to by six commissioned officers of the Federal Army and six private citizens who had knowledge of them in various capacities, together with money paid out, were worth at least \$100 per month; that he ought to be paid that sum at least, which is the sum he claims; and that in addition to this he was captured and imprisoned for some time by the confederates on account of his Union sentiments.

On the 18th of June, 1870, a bill passed the House of Representatives appropriating the petitioner the amount he claimed, but the bill was not reached in the Senate during that Congress and failed to become a law.

The Legislature of the State of Tennessee, fully recognizing the loyalty and devotion of the said Turner during the war, and the great services he had rendered the Government of the United States, in November, 1868, passed a joint resolution directing their Senators and Representatives in Congress to procure, if possible, an appropriation sufficient to recompense him for the hardships and privations endured and services rendered the Government.

It also appears upon the evidence that neither the said Turner nor any of his representatives have ever been paid anything for these services or the money expended while acting as a pilot to the Federal lines. It also appears that he was requested by several officers of the Federal Army to recruit for them, and was promised \$2.50 for each recruit, and it further appears that at this price the amount his due would exceed the \$2,000 claimed by him.

This bill is for the benefit of Martha Turner, the widow of the original claimant, John Turner. His children and all interested have waived all claim against the Government, and agreed that whatever allowance is made be given the widow, in her name and for her sole benefit.

Your committee therefore recommend that the bill pass.

Mr. PIKE. It became my duty to investigate this bill and make this report. I think it is a very just claim and ought long ago to have been paid. I hope the Senate will pass the bill.

Mr. DOLPH. I do not think the original claimant in this case ever had any just claim against the United States. If the parties who employed him to perform the service, which he is alleged to have rendered, had authority to employ him, they had authority to pay him. If he has any claim at all I think it is against the State of Tennessee before that State is reimbursed by the General Government. I can not distinguish it from other claims of a similar nature which have been rejected by the Committee on Claims. I did not agree to the report of the committee and I can not vote for the bill.

Mr. PIKE. This claim has been considered by half a dozen committees of this body and the other, and every one of them has reported favorably. It passed the House once before. The service of this man was in enlisting men in Tennessee and taking them to Kentucky, and he was agreed to be paid by the officers a certain sum. It was not for soldiers secured in the State in which he secured the soldiers, but in another, and therefore was not a proper claim against the State of Tennessee.

Mr. HARRIS. I desire to add to the remarks of the Senator from New Hampshire that if the State of Tennessee had paid this man for his services, they being of the character they were, it is just that character of claim which the State would have been reimbursed by the Federal Treasury for the money so paid. Hence I think there is no merit in the suggestion of the Senator from Oregon.

Mr. DOLPH. Just a word. It has been the uniform practice of the Senate to decline to pay claims of this kind until they have been assumed and paid by the States; and just the moment you make a precedent for the payment of such claims, we shall find all that class of claims where the State has not paid them presented to Congress for payment. This will be a precedent for them.

Mr. HOAR. May I ask the Senator from Oregon if we can with any propriety or justice insist on that rule in a State in a condition like Tennessee. We could not expect such a State to assume or pay the claim. I understand this man recruited in Tennessee.

Mr. DOLPH. I will answer the Senator from Massachusetts by saying that if this claimant was employed by the General Government he must have been employed by some officer having authority to make a contract, and it would be a dangerous precedent, I think, for the United States to recognize contracts made by every military officer during the war and to pay the sum agreed to be paid by any officer. Any officer who had authority to make a contract for services had authority to pay for the services, and he could have done it, and we ought not to be called

upon after twenty years to pay a claim which has not before been paid. The presumption is against such a claim.

The bill was reported to the Senate, ordered to a third reading, and read the third time.

Mr. DOLPH. I call for the yeas and nays on the passage of the bill. The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. MANDERSON (when his name was called). I am paired with the Senator from Florida [Mr. JONES].

The roll-call was concluded.

Mr. MANDERSON. Understanding that the Senator from Florida [Mr. JONES] with whom I am paired would vote "yea" on this question, I vote "yea."

Mr. CONGER. My colleague [Mr. PALMER] is temporarily absent at this time, and I have forgotten with whom he is paired.

The result was announced—yeas 38, nays 5; as follows:

YEAS—38.

Allison,	Garland,	Jones of Nevada,	Sabin,
Blair,	Gibson,	McMillan,	Sherman,
Bowen,	Gorman,	Mahone,	Slater,
Brown,	Groome,	Manderson,	Vance,
Cameron of Wis.,	Hampton,	Maxey,	Van Wyck,
Coke,	Harris,	Miller of N. Y.,	Walker,
Colquitt,	Hawley,	Mitchell,	Williams,
Conger,	Hoar,	Morrill,	Wilson.
Cullom,	Ingalls,	Pike,	
Frye,	Jackson,	Plumb,	

NAYS—5.

Chace,	Jonas,	Pugh,	Vest.
Dolph,			

ABSENT—33.

Aldrich,	Edmonds,	Lamar,	Ransom,
Bayard,	Fair,	Lapham,	Riddleberger,
Beck,	Farley,	Logan,	Saulsbury,
Butler,	George,	McPherson,	Sawyer,
Call,	Hale,	Miller of Cal.,	Sewell,
Camden,	Harrison,	Morgan,	Voorhees.
Cameron of Pa.,	Hill,	Palmer,	
Cockrell,	Jones of Florida,	Pendleton,	
Dawes,	Kenna,	Platt,	

So the bill was passed.

POST-OFFICE APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes.

Mr. PLUMB. I move that the Senate insist on its amendments disagreed to by the House and accede to the request of the House for a conference.

Mr. CONGER. I desire to ask the Senator in charge of the bill whether the amendment in regard to the renting of premises for third-class post-offices was concurred in by the House or not.

Mr. PLUMB. It was non-concurred in.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Kansas.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. PLUMB, Mr. ALLISON, and Mr. BECK were appointed.

CAPT. VINCENT PHELPS.

Mr. PLUMB. I should like to have unanimous consent to ask that the vote by which the bill (H. R. 7805) granting a pension to Capt. Vincent Phelps was indefinitely postponed yesterday be reconsidered. Since that time new evidence has been discovered which I think will cause favorable consideration by the Senate. I ask unanimous consent that the vote by which the bill was indefinitely postponed may be reconsidered and the bill placed on the Calendar.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the vote of the Senate indefinitely postponing the bill (H. R. 7805) granting a pension to Capt. Vincent Phelps be reconsidered and the bill placed on the Calendar. Is there objection? The Chair hears none. It is so ordered.

REFUND OF LUMBER DUTIES.

Mr. MILLER, of New York. I ask unanimous consent to call up Order of Business 1253, being House bill 6087, reported favorably from the Finance Committee. It will take but a moment.

The PRESIDENT *pro tempore*. The Senator from New York asks unanimous consent that the Senate proceed to the consideration of the bill (H. R. 6087) authorizing the payment by the Secretary of the Treasury of the United States to Charles H. Getman, the firm of E. W. Rathbun & Co., the firm of Kinyon, Wright & Co., the firm of Bond & Co., and the firm of Page, Fairchild & Co. certain duties paid by them on imported lumber accidentally burned while in custody of officers of customs, and before the same had entered into consumption. Is there objection to the pending order being informally laid aside for the consideration of this bill?

Mr. WILSON. I will not object if it will not cause discussion, but if it will occupy much time I shall insist on the regular order.

Mr. MILLER, of New York. It will not take any time, I am sure. It is a favorable report of the Finance Committee.

The PRESIDENT *pro tempore*. Is there any objection to laying aside informally the pending order for the consideration of the bill called up by the Senator from New York? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider House bill 6087.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOUR OF MEETING.

Mr. HOAR. I move that when the Senate adjourns this afternoon it adjourn to meet on Monday at 9 o'clock. I understand that is the desire of the chairman of the Committee on Appropriations.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that when the Senate adjourns to-day it be to meet on Monday next at 9 o'clock in the morning.

The motion was agreed to.

SARAH M. BISSELL.

Mr. BLAIR. I move that the Senate now proceed to consider House bill 6940, Order of Business 1300.

Mr. MILLER, of New York. I suggest that the Senator ask unanimous consent.

Mr. WILSON. Do not displace the regular order.

Mr. BLAIR. I ask unanimous consent.

Mr. McMILLAN. What is the bill?

Mr. BLAIR. House bill 6940.

The PRESIDENT *pro tempore*. The Chair will state to the Senator from New Hampshire that the Chair believes that bill was acted on this morning.

Mr. BLAIR. There was a close vote of the Senate which I moved to reconsider. I ask unanimous consent.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks unanimous consent to proceed to the consideration of a motion to reconsider. Is there objection?

Several Senators objected.

Mr. BLAIR. I make the motion to take it up.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the Senate proceed to the consideration of the motion to reconsider the vote rejecting the bill (H. R. 6940) granting a pension to Sarah M. Bissell.

Mr. WILSON. What effect will that motion have on the pending bill?

The PRESIDENT *pro tempore*. It will have the effect of displacing it, if the motion is agreed to.

Mr. WILSON. Then I hope it will not be done. Let the Senator ask unanimous consent.

Mr. BLAIR. I did ask unanimous consent and there was objection. The PRESIDENT *pro tempore*. Objection was made, and then the Senator made his motion in form.

Mr. WILSON. I hope the Senate will not take this up to the displacement of the regular order.

Mr. BLAIR. I do not desire to do that; but this bill—

The PRESIDENT *pro tempore*. Debate is not in order without unanimous consent. The question is on agreeing to the motion of the Senator from New Hampshire. [Putting the question.] The yeas appear to have it.

Mr. BLAIR. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDENT *pro tempore*. The question now is on agreeing to the motion of the Senator from New Hampshire, on which the yeas and nays have been ordered, to proceed to consider the motion to reconsider the vote by which the passage of the bill (H. R. 6940) granting a pension to Sarah M. Bissell was refused.

The yeas and nays were taken.

Mr. SAWYER. My pair with the Senator from Delaware [Mr. SAULSBURY] is transferred to the Senator from Michigan [Mr. CONGER].

The result was announced—yeas 29, nays 22; as follows:

YEAS—29.

Aldrich,	Cullom,	Lapham,	Sawyer,
Blair,	Dawes,	McMillan,	Sherman,
Bowen,	Dolph,	Mahone,	Voorhees,
Brown,	Edmonds,	Mitchell,	Walker,
Call,	Frye,	Morrill,	Williams.
Cameron of Wis.,	Hawley,	Pike,	
Chace,	Hoar,	Platt,	
Conger,	Jones of Florida,	Sabin,	

NAYS—22.

Allison,	Garland,	Maxey,	Vance,
Bayard,	Groome,	Morgan,	Van Wyck,
Camden,	Hampton,	Plumb,	Vest,
Coke,	Harris,	Pugh,	Wilson.
Colquitt,	Harrison,	Riddleberger,	
Fair,	Jackson,	Slater,	

ABSENT—25.

Beck,
Butler,
Cameron of Pa.,
Cockrell,
Farley,
George,
Gibson,
Gorman,
Hale,
Hill,
Ingalls,
Jonas,
Jones of Nevada,
Kenna,
Lamar,
Logan,
McPherson,
Manderson,
Miller of Cal.,
Miller of N. Y.,
Palmer,
Pendleton,
Ransom,
Saulsbury,
Sewell.

So the motion was agreed to.

The PRESIDENT *pro tempore*. The bill is before the Senate, and the question is on agreeing to the motion of the Senator from New Hampshire to reconsider the vote by which the Senate refused to pass the bill.

Several Senators addressed the Chair.

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. PLUMB. Let the title of the bill be read for information.

The PRESIDENT *pro tempore*. The title will be read.

The CHIEF CLERK. "A bill (H. R. 6940) granting a pension to Sarah M. Bissell."

The PRESIDENT *pro tempore*. The question is on agreeing to the motion to reconsider the vote by which the Senate refused to pass the bill.

The question being put, a division was called for.

Mr. HOAR. May I ask the Chair what is the precise question?

The PRESIDENT *pro tempore*. The precise question is, Will the Senate agree to the motion of the Senator from New Hampshire to reconsider the vote by which the Senate refused to pass the bill?

Mr. HOAR. May I inquire of the Chair, is not a motion to reconsider a question which is itself debatable under the rules?

The PRESIDENT *pro tempore*. It would have been so except for the new rules which expressly provide, the Chair is quite sure, that such a motion is not open to debate. The Chair will have the rule read if the Senator desires.

Mr. HOAR. I should like to have it settled.

Mr. BLAIR. Do not let us take up time in this way.

Mr. PLATT. If reconsidered, the bill will then be open to debate, I suppose?

Several SENATORS. Certainly.

The PRESIDENT *pro tempore*. The Chair will read the paragraph of Rule XIII relating to this point. It is as follows:

Every motion to reconsider shall be decided by a majority vote, without debate.

The question is on agreeing to the motion of the Senator from New Hampshire to reconsider the vote by which the Senate refused to pass the bill.

Mr. INGALLS. May I inquire what was the question on which the yeas and nays were just taken?

The PRESIDENT *pro tempore*. On taking up the bill.

Mr. INGALLS. Taking up the bill, it having been defeated?

The PRESIDENT *pro tempore*. Taking up the motion to reconsider. The bill having been defeated the Senator from New Hampshire entered a motion to reconsider, and the question was on proceeding to the consideration of the motion to reconsider, to which the Senate has agreed, and the question now is, therefore, whether the Senate will reconsider the vote refusing to pass the bill, on which the yeas and nays have been ordered.

The yeas and nays were taken.

Mr. HARRISON. I have left the Senator from Missouri [Mr. COCKRELL] upon a conference committee to prepare the report, and paired with him. I announce my pair with him and withhold my vote. I do not know how he would vote.

Mr. McPHERSON. I am paired with my colleague [Mr. SEWELL].

The result was announced—yeas 30, nays 20; as follows:

YEAS—30.

Aldrich, Blair, Bowen, Brown, Call, Cameron of Wis., Cullom,	Dawes, Dolph, Edmunds, Fair, Frye, Gorman, Hoar, Jones of Florida,	Lapham, McMillan, Mahone, Miller of Cal., Miller of N. Y., Mitchell, Morgan, Morrill,	Pike, Platt, Sabin, Sawyer, Voorhees, Walker.
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NAYS—20.

Bayard, Camden, Coke, Colquitt, Garland,	Groome, Hampton, Harris, Jackson, Jonas,	Maxey, Plumb, Pugh, Riddleberger, Sherman,	Slater, Vance, Van Wyck, Vest, Wilson.
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ABSENT—26.

Allison, Beck, Butler, Cameron of Pa., Cockrell, Conger, Farley, George, Gibson, Hale, Harrison, Hawley, Hill, Ingalls,	Jones of Nevada, Kenna, Lamar, Logan, McPherson, Manderson, Palmer,	Pendleton, Ransom, Saulsbury, Sewell, Williams.
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So the motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. The question recurs, Shall the bill pass?

Mr. BLAIR. I only want to say a word. Of all the cases that have ever come to my knowledge where an increase from \$30 to \$50 has been

made by statute, this is the most pressing and the most worthy. By a very close vote this morning the Senate refused to pass this bill. The Senate was very thin at the time, and now I have nothing to say only that I hope the bill will pass.

Mr. CAMDEN. Mr. President, I move to amend the bill by striking out "fifty" and inserting "thirty."

The PRESIDENT *pro tempore*. A motion to amend is not now in order, the bill having been read the third time, and the question being on the passage of the bill.

Mr. CAMDEN. Then I will state to the Senate that this application comes before us without having been submitted to the Pension Office. The Senate Committee on Pensions have no means of determining whether a pension should be granted or not. We have no means of getting the evidence. It is here against the unanimous rule adopted by the Committee on Pensions, which is not to consider a claim before that committee until the case has first been submitted to the Pension Office and the evidence presented there and the report of the Commissioner of Pensions had upon the case. This case is brought directly before Congress without going to the Pension Office at all and has been submitted to the Committee on Pensions, and in accordance with the unanimous rule of the Committee on Pensions it is presented to the Senate on an adverse report.

The highest pension that the claimant would be entitled to under the law is \$30 a month, if she shows that she is entitled to a pension at all. It is admitted by the Senator from New Hampshire that the officer was placed on the retired-list about ten years before his death; and there is no evidence whatever before the Senate that he died from any disease contracted in the service or for any other cause than old age. And yet the Senate is not only asked, without any knowledge of the facts in this case, to grant a pension to the claimant, but it is asked to increase the pension allowed by law to nearly double its amount, from \$30 up to \$50 per month.

If we are to have any rules for the granting of pensions at all applicable to all cases alike, there must be some limit to the informal way in which pension bills are considered, as this is now being considered by the Senate. I hope the Senate will not add this precedent to the other precedents that have been established here for the last day or two which will flood the Committee on Pensions with innumerable applications of the same kind, and there will be no valid reason for rejecting them if such precedents as these are established.

The PRESIDENT *pro tempore*. The question is on the passage of the bill.

Mr. CAMDEN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. McPHERSON (when his name was called). I am paired with my colleague [Mr. SEWELL].

The roll-call was concluded.

Mr. COCKRELL (after having voted in the negative). I did not observe that the Senator from Indiana [Mr. HARRISON] had not voted. I am paired with him; I see he is absent. He would vote "yea" if present, and I should vote "nay." I withdraw the vote I cast.

The result was announced—yeas 28, nays 21; as follows:

YEAS—28.

Aldrich, Blair, Bowen, Brown, Call, Cameron of Wis., Chace,	Conger, Cullom, Dawes, Dolph, Edmunds, Frye, Hawley,	Hoar, Lapham, McMillan, Mahone, Miller of Cal., Miller of N. Y., Mitchell,	Morgan, Morrill, Pike, Platt, Sawyer, Voorhees, Walker.
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NAYS—21.

Bayard, Camden, Coke, Colquitt, Fair, Groome,	Hampton, Harris, Jackson, Jonas, Maxey, Pendleton,	Plumb, Pugh, Riddleberger, Sherman, Slater, Vance,	Van Wyck, Vest, Wilson.
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ABSENT—27.

Allison, Beck, Butler, Cameron of Pa., Cockrell, Farley, Garland,	George, Gibson, Gorman, Hale, Harrison, Hill, Ingalls,	Jones of Florida, Jones of Nevada, Kenna, Lamar, Logan, McPherson, Manderson,	Palmer, Ransom, Sabin, Saulsbury, Sewell, Williams.
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So the bill was passed.

LOSSES OF PROPERTY BY TROOPS.

Mr. COCKRELL. I rise to a privileged report. The committee of conference on the disagreeing votes of the two Houses on House bill 5713 have met, and submit a report.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5713) to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 4, and agree to the same as follows:
No. 1. Page 1, line 4, after "officers" insert "and."

No. 2. Page 1, lines 4 and 5, strike out "and duly authorized laundresses."
 No. 3. Page 2, line 3, insert after "war" "or hostilities with Indians."
 No. 4. Page 2, line 7, after "reasonable" insert "useful, necessary, and proper for such officer or soldier while in quarters, engaged in the public service in the line of duty: And provided further, That all claims now existing shall be presented within two years, and not after, from the passage of this act; and all such claims hereafter arising be presented within two years from the occurrence of the loss or destruction;" and the House agree to the same.

F. M. COCKRELL,
 BENJ. HARRISON,
In behalf of the Senate.
 W. S. ROSECRANS,
 GEO. W. STEELE,
 R. M. MURRAY,
In behalf of the House of Representatives

Mr. COCKRELL. I was mistaken in presenting the conference report at this time. I ask leave to withdraw it.

The PRESIDENT *pro tempore*. The report is withdrawn.

WILLIAM H. DAVIS.

Mr. PIKE. I desire to call up House bill 4382, Order of Business 1126.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the Senate proceed to the consideration of Order of Business 1126, being the bill (H. R. 4382) for the relief of William H. Davis.

Mr. PLATT. Let the bill be read for information.

The PRESIDENT *pro tempore*. The bill will be read for information if there be no objection.

The bill was read.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New Hampshire [Mr. PIKE].

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which appropriates \$8,000 to indemnify William H. Davis for the destruction of his wharf and warehouse at San Diego, Cal., by the United States troops, during the winter of 1861 and 1862.

Mr. SHERMAN. I think the report had better be read.

The PRESIDENT *pro tempore*. The report will be read.

Mr. PIKE. I can state the substance of the report briefly.

Mr. SHERMAN. The Senator from New Hampshire says he can give the substance of the report. I do not ask for the reading.

Mr. PIKE. This claim is for wharf property at San Diego, in the State of California. The claimant was the owner of a large wharf and warehouse at San Diego, which was constructed in 1851 of redwood. During the winter of 1861-'62 the United States troops in service at that place used a large part of the material of which the wharf was constructed for fuel, building, and other purposes, by which the wharf was rendered worthless to him. The claim was sent by the act of Congress of March 3, 1881, for the relief of the claimant, to the Secretary of War, with authority to have it investigated by the Quartermaster's Department and to report to Congress. The Secretary of War reported that the claimant ought to be paid the sum of \$6,570. The House has allowed him by the bill only \$6,000, being less than the amount found due. An officer of the Quartermaster-General's Department, Colonel Saxton, was sent to make the investigation, and reported the facts which I have stated. The Committee on Claims further investigated it, and think that this is the least sum that should be paid.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DUCK VALLEY SETTLERS.

Mr. FAIR. I ask unanimous consent to call up Order of Business 1090, being House bill 3008.

The PRESIDENT *pro tempore*. The Senator from Nevada moves that the Senate proceed to the consideration of Order of Business 1090, being the bill (H. R. 3008) for the relief of certain settlers on the Duck Valley Indian reservation, in Nevada. The question is, Will the Senate agree to the motion?

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides for payment to the settlers on the Duck Valley Indian reservation, in Nevada, of \$5,400, as follows: To Levi Harris, \$3,500; to William Harris, \$200; to Henry Boyle, \$1,500; and to J. H. Babb, \$200, in full for their improvements on the reservation.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAINT PAUL AND SIOUX CITY RAILROAD LANDS.

Mr. WILSON. I now move that the Senate proceed to the consideration of House bill 7299, Order of Business 1071.

Mr. MORRILL. I ask the Senator from Iowa to give way for a single proposition.

Mr. McMILLAN. What is the bill proposed to be taken up?

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate now proceed to the consideration of the bill (H. R. 7299) forfeiting a part of certain lands granted to the State of Iowa to aid in the construction of railroads in that State, and for other purposes. The question is on agreeing to the motion.

Mr. WILSON. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 28, nays 22; as follows:

YEAS—28.

Allison,	Fair,	Harrison,	Plumb,
Bowen,	Garland,	Hill,	Slater,
Call,	George,	Jackson,	Vance,
Camden,	Gorman,	Jonas,	Van Wyck,
Cockrell,	Groome,	Kenna,	Yeat,
Coke,	Hampton,	Miller of Cal.,	Williams,
Colquitt,	Harris,	Morgan,	Wilson.

NAYS—22.

Blair,	Dawes,	Lapham,	Platt,
Brown,	Dolph,	McMillan,	Sabin,
Cameron of Wis.,	Frye,	McPherson,	Sawyer,
Chace,	Hawley,	Mahone,	Sherman.
Conger,	Hoar,	Mitchell,	
Cullom,	Ingalls,	Morrill,	

ABSENT—26.

Aldrich,	Gibson,	Maxey,	Riddleberger,
Bayard,	Hale,	Miller of N. Y.,	Saulsbury,
Beck,	Jones of Florida,	Palmer,	Sewell,
Butler,	Jones of Nevada,	Pendleton,	Voorhees,
Cameron of Pa.,	Lamar,	Pike,	Walker.
Edmunds,	Logan,	Pugh,	
Farley,	Manderson,	Ransom,	

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

ALEXANDER D. SCHENCK.

Mr. SHERMAN. I ask the Senator from Iowa to yield while I obtain unanimous consent to pass a little bill giving an officer of the Army \$107 for property stolen from him. I hope the Senator from Iowa will not object.

The PRESIDING OFFICER (Mr. GARLAND in the chair). Is there unanimous consent to taking up the bill indicated by the Senator from Ohio? The Chair hears no objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1266) for the relief of Alexander D. Schenck. It provides for the payment to Alexander D. Schenck, a first lieutenant in the Second Artillery, of \$107.65, being the amount he has been required to deposit with the Treasury of the United States to make good the loss of certain subsistence stores pertaining to the Commissary Department of the United States Army, for which he was responsible as acting commissary of subsistence at Fort Johnston, North Carolina, in the fiscal year ending June 30, 1880, its stores having been stolen or otherwise unlawfully disposed of by John V. Seyton, late a commissary-sergeant in the United States Army, without the knowledge, consent, fault, or neglect of Schenck.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 2185) for the relief of Rosa Vertner Jeffrey and others;
 A bill (H. R. 5364) granting a pension to William H. Whitcomb;
 A bill (H. R. 5543) granting a pension to David M. Nagle;
 A bill (H. R. 5798) granting a pension to John E. Denham;
 A bill (H. R. 6011) granting an increase of pension to Robert Casey;
 A bill (H. R. 6029) for the relief of Jeremiah McCarty; and
 A bill (H. R. 7617) granting a pension to Mrs. Ann E. Gridley.

SAINT PAUL AND SIOUX CITY RAILROAD LANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7299) forfeiting a part of certain lands granted to the State of Iowa to aid in the construction of railroads in that State, and for other purposes.

Mr. HOAR. Mr. President, I rise to take the floor on the pending measure.

Mr. MORRILL. I wish to ask unanimous consent to call up a House joint resolution that merely allows one of the riflemen at Wimbledon to have a silver cup that has been presented to him.

The PRESIDING OFFICER (Mr. GARLAND in the chair). Is there objection to passing over the pending order informally and taking up the joint resolution indicated by the Senator from Vermont?

Mr. MORRILL. It is Order of Business 968, House joint resolution 124.

A. B. VAN HEUSEN.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. Res. 124) authorizing the collector of the port of New York to deliver, free of duty, a silver cup won by Sergt. A. B. Van Heusen, as a member of the American Rifle Team, at Wimbledon, in July, 1883.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CARLISLE MILITARY RESERVATION.

Mr. HOAR. Mr. President—

Mr. HARRISON. I ask the Senator from Massachusetts to yield to

me for a moment while I ask unanimous consent to pass a bill. It is a bill that I called the attention of the Senate to the other day relating to a right of way through the Carlisle reservation. The Senator from Pennsylvania tells me that if it is passed now it can be got through the House. The whole enterprise is suspended on account of the want of this bill.

Mr. WILSON. The difficulty about that is that it may lead to discussion.

Mr. HARRISON. It can not in the smallest degree. If it leads to discussion I will withdraw the bill.

Mr. WILSON. The Senator will allow me to say—

The PRESIDING OFFICER. This debate is proceeding by unanimous consent.

Mr. WILSON. By this yielding in the earlier part of the day the bill taken up on my motion lost its place. If we had gone on with the bill when it was before the Senate, I think we should have completed it before this time. I certainly do not intend to occupy much time in submitting remarks upon it; and if we go right on now and close it up, then there will be abundance of time for other matters.

Mr. HARRISON. With the permission of the Senator and the Senate, I wish to say that I voted with him on his bill for its consideration; but the bill I refer to can be passed and engrossed and go to the House with some chance of being acted on.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. HOAR] is entitled to the floor on the pending bill.

Mr. MAXEY. I ask the Senator from Massachusetts to yield to me one moment to ask the unanimous consent of the Senate to call up Order of Business 1425, being the bill (H. R. 6533) for the relief of Dr. Thomas J. Jones, a unanimous report of the Committee on Military Affairs.

The PRESIDING OFFICER. Is there unanimous consent to laying aside the present order for the purpose of taking up the bill indicated by the Senator from Texas?

Mr. WILSON. I have just declined to yield in another case; I can not yield in this.

Mr. MAXEY. It will take but a moment. It is a very short bill.

Mr. WILSON. That has been said all the afternoon, but every bill called up took so many moments as finally to displace this bill. I think this bill can be disposed of in a short time.

SAINT PAUL AND SIOUX CITY RAILROAD LANDS.

The PRESIDING OFFICER. The Senator from Massachusetts is entitled to the floor on the bill (H. R. 7299) forfeiting a part of certain lands granted to the State of Iowa to aid in the construction of railroads in that State, and for other purposes; which bill is before the Senate as in Committee of the Whole.

Mr. HOAR. Mr. President, I think I can say all I have to say on this bill in about three minutes. I trust it is not too much of a request to make of the Senate to ask them to listen for those three minutes, because this is a question of justice, and it is a very simple question as far as I wish to state it.

The persons who have called my attention to this bill are some persons dwelling in the State of Massachusetts who have loaned their money to build a railroad in the West at the rate of 6 per cent. The railroad company is insolvent and the only security they have got is the railroad's title to these lands which are now in dispute.

Mr. PLUMB. Will the Senator make his statement a little more complete by saying the lands granted to this railroad including this land, not this land alone?

Mr. HOAR. Including this land with the lands granted to the railroad company. The railroad company itself has not been able to pay any interest on the bonds for many years, and this bill affects the interest of these bondholders because these lands are practically the only security they have in the world, and they are not enough to pay the debt. The whole amount of it is about \$800,000. I do not believe there is a gentleman in this body who thinks that a person who has loaned about \$800,000 in the East to build a Western railroad at the moderate interest of 6 per cent. is a person who is not entitled to justice at the hands of this legislative body. If there be any person who entertains that opinion, I do not know how to address an argument to his mind.

That being the case, what is the point in this bill? Congress granted to the State of Iowa certain public lands, so many per mile, with the authority to the State of Iowa to give those lands to railroad companies who should build railroads through Iowa, and the State of Iowa selected the Sioux City road as one of those roads, which is the road that made the mortgage to the persons of whom I speak.

Congress went on to say in the original grant that whenever the governor of Iowa certified that ten miles of road had been built, then a patent should issue to the State of Iowa for the benefit of the railroad company that had built that much road. There were to be so many acres of land for every mile of road given to the State of Iowa, but for convenience in issuing the patents they were to be issued ten miles by ten miles. This company went on in good faith and built its road ten miles by ten miles and got its patent for each completed section of ten miles; but of the last ten miles they only built 6.13. The reason they did not build the other three miles and a fraction was that the Legis-

lature of Iowa granted to another land-grant railroad, precisely under this same act of Congress having the same rights, a right to build its track along those three miles and a fraction.

This company, supposing that the Government did not expect to have two roads built over substantially the same track, and that it did not expect to have to give two land grants per mile where one would do, stopped and made its connection with the other land-grant road into Sioux City. The question with these mortgage bondholders is whether they can have some 85,000 acres—I think that is the quantity, but no matter what the amount is—which were earned by the company having faithfully and honestly and fairly built those six miles and a fraction of road. That is the point.

Mr. GEORGE. I wish to ask a question.

Mr. HOAR. At the end of my statement I will yield for a question. That being the case, the State of Iowa refused to make the certificate to this company, and it is in the Supreme Court of the United States, and expects early next fall to have the case argued on some legal proceeding which it has begun to settle whether it shall have this land or not. Now, then comes in this bill, and this bill says in substance that everybody in interest may bring a suit to see who has got the legal or equitable title to this land, and that the land that nobody has got a legal or equitable title to shall be resumed by the United States and open to settlement, and that persons who have gone in there and squatted and settled on it already shall have the preference, as if they had been *bona fide* settlers. Nobody has a legal title to this land, because the patent has not issued, and that is what is necessary to make a legal title.

Mr. McMILLAN. If the Senator will permit me—

Mr. HOAR. I think I can complete my statement better if I am allowed to proceed, though no doubt the Senator would fortify it.

That being the case, what I claim is that this bill should be amended by saying that the Supreme Court shall also determine, as you are making a special lawsuit for this particular road, whether these people are in justice and equity entitled to have their patent to these six miles and a fraction; and, if so, then that the land grant appertaining to the six miles and a fraction shall not be open to public entry and shall not be taken possession of by settlers, and that this road shall have it, or that a report shall be made to Congress and Congress shall say whether they will grant it hereafter.

My honorable friend from Alabama [Mr. MORGAN], one of the committee who reported this bill—I do not know but that he made the report himself—says that that is the substance of the bill now. I do not think so; I do not think the bill means any such thing now. I think when the bill says legal or equitable rights it means legal rights or such equitable rights as are enforced by courts of equity acting under the recognized equity jurisprudence, and that a man would not be supposed to have a legal or equitable title when it required the issuing of a patent from the Government for these 6.13 miles under a law which only entitled him to his patent when he had built ten miles.

If the committee will consent to put into this bill an amendment that will make that thing clear which the Senator from Alabama thinks is in there now, and which I think is not, my opposition to this bill will be withdrawn. If they do not consent to that I think it is an unjust bill which ought to be resisted and voted down.

Now I will answer the question of the Senator from Mississippi if I can.

Mr. GEORGE. I desire to know whether that was the only default committed by the company—failing to build those three miles and a fraction.

Mr. HOAR. Yes; that is all I know of.

Mr. GEORGE. How much land was granted to the company per mile?

Mr. McMILLAN. Ten sections a mile.

Mr. GEORGE. And it is the land adjacent to those three miles and a fraction that is now in controversy?

Mr. HOAR. No; they built over six miles of the last ten-mile section. They could not get a patent until they built ten miles. It is the land adjacent to the 6.13 miles that is in controversy. Of course they do not claim land for the 3.87 miles of road not constructed.

As I said in the beginning, these bondholders live in Massachusetts; some of them are widows and orphans. They are the sort of people who invest their money in securities of this kind at 6 per cent. only, and the presumption is that they are persons of invested property. There is the whole story, as I understand it.

Mr. HARRIS. If I understand the statement of the Senator from Massachusetts it is that the act granted these lands in sections of ten miles.

Mr. HOAR. Not exactly. It granted to the State of Iowa so much a mile, ten sections. Then it said that when ten miles had been built the governor of Iowa was to issue his certificate and the patent should go; and when another ten miles had been built the patent should go. I believe that meant that the company should get proportionately for the last ten miles. Suppose the road had turned out to be ninety-five miles long and they had built the whole ninety-five miles, would they lose the land grant for the last five miles?

Mr. HARRIS. Congress granted to the State of Iowa such an amount

of public lands to be appropriated to purposes of public improvement. The governor of Iowa was authorized by the Legislature of that State to issue his certificate upon the completion of the construction of ten-mile sections.

Mr. HOAR. Authorized by the act of Congress to do that.

Mr. HARRIS. Then to a subsequent road a grant of three miles and a fraction on the same line was made.

Mr. HOAR. On the same line under the same authority.

Mr. HARRIS. That grant has been given by the State of Iowa?

Mr. HOAR. Yes, sir.

Mr. HARRIS. And the question in this bill is as to whether or not the original company should receive the land grant for the six miles and a fraction.

Mr. HOAR. That is it exactly; for what it did build.

Mr. BROWN. In that connection I wish to ask the Senator from Massachusetts a question. I understand him to say that the only reason why the other three miles and a fraction were not built was that the other road was already built, and it was no use for this company to build that portion.

Mr. HOAR. That is it exactly.

Mr. VAN WYCK. Now will the Senator from Massachusetts allow me to ask a question? He shows in his statement that there is a conflict of opinion as to what a law previously passed means, as I understand?

Mr. HOAR. Excuse me a moment. I omitted to say that these parties have got a suit in the Supreme Court of the United States to compel the governor of Iowa to give his certificate for these six miles and that suit is just about being reached for argument, and will be reached by next fall at all events. It was close at hand when the Supreme Court took its recess. It will be reached there this spring before adjournment or next fall, and if this new proposition comes in it will delay the settlement of that for four or five years.

Mr. CALL. I should like to ask the Senator from Massachusetts how many miles were built within the time required.

Mr. HOAR. All were. There is no question on earth so far as I know except what I have stated.

Mr. MORGAN. Mr. President—

Mr. HARRISON. Will the Senator yield to me a moment, as I want light on this question, and probably it was his intention to try to diffuse some light?

If I understand the argument of the Senator from Massachusetts it is that this company under the bill as it stands would not be entitled to the conterminous lands along these six miles of road; that this bill would deprive the company of the lands conterminous to these six miles?

Mr. HOAR. Exactly.

Mr. HARRISON. Does the Senator understand that under the original law granting these lands to the State of Iowa this company would be entitled to these lands?

Mr. HOAR. I think so. It is just that question.

Mr. HARRISON. If there is that question, what I think is the fair thing to do is to leave that question to the courts for settlement.

Mr. HOAR. It is in the courts now.

Mr. HARRISON. If this bill does anything more than to refer to the courts the existing rights of parties, without attempting to change them in any way in the world, it goes beyond the scope I think it ought to have; but as I understand it, it is simply to send into the courts for adjudication the question whether this road is entitled to those lands as earned lands, and it does not profess to give to the United States anything but unearned lands.

Mr. HOAR. That is just the fallacy of the proposition, if I may be permitted to use such a phrase in regard to anything said by so distinguished a lawyer.

Mr. HARRISON. It is not my proposition.

Mr. HOAR. Suppose it to be true that the United States made a land grant to a railroad company and said that it should get its lands as fast as it built ten miles, and then the same authority made a land grant to another railroad which came and located and built half of the last ten miles of the road of company No. 1, and suppose it to be true that in strict law the company No. 1 was not entitled to its patent because it had not built the ten miles, though it was prevented from doing so by the act of the Government itself, would that be a just bill which merely referred the naked question of law to a court and came in and forfeited the claim for the five miles which were actually built? That is the very question.

Mr. HARRISON. I am not trying to debate this case or assert views of my own, but rather to obtain information. If I understand this case, the question would be, no new legislation having been had, to which road, if to any road, the original grant would appertain. If the road in which the Senator's friends are interested can not claim in law these lands which are said to be in dispute, then there would be no way for them to get them except by a new act of Congress which would confer some rights upon them.

Mr. McMILLAN. If the Senator from Indiana will allow me—

The PRESIDING OFFICER. The Senator from Alabama [Mr. MORGAN] has the floor.

Mr. MORGAN. I yielded to allow the debate to run on over there.

Mr. McMILLAN. The Senator from Indiana, I think, does not know precisely the point at issue here. There is no counter-claim for the six miles and a fraction of land.

Mr. HARRISON. By the other railroad?

Mr. McMILLAN. None at all.

Mr. HARRISON. That is what I supposed.

Mr. McMILLAN. This road is the only road entitled to those lands if any road should get them.

Mr. HARRISON. The Senator from Massachusetts has stated the case, as I understood him in the beginning, quite differently from the statement made by the Senator from Minnesota.

Mr. HOAR. Oh, no.

Mr. HARRISON. It seems as to the conterminous land along these six miles of road the question is simply between the United States or the State of Iowa and this railroad company, and that is not complicated by the claim of any other railroad company at all.

Mr. McMILLAN. Not at all.

Mr. HARRISON. Now, if I understand the situation, the Senator from Massachusetts must either claim that under the original grant this was given to his railroad company, and they are entitled to it—and if that is true then no legislation can take it away from them—or if he so construes the law as that they were not entitled to it under that law, then how can they get it, whether we pass this bill or not, unless we pass an affirmative law giving it to them?

Mr. MORGAN. Mr. President, I find that there is some misunderstanding about this bill. This is a bill of peace, intended to compose controversies in the State of Iowa that otherwise can not be composed. Legislation has been demanded in two directions from the Committee on Public Lands; one is that we shall give these lands by some direct act to what are termed the squatters upon them, another is that we shall give the lands by a direct act to the railroad company. These lands were patented to the State of Iowa by the Government of the United States. When I say "patented" I mean certified in such form as that the title was equivalent to a patent; and that action occurred under the fourth section of the act making this land grant, a part of which I will read:

That the lands hereby granted shall be disposed of by said State for the purposes aforesaid only, and in manner following, namely: When the governor of said State shall certify to the Secretary of the Interior that any section of ten consecutive miles of either of said roads is completed in a good, substantial, and workmanlike manner, as a first-class railroad, then the Secretary of the Interior shall issue to the State patents for one hundred sections of land for the benefit of the road having completed the ten consecutive miles as aforesaid. When the governor of said State shall certify that another section of ten consecutive miles shall have been completed as aforesaid, then the Secretary of the Interior shall issue patents to said State in like manner for a like number; and when certificates of the completion of additional sections of ten consecutive miles of either of said roads are from time to time made as aforesaid, additional sections of land shall be patented as aforesaid until said roads or either of them are completed, when the whole of the lands hereby granted shall be patented to the State for the uses aforesaid and none other.

It is upon the legal construction of that act of Congress that these questions all arise. A certificate came to the Department here, which was satisfactory to the officers of the Department, that this road had been completed in sections of ten miles according to the provisions of the fourth section of this act. Thereupon the Secretary of the Interior made a patent to the State of Iowa. Pending that arrangement persons in Iowa, who disputed that the Secretary of the Interior had made a proper construction of this law, entered upon the land and claimed it was part of the public domain of the United States, they claiming that only six-tenths of this last section of ten miles had been completed and that four-tenths remained incomplete, and, therefore, the State of Iowa held the land in excess to the amount of four-tenths of the ten miles in trust for the Government of the United States, and not in trust for the railroad company. The Legislature of Iowa, sympathizing with its own people, taking sides with the people who are called squatters, refused to make a patent for these lands to this railway company, refused it by act of the Legislature and left the lands in abeyance so far as the transfer by that State of the legal title was concerned.

Now, then, what is the attitude of Iowa as to the Government of the United States? It is the holder of the legal title to the land opposite to and conterminous with these four-tenths of this section of ten miles, and the Government of the United States is appealed to to institute some proceeding whereby these claimants under the Government can come forward to assert its rights upon this land. What is Congress to do if it does anything about this case? Congress must necessarily assert the authority, whatever it may be, of the Government of the United States as against its trustee, who holds these lands in its possession under a patent, refuses to convey to the railroad, and asserts that these lands rightfully belong to the squatters.

Mr. McMILLAN. The Senator from Alabama is mistaken in that.

Mr. MORGAN. In what respect?

Mr. McMILLAN. The State of Iowa refused to declare a forfeiture of this grant. On the application of these squatters it refused to do that.

Mr. MORGAN. It may have refused to declare a forfeiture; I do not know about that. I do not think that is a material question, but it certainly has refused to convey the lands to the railroad company.

Mr. McMILLAN. It certainly affects the rights of these claimants.

Mr. MORGAN. Whatever may have taken place beyond what I have stated does not affect the case in the slightest degree. The State of Iowa has refused to convey these lands to the railroad company, placing the construction on the law that it was not apportionable for the ten miles; that a section of ten miles must be complete under the act I have just read before the title of the railroad company was good to any part of the land.

Of course these settlers upon these lands can not assert any title in their own names, for the Government of the United States had put the title out of its own hands into the hands of the State of Iowa, a naked trustee, but the State of Iowa refuses to assert the title in favor of the railroad company, and is willing, I dare say, to transfer the title to the squatters, but she has not done it. The title remains there to-day in the hands of the State of Iowa, a naked trustee.

Mr. HARRISON. The Senator from Alabama will allow me a word. Of course the State of Iowa would have no power to transfer these lands otherwise than in the direction of the trust. She would have no power to transfer them to squatters.

Mr. MORGAN. No; I suppose she has not any such power. At all events she has refused to convey to the railroad company, and she holds the lands just in that plight. Now the squatters come here and insist that the Government of the United States shall declare that these lands have reverted in consequence of the fact that Iowa has refused to convey them to the railroad company in completion of the trust. They claim that it was *quasi* a public domain, but that the condition of it, the patent having issued, shuts them out from all rights in it, and they pray the Government to assert its rights upon it.

In this condition of affairs, to avoid another Des Moines difficulty and involvement there which will run on through a number of years, the Committee on Public Lands, responding to the bill that came from the House and altering it only in some particulars that we thought were important, concluded to organize a tribunal by conferring jurisdiction on the circuit court of Iowa to adjudicate this whole matter. The committee of the House and the committee of the Senate have been equally sedulous to get this matter before the courts of the country without the slightest change of any right of any person whatever.

Mr. McMILLAN. Will the Senator from Alabama allow me to ask a question?

Mr. MORGAN. Yes.

Mr. McMILLAN. Does not this bill propose to legalize the settlement of those persons, whom the Senator refers to as squatters, as *bona fide* settlers upon the public lands?

Mr. MORGAN. No, Mr. President, not any more than the law legalizes that now; for if it is public land every citizen of the United States has the unquestionable right to go on it.

Mr. McMILLAN. But the Senator will permit me to suggest to him that whether these lands were public lands or not there is no doubt whatever about the fact that they were withdrawn from market and were not subject to settlement under the public-land laws of the United States, and this bill proposes to recognize them as persons who had a right to go on there at the time they did go on and make their settlement.

Mr. MORGAN. That appears to be a phase of the case which impresses me with this idea, that the Senator's opposition is not because our action is benefiting the railroad company, but because it benefits the settler.

Mr. McMILLAN. It will not do for the Senator to put the matter in that shape. He has said that this bill confers no rights upon any persons that they do not now hold.

Mr. MORGAN. That is correct.

Mr. McMILLAN. I have already pointed him to the fact that it does relieve these persons from a disability under which they lie which must be fatal to their claim if it remains.

Mr. MORGAN. I do not understand this bill if it relieves them from any such disability, or if it confers upon them any new right or privilege not found in the general laws of the United States, for I reassert now—I do not wish to repeat it again, though—that the public domain of the United States is open freely to the settlement of the people, and if they may not make entries upon it either of homesteads, or pre-emption, or private entries, still there is a standing invitation under the laws of the United States to every man in this country to go upon the public domain and make settlement there.

Mr. McMILLAN. I do not wish to interrupt the Senator if it is disagreeable to him.

Mr. MORGAN. It is not disagreeable to me, but it must be to the Senate, because I can not get what really I want to say together.

Mr. McMILLAN. I call the Senator's attention to the fact that where public lands are withdrawn from market by the proper authority no citizen has a right under the law to go upon them to make settlement for any purpose.

Mr. MORGAN. That is new law to me.

Mr. McMILLAN. The Government of the United States is already sending its Army to prevent citizens from going onto lands because they are not subject to settlement.

Mr. MORGAN. No; the case the Senator refers to is because it is an Indian reservation.

Mr. McMILLAN. Because it is not subject to settlement.

Mr. MORGAN. No citizen has a right to go on an Indian or a military reservation, because that is excluded by express terms of statute from settlement by the people of the United States; but that which is the public domain and is not thus segregated from the public domain lies broadly and freely open to the settlement of any person who chooses peacefully to go upon it; and that is precisely the condition in which the citizens of Iowa found this land, if their assumption was correct that it was not a part of the land to which the railroad company was entitled, but a part of the land held in trust by the State of Iowa for the Government of the United States. That is the situation precisely.

Now, Mr. President, I reassert that the committee have presented a bill which does not in the slightest degree alter the rights of any person at all. What is the object of the bill? I have already called the attention of the Senate to the fact that a question of law arose here upon the construction of the fourth section of the act, which was whether the railroad company, having earned six-tenths of a section of ten miles, was entitled to any part of the land for that section. I have the same opinion upon that question that the Senator from Massachusetts has expressed, that it is an apportionable grant, and it ought to be apportionably administered, and this railroad company ought to have the six-tenths; but they do not stop there in their demands; they want the whole of it.

Mr. McMILLAN. No, Mr. President, they have never set up any claim or shadow of a claim to such a thing. They never claimed a foot or acre of land but for the exact amount of line of road completed and continuous with their line.

Mr. MORGAN. That will not do, because they have gone down the line some twenty miles and located for the purpose of making up compensation for lands that lie behind that they did not get.

Mr. WILSON. Involving about 27,000 acres.

Mr. MORGAN. I think the committee understand this controversy; they have had enough to do with it to understand it, surely. I speak of it as it appeared to the committee. Of course we are not deciding any right of the settlers here or of the railroad. We are trying merely to relegate the question to the courts, where it can have a proper decision in proper form.

Mr. HOAR. May I ask the Senator from Alabama a question?

Mr. MORGAN. Certainly.

Mr. HOAR. The Senator says he agrees with me that this is an apportionable grant.

Mr. MORGAN. I do.

Mr. HOAR. Suppose we are both in error in the construction of the law, and that the title would not be vested unless the company completed a section of ten miles, does not the Senator agree with me also in thinking that if they were prevented from completing the ten miles by the facts stated, the United States ought to give them the land for the six miles and a fraction they have completed?

Mr. MORGAN. That is precisely what we do in this bill.

Mr. HOAR. No. The next question then is, do you do it in this bill?

Mr. MORGAN. I have no doubt about it at all.

Mr. HOAR. I hope the Senator will not object to an amendment that I will propose to make that clear.

Mr. MORGAN. I do not know that I shall object to it until I see it; but if the Senator's amendment trenches on somebody else's right, I will object to it.

Mr. HOAR. If the Senator will allow me, I will read what I propose to insert. My desire would be to insert after the words "United States," in the eighth line of the first section, where the section gives jurisdiction:

And also to determine whether any person or corporation is in justice and equity entitled to such lands.

Then in the fifth section, where it says "that if any of the lands mentioned herein are adjudged to belong to the United States," I would insert the words "in justice and equity" after "belong;" so as to read:

That if any of the lands mentioned herein are adjudged to belong in justice and equity to the United States, the same shall constitute a part of the public domain.

These two amendments will make the bill to my comprehension what it already means to the Senator's.

Mr. MORGAN. We have had the difficulty throughout this case of the parties on each side claiming that certain words should go into the bill which they thought were necessary for the protection of their rights, for I am quite sure that the parties on both sides of this controversy are equally just and honest in all of their demands. I think there is no question about that. The squatters, who have been spoken about in a rather contemptuous way occasionally, are just as honestly impressed and convinced of the validity of their claim as if they had a patent from the Government of the United States, and so is the railroad company, and so are the mortgagees. I appeal now to the lawyers of this body as to these words. We are now conferring jurisdiction on a court to hear and determine the controversy between these parties without undertaking to shape it or to color it in any manner whatever, and we use these words:

That jurisdiction is hereby conferred on the circuit court of the United States

for the northern district of Iowa to hear and determine any controversy of either a legal or equitable nature that may exist between the United States and the State of Iowa, or any corporation or person who claims any lands under the laws of said State or of the United States, by reason of an act of Congress entitled, &c.

Then in a subsequent section arranging the method of procedure we say that a bill in equity or a suit at law may be brought and shall be brought by the United States Government under the direction of the United States Attorney-General, the object of the bill being on the part of the Government of the United States to have justice done, the Government recognizing that it stands only in the relation of holding an equitable interest in this land for the benefit of those who may be equitably entitled to it. Now, when we have conferred that sort of jurisdiction for that purpose and accompanied it with that machinery, can there be any doubt in the mind of any lawyer that any right of an equitable or a legal nature in this controversy can be entirely settled by the court without more? I think there can be no doubt about that.

I appreciate the anxiety of the honorable Senator from Massachusetts to have the rights of the particular class of persons who have spoken to him about this clearly and definitively arranged and settled, but I submit to the honorable Senator that if he had the bringing of the bill in this court he would have no trouble in the world in finding a jurisdiction to invoke, and if he had a cause that appealed to the law or to equity to that jurisdiction his friends would be entirely safe.

When we go on further, and in order to show that the Government of the United States does not intend to take hold of this title for any other purpose than having justice and equity administered, we say:

The United States hereby asserting its reversionary right to all of said lands, or so much thereof—

That is the way I hope the bill will read. That is the meaning—as shall be found to have been patented in excess of the amount of land earned by said company—

Only to the extent of the amount patented in excess of that earned by the company. That brings up the question for the court to decide and which the committee did not wish to decide (and which I think the Senate and the House—I know the House—did not wish to decide) have these lands been earned by the company within the true meaning and intent of the fourth section of the act? Is this an apportionable grant? If they have built six of the ten miles, does it thereupon follow that the lands to the extent that the road has been constructed have been earned? If they have been so earned, the Government of the United States says, "We claim no interest in this; our forfeiture does not extend to these lands at all." If they have not been so earned, then, of course, the railroad company ought not to claim them, and the honorable Senator from Minnesota says they do not claim them.

That is a question for the court to decide. I would very gladly, if I was on the bench and had the case submitted to me upon evidence which I thought was entirely satisfactory, sit down and try to compose this great controversy which is about to crop out in a number of dangerous lawsuits. I would be very glad to try and give repose to that community. In this bill our committee came just as near to it as we knew how with perfect impartiality between these parties. The committee have set out those words and those phrases, those sentences and expressions which they thought would carry this question before the court in such a manner that the court could not discover that Congress had the slightest bias in favor of one person or another, except to this extent, that where the lands had been earned (leaving the court to determine what that phrase must mean) by the railroad company Congress asserts no right to them, giving, therefore, a perfect opportunity to the court to determine whether or not this is an apportionable grant, and if so how far and to what extent these lands have been earned.

I think that while the bill is open to sharp criticism, and must necessarily be in a body of lawyers as intelligent and bright as those who are in the Senate of the United States, it will upon examination be found to be a just and good measure. We found that the House bill was not in our estimation a complete measure, and so the committee took great pains to try to render and give an opportunity to these people to have justice done. Now, suppose that this bill does not pass. We are informed that a lawsuit is pending for the purpose of issuing a mandamus, I suppose it is, to the governor of the State of Iowa, to compel him to certify to this railway company certain lands. Nothing of that record has ever come before us; we know nothing about that.

Mr. McMILLAN. The only suit I know anything about is between two railroad companies.

Mr. MORGAN. I was quite surprised at hearing the honorable Senator from Massachusetts state anything else, and yet he did state, as I understand, that there is a lawsuit pending.

Mr. McMILLAN. That is a suit pending in the Supreme Court to determine whether the Milwaukee and Saint Paul road or the Sioux City road shall have certain lands conterminous with their line at the point where the two roads cross.

Mr. MORGAN. I understand perfectly well what that suit relates to, but the honorable Senator from Massachusetts so described it that I did not understand it, because he made it a suit applicable to these lands, whereas the truth is that the suit the Senator from Minnesota speaks of is a suit relating to an entirely different tract of land.

Mr. McMILLAN. No, sir; it does affect these lands.

Mr. MORGAN. In what way?

Mr. McMILLAN. It involves the lands that are conterminous with the line of this road between Le Mars and the Iowa line, and they must go either to the Milwaukee company or to the Sioux City company, and you get another suit to determine the title of those lands.

Mr. MORGAN. It is perfectly obvious that the object of the bill is not to supersede the jurisdiction of any court that has already cognizance of any question of law pending before it. It is to supply a remedy in respect of those lands which have been the whole subject of controversy here this evening, and those are the lands which lie opposite to and conterminous with the four miles which the railroad company did not complete because it formed a junction with another road, and its completion was therefore unnecessary. That is the whole of it.

Now, there is no suit, there is no mandamus proceeding against the governor of Iowa to compel him to convey these lands to the railway company, nor is there likely to be, I suppose, for such a suit could not originate elsewhere than in the State of Iowa, and I presume the statutory law there does not authorize it. What, then, is to become of these settlers? What is to become of this controversy? It will run on and run on. A will sue B, and in a collateral proceeding these questions will be settled perhaps after the lapse of years, and that community will be thrown into the unfortunate condition which we have belabored so much during the recent days of this session of Congress in the Des Moines case.

I repeat that this is a bill of peace, and if the Congress of the United States wants to stop litigation and wants to do justice to all concerned, it seems to me it will pass the bill. Of course I have no other interest in it than that of trying to secure peace.

I wish to say just one word more, and I am afraid I am debating this question entirely too long. You might strike out sections 5 and 6, all that relates to the method of disposing of these lands into the hands of settlers, and yet the principles of the bill would be entirely unaffected and their rights would not be affected very much. I do not think they would be affected at all; for the moment that these lands become, by the adjudication of the court, public domain, then of course they will be open to disposal under the general laws affecting the public domain.

Mr. McMILLAN. The Senator does not recognize the fact that even if that were the case yet these lands could not be opened to settlement, because they have been withdrawn from market by the Government of the United States.

Mr. MORGAN. If that is true, the Senator and I differing about what the effect of this measure would be, the committee have acted very wisely, and the House acted very wisely, in putting the provisions in the bill disposing of these lands, and they had better probably remain. I was not going to strike them out, but I was going to say that nothing had been done to give to these settlers any right or advantage in the world upon these lands until after the court should adjudicate that the lands are a part of the public domain. The United States Government merely asserts whatever right it has. It invites the court to take the subject into hand and to determine it. After final judgment has been rendered, then the proper department of the Government proceeds to dispose of it as public domain; and that is the whole bill. That is all I desire to say about it.

Mr. McMILLAN. I move that the Senate proceed to the consideration of the bill (H. R. 5691) amending section 764 of the Revised Statutes. It is a House bill reported from the Judiciary Committee, and affects the general statute of the United States in regard to appeals in habeas corpus cases. It is a very important matter, and it should be passed so that it may become a law. I submit the motion.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from Minnesota moves that the Senate proceed to the consideration of the bill indicated by him.

Mr. WILSON. I ask unanimous consent to make a statement.

The PRESIDING OFFICER. Is there objection to the Senator from Iowa making a statement in respect to the motion?

Mr. McMILLAN. Not if I may be permitted to make one subsequently.

The PRESIDING OFFICER. Is there objection to the Senator from Iowa making a statement? The Chair hears none, and the Senator from Iowa is entitled to the floor.

Mr. WILSON. The greater portion of this day's sitting has been consumed in the consideration of the bill which it is now proposed to lay aside. If the motion of the Senator from Minnesota shall prevail, we shall have substantially lost all the time that has been given to the consideration of the bill to-day; whereas if we proceed with its consideration we may dispose of it to-day, and then the other measures can go on in their orderly method, or upon motions to take them from the Calendar for special consideration. Therefore, I hope that the Senate will conclude the consideration of the bill now pending.

Mr. McMILLAN. I ask unanimous consent to make a statement.

The PRESIDING OFFICER. Is there objection to the Senator from Minnesota making a statement in respect to his motion? The Chair hears none.

Mr. McMILLAN. The very fact of the interruptions which have taken place this afternoon in the consideration of the bill, rendering its

consideration almost unintelligible, shows the absolute necessity of disposing of the business upon the Calendar. It is because the bill was brought up at a time when it should not have been brought up, when the Senate should have had an opportunity of disposing of pressing business on the Calendar, needed to be brought to the attention of the Senate by every Senator in the Chamber. The bill which I seek to have passed is a House bill which affects seriously the liberty of citizens of the United States.

Mr. HOAR. What is it?

Mr. McMILLAN. It is the bill amending section 764 of the Revised Statutes so as to allow an appeal in habeas corpus cases to the Supreme Court of the United States—a right which was taken away under circumstances which at the time seemed to create a necessity for it. The bill proposes to restore the right of appeal of a citizen in habeas corpus cases to the Supreme Court of the United States to protect the liberty of the citizen. It is an important measure, which must fall unless we can have it disposed of at this time. It will take but five or ten minutes to dispose of the bill. It is a brief bill, and can be read in a minute.

Mr. WILSON. If the Senate will allow me to respond—

The PRESIDING OFFICER. Is there objection to the Senator's proceeding? The Chair hears none.

Mr. WILSON. I will say that the motion of the Senator from Minnesota is not to informally lay aside the pending measure and to proceed to consider and dispose of a bill which will occupy but five minutes in his estimation, but it is to proceed to the consideration of another bill to the displacement of the pending bill. That has been done once before this afternoon, and I hope the Senate will not do it again.

Mr. SHERMAN. It is now getting late, and, as we are to meet at 9 o'clock on Monday morning, I move that the Senate adjourn.

The PRESIDING OFFICER. The Senator from Ohio moves that the Senate adjourn. Does the Chair understand the Senator from Ohio to fix an hour for meeting on Monday morning?

Mr. HOAR. The Senate has already agreed to meet at 9 o'clock on Monday.

Mr. WILSON. I desire to make a parliamentary inquiry. What will be the position of the bill the Senate has been considering in the event of an adjournment now?

The PRESIDING OFFICER. In the opinion of the Chair it will remain as the unfinished business.

CIRILO PONBLE.

Mr. CALL. I ask unanimous consent to introduce a resolution, to have it printed, and laid on the table.

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Florida?

Mr. SHERMAN. Yes; I will yield for merely formal business.

Mr. CALL submitted the following resolution; which was ordered to lie on the table:

Resolved, That the President of the United States be requested to investigate the facts relating to the arrest and confinement of Cirilo Ponble, a citizen of the United States and of the State of Florida, who was arrested on the 24th of November, 1884, while traveling under a passport from the United States, and is still held in confinement without trial in the city of Havana; and if it shall be found that he is a citizen of the United States and that he has committed no offense against the laws of Spain in the Island of Cuba, that he shall be released from confinement.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CAMERON, of Wisconsin, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

Mr. MILLER, of California. I ask leave to offer an amendment to the sundry civil appropriation bill for the preservation of the bar at San Francisco. I move that it be referred, without printing, to the Committee on Appropriations, with the accompanying papers.

The motion was agreed to.

Mr. SAWYER submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. GEORGE, Mr. MORGAN, Mr. PIKE, and Mr. PLUMB submitted amendments intended to be proposed by them respectively to the sundry civil appropriation bill; which were referred to the Committee on Appropriations.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. FREDEN, one of his secretaries, announced that the President had on the 29th instant approved and signed the following acts:

An act (S. 70) for the relief of Joseph M. Cumming, Hamilton J. Miller, and William McRoberts;

An act (S. 194) to authorize the Secretary of the Treasury to convey land in Providence, R. I., for highway purposes;

An act (S. 1117) for the erection of a public building at Macon, Ga.;

An act (S. 1473) to enlarge the United States custom-house at Richmond, Va.;

An act (S. 2327) for the relief of James Bedell, sr.; and

An act (S. 2551) to amend an act entitled "An act to increase the water supply of the city of Washington, and for other purposes."

The message also announced that the President had this day approved and signed the following acts and joint resolution:

An act (S. 78) for the erection of a public building at La Crosse, Wis.;

An act (S. 229) to authorize the Secretary of the Treasury to erect a public building in the city of Key West, Fla.;

An act (S. 357) granting a pension to William Lockhart;

An act (S. 526) granting a pension of \$50 per month, to be paid out of the naval pension fund, to Julia T. Scott, widow of Gustavus H. Scott, late a rear-admiral in the United States Navy, and for forty-six years in active service;

An act (S. 1183) granting a pension to Hugh O'Neil;

An act (S. 1268) for the relief of Sydney L. Skaggs;

An act (S. 1810) for the erection of a public building at Sacramento, Cal.;

An act (S. 1655) granting a pension to Newton J. Burris;

An act (S. 1709) granting a pension to Leonora A. Boyden;

An act (S. 1790) granting an increase of pension to Edgar L. Dutton;

An act (S. 1803) granting an increase of pension to George A. Washburn;

An act (S. 1804) granting a pension to Clarinda Hunt;

An act (S. 2009) granting a pension to Isabella Turner;

An act (S. 2084) to amend chapter 464 of the acts of the first session of the Forty-seventh Congress, entitled "An act to provide for a public building at the city of Fort Wayne, in the State of Indiana;"

An act (S. 2272) granting a pension to Andrew Franklin, alias Andrew McKee;

An act (S. 2350) granting a pension to Anna Ginn;

An act (S. 2375) to authorize the increase of the capital stock of the Commercial National Bank of Chicago;

An act (S. 2514) granting a pension to David T. Hoover;

An act (S. 2570) granting an increase of pension to Samuel M. Thompson;

An act (S. 2587) granting a pension to William H. H. Gilley;

An act (S. 2610) granting a pension to Patrick Furlong; and

Joint resolution (S. R. 109) authorizing the loan of certain flags and bunting to the committee on inauguration ceremonies.

MILITARY RESERVATION AT CARLISLE.

Mr. HARRISON. I ask unanimous consent to put upon its passage the bill (S. 2637) to authorize the Secretary of the Interior to release a right of way across lands of the United States at Carlisle, Pa.

Mr. WILSON. Let the pending bill be informally laid aside.

The PRESIDING OFFICER. Does the Senator from Ohio [Mr. SHERMAN] yield for that purpose?

Mr. SHERMAN. Oh, yes.

The PRESIDING OFFICER. The Senator from Indiana asks unanimous consent that the Senate proceed to the consideration of the bill indicated by him.

Mr. WILSON. Let the pending bill be informally laid aside for that purpose.

Mr. HARRISON. Very well.

The PRESIDING OFFICER. If the bill is taken up by unanimous consent, the pending bill is informally laid aside, and it leaves the bill referred to by the Senator from Iowa as the unfinished business still. Is there objection to the present consideration of the bill?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Military Affairs with amendments.

The first amendment was, in line 3, after the word "Interior," to strike out the word "be" and insert "is;" in line 4, after the word "such," to insert "terms;" and in line 5, after the word "think," to insert "proper and;" so as to read:

That the Secretary of the Interior is authorized and empowered, in his discretion, and on such terms, conditions, and restrictions as he may think proper and necessary to protect the interests of the United States, &c.

The amendment was agreed to.

The next amendment was, in line 6, after the word "to," to strike out the word "release" and insert "give;" so as to read:

To give to the South Pennsylvania Railroad Company, for railroad purposes only, a right of way.

Mr. HARRISON. I suggest that that amendment be disagreed to; I think the word "release" as it stands in the bill is better.

The amendment was rejected.

The next amendment was, in line 8, after the word "way," to insert "on such line as may be agreed upon;" so as to read:

A right of way on such line as may be agreed upon, not exceeding one hundred feet in width, over the lands of the United States at Carlisle, Cumberland County, Pennsylvania, and extending a distance of about nine hundred feet over said lands, or so much thereof as said company may require for said purpose.

The amendment was agreed to.

The next amendment was to add to the bill:

Congress reserves the right to amend or repeal this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TERRITORIAL ACTS OF INCORPORATION.

Mr. CULLOM. I ask unanimous consent to call up the bill (H. R. 3058) to amend section 1889 of chapter 1, title 23, of the Revised Statutes of the United States, relative to general incorporation acts of Territories. There will be no objection to it. It comes from the Committee on Territories.

Mr. PLATT. I ask for the regular order.

The PRESIDING OFFICER. There is objection.

Mr. CULLOM. I do not think the Senator from Connecticut will insist upon his objection if he will listen to me for one moment. I hope the Senator will not object, or at least that he will allow me to state what the purpose of the bill is.

The PRESIDING OFFICER. Is there objection to the Senator from Illinois making a statement? The Chair hears none.

Mr. CULLOM. The bill only proposes to change two words in the present law as it stands in the Revised Statutes, and it relates to the Territories. It adds to the present section of the statute the words "banking and canals," so that Territorial Legislatures may incorporate companies for those purposes. The Committee on Territories recommend the bill unanimously.

Mr. PLATT. I withdraw my demand for the regular order.

Mr. CULLOM. Then I ask that the bill may be put upon its passage. It comes from the Committee on Territories by a unanimous vote, and is very much sought for. It is exactly the statute as it stands except the words "banking and canals."

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It amends section 1889 of chapter 1, title 23, of the Revised Statutes of the United States so as to read:

Sec. 1889. The Legislative Assemblies of the several Territories shall not grant private charters or special privileges, but they may, by general incorporation acts, permit persons to associate themselves together as bodies corporate for mining, banking, manufacturing, or other industrial pursuits, or the construction and operation of railroads, wagon-roads, canals, or irrigating-ditches, and the colonization and improvement of lands in connection therewith, or for colleges, seminaries, churches, libraries, or any benevolent, charitable, or scientific association.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KIRWIN (KANS.) CEMETERY.

Mr. PLUMB. I ask unanimous consent to proceed to the consideration of the bill (H. R. 577) to donate a cemetery site on the public lands to the city of Kirwin, in the State of Kansas.

Mr. WILSON. That may interfere with the pending order.

Mr. PLUMB. It will only take a moment. I ask for unanimous consent.

Mr. McMILLAN. Let the bill be read for information.

The PRESIDING OFFICER. The bill will be read for information subject to objection.

The bill was read, as follows:

Be it enacted, &c., That the southeast quarter of the northeast quarter of section 29, township 4 south, of range 16 west of the sixth principal meridian, in the State of Kansas, now occupied by the city of Kirwin for cemetery purposes, be, and the same is hereby, donated to the said city of Kirwin for the use of a public cemetery.

Mr. HARRISON. May I ask the Senator from Kansas whether there is an emergency there for this cemetery?

Mr. PLUMB. Not more than that the land is occupied by the bodies of all persons who have died in the past twelve years in that neighborhood, and I think that on the whole the bill should be passed.

Mr. McMILLAN. There is a funeral waiting, I think.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN P. PETERSON.

Mr. PIKE. I ask unanimous consent to call up the bill (H. R. 6270) for the relief of John P. Peterson.

Mr. PLATT. I object.

The PRESIDING OFFICER. An objection is interposed.

Mr. SHERMAN. I renew my motion that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, February 28, 1885.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read.

The SPEAKER. If there be no objection, the Journal as read will be approved.

Mr. WELLER. I rise to a parliamentary question.

Mr. MILLS. I rise to a question of privilege.

The SPEAKER. The first question is to dispose of the Journal.

The gentleman from Iowa states that he rises to a parliamentary question. Does it relate to the approval of the Journal?

Mr. WELLER. I do not know whether it does specifically relate to the Journal or not. I desire to inquire whether the sundry civil appropriation bill, as passed on yesterday by this House, in truth and in fact results in retiring the one-dollar and two-dollar notes from circulation, so that speculators—

The SPEAKER. The gentleman from Iowa is not in order; that is not a matter relating to the Journal.

Mr. WELLER. I am informed that that is the result of the bill as it passed the House.

The SPEAKER. The only question before the House is the approval of the Journal.

Mr. RANDALL. I can answer the gentleman from Iowa—

Mr. WELLER. I am satisfied it does refer to the Journal.

The SPEAKER. The gentleman is not in order; the only question is as to whether the Journal as read shall be approved.

The Journal was approved.

PERSONAL EXPLANATION.

Mr. THOMAS. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. THOMAS. On the day before yesterday, during the discussion of a resolution proposing to tender the thanks of Congress to Col. Thomas Lincoln Casey and the assistants under his command for the successful completion of the Washington Monument, I inadvertently did great injustice to that officer, having been misled by statements which I saw in the newspapers of the day, and in quite a number of newspapers at that; but as I did not preserve copies of any of them save one, I have not been able this morning to lay my hands on them. I ask, however, to have the Clerk read the paragraph which I have marked in the newspaper which I send to the desk, which will show the basis upon which I placed my statement with reference to Colonel Casey.

Mr. HAMMOND. I submit, Mr. Speaker, that the gentleman states no question of personal privilege.

Mr. THOMAS. It is a personal explanation.

The SPEAKER. The Chair does not think the gentleman presents a question of personal privilege.

Mr. THOMAS. It is a statement which I desire to make in justice to this officer.

The SPEAKER. The Chair will entertain the request of the gentleman to make an explanation, if there be no objection.

Mr. HAMMOND. I withdraw the objection.

Mr. THOMAS. As I have said, I inadvertently misrepresented this gentleman and ask—

Mr. TOWNSHEND (interrupting). I must raise the question of order, Mr. Speaker, that the gentleman has not presented a question of privilege. Let us go on with the appropriation bill.

The SPEAKER. The gentleman from Georgia was disposed to object to the request of the gentleman from Illinois to make this explanation, but afterward withdrew the objection. The Chair stated if there be no further objection the gentleman would proceed. The gentleman then proceeded by consent to make an explanation.

Mr. THOMAS. It will take but two minutes.

Mr. TOWNSHEND. Very well; I shall not object.

Mr. THOMAS. Now I ask the Clerk to read the article to which I referred.

The Clerk read as follows:

Lieut. Thomas Lincoln Casey, of the Corps of Engineers, United States Army, was designated by President Hayes as the engineer in charge in the fall of 1878, after a commission of engineer officers, appointed by President Grant, had made preliminary examinations of the earth below the existing foundation. These foundations proved the inadequacy of the old foundation to support the weight of such a structure, and in the summer of 1878 Maj. George W. Davis, a captain in the Fourteenth United States Infantry, perfected a plan to build a new foundation below and under the old one. The new foundation is one of the greatest engineering feats in the history of the world, and has attracted the attention of all engineers of this time.

Mr. THOMAS. I have seen that statement repeatedly in different newspapers, and upon that basis I made the charge on the floor of the House that Captain Davis of the Army was entitled to the credit for the successful completion of the work on the monument by having submitted plans for the foundation instead of Colonel Casey. On yesterday I received a letter from Colonel Casey, transmitting a communication from Captain Davis, which is very short and which I ask the Clerk to read, showing that this officer disclaims the credit for having secured the foundation of the monument.

The Clerk read as follows:

WASHINGTON, D. C., February 27, 1885.

SIR: Will you pardon my calling your attention to the following letter of Capt. G. W. Davis, published in the National Republican of this city March 4, 1880? It was written and given to the public without any knowledge of mine:

"ENGINEER OFFICE, WASHINGTON MONUMENT."

"Washington, D. C., March 3, 1880."

"SIR: In your issue of to-day I have read an anonymous contribution on the Washington Monument. Your correspondent has fallen into an error on one point, when he states 'the work of strengthening the foundation is in progress under the charge of Capt. George W. Davis, United States Army, aided by competent assistants.' I beg to correct this statement by saying that Col. Thomas L.

Chief, Corps of Engineers, is the officer in charge, and his designs for strengthening the foundation are being followed. I am connected with this work as assistant engineer. Please give publicity to this correction.
"Very respectfully, &c.,

"GEORGE W. DAVIS,
"Captain, Fourteenth Infantry.

"To the EDITOR of the National Republican."
The Washington Monument has been substantially completed in accordance with my designs and project as contained in Miscellaneous Document No. 7, House of Representatives, Forty-fifth Congress, third session.
Very respectfully, your obedient servant,

THOS. LINCOLN CASEY,
Colonel, Corps of Engineers.

Hon. JOHN R. THOMAS,
House of Representatives.

Mr. THOMAS. Now, Mr. Speaker, I desire to give honor to whom honor is due, and therefore I have made this personal explanation so that it might be known that Captain Davis, notwithstanding the oft-repeated publications in the newspapers, does not claim this credit. I hope it will be given to Colonel Casey, to whom it seems to be due.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I now call for the regular order.

Mr. WELLER. I rise to a question of information.

Mr. HERR. For Heaven's sake, I hope the Speaker will grant the gentleman's request. [Laughter.]

The SPEAKER. The regular order is demanded.

Mr. MILLS. I desire to offer a privileged resolution.

Mr. WELLER. I ask if the demand for the regular order precludes the question which I addressed to the Chair?

The SPEAKER. The gentleman from Iowa can not ask the Chair to explain the effect of a certain bill which has been passed by the House.

Mr. WELLER. I desire to know whether—

The SPEAKER. For what purpose does the gentleman from Iowa rise?

Mr. WELLER. I rise to have the Chair inform me—

Mr. BROWNE, of Indiana. I object.

Mr. TOWNSHEND. I insist on the regular order.

The SPEAKER. The gentleman from Minnesota [Mr. STRAIT] rises to a privileged matter.

PERSONAL EXPLANATION.

Mr. COX, of New York. I desire to follow the gentleman from Illinois [Mr. THOMAS] in a single remark.

The SPEAKER. The regular order is demanded.

Mr. COX, of New York. What I desire to say is in continuation of the same personal explanation which was allowed by the House.

Mr. TOWNSHEND. Does the gentleman from New York rise to a question of privilege?

Mr. COX, of New York. I do.

The SPEAKER. The gentleman will state his question of privilege.

Mr. COX, of New York. I made a similar remark as to Colonel Casey and Captain Davis, based on the statements which I had seen and which I supposed were official. I desire to disclaim now and here the casting of any shadow upon the fame of Colonel Casey in that regard.

SUPPLIES TO INDIANS OF MINNESOTA.

Mr. STRAIT. I call up the bill (S. 84) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux and Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof. I move that the House insist on its amendments to the bill and agree to the conference asked for by the Senate.

The motion was agreed to.

The SPEAKER. The Chair appoints as managers on the part of the House the gentleman from Texas, Mr. WELLBORN, the gentleman from Minnesota, Mr. STRAIT, and the gentleman from New York, Mr. STEVENS.

ORDER OF BUSINESS.

Mr. WELLER. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WELLER. I desire to inquire if it will be proper for me under the rules to ask information of the Chair whether the bill passed yesterday failed to make appropriation for the continuation of the printing of the one-dollar and two-dollar Treasury notes—

The SPEAKER. That is not a parliamentary inquiry.

Mr. WELLER. I desire to inquire further—

The SPEAKER (rapping to order). The gentleman from Iowa is not in order, and will be seated.

INAUGURAL CEREMONIES.

Mr. MILLS. I offer a resolution of the highest privilege.

The Clerk read the resolution, as follows:

Resolved, That the Speaker appoint a committee of three members of the House to co-operate with the committee appointed by the Senate to take charge of the arrangements for the inaugural ceremonies at the Capitol on the 4th of March.

Mr. TOWNSHEND. Is that the regular order?

Mr. MILLS. It is a privileged resolution.

The SPEAKER. The gentleman from Texas claims the resolution is privileged.

Mr. TOWNSHEND. I raise the question of order.

Mr. MILLS. It relates to the part the House will take in the inaugural ceremonies.

The SPEAKER. The Chair does not see that the resolution involves any matter of privilege. It does not relate to the legislative proceedings of the House or its duties under the Constitution.

Mr. MILLS. To raise the point of order on that resolution is unbecoming the dignity of this House.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from California [Mr. ROSECRANS] rises to a privileged matter.

Mr. ROSECRANS. I move that the bill (H. R. 5713) which has been amended in the Senate—

Mr. MILLS. I move to suspend the rules and pass the resolution I have offered.

The SPEAKER. The gentleman from Texas has not the floor. The gentleman from California [Mr. ROSECRANS] has the floor on a privileged matter.

LOSSES OF OFFICERS AND ENLISTED MEN.

Mr. ROSECRANS. The Senate has returned to the House with amendments the bill (H. R. 5713) for the settlement of claims of officers and enlisted men of the Army for the loss of private property destroyed in the military service of the United States. I move—

Mr. TOWNSHEND. Is that a privileged matter?

The SPEAKER. It is. A conference has been asked by the Senate.

Mr. ROSECRANS. I move that the House insist on its disagreement to the Senate amendments and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER. The Chair appoints as managers of the conference on the part of the House the gentleman from California, Mr. ROSECRANS, the gentleman from Ohio, Mr. MURRAY, and the gentleman from Indiana, Mr. STEELE.

NAVAL OBSERVATORY REPORTS.

The SPEAKER, under the statute, laid before the House the following concurrent resolution; which was referred to the Committee on Printing:

THE SENATE OF THE UNITED STATES, February 25, 1885.

Resolved by the Senate (the House of Representatives concurring). That the annual volumes of astronomical and meteorological observations of the Naval Observatory for the years 1881-'82 be printed, and that 2,000 additional copies of each volume be printed, of which 400 copies shall be for the use of the Senate, 800 for the use of the House of Representatives, and 800 for the use of the Navy Department or for sale at the cost of paper and printing, in accordance with section 432 of the Revised Statutes of the United States.

HISTORY OF THE RED CROSS.

The SPEAKER also laid before the House the following concurrent resolution; which was referred to the Committee on Printing:

IN THE SENATE OF THE UNITED STATES, February 25, 1885.

Resolved by the Senate (the House of Representatives concurring). That there be 10,000 copies of the History of the Red Cross printed from the stereotype plates now at the Government Printing Office for the use of the American Association of the Red Cross.

BOGUE SOUND, NORTH CAROLINA.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report of the Chief of Engineers of a survey of Bogue Sound, between New River and Beaufort, N. C.; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

MISUSE OF PIERS, BREAKWATERS, ETC.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting copies of the reports of such officers in charge of river and harbor districts as report instances in which piers, breakwaters, or other structures or works made or built by the United States in aid of commerce or navigation are used, occupied, or injured by a corporation or individuals, and the extent and mode of such use; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

J. R. SANTOS.

The SPEAKER also laid before the House a letter from the Secretary of State, transmitting dispatches from the vice-consul-general of the United States at Guayaquil relative to the imprisonment of J. R. Santos; which was referred to the Committee on Foreign Affairs, and ordered to be printed.

BIDS FOR MAIL SERVICE.

The SPEAKER also laid before the House a letter from the Postmaster-General, transmitting, as required by law, a report of offers received and accepted for carrying mails under advertisements of October 15, 1883, January 21, 1884, and March 1, 1884; also a report of mails established during the fiscal year ending June 30, 1884, other than those let to contract at the annual letting; also a report of additional allowances made to contractors for carrying mails during the fiscal year ending June 30, 1884; which were referred to the Committee on Expenditures in the Post-Office Department, and ordered to be printed.

ORDNANCE FOR CRUISERS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of the Navy for completing the ordnance of the new steel cruisers; which was referred to the Committee on Appropriations, and ordered to be printed.

WILLIAM SCHUCHARD.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Secretary of State asking an appropriation to pay William Schuchard for services in procuring testimony before the United States and Mexican Claims Commission; which was referred to the Committee on Appropriations, and ordered to be printed.

SAMPSON P. BAILEY.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of State for the relief of Sampson P. Bailey, United States consul at Palermo; which was referred to the Committee on Appropriations, and ordered to be printed.

DRY-DOCK, BROOKLYN NAVY-YARD.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of the Navy for repairs of the stone dry-dock at the Brooklyn navy-yard, New York.

WITHDRAWAL OF PAPERS.

Mr. REID, of North Carolina, by unanimous consent, was granted leave to withdraw from the files of the House the papers accompanying House bill 1008, there being no adverse report.

REPRINT OF A BILL.

On motion of Mr. DORSHEIMER, the bill (H. R. 8240) was ordered reprinted for the use of the House.

LEAVE TO PRINT.

On motion of Mr. RANDALL, by unanimous consent, leave was granted to members to print in the RECORD remarks on the sundry civil appropriation bill.

Mr. ROBINSON, of New York, by unanimous consent, was granted leave to print in the RECORD some remarks upon American citizenship.

LEAVE OF ABSENCE.

Mr. JONES, of Alabama, by unanimous consent, was granted leave of absence, on account of sickness, until Wednesday next.

FRENCH SPOILIATION CLAIMS.

On motion of Mr. DUNHAM, by unanimous consent, 2,000 copies of the law relating to French spoliation claims were ordered printed for the use of the House.

ORDER OF BUSINESS.

Mr. MILLS. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MILLS. Is not the special rule adopted some days ago by the House the first order of business after the reading of the Journal?

The SPEAKER. It is, unless the House be engaged in the execution of some other order. The House is now engaged in the execution of an order made yesterday by unanimous consent, to proceed at once, in the House as in Committee of the Whole, to dispose of the Senate amendments to the Post-Office appropriation bill.

Mr. MILLS. But does not the special order take precedence of the unfinished business? Is it not required to be taken up directly after the Journal is read?

The SPEAKER. The Chair thinks not. Yesterday morning a matter came over under a suspension of the rules which was proceeded with. The Chair thinks an order of the House made by unanimous consent is at least of as high dignity as one made by a two-thirds vote, and that the House must go on to the consideration of this business, subject only to interruption by privileged matters.

Mr. TOWNSHEND. I desire to say to the gentleman from Texas [Mr. MILLS] that I heartily concur with him in regard to the order of business he desires to reach, and as soon as the Post-Office bill is disposed of I will co-operate with him in that direction.

AMENDMENT OF RULES.

Mr. ANDERSON submitted the following; which was referred to the Committee on Rules:

Amend Rule XXI, paragraph 3, by adding to the paragraph the following: "The Appropriations Committee shall report all general appropriation bills to the House not later than the 1st day of May during a long session or the 1st day of February during a short session of Congress."

REPORT OF NATIONAL ACADEMY OF SCIENCES.

Mr. ROGERS, of New York. I rise to present a privileged report. I am directed by the Committee on Printing to report back, with a recommendation of concurrence, the Senate resolution which I send to the desk.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the report

of the National Academy of Sciences for 1884, with its appendices, be printed in the usual octavo form, but that the eight accompanying memoirs be printed in quarto form, and that 4,500 additional copies of the report and memoirs be printed; of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,500 copies for the use of the National Academy of Sciences.

The resolution was concurred in.

Mr. ROGERS, of New York, moved to reconsider the vote by which the resolution was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT OF BUREAU OF ANIMAL INDUSTRY.

Mr. ROGERS, of New York, from the Committee on Printing, reported back with an amendment the joint resolution (H. Res. 341) to authorize the printing of 50,000 copies of the second annual report of the Bureau of Animal Industry for the year 1885.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, &c., That there be printed 50,000 copies of the second annual report of the Bureau of Animal Industry for the year 1885; of which 10,000 shall be for the use of members of the Senate, 35,000 for the use of members of the House of Representatives, and 5,000 for the use of the Commissioner of Agriculture; the illustrations to be executed, under the supervision of the Public Printer, in accordance with directions of the Joint Committee on Printing, the work to be subject to the approval of the Commissioner of Agriculture.

SEC. 2. That the sum of \$—, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the cost of the publication of said report.

The amendment reported by the Committee on Printing was read, as follows:

In line 1 of section 2 fill the blank by inserting \$25,827.60.

The amendment was agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ROGERS, of New York, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

QUESTION OF PRIVILEGE.

Several members called for the regular order.

Mr. BELFORD. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. BELFORD. Last night I made a speech in favor of building a hospital for the orphans of confederate soldiers. While doing so I walked down the aisle. The gentleman from Indiana [Mr. BROWNE] insisted that I should make my speech from the seat which I usually occupy. Now I ask the Speaker to read the first paragraph of Rule XIV and construe it. I am a member of this House and have a right, under the rule, to speak from any place on the floor, provided I do not drive any other member from his seat.

The SPEAKER. The regular order has been demanded. The Chair does not see that the gentleman from Colorado presents any matter of personal privilege.

Mr. BELFORD. This is a question of personal privilege.

The SPEAKER. The gentleman is asking the Chair to give an opinion merely upon the construction of a rule which is not now presented as a practical question. There is no matter now before the House involving the construction of that rule.

Mr. BELFORD. Why should not the Speaker give a construction to this rule? By the order of the House he is the judge in such matters.

The SPEAKER. The Chair decides questions as to the construction of the rules when they properly arise in the course of business. It is not the province of the Chair to determine any question which is not directly presented in the course of the proceedings of the House.

Mr. BELFORD. Mr. Speaker—

The SPEAKER. The gentleman from Colorado is not in order.

PRODUCTION OF PRECIOUS METALS.

Mr. SMITH, of Pennsylvania. I am directed by the Committee on Printing to report back with a favorable recommendation the resolution which I send to the desk.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the report of the Director of the Mint on the production of the precious metals of the United States for the year 1884 be printed, and that 9,000 extra copies be printed, 4,000 copies for the use of the House of Representatives, 2,000 copies for the use of the Senate, and 3,000 copies for the use of the Director of the Mint.

The resolution was adopted.

Mr. SMITH, of Pennsylvania, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

The SPEAKER. The House resumes, in pursuance of the order adopted yesterday, the consideration of the amendments of the Senate to the Post-Office appropriation bill. The question is upon the motion of the gentleman from Pennsylvania [Mr. BINGHAM] to concur in the

amendment numbered 11, which was pending at the time the House took its recess yesterday afternoon.

Mr. MONEY. Before this amendment of the Senate is acted upon I desire to offer an amendment to the whole paragraph, which I will send up to the Clerk.

Mr. TOWNSHEND. I must raise a point of order upon that proposition.

The SPEAKER. The Chair thinks the gentleman has the right to move to concur in the Senate amendment with an amendment.

Mr. TOWNSHEND. But the House was dividing upon the question.

The SPEAKER. The tellers had made no report, and must necessarily make the count over again. [Cries of "Regular order!"] The Clerk will read the pending amendment of the Senate.

The Clerk read as follows:

Eleventh amendment of the Senate:
Strike out the words "to bona fide subscribers" and insert in lieu thereof "including sample copies;" so it will read:
"That all publications of the second class, except as provided in section 25 of said act, when sent by the publisher thereof, and from the office of publication, including sample copies, or when sent from a news agency to actual subscribers thereof, or to other news agents, shall, on and after July 1, 1885, be entitled to transmission through the mails at 1 cent a pound or a fraction thereof, such postage to be prepaid as now provided by law."

Mr. TOWNSHEND. My point of order is this: that the House is dividing on the motion of the gentleman from Pennsylvania, and after that is disposed of then the gentleman from Mississippi will be in order to move his amendment.

The SPEAKER. If the House concurs in the amendment of the Senate it closes the matter and precludes all amendments. This is the only time the amendment of the gentleman from Mississippi can be offered.

Mr. TOWNSHEND. Can it be offered now?

The SPEAKER. The Chair thinks so. Otherwise it could not be offered at all. If the House concurs it closes the matter; if it non-concurs it closes the matter and there is no time to offer an amendment to the Senate amendment except while it is pending before the House.

Mr. MONEY. I do not think there will be any objection to it when it is read.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced the adoption of the conference report on the disagreeing votes of the two Houses on the bill (H. R. 8030) making appropriation for the Agricultural Department for the fiscal year ending June 30, 1886, and for other purposes.

AGRICULTURAL APPROPRIATION BILL.

Mr. DIBRELL. I ask the gentleman from Illinois to yield to me to submit a conference report.

The SPEAKER. The gentleman has the right to submit it at any time.

Mr. DIBRELL. Then I submit it now.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House (H. R. 8030) making appropriations for the Agricultural Department for the fiscal year ending June 30, 1886, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 17, 18, and 19.
That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 10, 11, 13, 14, 15, 16, 20, 21, 22, and 23, and agree to the same.
That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$25,000;" and the Senate agree to the same.
That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$32,900;" and the Senate agree to the same.
That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$40,000;" and the Senate agree to the same.

G. G. DIBRELL,
LEWIS BEACH,
WM. CULLEN,

Managers on the part of the House.

EUGENE HALE,
P. B. PLUMB,
W. CALL,

Managers on the part of the Senate.

The statement accompanying the report, under the rule, is as follows:

The Senate recedes from its amendment increasing the appropriation under the head of division of agricultural statistics, \$25,000; also in regard to engraving, &c., for Agricultural Department; and the increase in the appropriation for manufacture of sugar from sorghum, &c., to \$50,000, and agrees to make that sum \$40,000. They also agree to reduce the increase to the entomological division of \$40,000 to \$5,000. And the House agrees to the above changes.
The House recedes from all other disagreeing votes, which are principally a change of the word "bureau" to "division" where it occurs in the bill; and also to the increase of \$5,000 for quarantine stations, and \$1,500 increase for furniture, repairs, &c.
The total increase allowed over the amount in the bill as it passed the House is \$22,500, and is \$40,000 less than it passed the Senate.
Respectfully submitted,

G. G. DIBRELL,
LEWIS BEACH,
WM. CULLEN,

Conferees on part of the House.

The report was adopted.

Mr. DIBRELL moved to reconsider the vote by which the confer-

ence report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

Mr. MONEY. I ask that my amendment be read, as it has not yet been read.

The Clerk read as follows:

In lines 125 and 126 of the printed bill strike out the words "except as provided in section 25 of the said act," and after the word "law," in line 133, insert: "Provided, That publications of the second class, one copy to each actual subscriber residing in the county where the same are printed, in whole or in part, and published, shall go free through the mails."

Mr. MONEY. Mr. Speaker, this amendment would have been put on in the House when the bill was under consideration before, but it escaped my attention as well as that of other gentlemen interested in the measure. Indeed, I thought it was a mistake in the print until I was informed to the contrary by the distinguished gentleman from Illinois [Mr. TOWNSHEND] in charge of it. For the bill as it stands now, even as amended by the Senate, re-enacts part of section 25 of the act of March 3, 1879, referred to, which repeals legislation had last year to this effect: That the rate of postage on newspaper and periodical publications of the second class, when sent by others than the publisher or news agent, shall be 1 cent for each four ounces or fractional part thereof, and shall be fully prepaid by postage-stamps affixed to said matter.

So it will be a re-enactment of this section 25, act of March 3, 1879, in the language of the bill, or it establishes a rate distinguishing between the publisher who sends his own publication and the citizen who sends a transient number of it. In other words, it provides a citizen may send a transient number for 1 cent for each four ounces or fractional part thereof, while the publisher shall be charged at the rate of 2 cents for four ounces. This is so manifestly unjust it will not be considered favorably a moment.

But a proper ruling on this subject would be that the law I have referred to was not exclusive but inclusive in its operations, and the publishers to whom Congress intended to be liberal, as shown by giving to them the privilege of sending out their publications at the rate of 1 cent per pound, could not have intended to charge them twice as much for transient numbers. Otherwise it would be so incongruous and unjust we can not consider for a moment Congress ever intended that any proper ruling of this kind would have such an effect.

But, Mr. Speaker, I want to be perfectly frank with the House in reference to this question, and will, therefore, state that there is something more than that in the amendment, and to which my friend from Illinois will doubtless object. If this amendment is adopted it will repeal also that provision of the act which provides that these papers shall not be delivered at letter-carriers' offices or delivered by carriers unless postage is prepaid at the rate prescribed by the act—that is to say 1 cent for each two ounces or fraction thereof, and not 1 cent for each four ounces, as provided for transient newspapers. That the gentleman from Illinois will object to, as I understand.

Now, this, in my opinion, and I call the attention of the House to it, is the most illogical portion of the whole postal law. You permit newspaper publishers in Brooklyn to send their daily publications to every solitary house in the city of New York at the lower rate of postage, while the New York publisher can not send his publications to his subscribers in his own city, except at the rate of 2 cents for each four ounces. Or, *vice versa*, the New York publisher can send to Brooklyn at the lower rate, while the Brooklyn publisher, to distribute his publications in his own city, has to pay 2 cents for each four ounces.

In the District of Columbia the New York daily newspapers are sent here at the rate of 1 cent per pound, but the Post, the Republican, the Star, the Critic, and other papers are required by the law to pay 1 cent for each two ounces on every newspaper that is sent through the mails to their subscribers in this District. You bring newspapers from Canada here and we distribute them at letter-carrier offices free of postage, because, according to the terms of the postal reciprocity treaty with Canada, we are compelled to admit them at their domestic rate, which is free, while our publishers in the same city where these papers are distributed must pay the higher rate of postage. They are distributed free of postage, and yet every newspaper publisher in the United States who mails a paper to his subscriber in the same city where the paper is published is compelled to pay 1 cent for each two ounces or fraction, notwithstanding the fact that there is no expense whatever for transportation. All the cities of the United States can send their papers into this city at 2 cents per pound now, and at 1 cent if this bill becomes law. It must be plain, therefore, that it is a question requiring careful consideration and correction at the hands of Congress.

Mr. BINGHAM. If this amendment is adopted it makes the law consistent with itself.

Mr. MONEY. Yes, sir; it makes it consistent with itself and also just and reasonable to all persons. I hope, Mr. Speaker, the proposition will be divided if an amendment should be offered by the gentleman from Illinois to the amendment which I have submitted, and that

the whole proposition will not be condemned on account of the one objection which he may urge against it.

Mr. TOWNSHEND. Mr. Speaker, I have no objection whatever to the first change that the gentleman from Mississippi suggests or wishes to make in this bill. If that was the sole object of his amendment I should not resist it, but, as he frankly states to this House, the amendment goes very much further. It would also enable newspapers to be distributed—their daily issues—by means of the letter-carriers of the cities where they are published. If, then, this amendment was incorporated in the bill, and became a part of the postal law, the newspapers would simply discharge the messengers or carriers who now convey their publications to subscribers and have them delivered by the mail-carriers at an enormously increased cost to the Government.

Mr. DINGLEY. But does not the gentleman know that that would be impracticable as far as daily newspapers are concerned?

Mr. TOWNSHEND. It would render a great increase of letter-carriers necessary, an immensely great increase over the present number.

Mr. BINGHAM. You accepted the same proposition exactly in the first session of this Congress, and it was passed in the bill word for word like this.

Mr. TOWNSHEND. I must decline, Mr. Speaker, to be interrupted; the gentleman can have his own time.

Now, this question has been up before the House many times, and has been several times considered and debated in Congress. It has been always voted down and defeated.

Mr. BINGHAM (interrupting). Not in this Congress.

Mr. TOWNSHEND. For the reason that it is believed it would be too severe a tax upon the Treasury to authorize the letter-carriers to distribute the newspapers in the cities where they are published. Why, take the great daily papers of New York alone; it would require a larger force of letter-carriers to distribute them to daily subscribers than are now employed in the city for the free-delivery system. It would greatly enhance the number and largely increase the expense of the Government to allow the distribution by carriers of these papers.

Now I would be glad to accept the gentleman's proposition if it only extended the privilege of allowing newspapers to send through the mails transient copies at the same rate that other people are paying to send them; but when he couples with that proposition another one imposing upon the Government the duty of delivering to subscribers by carrier the daily issues of such papers I can not consent to it for the reason I have stated.

And now again I recur to my point of order. I desire to call the attention of the Speaker to the fact that this amendment does change existing law without retrenching expenditures. On the contrary, in my judgment it will cause an immense increase of expenditure.

Mr. HOLMAN. Will the gentleman yield to me for a moment on the point of order?

Mr. TOWNSHEND. Certainly.

Mr. HOLMAN. The point of order seems to be that the gentleman proposes an amendment which changes the original text of the bill as it comes from the Senate.

Mr. MONEY. No such point of order has been raised.

The SPEAKER. It would make no difference whether that particular reason has been stated or not; if it changes what has been agreed upon by the two Houses it would not be in order.

Mr. HOLMAN. It changes the text of the bill as agreed upon, and is not an amendment of the Senate amendment.

The SPEAKER. The House can not now change a matter which has been agreed to by both Houses.

Mr. HOLMAN. That is the case here; and I supposed the attention of the Chair had been called to it. The last part of the amendment is right enough, because it relates to a portion which has been stricken out by the Senate; but the other part of the amendment relates to a portion of the bill that has been agreed to by both Houses.

The SPEAKER. That, of course, can not be done. Upon the other point suggested by the gentleman from Illinois the Chair does not understand that the second part of this proposed amendment actually increases the number of letter-carriers.

Mr. MONEY. It does not.

The SPEAKER. The gentleman from Illinois simply makes an argument that it may result hereafter in a necessity for an increase of that force.

Mr. TOWNSHEND. Will the Chair pardon me for saying this: The amendment does not retrench expenditures; and the rule is, unless an amendment retrenches expenditures, if it changes existing law, it is not in order? This amendment does not retrench expenditures. There is no need for an argument showing that it increases expenditures.

The SPEAKER. The Chair will call the attention of the gentleman from Mississippi [Mr. MONEY] to the fact that this changes existing law and proposes to diminish the receipts of the Government by requiring the Government to perform a certain service free which is now paid for under the statute. The Chair thinks that objection is fatal to the amendment. The first point of order made by the gentleman from Illinois was simply that it was too late to offer the amendment because the vote was being taken—

Mr. MONEY. Will the Chair permit me one word? There is no proposition here to make this service free. The amendment is simply a repetition of the existing law as to county newspapers and no others.

The SPEAKER. But it provides that they shall be carried free.

Mr. MONEY. Only as regards papers in the county where they are printed, which are already carried free.

Mr. TOWNSHEND. The Chair has not ruled on my other point.

Mr. BINGHAM. The amendment that provides for the carrying of newspapers free within the limits of the county where they are published is simply the re-enactment or repeating of existing law. That is all.

Mr. TOWNSHEND. Now will the Chair rule on my last point?

The SPEAKER. The Chair wishes to inquire what is the necessity for this amendment if it simply re-enacts existing law.

Mr. MONEY. Because the first amendment there repeals that section, and this re-enacts that portion of it.

The SPEAKER. The Chair, of course, will have to examine the statute.

Mr. TOWNSHEND. If I am allowed to make an explanation, I will say the text of the bill preserves the law as it now stands, prohibiting daily newspapers from being sent through the mail at the rate of 1 cent a pound in cities where they are published. Now the gentleman from Mississippi proposes to change that law by his amendment. I insist the rule says in peremptory terms that no change of existing law shall be ingrafted on an appropriation bill unless it reduces expenditures.

The SPEAKER. There is no difficulty as to what the rule is. But the gentleman from Mississippi [Mr. MONEY] insists and other gentlemen insist that this makes no change whatever in existing law, while the gentleman from Illinois says that it does.

Mr. TOWNSHEND. One portion of the gentleman's amendment—that which relates to the circulation of newspapers free in the counties of publication—does not change the law; but the latter portion—

The SPEAKER. The Chair has already decided upon the other portion.

Mr. TOWNSHEND. The gentleman's amendment so operates as to enable these newspapers to be carried by letter-carriers, which is prohibited by law. That is the point I make. It so operates as to secure the carrying of newspapers by carriers.

Mr. MONEY. If the argument of the gentleman from Illinois proves anything, it proves an increase of revenue to the Post-Office Department. The gentleman says the carriers will be loaded down with newspapers, while they do not now carry any of them. As the law now stands, none of these papers are delivered by the carriers; and the gentleman argues that they will be loaded down with them if we adopt this amendment! But I assert no publishers of daily newspapers can afford to use the letter-carriers for the delivery of their papers; they must be their own carriers. They must have their newspapers on the breakfast-tables of their subscribers and not await the slow action of the mail.

Mr. SKINNER, of New York. The same remark would not apply to weeklies and monthlies, would it?

The SPEAKER. The Chair thinks this amendment does not change existing law. The Chair has already decided upon that part of the amendment which proposes to strike out matter agreed to by both Houses.

Mr. TOWNSHEND. Now, if I understand the Chair and the gentleman from Mississippi correctly, he does not want to change in any wise the law at this time existing which prohibits the carrying of newspapers by letter-carriers.

The SPEAKER. The amendment does not refer to that subject at all.

Mr. TOWNSHEND. I call for the reading of the amendment.

The Clerk read the amendment, as follows:

After the word "law," in line 133 of the printed bill, insert:
"Provided, That publications of the second class, one copy to each actual subscriber residing in the county where the same are printed in whole or in part where published, shall go free through the mails."

Mr. HOLMAN. Is that proposition germane to the Senate amendment?

The SPEAKER. The Chair thinks so. It relates to the rates of postage on mailable matter. But the Chair will call the attention of the gentleman from Mississippi to the fact which it has just discovered (because the amendment refers to the printed bill and the Clerk has before him the manuscript bill, the engrossed bill) that the gentleman's amendment does not relate to the Senate amendment at all, but to the text of the bill.

Mr. TOWNSHEND. That is one of the points that I have insisted upon ever since we began this discussion.

The SPEAKER. The Chair had already ruled out that part of the amendment which proposed to strike out the text; but it appears now that the other part of the gentleman's amendment as proposed does not affect any amendment made by the Senate, but changes the original bill and would insert new words in the original text.

Mr. HERR. Mr. Speaker, is it not in order now to have concurrence?

The SPEAKER. It is. The Chair thinks this whole proceeding is out of order. The difficulty on the part of the Chair arose from the

fact that the gentleman [Mr. MONEY] was referring to the printed bill while the Clerk had before him the engrossed bill.

Mr. MONEY. I was going by the printed bill, because I could not indicate the lines by number in any other way.

The SPEAKER. Certainly. The mistake resulted from the fact that the gentleman was looking at the printed bill while the Clerk had the engrossed bill.

Mr. TOWNSHEND. Regular order, Mr. Speaker.

The question was taken on concurring in the amendment; and there were ayes 95, noes not counted.

So the amendment was concurred in.

The Clerk read the next amendment (numbered 12), as follows:

Strike out the following:

"Provided, however, That publishers of second-class publications may mail sample copies of such publications at the rate of 1 cent for each four ounces or fractional part thereof, to be prepaid by ordinary stamps affixed thereto; and all acts, so far as they fix a different rate of postage than herein provided upon such first and second class matter, are to that extent hereby repealed on and after July 1, 1885."

Mr. HERR. Mr. Speaker, I move that we concur in that amendment.

Mr. TOWNSHEND. Mr. Speaker, I hope that I shall be recognized as representing the Committee on Appropriations, and I desire to say that, in obedience to the order of that committee, I move to non-concur in that amendment.

Mr. BINGHAM. Mr. Speaker—

The SPEAKER. This is a proposition which may be debated five minutes on each side.

Mr. BINGHAM. I simply desire to say, Mr. Speaker, that concurrence in this Senate amendment now simply makes the action of the House consistent with the amendment adopted a few moments ago. That is all.

Mr. ADAMS, of Illinois. I did not understand the remark of the gentleman from Pennsylvania [Mr. BINGHAM].

Mr. BINGHAM. I said that concurrence in this amendment now is the logical sequence of the action of the House just taken.

Mr. TOWNSHEND. It is true, Mr. Speaker, as stated by gentlemen here, that concurrence in this amendment would carry into effect the amendment adopted a while ago; but I want to say before passing from this question—for I have no doubt the House will sustain the gentleman from Michigan [Mr. HERR]—that in concurring in this amendment the House is doing what I am satisfied it would not do if gentlemen would pause long enough to think of the effect of their action.

The Postmaster-General came before the Committee on Appropriations and said that under the law regarding sample copies of newspapers—no, I will take that back, not regular newspapers, but advertising sheets—sheets that are conducted in the interest of lottery schemes and used for mere advertising purposes were flooding the mails. He said that it was done under the clause of the law which permits sample copies to go through the mails at the rate of 1 cent per pound, and he desired to have that permission restricted; and the Committee on Appropriations agreed with him that it ought to be restricted. It is true that the Postmaster-General said he was willing to allow newspapers to send sample copies twice a year, but the Committee on Appropriations said: "If it is wrong to permit them to send sample copies oftener than twice a year, we should abolish the law altogether;" and the committee so acted.

My desire was that we should come to some agreement upon this question. I can see why allowing sample copies of legitimate newspapers, scientific journals, and other meritorious publications to go through the mails should be continued; but I am of opinion that it ought to be restricted to certain periods of the year. I am willing to allow publishers all facilities that are necessary in order to secure subscribers, and I am willing—

[Here the hammer fell.]

Mr. HERR. Mr. Speaker—

The SPEAKER *pro tempore* (Mr. COX, of New York). Debate is exhausted.

Mr. HERR. I think not, Mr. Speaker. The gentleman from Pennsylvania [Mr. BINGHAM] occupied only one minute, and I do not want to occupy more than another minute. I simply want to say that this is the sequence of the vote that we have just taken, and that it is necessary in order to carry out that amendment. It makes postage uniform for city papers, for country papers, and for all papers. It is right, and it ought to be adopted; and when the gentleman from Illinois [Mr. TOWNSHEND] says that if members would pause and think they would vote against it, he is mistaken. All that is required to make them vote for it is to pause and think—indeed, they will not have to pause—if they will simply think, they will vote for it.

The amendment was concurred in.

The Clerk read the next amendment (numbered 13), as follows:

Strike out the following:

"(13) That at the future lettings of contracts for the manufacture of postage stamps, stamped envelopes, postal cards, and other postal securities, the Secretary of the Treasury be, and he is hereby, required to submit bids for the manufacture of said stamps, stamped envelopes, postal cards, and other postal securities by the Bureau of Engraving and Printing of the Treasury Department, which bids shall be considered in competition with bids from private parties: *But provided*, That the Postmaster-General may reject any and all the bids of private parties, and award the contracts, or any of them, upon the bid of the

Secretary of the Treasury, if, in his judgment, it shall be for the best interests of the Government to do so."

Mr. TOWNSHEND. I am directed by the Committee on Appropriations to move that this amendment be non-concurred in. I make that motion.

The motion was agreed to.

The Clerk read as follows:

Fourteenth amendment:

Page 5, line 24, strike out "forty-nine" and insert "forty-five;" so as to read: "For manufacture of stamped envelopes and newspaper-wrappers and letter-sheets, \$745,000."

Mr. TOWNSHEND. As directed by the Committee on Appropriations, I move that the House concur in this amendment.

The motion was agreed to.

The Clerk read as follows:

Fifteenth amendment:

Page 6, after line 11, insert "office of superintendent of foreign mails."

Mr. TOWNSHEND. I am directed by the Committee on Appropriations to move non-concurrence in this amendment.

The motion was agreed to.

The Clerk read as follows:

Sixteenth amendment:

Page 6, strike out in lines 12, 13, and 14 the following:

"For transportation of foreign mails, including railway transit across the Isthmus of Panama, \$425,000."

And insert the following:

"For transportation of foreign mails, including railway transit across the Isthmus of Panama, \$800,000. And the Postmaster-General is hereby authorized to enter into contracts for the transportation of any part of said foreign mails, after advertisement, with the lowest responsible bidder, at a rate not exceeding 50 cents a nautical mile on the trip each way actually traveled between the terminal points: *Provided*, That the mails so contracted shall be carried on American steamships, and that the aggregate of such contracts shall not exceed one-half of the sum hereby appropriated."

Mr. TOWNSHEND. I am instructed by the Committee on Appropriations to move non-concurrence in this amendment.

The motion was agreed to.

The Clerk read as follows:

Seventeenth amendment:

Strike out section 3, as follows:

"That a special stamp—"

Mr. TOWNSHEND (interrupting the reading). Mr. Speaker, this and all the remaining sections of this bill, except the last one, relate to the special stamped envelope which the House provided for. I think members will not insist that these sections be read. I am directed by the Committee on Appropriations to move non-concurrence in the amendments, striking out the third, fourth, fifth, and sixth sections. I ask unanimous consent that the reading of those sections be dispensed with.

Mr. KEIFER. The gentleman's motion is to non-concur in Senate amendments numbered 17, 18, 19, and 20.

Mr. ANDERSON. What are those amendments?

Mr. KEIFER. They all relate to this one subject.

The SPEAKER. The gentleman from Illinois [Mr. TOWNSHEND] asks unanimous consent to dispense with the reading of the seventeenth, eighteenth, nineteenth, and twentieth amendments of the Senate, and that they be non-concurred in. Is there objection? The Chair hears none.

Mr. TOWNSHEND. Now the only remaining amendment is to strike out the last section.

The Clerk read as follows:

Twenty-first amendment:

Strike out section 7, as follows:

"Sec. 7. That the Postmaster-General be directed to instruct his subordinates to publish on the foreign bulletin-board in the corridor of the post-office building in the city of New York the news of the sighting or arrival of foreign mail steamers, to the end that the public shall have such news in advance: *And provided also*, That no cost or charge to the Government shall be incurred in consequence of such instruction."

Mr. TOWNSHEND. I am directed by the Committee on Appropriations to move non-concurrence in this amendment.

Mr. KEIFER. Pending that, I move that the House concur.

The SPEAKER. The gentleman from Illinois moves to non-concur, and pending that the gentleman from Ohio moves to concur. The question will be upon the motion to concur.

Mr. COX, of New York. I think that this section ought to provide a small appropriation for the purpose of carrying out its provisions. I move, therefore, to amend by striking out the proviso at the end of the section and inserting "and \$500, or so much thereof as may be necessary, is appropriated for this purpose."

Mr. HOLMAN. I must make a point of order on that.

Mr. COX, of New York. I know it is subject to a point of order.

Mr. HOLMAN. This is a matter of purely local convenience.

Mr. COX, of New York. Will not the gentleman consent to an appropriation of \$100?

Mr. HOLMAN. No, sir; I object to the provision.

Mr. COX, of New York. This is not a merely local convenience, for the information is sent all over the United States.

Mr. KEIFER. The gentleman from New York [Mr. Cox] will himself admit that section 7 will be entirely inoperative without an appro-

priation; and it is not competent for him now to make an appropriation by way of amendment.

Mr. COX, of New York. Why not?

Mr. KEIFER. And it is quite anomalous to require the Postmaster-General through his subordinates to post a bulletin-board in the city of New York or anywhere else. The provision ought not to go into the bill; it does not belong there. By concurring in the amendment of the Senate the whole section will go out.

The SPEAKER. The Chair thinks the point of order against the amendment proposed by the gentleman from New York [Mr. COX] is well taken. The point of order is sustained.

Mr. COX, of New York. As the gentleman from Ohio [Mr. KEIFER] has discussed this question, I hope I may be allowed to say a word. All that we propose to do is simply to put this information on a black-board in the post-office building in New York city for the information of newspapers and the public as to the arrival of foreign mail steamers, so as to prevent a monopoly of news by individuals or corporations. I proposed to insert a small appropriation, lest the Postmaster-General, if no money were appropriated, might hesitate to carry out the provisions of the section. But, even without an appropriation, I would like the section to remain, not as mandatory but as directory to the Postmaster-General.

Mr. KEIFER. This provision would require the Post-Office Department to keep posted on a bulletin-board intelligence as to the arrival of foreign mail steam vessels.

Mr. COX, of New York. It is done, anyhow.

Mr. KEIFER. If the gentleman intends the section to be merely directory, let him appeal to the postmaster of the city of New York, and not make a directory law on an appropriation bill. The section ought to be struck out.

The SPEAKER. The question is on the motion of the gentleman from Ohio to concur in the Senate amendment.

Mr. COX, of New York. I wish the gentleman from Indiana [Mr. HOLMAN] would withdraw his point of order; this is a very little thing.

Mr. HOLMAN. No, I must insist on it.

The question being taken on the motion to concur, there were—ayes 48, noes 19.

Mr. COX, of New York. I call for tellers. I think members misunderstood the proposition on which they voted. I do not believe it was generally understood that the Speaker had ruled my amendment out of order.

The SPEAKER. The Chair decided that the gentleman's amendment was not in order and it is not a part of the section.

Mr. COX, of New York. I think a good many members believed they were voting on my amendment.

The SPEAKER. The question was taken simply upon concurring in the amendment of the Senate to strike out the entire section. The gentleman from New York [Mr. COX] has demanded tellers.

Tellers were not ordered.

So the amendment was concurred in.

Mr. TOWNSHEND. I move the House request of the Senate a conference on the disagreeing votes of the two Houses on the amendments to the Post-Office appropriation bill.

The motion was agreed to.

The SPEAKER appointed, as the managers of said conference on the part of the House, Mr. TOWNSHEND, Mr. HOLMAN, and Mr. HERR.

FORTIFICATION BILL.

Mr. HANCOCK. Mr. Speaker, I move to submit for adoption at this time the following resolution.

The Clerk read as follows:

Resolved, That the rules be suspended and that the House now resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill of the House 8279, making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1886, and for other purposes; said bill to be subject to general debate for two hours and then be considered under the five-minute rule.

Mr. RANDALL. Will the gentleman from Texas yield to me for a moment?

Mr. HANCOCK. With pleasure.

NAVAL APPROPRIATION BILL.

Mr. RANDALL. I move, Mr. Speaker, to take from the Speaker's table the Senate amendments to the Navy appropriation bill, for reference to the Committee on Appropriations.

Mr. TALBOTT. Will the gentleman from Pennsylvania intimate to the House when he will likely bring these amendments of the Senate back to the House for action?

Mr. RANDALL. Some time to-day, I hope.

Mr. TALBOTT. For action?

Mr. RANDALL. Yes, sir. I move, Mr. Speaker, that the amendments of the Senate to the bill (H. R. 8239) making appropriations for the naval service for the fiscal year ending June 30, 1886, and for other purposes, be taken from the Speaker's table and referred to the Committee on Appropriations and ordered to be printed.

The motion was agreed to.

FORTIFICATION BILL.

The SPEAKER. The pending question is on the resolution of the gentleman from Texas in reference to the consideration of the fortification bill.

Mr. SPRINGER. I wish to ask the gentleman from Texas whether in the consideration of the fortification bill it would not save time as the question is resolved into one point to move to suspend the rules and pass the bill now.

Mr. HERR. No, sir.

The SPEAKER. Is a second demanded?

Mr. TALBOTT. Have all points of order been reserved against the bill and amendments?

Mr. HERR. I did not understand the gentleman from Illinois to do anything but to make a request of the gentleman from Texas.

Mr. SPRINGER. It is too late to reserve points of order on it as the bill is in committee.

The SPEAKER. All points of order were reserved.

Mr. HERR. The gentleman from Texas has not made any such request.

Mr. SPRINGER. I make it myself.

Mr. HANCOCK. I will accept the suggestion of the gentleman from Illinois if it be acceptable to the House.

Mr. HERR. Oh, no.

Mr. SPRINGER. I suggest that the debate be limited to one hour instead of two hours.

Mr. RANDALL. We have no objection to that.

Mr. HOLMAN. Half an hour would be ample.

Mr. THOMAS. Say three hours.

Mr. HERR. Three hours is but a small time. I wish to say there are two bills presented here.

Mr. RANDALL. Only one bill.

Mr. HERR. I beg pardon, there is another bill submitted as a substitute which was the bill prepared by the subcommittee itself; and it is no more than fair they should have time to discuss it.

Mr. RANDALL. Nothing unfair is intended.

Mr. HOLMAN. We all understand this question, and can vote on it at once.

Mr. HERR. We ought to have some time. I do not wish to delay the House.

The SPEAKER. Gentlemen will speak one at a time.

Mr. SPRINGER. I move that general debate be limited to one hour.

The SPEAKER. It can not be amended. It is a motion to suspend the rules.

Mr. SPRINGER. I ask the gentleman from Texas to modify it so as to make it one hour.

The SPEAKER. It is impossible to hear what is going on. Gentlemen will resume their seats. It is a resolution to suspend the rules and is not amendable. The Chair has indulged gentlemen in making suggestions with a view of securing some agreement. That is the only purpose for which debate can be allowed.

Mr. SPRINGER. I understand the gentleman from Texas agrees to modify his resolution to make it one hour.

Mr. HANCOCK. I adhere to the resolution.

The SPEAKER. Is a second demanded? If not, the question is on the adoption of the resolution which suspends the rules and takes the House into committee.

Mr. McMILLIN rose.

The SPEAKER. It is not debatable.

Mr. McMILLIN. I rise to make a parliamentary inquiry. Does it reserve all points of order?

The SPEAKER. It says nothing on the subject, and they are to be considered under the rules in the Committee of the Whole House on the state of the Union.

ENROLLED BILL SIGNED.

Mr. PETERS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (S. 66) providing for allotment of lands in severalty to the Indians residing upon the Umatilla reservation, in the State of Oregon, and granting patents therefor, and for other purposes; when the Speaker signed the same.

FORTIFICATION BILL.

Mr. MILLER, of Pennsylvania. What is the proposition before the House? It is utterly impossible to hear what is going on.

The SPEAKER. It is a resolution which has been read to suspend the rules and go into the Committee of the Whole House on the state of the Union and consider the fortification bill with general debate limited to two hours.

Mr. RANDALL. And afterward under the five-minute rule.

The SPEAKER. And then be considered under the five-minute rule.

Mr. REED, of Maine. That is all right.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. BLOUNT in the chair.

The CHAIRMAN. The House is in committee for the purpose of considering the bill (H. R. 8279) making appropriations for fortifications and other works of defense, and for the armament thereof, for the

fiscal year ending June 30, 1886, and for other purposes, and by order of the House all general debate has been limited to two hours.

Mr. HANCOCK. Mr. Chairman, before proceeding with my remarks it is proper that I should ask consent to dispense with the first formal reading of the bill.

The CHAIRMAN. Without objection that order will be made.

There was no objection.

Mr. HANCOCK. It will be observed that there are two bills presented, the one by the committee and the other a proposed substitute offered by the gentleman from Louisiana. This bill is not responsive—the bill of the committee—to the estimates submitted by the Department making appropriations for our seacoast defenses. Nor is it responsive to the request for more money to make guns of larger caliber than those which have been purchased heretofore by the Government. For myself I do not profess to know very much about ordnance after you get beyond a double-barreled shot-gun. [Laughter.] I have had, therefore, to consider the subject, so far as I have had any connection with it, from the general practical effect of what has been done in this direction by the Government heretofore.

This bill has been drawn with a view mainly to try to avoid a needless and unprofitable expenditure of the public moneys in this direction, which has marked the policy of the Government for the last twenty or twenty-five years. Looking over the laws and the appropriation bills upon this subject we find that many millions of dollars have been used up by the Army and Navy without any profitable results to the Government, and I for one believe, and the majority of the Committee on Appropriations agree with me, that it would be better instead of going on making appropriations and spending money in fruitless efforts—efforts which amount to nothing as far as the necessary armament of war is concerned—to determine upon some plan and ascertain if possible what character of large ordnance can be made here which would be of a character suitable to us in the event of a war, and the like with reference to our seacoast defenses as to what fortifications would be necessary and the manner in which they should be constructed. To accomplish that purpose, Mr. Chairman, we have simply to follow the course which has been pursued by all of the great military powers of Europe, which we do in this bill in attempting to form a board with authority to take into consideration the question of construction, in fact, to consider the whole subject and to apply practical and thorough tests to the various kinds of ordnance up to as large sizes as those of 12-inch caliber and subject them to such tests as would determine their fitness for us in warfare.

To this end we have called in by this proposed bill all the branches of the Government at all connected with it in any way or responsible for the War Department of the Government. There is a proposition here, for instance, by the bill to bring together those from the Army whose business it is to inform themselves upon the subject, the Ordnance Department, and from the Navy, that they shall act in concert with the Secretary of War in examining whatever may be brought before their attention at all connected with the art of war. In doing this we also open the door wide to every individual citizen, whoever he may be, who supposes that he has the ability or the skill to produce a gun of the first quality to have it tested thoroughly in order to determine the question of its efficiency or not for the use of this Government.

Up to the present time and as late as last October, I believe, I noticed that the Secretary of the Navy, speaking of this subject, says that we have not a single gun of the first quality in this country; and he adds we have not a single vessel capable of encountering and resisting an attack from European vessels of the first class, or the war vessels belonging to any of the first class powers of the world. I, for one, am willing, and I think it is the disposition of Congress, to make liberal and generous appropriations for whatever may be found necessary to put the United States in a thoroughly effective condition when we have ascertained that we have the right character of weapons.

There is also a provision in the bill with reference to a uniform caliber of gun in all the branches of the service. At present in the Army and the Navy there is no uniformity in caliber. For some reason, which it is not necessary now to undertake to discover, the Army have adopted the even numbers, and consequently have guns of 6, 8, 10 inches and so on in caliber, all of even numbers; while on the other hand the Navy have 7, 9, 11, 13, &c., odd numbers. One of the great inconveniences arising from this difference, and an inconvenience not existing anywhere else on the face of the earth, especially among such nations as those we may without shame or blush look to for instruction in this respect, and whose rule in this regard is a uniformity of caliber which we may safely follow, is that now in the United States an officer in the Navy can not without instruction or experience handle guns of the Army, and vice versa an officer of the Army can not without previous training and experience handle guns of the Navy.

Another difficulty is that the ammunition for one class of guns will not do for the others. If the ammunition of one falls short, although the other may have a superfluity it can not be used to supplement the requirements of the other even in resisting an attack. The ammunition of the Army would be useless on board a vessel which was short of ammunition, and the ammunition of the Navy can not be used in a crisis by the Army. I find that the Military Committee of the House

have thoroughly considered this subject and have formulated a report upon it, and I wish to invite the attention of the honorable gentleman from California [Mr. ROSECRANS], the chairman of that committee, to the subject.

The total amount appropriated by this bill is \$955,000, as against \$7,303,000 which have been submitted as estimates for 1886.

Before I conclude for the present I wish to state that I have consulted with a majority of the members of the Committee on Appropriations, and with the approval of those whom I consulted, and at the suggestion of General Benét, I will at the proper time offer this amendment in line 444: "For constructing and testing experimental gun-carriages;" and also in line 447, after projectiles, insert the words "gun-loaders." This, I think, is already included in the bill, but it is desired that there shall be no doubt upon the subject.

I reserve the remainder of my time until after I have heard the discussion from the other side.

The CHAIRMAN. The gentleman from Texas [Mr. HANCOCK] reserves the balance of his time. The gentleman from Michigan [Mr. HERR] is recognized.

Mr. HERR. Mr. Chairman, I desire to be stopped at the end of fifteen minutes, when I will yield fifteen minutes to the gentleman from Maine [Mr. REED] and thirty minutes to the gentleman from Louisiana [Mr. ELLIS], who will dispose of that half of the time as he sees fit.

Mr. Chairman, I antagonize the bill reported by the gentleman from Texas [Mr. HANCOCK], and am in favor of the bill reported by the subcommittee of which I have the honor to be chairman, but which was rejected by the full Committee on Appropriations. The bill which I favor carries nearly \$5,000,000—\$4,935,000 is the exact amount. This is divided up upon the principle of trying to build some fortifications and trying to manufacture some guns in this nation which shall be for the protection of our frontiers and worthy of our people.

I wish to say to the House on both sides that in my judgment the bills on fortifications, which we have been passing for the last ten years here in Congress, have been of no practical benefit to the United States. We do not give money enough to enable us to manufacture anything in this country that can be called a gun of large caliber.

The bill which I propose, and which we prepared, appropriates money enough to commence building forts at the large cities of the United States—New York, Boston, Philadelphia, Baltimore, and San Francisco. The bill of the committee appropriates almost nothing—only a few thousand dollars to take care of the forts, if you can call them such, that we have in the United States to-day. There is not a fort to-day in the United States that is worth taking care of. There is not a gun in the United States, with the exception of two or three that are now being manufactured, that are of any use whatever for heavy work.

Mr. WELLER. Why have not you Republicans done something about this in the last fifteen years?

Mr. HERR. We have been having a Democratic House mostly for ten years. The gentleman from Iowa can interrupt me in a minute, for I am coming to something that interests him.

I had hoped—and now I want to talk to my good friends on the Democratic side of the House—I had hoped that we were to enter upon a new era in doing things for the benefit of the people of this country under this glorious administration that is about to be inaugurated. I can not say that at the election I had an overabundance of confidence in the man who was elected to manage the affairs of this nation for the next four years. But I will say to my venerable friend from Connecticut [Mr. EATON] that my admiration for that man in the last few days has been increased. I hold here, Mr. Chairman, a letter, the first message given by the incoming President to the Congress of the United States, if I may call it a message. You have got an early man, at least. He is the first President of the United States who ever sent a message to Congress before he was inaugurated.

But I find in this message nothing but words of wisdom. To my astonishment almost every line of it commends itself to my judgment, and the one thing I regret is that such pearls had to be cast before such—Congressmen. [Great laughter.]

Why, Mr. Chairman, this letter recognizes the fact that the American Congress ought to take care of the interests of this great nation. It recognizes the fact that this Congress ought to do something to prevent the impending difficulties that hang over us in the financial world before we are dissolved by law and leave this Hall. I do not know what the notions of the incoming President are on this fortification bill. Has any member here a message from him on that subject? [Laughter.] Did the gentleman from Illinois [Mr. SPRINGER] speak to me?

Mr. SPRINGER. No, sir; I am not casting pearls now. [Laughter.]

Mr. HERR. It is to be hoped that the head of the incoming President is as level on this question of protecting this great American nation as it is on the question of whether we shall stop issuing the bogus dollars that now weigh down the vaults of our Treasury, and which you can not get into circulation among the people even by a high-pressure engine—it may go out for a day, but it will return again, and always must so long as it is not a good, honest dollar. I do hope that this new progressive party which is about to take charge of affairs will think of this matter seriously. Your President has started out right. It is not

modest in me perhaps to tell you that you men who voted against his instructions have started out wrong, and that your President will have to rely on the business sense of this side of the House in order to run this nation. Do you know the danger you are in?

Mr. SPRIGGS. That would be very dangerous.

Mr. SPRINGER. It would be a great calamity.

Mr. HERR. You want to call a halt, Brother SPRINGER. You have labored along for a quarter of a century to gain what you have reached now. Let it not vanish away by this nonsense of trying to create value by legislative enactments. Take a little business sense with you and look at this question from the standpoint of American statesmen. It is not presuming too much to say you can do it. It may be presuming a good deal, but not too much. [Laughter.]

Now, Mr. Chairman, I call the attention of this House to the fact—

Mr. COSGROVE. Will the the gentleman from Michigan allow me a question?

Mr. HERR. Yes, sir.

Mr. COSGROVE. Would you accept a place in the Cabinet? [Laughter.]

Mr. HERR. I could not conscientiously do it. My friend wants me to be the one hundred and seventy-ninth applicant for a place in the Cabinet, and I will not take any such position. I do not fancy the crowd it would throw me into. [Laughter.]

I am frank to say that the President-elect thus far is not troubled for applicants for those places. What may trouble him, though I hope it will not, will be to find men in his party who will rise to the magnificent common sense contained in that short letter and run our Government in accordance with its principles. If he can do that the nation will bless him, though I fear such work will cast dismay among the majority of you gentlemen on the Democratic side of the House. [Laughter.] Your votes drive me to that conclusion.

Now, Mr. Chairman, I yield to the gentleman from Maine [Mr. REED], having said all that I care to say by way of admonition to gentlemen upon that side of the House, and hoping they will reflect upon what I have said as coming, not from me, but from their leader, who, I am frank to say, has disappointed me favorably. It has been refreshing to me to find so much good sense from a quarter so unexpected.

Mr. REED, of Maine. Mr. Chairman, I do not propose to continue in the vein of the gentleman from Michigan [Mr. HERR]. I only wish to point out, so far as they may be found within this bill, some grounds for the expression of a hope that somewhere in the Democratic party may be discovered more sense and reason than seem to exist in the Democratic portion of the Committee on Appropriations. The Democratic party now has thrust upon it the business of doing something. For the last twenty-five years the only duty it has had has been the business of finding fault with everything. Now it has to take a positive stand, and we have had, thus far, two illustrations of the Democratic party in positive action. One was on the Navy bill, where we undertook to construct a navy by dismissing everybody that legitimately belongs to the business of constructing a navy; and now we have a bill for the creation of ordnance by wholesale contract, and having in it what seems to me to be one of the most transparent jobs that ever was presented for the consideration of Congress.

The first thing this bill provides with regard to ordnance is that the calibers and sizes of the guns in the Army and in the Navy shall be the same. Now that presupposes, if it is founded in sense, that the conditions of managing guns are precisely the same in both branches of the service, and yet it does not need extraordinary knowledge to call the attention of members of the House to the fact that guns belonging to the Army, in the fortification and in the field, are managed upon terra firma, and that there are no problems of flotation connected with them; while the guns on board ship have to be constructed and managed with regard to the floating of the ships and with reference to the service that is to be performed. Nothing can be more absurd than to confine us to 6-inch, 8-inch, and 12-inch guns on shore, and then to say that no ship shall carry a gun of an intermediate caliber. A ship may not be constructed to carry a 12-inch gun, and yet may successfully carry an 11-inch gun; but this bill provides that no 11-inch gun shall be made.

This bill not only fixes the caliber of the gun, but it fixes the length of the gun and says that it shall be the same in the Navy as in the Army. What can possibly be more absurd than a proposition of that kind, except possibly this proposition: that no gun shall hereafter be created until a 12-inch gun has been produced—God knows how! the language is "produced"—which shall answer certain conditions. Why, does not anybody who knows anything about this business know that the problems connected with the smaller guns are entirely different from the problems connected with the larger guns, and that we can to-day in this country produce smaller guns; but that in order to produce a 12-inch gun we have got to change the plant of every establishment engaged in manufacturing either guns or large metallic objects, and yet the construction of all smaller guns are to be stopped until this 12-inch gun shall be "produced." Now, how is it to be produced? By the Government? No; because there is no appropriation to do it. Again, it is to be a single-charge gun, and yet this bill appropriates \$400,000, among other things, for the purpose of buying multicharge guns!

Why, just consider a moment what the effect of that is in connection

with the paragraph on the fifth page of the bill. Here is the gun that is to be "produced." As compared with a Krupp 12-inch gun our 12-inch gun is to weigh 60,000 pounds, is to carry a projectile of 600 pounds, and is to penetrate 13 inches; while a Krupp gun of 12-inch caliber weighs 109,000 pounds, carries a projectile of 1,000 pounds, and penetrates 24.3 inches. Now we are going to "produce," in some way or other, a gun that carries a projectile weighing only 600 pounds and penetrates only 13 inches, and when we have reached that marvel of ordnance science then at once and automatically this gun is to be bought in quantity, and one-half these guns are to be turned over to the Navy whether the Navy wants them or not, and the other half to the Army, and that is to be the pattern gun until another 12-inch gun is produced which will surpass that in some peculiarity. Why, sir, this is an attempt to make Government work automatically, and you will never succeed in doing that. You will never succeed wisely in eliminating the element of sound judgment, and the element of responsibility. The way to construct a gun, like the way to construct a navy, is to have the departments and the officers charged with that work fully informed, in full control, to have them manufacture or superintend the manufacture of guns, and be responsible for them and for the results.

I do not know precisely what kind of a gun these paragraphs cover or what contractor's maneuver it covers. But it does seem as if the language of the bill was arranged on purpose to fit a particular kind of gun and to give a particular contractor the benefit of all the manufactures of the Government hereafter; and all to result in the production of a gun, one totally inadequate to the demands of the Navy, of the Army, and of modern military science.

At its best here is a proposition to give us a gun which, as I have already said, carries only six-tenths of the weight of metal of the Krupp gun, and which penetrates only one-half the distance of the Krupp gun. If you look at the details of the tests which are to be made you will find that every one of them is involved in obscurity. A target, material not specified, is to be penetrated "fairly through." What do you mean by "fairly through?" I will tell you what you mean. You mean a dispute; you mean a pressure brought upon the examining board. You mean the clamor of contractors. Why do you say "fairly through?" Why do you employ such doubtful words?

Then again you limit the length of your gun by a proportion to the caliber and then apply that iron rule to both branches of service, and you limit the weight of your gun in direct proportion to the weight of the projectile. Why, that is to stop all future experiments in that direction; that is to limit and put in chains the progress of science upon these matters of practical importance.

Mr. THOMAS. Mr. Speaker, my objections to this bill and to its several provisions are noted down hastily in a memorandum which I shall read and which will convey to the House a better impression of the infirmities of the measure than I should be able to do if I spoke without notes.

Lines 54 to 66 inclusive provide that the calibers of guns for the Army and Navy shall hereafter be the same, that is, six inches, eight inches, ten inches, and twelve inches, and that no intermediate calibers shall be made; also, that all these guns shall be over thirty calibers long and shall weigh so much. Any given ship of war can carry a given number of guns of a given weight, and the space occupied by the guns and their weight, and therefore caliber, can not be determined by any such considerations as that the Army has guns of certain fixed dimensions. An ironclad of given displacement, for example, can carry two turrets with two guns in each turret. Now, supposing that 12-inch guns can not be carried, why should not 11-inch, or 11½-inch, be carried rather than 10-inch, as would be rendered necessary by the provisions of this bill? Given a certain weight for the ordnance outfit of a ship, and guns of a fixed caliber are the best, and that caliber, whatever it may be, should be used on that ship. The fact that all foreign countries build guns for their navies of irregular calibers is enough to condemn this part of this bill.

English naval guns are 4½-inch, 5-inch, 6-inch, 6.3-inch, 7-inch, 8-inch, 9-inch, 9.2-inch, 10-inch, 10.23-inch, 11-inch, 12-inch, &c.

The portion of the bill fixing the length and weight of guns would be well enough if ordnance development were at an end, but considering that a very small change in the nature of the powder used, or an improvement in the quality of the material of which guns are built, would at once render the present best length and weight of guns bad, it would seem that such restrictions were intended to prevent any further development of ordnance.

Lines 67 to 91 provide a test for guns to be manufactured by or for the United States. This test is both insufficient and so loosely drawn as to be uncertain in nature. What does "fairly through" mean? Is the plate to be backed; and, if so, with how much backing, and how braced? What is the quality of the plate to be? Some plates could be pierced by almost anything.

This clause also prevents any further work being done on the guns for the cruisers, and, in fact, puts a stop to all work on guns for the Army or Navy till a 12-inch gun has been made. For this the Navy has no money, the Committee on Appropriations having refused the money asked for the steel for a 12-inch gun.

Lines 115 to 141 provide for the purchase of 100 12-inch guns with

10,000 projectiles at an expense of \$3,600,000 from the first person who shall make one of these guns to withstand the insufficient test previously stated. In other words, the Army and Navy are to have 100 12-inch guns of inferior power forced upon them. All that is required of these guns is that they shall each stand ten rounds fired rapidly. Those that burst are to be rejected and the rest accepted until 100 are taken. No matter if every other gun bursts the rest must be taken.

The practical result of the bill will be to saddle the United States with 100 useless cast-iron guns of inferior power and of unknown quality at an expense of \$3,600,000, when if such guns were of any use they could be made by the United States at less than one-quarter this amount. Indeed these guns could probably be made by the Government from its old cast-iron smooth-bores for about one-tenth the amount asked in the bill.

Mr. ELLIS addressed the committee. [See Appendix.]

Mr. CURTIN. Mr. Chairman, I am sure I can not say in three minutes anything which will influence this committee. I am in favor of the substitute, and I regret very much the eloquent speech of the gentleman from Michigan [Mr. HORN] who opened the debate in opposition to the bill reported by the majority of the committee, and who I understand is in favor of this substitute. It was a fair and, as politics go, a reasonable political speech; but it was not in favor of the bill, and it may have excited prejudice on this side of the House, which I desire to dissipate by saying that in my judgment it was not in harmony with an occasion like this, involving the question of the defense of our country by the best and most enlightened modern methods. Sir, no man who reads can be insensible to the fact that there is a condition of unrest across the water. There are coalitions forming there which are inconsistent with peace in the near future. Before this year closes Europe may be involved in another war. It is about time; and how can we tell, Mr. Chairman, that we also may not be involved in that war?

The CHAIRMAN. The time of the opponents of this measure has been exhausted. There remain fifty minutes to be used by the advocates of the measure. Does the gentleman from Texas [Mr. HANCOCK] desire to occupy the time?

Mr. HANCOCK. I yield fifteen minutes to the gentleman from California [Mr. ROSECRANS], if he wishes to use it.

Mr. ROSECRANS. Mr. Chairman, I desire to submit a few remarks upon this bill of the committee. First, I wish to call attention to what has been said concerning the preservation of our fortifications for sea-coast defense. It has been said that they are of no account whatever, and probably it is better that I should state at the outset in what sense that is true. At the time they were planned the theory was to bring to bear upon any channel leading to the place to be defended a sufficient number of guns to make it too perilous and damaging for the enemy to justify the loss and risk of entering, if not to make it utterly impossible, and to place those guns beyond the reach of a *coup de main*, beyond the reach of being grabbed by a land force. Our fortifications were planned on a calculation of the average speed attainable by sail propulsion, and the guns were the best that were then known. Since that time the substitution of steam propulsion has altered entirely the conditions of defense, making it impossible to deliver many shots from the same gun on any vessel entering a harbor at the speed at which she can go under steam.

The second, change of defensive conditions. Instead of wooden walls, easily penetrated by the shot of the guns with which we formerly armed our forts, we have now to contend with iron armor, which can not be pierced by these shots. But while on these accounts our fortifications are inadequate to meet the exigencies of defense at the present time, let it not be supposed they are entirely useless. The honorable gentleman from Louisiana [Mr. ELLIS], if I heard him aright, said that our fortifications were but "man-traps." But I have only to remind him of the resistance which Fort Sumter was able to oppose to all our attacks.

Mr. ELLIS. Against what kind of guns?

Mr. ROSECRANS. The best we had, and the best we have had since.

Mr. ELLIS. How would that fort have stood against modern artillery?

Mr. ROSECRANS. It offered such resistance that we were unable to take it.

Mr. ELLIS. Does the gentleman know the penetrating capacity of modern guns—that they penetrate sixty-three feet of sand?

Mr. ROSECRANS. These new exigencies, these new conditions required for the defense of our forts, necessitate the invention and application of new methods of protecting the guns both from being captured by escalade and from being dismounted and destroyed by the shot of the enemy. It is not to be imagined that we are without some idea of what we have to do—that we must have some kind of metallic protection against these heavy penetrating shot. But it has not yet been determined precisely what are the plans best adapted to secure the result with greatest economy and efficiency. Therefore this bill proposes to have that matter investigated between now and the 1st of next December. It seems to me the committee bill is very reasonable in this respect.

A few words now with respect to the provisions of the bill concern-

ing heavy breech-loading armor-penetrating guns—the uniformity established by the bill in the construction hereafter of guns of the same caliber for the same class of guns or the same general dimensions, range, and penetrating power.

On this subject a great deal has been said which I think would not have been said if gentlemen had had more experience. When I took command of the Army of the Cumberland I had in a single brigade two, three, and in some instances four different calibers of muskets. There was just as good reason then for that variety of calibers as there is now for the existing varieties of calibers for guns of about the same power, or that we should have all sorts of calibers for the Army and the Navy. I was obliged with great care to shift and change the muskets of the troops under my command, so that the men of one brigade might be armed with guns using ammunition of one caliber, to prevent the perils and damage arising from mistakes in the distribution of ammunition which could not be used by the troops who had exhausted their supplies in action or being without ammunition because they could not get ammunition of the requisite caliber.

Mr. Chairman, on these points connected with heavy breech-loading guns I think I shall more completely reach the ears of this House by sending to the desk to be read the first and second pages of the report which I hold in my hand.

Mr. ELLIS. What report is it?

Mr. ROSECRANS. The report of the Committee on Military Affairs made at the present session; and I will state before the Clerk begins reading that it will be seen this matter has undergone investigations by Congress as long ago as the Fortieth Congress, when a powerful report was made setting forth the difficulties which this bill is intended to remedy. The passages which I ask the Clerk to read are brief but well-considered.

The Clerk read as follows:

Mr. ROSECRANS, from the Committee on Military Affairs, submitted the following report (to accompany bill H. R. 8242):

The Committee on Military Affairs, to which was referred the bill H. R. 8041, respectfully reports:

It has heard statements from the Chief of Ordnance, and the testimony of others respecting heavy ordnance, and has arrived at the conclusion that the best interests of the country demand that such tests be made as will enable us to determine the highest attainable standard of heavy ordnance.

Your committee sees many good theoretical reasons why the calibers, lengths, and projectiles of heavy breech-loading guns should be uniform, and no valid ones why they should not be so.

But it also perceives numerous practical reasons for such general uniformity. To prevent rival systems of constructing cannon for Army and Navy uses, from introducing useless varieties and rendering comparisons of relative utility difficult and indeterminate; to make ammunition for like calibers available both on land and sea; to simplify its preparation, reduce its cost, diminish liability to mistakes in sending supplies of ammunition, are ends very desirable to be attained.

This is well set forth in the following extracts from Senate report 226, third session, Fortieth Congress, the whole of which is printed in the appendix hereto:

"A further difficulty, calling for a remedy, lies in the want of co-operation between the War and Navy Ordnance Bureaus. Great diversity exists in the practice of the two branches of the service respecting the arms adopted, and the manner of proving, mounting, and using the same. The calibers, models, chambers, and ammunition of the Navy guns are entirely unlike those in use in the Army. For example, the Navy 12-pounder boat howitzer has a caliber of 3.4 inches, while the Army 12-pounder guns are of the calibers of 3.2, 3.67, and 3.8 inches. The chamber of the Navy gun is of parabolic form, while the Army gun either has a cycloidal chamber or none at all. The models of the two guns are entirely different, so that neither could be used on the carriage of the other; the Army guns being furnished with trunnions, and the Navy gun having, in some cases, the loop and loop-bolt of the old carronade. The system of sighting is also different. A gunner in one arm of the service, without special instruction, could not use a gun belonging to the other; one being graduated to seconds of time of the flight of the shot, and the other to degrees of elevation. The Navy has 8, 9, 11, and 13 inch smooth-bores, while the Army guns are of the calibers of 6, 8, 10, and 12 inches. In the guns of the two branches of the service there is no uniformity, in either rifle or smooth-bore, in the twenty calibers adopted below the caliber of the 32-pounders. It is impossible to use Navy ammunition in an Army gun or Army ammunition in a Navy gun.

"Co-operation between the Army and Navy while in active service is thus greatly restricted, and in some cases has been entirely prevented. Offensive operations on the part of a joint expedition of the two might be brought to an end by the want of projectiles for the land forces, while the ships of the Navy possessed a surplus of the very articles required, which could not be used by the land forces. Not a single advantage is claimed for this lack of uniformity, while the disadvantages are very numerous and apparent. It has grown out of the fact that officers in the two branches of the service have succeeded in securing the adoption of their own inventions, and the rivalry existing between them has prevented fair competitive trials of the various devices and systems advocated by each, neither being willing to admit the merit of the other's inventions, or to utilize the knowledge gained either by their successes or failures. The experiments, being duplicated on account of their jealousy, have been, necessarily, needlessly expensive. A further increased expense results, in time of war, from maintaining two separate organizations for the procurement of arms. The two ordnance departments are brought into competition with each other in the matter of contracts and purchases of war material from the private workshops and factories of the country, thus putting the Government in the attitude of bidding against itself."

An existing and natural tendency to minimize the available inventive talent of the country in heavy ordnance matters will be to some extent counteracted by the provisions of this bill, which encourages inventors, at their own expense, to construct and test heavy armor-penetrating, breech-loading guns, by insuring them a fair application of the Government tests, and, in case of success, a limited order for furnishing such approved guns at moderate prices.

The existence of the above-named tendency was set forth in Senate report 266, third session, Fortieth Congress, submitted by Mr. Howard, from which the following extracts are made:

"Instead of encouraging the inventive talent of the country, these officers seem to have constantly discouraged it, and many complaints of improper and oppressive treatment have been made before the committee by persons who have

sought to draw the attention of the proper authorities to what were supposed to be vital principles connected with their art.

"Another difficulty that has retarded progress in the science of ordnance has been the fact that prominent officers have been inventors of arms, and have possessed sufficient influence to secure the adoption and retention in service of their inventions, frequently without due regard to the question of real merit, and to the prejudice of other and better devices brought forward by citizens, or developed in other countries."

The result of the testimony taken before your committee, and hereto appended, leads it to the conviction:

1. That the strains due to the expansive force of the gases generated in the gun by combustion of power are vastly modified by those which are due to molecular forces induced by the inequalities of temperature and of strains in the successive layers of particles proceeding from the interior to the exterior of the gun when heated by rapid service.

2. That the construction of breech-loading armor-penetrating guns is as yet unsettled, and must be tentative and expensive.

3. That guns of small caliber are less liable to these inequalities than those of larger mass, because these inequalities of temperature are more readily adjusted within thinner metal than when there is greater thickness and slower equalization of temperature within the resisting mass.

4. That therefore the well-attested facts are the success, in service, of guns of small caliber, made even of cast-iron, and the well-known failure of even steel guns of large caliber, when fired under conditions necessarily producing great inequalities of temperature within their mass.

5. That even steel guns which withstand the tests when the firing is slow and time is given for the equalization of temperature, fail when fired rapidly.

6. That these molecular strains exist in steel as well as in cast-iron, and when time enough has been given for the gradual adjustment of these molecular strains to equilibrium, even cast-iron may exhibit comparatively enormous resistance to the strains of firing.

7. That therefore the idea that our only hope lies in steel guns has been proven to be unsound by experience, and a careful consideration of the facts already known shows that it would be premature to commit ourselves to the construction of steel breech-loading guns of large armor-penetrating power.

In view of these facts the law should require uniformity in the calibers, construction, and projectiles used in all services, and inducements should be held out to private parties to compete for superiority by such acceptance and contract as the bill provides.

To accomplish these desirable results your committee recommends the passage of the accompanying substitute bill, which is amendatory of the original in a few important particulars.

[During the reading of the foregoing, when the time of Mr. ROSECRANS expired, Mr. HANCOCK yielded him additional time.]

Mr. ROSECRANS. I wish only to add that it is not at all certain we have reached conclusions that can be depended upon as to the usefulness of steel for heavy guns. It is quite certain that while other metals, even cast-iron, may answer when used for light guns, yet heavy guns made even of steel may fail. It is not to be assumed, therefore, that we ought to launch out at once upon large expenditures for this purpose when we know the Chief of Engineers has testified that we can not successfully prepare for the manufacture of steel guns, now supposed to be as good as can be gotten, without the expenditure of many millions of dollars running through eight or ten years. If we were to-day to make such expenditures as are proposed in the substitute bill we would be simply spending money. It seems to me far better for Congress to secure a clear, comprehensive summary of the results of the experience of other nations, and after getting this information to determine what we had better do—what plans can be adopted most economically and successfully.

Mr. ELLIS. Has the gentleman read the report of the gun-foundry board?

Mr. ROSECRANS. I have.

Mr. ELLIS. Does not that contain the conclusions of the world after the best experiments?

Mr. ROSECRANS. Not fully so; but it is the best report we have up to this time.

[Here the hammer fell.]

Mr. MCADOO. Mr. Chairman, an intelligent foreigner, if he had been in this Chamber a few moments ago and listened to the learned and oracular gentleman from Maine and the irrepressible gentleman from Michigan, would, were he ignorant of the facts of the situation, have deplored that these gentlemen did not belong to a party that had entire charge of our fortifications, and that the country had been compelled to lose the services of men who know so much from a scientific point of view as to how our fortifications should be constructed and how our guns should be built. He would have said to himself: "If these gentlemen had charge as leaders of a controlling party of such matters for two or three years, surely the harbors of the country would have all the protection they require." But when he learned that these gentlemen have been the leading members of an administration that has had charge of the fortifications and guns of this Government for the last twenty-two years, his astonishment would know no bounds. That they should know so much, be so aggressive and progressive, and yet have accomplished so little, would puzzle any one a great deal. If we have no forts or guns or ships, whose fault is it? That the Democratic party should find itself on coming into power with worthless vessels, crumbling forts, and ancient, ineffective guns on its hands is certainly not its fault. Money enough has been expended to have had these arms of the service modern, efficient, and in excellent condition.

Why, they turn to this side of the Chamber and say, "Look at the guns you propose to build," and we retort, and I think we can do it with a great deal of force, "Look at the guns you have built." For what was the Government gentlemen were responsible for distinguished in the way of ordnance? Well, it produced one man known as the great gun-burster, and he burst about all the guns they made. Why, during the

twenty-two years they have administered the Government they have not produced a single gun that is capable of taking place in modern warfare. The only thing they did was to leave on our hands a lot of old antedated and antediluvian smooth-bores, and apparently made them to burst at an enormous expense to the Government.

I am in favor of the committee's bill in preference to the substitute of the gentleman from Louisiana [Mr. ELLIS]; and I wish to say right here in answer to the criticism of my distinguished and able friend and colleague on the Naval Committee, the gentleman from Illinois [Mr. THOMAS], that I think the bill of the gentleman from Texas [Mr. HANCOCK] is not defective in that it prescribes what shall be the caliber of guns and prohibits intermediate calibers. It says the caliber of our new guns shall be six, eight, ten, and twelve inches.

My friend from Illinois says some vessels will be able to carry 11-inch guns which can not carry 12-inch, and it is therefore unreasonable and is not a suitable proposition to limit the guns to those calibers. That would be true, Mr. Chairman, if we had a great navy upon which we were going to put these guns; but we are building a navy, we are laying the foundation of one, I trust; and while we are doing that we can plan our guns while we are building the vessels, for we have no vessels now worthy of carrying any good guns.

The gentleman says it is like putting an 8-foot man in a 6-foot bed—you would either have to lengthen the bed or shorten the man. But, sir, we neither have the bed nor the man, and we are going to make the bed and then the man—to make a navy and then the guns, and therefore it is not an unreasonable or unjust proposition in this bill to have the caliber of these guns restricted and classified. Such guns will make ammunition uniform and facilitate its distribution in both Army and Navy.

I object to the substitute for another reason. While I do not share the views of pessimistic gentlemen on the floor of this House who are always prophesying that war is upon us, that Europe is now to invade our coasts, that we are about to be embroiled in international difficulty, yet I do not share the opinions of optimistic gentlemen who cry war will never come. I wish to be reasonably prepared for war, and I tell gentlemen who are so alarmed and advocate so much the building of these fortifications, that the day of these old forts is past. The only way you can protect your harbors is by the torpedo-boat and the torpedo and submarine mining system. It has been demonstrated after elaborate, intelligent, and searching inquiry in England that torpedo-boats and the torpedo system are the only possible way for keeping out foreign invasion of your harbors.

I ask in this connection to have the Clerk read an extract in reference to torpedo-boats, from a recent publication which has stirred up the British Parliament. It is part of a series of articles in the Pall Mall Gazette and entitled "The truth about the navy."

The Clerk read as follows:

"Why do you worry so much about torpedo-boats?" we asked a first-class naval officer the other day.

"Worry about torpedo-boats!" said he, "I don't worry about torpedo-boats. It is our want of torpedo-boats that worries me, and would worry England if war were to break out. You have published Mr. Donaldson's paper on torpedo-boats, an excellent paper, but like every one who writes for you be understands his case."

"But are they really so indispensable? Many officers pooch-pooch them. For instance, Hobart Pasha in the North American Review for November."

"All the pooch-pooching in the world will not get rid of facts, and here are five facts about torpedo-boats which can not be disputed:

"1. Actual experiment has proved that on an ordinary night the boats can approach unperceived to within a thousand yards of the ship attacked, though the most powerful electric lights be kept bearing on their line of approach."

"2. From the time the torpedo-boats are first seen till they discharge their Whitehead torpedoes with absolute certainty of hitting is on an average about thirty-six seconds."

"3. During this thirty-six seconds the guns of the attacked ship fire at random, as owing to the darkness the sights can not be effectively used and the distance altered one hundred yards every six seconds."

"4. A foreign experiment has proved that on the torpedo hitting it makes a hole about seventy square feet in the bottom of such a powerful ironclad as the Hercules."

"5. The most powerful pumps mounted in any ironclad will only keep out the water which comes in through an 18-inch hole in the bottom of the ship. Yet with all that we have fewer boats than France."

Mr. MCADOO. I want to see as the crowning glory of the Democratic administration, which the gentleman from Michigan has so pleasantly hailed this morning, the restoration of the public domain, the preservation of the lands of the people, the upbuilding in an honest way of an effective navy, and the proper protection of our harbors. But I am in favor of doing it honestly.

I object to the substitute for this, that it limits proposals for building these guns, and guns are the only things in this bill, to two firms in the United States. The bill of the chairman of the subcommittee of the Committee on Appropriations invites the whole United States to competitive contract for them. I read from the report of Mr. Benét, brigadier-general and Chief of Ordnance:

The South Boston Iron Works and the West Point Foundry are the only ones that have now any portion of the plant and experience. Both of these have made guns for the United States during the last half-century and have always given satisfaction.

Therefore we find that there are only two places in the United States where you can have a gun built if you spring the question on the public now. If to-morrow you gave contracts out to get guns by the terms

of this substitute bill, you must go to the South Boston Iron Works, or to the West Point Foundry. There is no other place where you can get them. These are undoubtedly two most excellent establishments, of which all Americans may be proud, and I am in favor of American material and American manufacture against the world. We are too great, the national genius is too great, to allow of our paying tribute to England or any other country, whether in making guns or plows, monster engines or delicate machinery. Within our own country, with all due respect to these great enterprises, competition must be absolutely free and fair.

Here, under fair competition, the intelligent labor of American freemen shall, on American soil, from American material, build and equip an American navy. The ringing hammers of Elswick and the Clyde must not, as they fashion our shields of war, make mockery of our idle mechanics. Here the earth is rich in minerals, our artisans and officers fertile in resources, thousands of industrious hands ready for the task, and here our guns should be built to give employment and make happy the homes of the men whose courage and patriotism will make them invincible in war.

Now, what does the bill say on that point—that they shall make a contract? With whom? With the manufacturer who has the material. All you have to do then is that the Secretary of War should look around and find the place where there is the best plant at present, and where they have the best material, and there make the contract.

When he does look around, however, what does he find? He can see but two places where these conditions are complied with, and there he must make the contract. Moreover it says:

Provided further, That out of the first annual appropriation of \$1,500,000, not exceeding \$500,000 may be expended for such 12-inch mortars as may be approved, subject to the test of those mortars just completed.

I ask the gentleman from Louisiana, who built the mortars just completed? If I am not mistaken they have been built at these places. It is then virtually a contract by bill in favor of these two establishments. I ask the House then as between a bill giving fair, open, and frank competition and this substitute, which must, from the necessities of the case, be in favor of these two establishments, which is the fairest and which the better bill? If we are to build up the Navy, as I know we will; if we are to proceed reasonably and scientifically to protect our harbors, let the work be marked by Democratic honesty in the doing of it. I hope that when four years have rolled around, when the twenty-five years, and may be more, of Democratic administrations have rolled around, that there will not be a blot nor a stain of the old infamous contract system, of the old jobbery and robbery which have characterized the administrations of a period gone by on the records of the Democratic party in its administration of the Government.

[Here the hammer fell.]

Mr. KEIFER. It is due to myself to say that when I take the floor in the time given me by the gentleman from Texas [Mr. HANCOCK] it is with the understanding that I am not favoring the committee's bill in its full scope, but only in part of its details. I believe it has been held, under the rules of this House, that in general debate upon a general appropriation bill in Committee of the Whole a member may talk upon any subject he chooses to select within the range of legislative matters. And accordingly my distinguished friend from Michigan [Mr. HERR] has undertaken to discuss in some relation the silver question, and especially the relation of the President-elect, Mr. Cleveland, to the Democratic party. I do not have very much criticism to make upon what he said except that I do not wish it to go unchallenged that all the statements contained in the recent letter of Grover Cleveland are pure pearls. I do not suppose that he has had much time recently to examine this financial question in all its phases, but it is hardly fair to allow it to go forth as a statement uncontradicted that the greenback and United States Treasury notes are only redeemable in gold coin, which is assumed in the letter the distinguished gentleman from Michigan chooses to in his way compliment.

Mr. Cleveland also assumes that unless we suspend the coinage of the standard silver dollar the time will come when we will not have gold enough in the Treasury of the United States to pay all the "gold obligations of the United States and to redeem all the United States notes called greenbacks." I quote a portion of the letter:

Silver and silver certificates have displaced and are now displacing gold, and the sum of gold in the Federal Treasury now available for the payment of the gold obligations of the United States and for the redemption of the United States notes, called greenbacks, if not already encroached upon is perilously near such encroachment. These are facts which, as they do not admit of difference of opinion, call for no argument.

What gold obligations of the United States are outstanding? None were ever issued. United States obligations are all payable in coin. He could not have referred to gold certificates, for they are based on gold bullion or coin specially held for their redemption. I supposed that everybody knew that under the law the United States may redeem the greenback at pleasure in coin. I have supposed that under the law the greenback could be redeemed at the pleasure of the Government in gold or silver coin. Is not that right, my friend from Texas?

Mr. MILLS. I think so.

Mr. KEIFER. There then does seem to be some difference of opinion on what the writer chooses to call "facts."

Now, there is another thing I wish to say in relation to this matter and which relates to the central idea in the letter. He says in effect that we must suspend the coinage of the silver dollar in order that we may appreciate silver so as to prevent what he calls the grave calamity of the parting of the metals. According to the judgments of the most of men we suppose that so long as we utilize, use, and find a market for silver bullion that we are appreciating it and not depreciating it. But the statement of this letter is that if the United States ceases to coin silver bullion and quits the use of silver metal at all it will cause it to bear a higher price. That is simply absurd. My idea is, and it is demonstrated by the recent market quotations of the price of silver bullion in the markets of the world, and especially in the London market, that if we do suspend the coinage of the silver dollar silver bullion will cheapen and the difference between the gold coin and the standard silver dollar will widen. The breach will inevitably widen from the moment we demonetize silver in the United States, and gold will at once be at a premium.

Now I am about done with that letter.

Mr. BRUMM. I desire to suggest the inquiry whether that has not been demonstrated conclusively by the demonetization of silver in Germany and this country.

Mr. KEIFER. It has been demonstrated everywhere. But it is not entirely correct to talk about gold and silver in the way that is mentioned in the letter. We have, according to the last monthly statement, of gold coin and gold bullion in the Treasury of the United States and gold certificates that are held by the Treasury \$259,567,000. There are outstanding gold certificates \$134,279,000; the difference between the two being \$125,288,000 gold in the Treasury as against \$41,581,000 in silver in the Treasury over and above the outstanding silver certificates. The standard silver dollars in the United States Treasury over what is necessary to redeem outstanding silver certificates is only \$41,581,000. We have coined under the act of February, 1878, \$193,500,000 of standard silver dollars, and through the use of the silver certificates they are much more largely in use than is generally supposed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEIFER. I am allowed two minutes more, and in that time I will close.

Now, Mr. Chairman, I am only giving some of these figures in order that gentlemen who may want to study this question may do it. I wish to say, for it is the only opportunity presented to me, that I am opposed to merely suspending the coinage of the standard silver dollar. I was willing that there should have been debate upon that subject in the House in order that we might have disclosed what we think is entirely in the business interest of this country.

Now, Mr. Chairman, recurring to this bill, I do not believe in spending any more money upon forts or guns that in the general judgment of the men skilled in warfare, both land and naval warfare, are utterly valueless. I must content myself in the limited time I have with saying that I am opposed generally to the bill reported by the committee.

I want to say one word with reference to the calibers that are spoken of in this bill and which have been criticised. I wish it were possible for us to have uniform calibers for guns, both in the Army and Navy, in order that there might not be difficulty in getting ammunition to suit the various calibers, as stated by the gentleman from California [Mr. ROSECRANS]. But I agree in the main with the criticism on this part of the bill offered by the gentleman from Louisiana [Mr. ELLIS].

[Here the hammer fell.]

Mr. HANCOCK. I have neither the time nor the inclination to depreciate the Republican or exalt the Democratic party. I do not know whether it is possible to meet the requirements of the gentleman from Maine [Mr. REED] or the gentleman from Michigan [Mr. HERR] as to the degree of ability, intelligence, and statesmanship which they find deficient and so lamentably wanting in the Democratic party. Probably the only way that could be done, Mr. Chairman, would be by incorporating those gentlemen into the party; and that being an impossibility we will have to submit to the want of ability that characterizes the Democracy. No other individuals probably in America could supply that deficiency; and as they are not attainable we have to mourn the inability to meet the requirements. [Laughter.]

I do not pretend to be an expert in ordnance and may well submit to the severe animadversions of the gentleman from Louisiana [Mr. ELLIS] in characterizing the bill reported by the committee as imbecile, brainless, and nonsensical. He speaks with that degree of confidence that no one can doubt his sincerity; but he might be very much in the category of a certain quadruped which is more characterized by courage than discretion.

I am not called upon to criticize the gentleman's bill. If it were passed I think I should not risk my reputation as a prophet if I should say no gun would ever be produced under it that would stand the test necessary for its being reliable when in use in actual battle. I do not think one gun would ever be produced at all; for, unless I mistake the provisions of the gentleman's bill, it does not provide there should be; but a very large amount of money would be taken from the Treasury for expenditure elsewhere extending over a period of five years.

Mr. ELLIS. The gentleman has not read the substitute or he would not make that assertion.

Mr. HANCOCK. I have read one substitute. I do not know how many there are.

Mr. ELLIS. Only one. It is the bill the gentleman agreed to.

Mr. HANCOCK. I did not agree to it.

Mr. ELLIS. The gentleman agreed to report it.

Mr. HANCOCK. I agreed that it might be offered as a substitute.

I do not know that I understand it correctly. I do not know that I understand this bill correctly. If I do, I do not think the gentlemen who oppose it understand it in the light that I understand it. It seems that the gentleman from Louisiana has become a monometallist, and thinks steel is the only thing that can be used; it is with him the metal of metals. Nothing else need be looked at as adequate to meet the requirements of the art of war except steel.

Now, Mr. Chairman, I do not give you my views upon this subject; for really I am not sufficiently versed in it to have a definite opinion of my own, but I have inquired wherever I thought I could get information on the subject. I have asked the ordnance officers of the Army for a single instance in which a steel gun had stood twenty consecutive fires as in battle without bursting, and even General Benét himself could not produce such an instance.

Mr. ELLIS. Do you want an instance as stated in the official report?

Mr. HANCOCK. Yes, sir.

Mr. ELLIS. The bombardment of Alexandria.

Mr. HANCOCK. I am to come to that in a moment. The gentleman need not get nervous.

Mr. ELLIS. I see no reason why I should get nervous.

Mr. HANCOCK. Then there is the more reason for keeping cool. The gentleman refers to the bombardment of Alexandria. I speak here from the official record, and it is proclaimed in the Senate of the United States, and incorporated in the appendix to this report, that there was no such firing in the bombardment of Alexandria as would be a sufficient test of the reliability of such guns in battle.

Mr. ELLIS. That Senator is your authority, is he?

Mr. HANCOCK. No, sir; the history of the transaction is the authority. And your own report shows that the intervals between the firing were from fifteen to twenty minutes. And then the Senator says—

Mr. ELLIS. What Senator is that?

Mr. HANCOCK. He is not from Louisiana.

Mr. ELLIS. Where is he from?

Mr. HANCOCK. I do not care about naming Senators. The gentleman can look for himself. He will find it on pages 208 and 209 of Senate Report 169, Forty-seventh Congress, second session.

Mr. ELLIS. Will my friend give me the name of the Senator?

Mr. HANCOCK. A distinguished Senator said in debate—

Mr. ELLIS. Will my friend give me the name of the Senator?

Mr. HANCOCK. It was Senator BUTLER, I believe. He said:

I wish to call the attention of the Senate to one fact. In the siege of Alexandria the other day, which is said to have been one of the most remarkable of all the naval exploits in history in the particular of its being an engagement in which the heaviest missiles were thrown, and in the largest number, one of the British ships, firing at very slow time, perhaps not repeating its fire oftener than twenty minutes' interval, was compelled to retire after one day's action and go to an island in the Mediterranean Sea for a new armament. * * * Every shot she expended cost the British Government a thousand dollars; and yet at the end of a single day of slow action that ship was compelled to retire to an island in the Mediterranean, where they had reserves of artillery, for a new armament. The result will be shown when the report of this naval engagement at Alexandria comes to be made up by scientific men, as the actual facts as stated prove that there is something, even among the English guns and German guns and French guns, which is still very imperfect, and which I trust very much will be supplied by American genius.

I have confidence in the capacity of our inventors to accomplish and master any improvement that needs to be mastered for the success of our Navy in the future and for the defense of our coast.

Mr. Chairman, I too have abundant confidence in American genius—abundant confidence that if it be permitted to enter the lists of competition it will be able to remedy this defect and secure the desired result. I do not think gentlemen need to disturb their souls by reason of the danger of Krupp coming over here and taking a contract to make these guns, and thereby depriving the American people of the advantage and the glory of supplying their own wants in this particular by their own productions. Why, sir, at the rate proposed to be paid you could head him off by the tariff you would impose so that he could not sell his guns for sufficient to pay the duty on them. No one supposes there is any purpose to go outside of this country to procure these guns. The idea is to develop our own resources and to do that in antagonism to this club which exists here and which is always found arrayed against every great individual enterprise that is proposed—I mean the Army and Navy. Sir, if I had the power (as unfortunately I have not power to do a great many things I would like to do) I would abolish both of those institutions before the sun went down. [Laughter.] I would abolish the Military Academy at West Point and the Naval Academy at Annapolis.

We pay large sums annually to graduate young men at those institutions, and yet now, when we have gone far into a century of their existence, we find that they have not graduated a single engineer of national repute—not one; and when the clouds of war gathered over this

country (which can never be alluded to with any pleasure) where did you find your generals to lead your armies to victory? Everybody knows that they were not found in the ranks of the Army or in the service of the Government at that time.

Mr. JOSEPH D. TAYLOR. How about General Lee?

Mr. HANCOCK. Oh, he led his army the other way.

Mr. JOSEPH D. TAYLOR. But he was a graduate of West Point all the same.

Mr. HANCOCK. Mr. Chairman, we are graduating young men at those institutions so rapidly that we can not find places for them. Of course there is nothing more delightful to them than to graduate there and get their diplomas and get their commissions and draw their pay, and then devote themselves to leading the German, in the matter of which they are said to attain a very high degree of proficiency [laughter], and whenever any proposition out of the ordinary rut is brought up this Army and Navy club comes forward to oppose it with some professional production like that which the gentleman from Illinois [Mr. THOMAS] has read here for the enlightenment of Congress—Congress, the body that should be ready to assume the responsibility of whatever legislation is necessary upon these subjects.

Mr. THOMAS. Mr. Chairman, I do not know by what authority the gentleman makes that statement as to what I read here.

Mr. HANCOCK. Oh, just from the character of the production itself, nothing else.

Mr. THOMAS. You thought it was a military academy production?

Mr. HANCOCK. It sounded very like it, and I have read a good many of them; but I do not know anything about the origin of that one, and probably I would not have taken this view of it if the gentleman from Illinois [Mr. THOMAS] had not found a "steal" in this bill. I do not know what particular facilities he may have for detecting steals, but I remember that on one or two previous occasions he has discovered "steals" in places where no one else expected their existence. The "steal" that he finds in this bill is the provision for securing, if it be possible, a 12-inch steel gun of a certain capacity, although for the construction of that gun the whole country is invited to come in and compete, and those who do compete are required to test the guns at their own expense. Mr. Chairman, if that is a provision for a steal I am inclined to think it is a kind of larceny that ought to be very much encouraged. [Laughter.] By this plan we shall probably be able to get a gun that will amount to something in less time than your Chief of Ordnance officially says it would take him to make one. As late as 1874 he testified as follows as to the time it would take him to make one or two guns—and he has not produced them yet. Speaking before the Senate committee, he says:

To return to the matter of steel guns, if Congress were to go into their fabrication I should begin by trying to make two 8-inch guns—

Mr. THOMAS. Whose statement is that?

Mr. HANCOCK. General Benét's. He goes on to say:

I presume that to make one with bands of steel and another wrapped round with wire would probably take me two years. If we succeed we should go on making steel guns of that caliber and at the same time take a step further—

[Here the hammer fell.]

Mr. HANCOCK. Mr. Chairman, I thought I had retained about eighteen minutes.

Mr. BAYNE. I ask unanimous consent that the gentleman from Texas [Mr. HANCOCK] have ten minutes more.

Mr. THOMAS. If the opponents of the bill are given the same courtesy I shall not object.

Mr. HANCOCK. Mr. Chairman, we are engaged in a discussion under the five-minute rule, and I move to strike out the last paragraph.

MESSAGE FROM THE SENATE.

The committee rose informally.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had passed a bill and a joint resolution of the following titles:

A bill (H. R. 6089) for the relief of Moses F. Carleton; and

Joint resolution (H. Res. 342) with amendments, to authorize the printing of 400,000 copies of the report of the Commissioner of Agriculture for the year 1885.

The message further announced that the Senate had concurred in the amendments of the House of Representatives to bills of the following titles:

A bill (S. 2316) granting a pension to Mrs. Cordelia Brainerd Thomas; and

A bill (S. 2262) granting a pension to Sedate R. Martin.

The message further announced that the Senate had passed a resolution providing for the printing of 5,000 copies of Executive Document 59, being the report of the delegates on behalf of the United States to the third international convention of the Society of the Red Cross of Geneva.

FORTIFICATIONS APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. ADAMS, of Illinois. Mr. Chairman, before the reading of the bill begins I wish to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ADAMS, of Illinois. I notice that this bill consists of only one section, and I desire to ask whether as the reading of the bill progresses I shall be at liberty to make a point of order against the proposition in any paragraph when it is reached.

The CHAIRMAN. The gentleman may make his point of order in the ordinary mode in which points are made during the consideration of general appropriation bills.

Mr. KEIFER. I ask unanimous consent to extend in the RECORD my remarks made this morning.

There being no objection, leave was granted.

Mr. HANCOCK. I ask that the first paragraph of the bill be read.

The CHAIRMAN. The Clerk will proceed to read the bill by paragraphs for amendment.

The Clerk read as follows:

Be it enacted, &c. That the sums of money herein provided for be, and the same are hereby, appropriated out of any moneys in the Treasury not otherwise appropriated, namely:

For the protection, preservation, and repair of fortifications and other works of defense for the fiscal year ending June 30, 1886, \$100,000, the same to be expended under the direction of the Secretary of War.

Mr. HANCOCK. For the purpose of continuing the remarks in which I was interrupted, I move to amend by striking out the last line of the paragraph last read.

I read further from the testimony of the chief of the Ordnance Department of the Army:

To return to the matter of steel guns,

If Congress were to go into their fabrication, I should begin by trying to make two 8-inch guns.

I presume that to make one with bands of steel and another wrapped around with wire would probably take me at least two years.

If we succeeded we could go on making steel guns of that caliber, and at the same time take a step further and try a 10-inch gun; that would take a year or two more.

Then if we were successful we could go to a 12-inch gun, which, of course, would require increased plant and heavier hammers.

I should say, if we had the means of going on, that in the course of eight or ten years we ought to have the requisite plant in this country to make guns of any size we might require; but we have not got it now: we have barely got heavy enough hammers for the smaller caliber of guns, such as 6 and 8 inch, and at several of our best establishments a steel ingot cast at one place has to be sent to another place to be forged; steel-making of a quality suitable for guns has not yet progressed beyond the experimental stage.

Mr. ELLIS. From what is the gentleman reading?

Mr. HANCOCK. From the testimony of General Benét.

Mr. ELLIS. When?

Mr. HANCOCK. Ten years ago.

Mr. ELLIS. Ten years ago!

Mr. HANCOCK. He stated that he might possibly be able to make such a gun as he described in two years if he had the money. Four million and a half of dollars have been expended; and as late as December 23, 1883, Hon. William E. Chandler, Secretary of the Navy, said in a speech at Philadelphia:

But for the restoration of the Navy, in the place of our obsolete wooden ships and smooth-bore guns, we need modern steel ships and high power rifled cannon, of which we have not one to-day.

This business takes a good deal longer than your paragon of ability in ordnance imagines. Ten years have gone by, and he has not yet completed the first gun; and I think it will take him the residue of this century to get out one gun according to the processes by which he proceeds.

In May, 1883, Admiral C. P. R. Rodgers, in an address at a banquet of the Society of the Army of the Potomac, at Washington, said:

We have not one large and efficient ship of war, and our few good sloops are not of the best type.

Mr. ELLIS. What is the date of that?

Mr. HANCOCK. I have already stated the date. The gentleman should come nearer; he is getting hard of hearing. Age is telling upon him, as it is upon myself. [Laughter.]

Admiral Rodgers says further:

So far as I know we have not one very good gun, of even moderate caliber, ashore or afloat, and what is more, I fear we have not the trained artisans and the forges to make them.

He did not know that General Benét had considered this subject in connection with the honorable member from Louisiana. That was Admiral Rodgers's opinion in May, 1883. So far as I can find there is no advance in this discovery of making everything out of steel and going to Krupp for it. I challenge the gentleman to bring forward an instance where one of the Krupp guns has stood the test of twenty consecutive fires, two or three a minute, as in battle. Krupp will not subject his guns to this test. He will send one of his guns down to the Italians, and let them have it as an ornament, afraid to fire it because the tests of these guns have usually killed more in the rear than in the front.

Mr. ELLIS. Why, Mr. Chairman, if the gentleman knew what he is talking about he would know that before Krupp ships a gun he tests it by rapid firing eight hours with battering charges.

Mr. HANCOCK. The gentleman will learn something if he will listen a moment, and not get impatient. I had several other short extracts which I had intended to read, but I will forego doing so because

they irritate the gentleman. Here are some of the tests that Krupp himself makes:

In June, 1860, a 12-pounder Mersey steel gun was fired six rounds, at Shoeburyness, and burst.

What further do we have in the way of tests? Let me continue:

In November, 1861, a 20-pounder Krupp steel gun was fired two rounds, at Shoeburyness, and burst.

In March, 1862, a 30-pounder French steel gun was fired, at Gavres, and burst.

Mr. ELLIS. What was the date of that last test?

Mr. HANCOCK. You must listen a little closer as I read off the dates as it is a great trouble for me constantly to go back and repeat them. Besides I have not the time to spare. The last one was March, 1862. The next was in April:

In April, 1863, a 20-pounder Muesels steel gun was fired one hundred and thirty-two rounds, at Shoeburyness, and burst.

In 1864 a 9½-inch Krupp steel gun was fired sixty-six times, in Russia, and burst.

I believe the gentleman will admit that all the Russian guns burst. [Laughter.] They have ordered, I see, some more of them, although they find after a short time they burst and kill a great many at the breech of the guns, but they have a great many Russians and do not seem to mind it. [Laughter.]

In June, 1866, a 9-inch Krupp steel gun was fired fifty-six times, in Russia, and burst.

There is no excuse for that, except incompetency or infidelity. We can make 6 or 7 inch guns here, I am satisfied. I believe that Yankee ingenuity is able to make guns of such caliber that will not burst. The great difficulty has been that as you increase the caliber you render the gun more and more liable to burst, until with some people—not with General Benét or my friend from Louisiana—it is not a proposition simply whether the thing is practical or not, for they have not discovered—

Mr. ELLIS rose.

Mr. HANCOCK. You and General Benét have been working on this for a great while.

Mr. ELLIS. Will the gentleman answer me a question?

Mr. HANCOCK. Yes, if I am able to do so.

Mr. ELLIS. If that is so and steel is condemned, why has Krupp invested \$30,000,000? Why has Sir Joseph Whitworth and Sir William Armstrong abandoned their own line and gone into it? Why has France and Italy and all the other great powers done the same thing?

Mr. HANCOCK. Do not make your question so long. In answer to the gentleman's question I will say that I suppose it is on the same principle that Worth, the great authority of female fashion in Paris, has invested everything he had on earth in his business [laughter] and so has made himself a millionaire. These other parties have got the world to believe, that is I suppose most of them have, that they are infallible—I know that you and General Benét do; that nothing but steel will do. I do not say that steel will not do. I say that all the experiments up to this time have proved to the satisfaction of my understanding that the best metal that can be used, that the best metal in the world according to experiments and experience of warfare, the best metal that can be used is bronze for guns from seven inches down. Whether it would resist the disposition toward elongation I do not know, but I have seen guns myself which had been reputed to be in use over a hundred years that were still sound.

Mr. ELLIS. Let me ask the gentleman a question.

Mr. HANCOCK. Certainly.

Mr. ELLIS. Is it the unanimous opinion of the report of the foundry board, the latest authority, that steel is the best metal out of which to make guns?

Mr. HANCOCK. The gun-foundry board is made up of such persons that I am not willing to see the money of the people of the United States entirely entrusted to them. I want the different branches of the service to come in. If I could have my way I would put in a few shrewd Yankees and run the risk of their putting up a job. [Laughter.] But I do not think they could succeed while my friend from Indiana [Mr. HOLMAN] is in Congress when they came to ask for an appropriation.

There is nothing to be got out of this bill. All these experiments have to be made at the expense of the party producing the gun. They have to bear the whole expense of the tests.

I wish to call the gentleman's attention to the remaining instances of experiments with these guns. They are as follows:

In 1864 a 9½-inch Krupp steel gun was fired sixty-six times, in Russia, and burst.

In August, 1865, a 9½-inch Krupp steel gun was fired, in Prussia, and burst.

In 1865 an 8½-inch Krupp steel gun was fired one hundred and nine times, in Russia, and burst.

In June, 1866, a 9-inch Krupp steel gun was fired fifty-six times, in Russia, and burst.

In 1866 a Krupp steel field-gun was fired, in Berlin, and burst, killing three cadets.

In January, 1867, a 7-inch Krupp steel gun was fired twice, at Woolwich, and burst.

On the 27th of September, 1867, a 4-pounder Krupp steel gun was fired, at Tegel, and burst, killing two men.

In July, 1867, a 9-inch Krupp steel gun was fired, on the Russian frigate *Nywekl*, and burst, killing twelve men and wounding thirty.

In November, 1876, a 7½ French steel gun was fired, at Havre, and burst, killing one man.

In 1868 a 9-inch Krupp steel gun was fired, in Russia, and burst.
In 1868 a 9-inch Krupp steel gun was fired, in Cadiz, and burst.
In January, 1869, a 13-inch Krupp steel gun was fired, in Prussia, and burst into twenty pieces.
On the 29th of September, 1871, an 11-inch hooped Krupp steel gun was fired once, at Cronstadt, and burst into several pieces.

All the above facts are found recorded in the Journal of the Royal United Service Institution.

Mr. BUDD was recognized and yielded his time to Mr. HANCOCK.

Mr. HANCOCK. Now, Mr. Chairman, the gentleman from Maine [Mr. REED], for whom I have the greatest admiration, criticised very severely in his remarks on this bill the provision with reference to the construction of 12-inch guns, and said that it was an unnecessary expenditure of money to get the gun; that it would open up a big job and an opportunity to impose upon the Government, when if he had read the bill carefully he would have found that it confined it solely and alone to one single breech-loading rifled gun of twelve inches caliber, which shall be produced and subjected to such tests of power and endurance as may be prescribed, and at the expense of the party, in all respects, who presents such a gun.

The bill also provides that this gun shall be constructed before any contracts are entered into for cannon for the armament of our fortifications, and that it shall receive the favor of the board composed of the officers in whom the members on this floor have great confidence, whose report must be satisfactory before any contract is made. There is no intention to enter into the manufacture of a lot of worthless 8-inch or 10-inch guns. I do not undertake to say it will be entirely satisfactory in all respects, but it is well worth a trial to see whether such guns can be made in this country of sufficient power and endurance for all the purposes of our seacoast and harbor defenses.

Mr. REED, of Maine. Will the gentleman permit an interruption?
Mr. HANCOCK. Certainly.

Mr. REED, of Maine. The sixty-seventh and sixty-eighth lines of this bill declare that before any further contracts are entered into or expenditures made for cannon for the armament of fortifications except as herein provided a breech-loading rifled cannon of 12-inch caliber shall be produced, &c.

Mr. HANCOCK. That is just what I said.

Mr. REED, of Maine. Does not that inhibit the building of other guns until this provision has been complied with?

Mr. HANCOCK. Yes, sir; and I think it ought to.

Mr. REED, of Maine. And that is just what I complain of.

Mr. HANCOCK. It is the opinion of some experts that the amount of money expended—and I think that statement will be found also in the testimony of many officers of the Army and in the report of the Secretary of the Navy—that after spending millions and millions of money we have not succeeded in getting a gun either afloat or ashore which is a first-class gun; not one.

Mr. ELLIS. Everybody knows that, and that is just what I want to get.

Mr. HANCOCK. Then if everybody knows it do not take up my time in calling everybody's attention to it; at least you need not take up my time to tell everybody what everybody knows. [Laughter.] But I was going on to say that after twenty-five years of experimental work and vast expenditures of money we have not yet a single gun afloat or ashore of a first-class character. I shall say nothing about ships, for that has been provided for under a similar provision in another bill that is attempted here in regard to our fortifications and armament. But I think it is wise policy to let the next Congress, of which I shall not be a troublesome member, I am sure, have some data on which to act, so that when money is appropriated, and I hope millions of dollars will be, they may know how to apply such appropriations.

For I desire, Mr. Chairman, to see the country properly prepared to meet any emergency that may arise; but I do not wish to see the interests of a great people left alone to the engineering skill of one person because he says that in ten or twelve years he thinks he can make a gun. Let us find out if somebody else can not do a little better, and if they do to the satisfaction of the board, then the duty on the part of the American Congress is simplified; we will simply make generous appropriations to provide our seacoast cities and towns with fortifications and armament ample to resist any probable attack.

Mr. ELLIS. Are you willing to see that work go on?

Mr. REED, of Maine. If the gentleman will permit another interruption, if he intends to rely upon that board, why this particularity of detail in regard to this gun? It provides certain conditions which at least may be characterized as unusual; some of them seem to be rather strange, and appear to point to a particular gun or a particular manufacturer. If my opinion be correct, this should be explained by the gentleman from Texas or some other member of the committee.

Mr. HANCOCK. I know nothing of a particular case. But where a bill is general or broad in its extent all through, where its light falls upon the just and unjust alike, like the dews of heaven, I can not think that there is much danger in it.

[Here the hammer fell.]

Mr. THOMAS. Mr. Chairman, the distinguished gentleman from Texas a few moments since referred to me as the gentleman always able to detect a steal—

Mr. HANCOCK. Not always.

Mr. THOMAS. He says now I have not always been able to detect all the steals going on. Now, I defy the gentleman to produce from the CONGRESSIONAL RECORD one remark of mine, during the six years of my service in Congress upon this floor, where I have ever charged upon any member of this House that he has been guilty of a steal.

Mr. HANCOCK. Oh, I never thought of such a thing.

Mr. THOMAS. I suppose the gentleman indulged in ridicule in alluding to my course, because of the fact of my having called attention on yesterday, in the debate on the sundry civil bill, to the gentleman from Texas, as a member of the Committee on Appropriations, having provided for the State of Texas in that bill by two appropriations for public buildings.

A MEMBER. What two?

Mr. THOMAS. The gentleman inquires what two. I will be glad to inform him. I refer to the court-house and post-office at Dallas, Tex., for one, and to the public buildings and grounds at Galveston, Tex., for the other. Now, that is exactly where the shoe pinches.

I found fault with the Committee on Appropriations coming in here with a bill making special provision for public buildings in the States represented by members of that committee, when the other members of the House who wanted such appropriations were compelled to rely upon getting special bills passed. I denounced that as unjust. I denounce it now as unjust. I did not say there was a "steal" in it, but I called attention to the fact that those gentlemen having an opportunity to make special provision for their own States provided for them, and the gentleman from Texas [Mr. HANCOCK] is one of those to whom that remark applied.

Now, so far as my friend from Michigan [Mr. HERR] is concerned, although he is a member of that committee, I find that he did not provide specially for Michigan—why, I am unable to say, unless it is because the public service did not demand such an appropriation.

Mr. HERR. Will the gentleman permit me—

Mr. THOMAS. Just one moment.

Mr. HERR. Mr. Chairman, the fact that I got no extra appropriation in that bill for my State is owing to my excessive modesty, which has bothered me throughout my entire public life. [Laughter.]

Mr. THOMAS. Mr. Chairman, we have often observed here that modesty upon which the gentleman so justly prides himself, and perhaps we have never seen it so strikingly exhibited as in this instance in his failure to get a special appropriation for his State—a thing surprising from any point of view, but especially so when we remember that the gentleman is from Michigan. [Laughter.]

Mr. Chairman, the gentleman from Texas [Mr. HANCOCK] says that I have found a "steal" in this pending bill. In the remarks that I made a little while ago I said nothing about a steal. I simply said that while this bill purported to appropriate \$955,000 it was in fact a bill for the appropriation of \$3,600,000 in addition, and I said that it held within its scope a scheme to allow the "great American gun-burster" referred to awhile ago by the gentleman from New Jersey [Mr. MCADOO] to buy guns of the Government at a quarter of a cent a pound and then sell them back to the Government slightly changed at 50 cents a pound.

I assert here, and I can demonstrate it by the highest authority, both naval and military, that the changes that are proposed to be made under this bill could be made at one-tenth of the proposed cost. Now, if the gentleman from Texas is caught with "the meat on his back" let him own up and not go around telling about "steals." [Laughter.] I have said nothing about steals in this connection; but I have said, and I say again, that while this bill pretends to appropriate \$955,000 it really in fact appropriates \$3,600,000, and involves apparently one of the worst jobs that has ever been proposed in Congress since I have been a member.

MESSAGE FROM THE SENATE.

The committee rose informally; and a message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had passed bills of the following titles:

A bill (H. R. 870) to provide for the erection of a public building at Aberdeen, Miss., for use as a post-office, United States court, and for United States internal-revenue officials, and for other Government purposes;

A bill (H. R. 1321) for the erection of a public building at Reading, Pa.;

A bill (H. R. 1618) to provide for the construction of a court-house and post-office at Clarksburg, W. Va.;

A bill (H. R. 2123) for the erection of a public building at Wichita, Kans.;

A bill (H. R. 2949) for the erection of a public building at Fort Townsend, Wash.;

A bill (H. R. 3343) for the erection of a public building at the city of Auburn, N. Y.;

A bill (H. R. 3593) for the erection of a public building at Chicago, Ill.;

A bill (H. R. 4067) to change the limit of appropriations for the public building at Louisville, Ky.; and

A bill (H. R. 6089) for the relief of Mrs. F. Carleton.

FORTIFICATION APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. DORSHEIMER. Mr. Chairman, the gentleman from Michigan [Mr. HERR] who is a member of the Appropriations Committee took occasion a little while ago to deliver his valedictory address to this House. I think this is also a suitable time for me to deliver my valedictory address, and inasmuch as the measure before us relates to heavy weights and big guns, perhaps there is some propriety in the choice of the gentleman from Michigan and myself of the time for delivering our valedictory addresses. [Laughter.] The gentleman from Michigan took the opportunity which the debate afforded him to deliver a glowing eulogy upon a late public act of the President-elect. We all upon this side of the House observed the evidence which he gave of a friendly disposition toward us with great pleasure.

I think I may describe the gentleman from Michigan as a man of a somewhat exuberant humor; but during this entire session a melancholy seemed to have settled down upon his spirit, and he has not shown his characteristic good nature. I was therefore surprised to find that the old faculty had returned to him to-day, and that the speech which he made here in eulogy of Governor Cleveland showed more of his humorous characteristics than any other speech which he has made during the present session. Was it an indication, sir, that the gentleman who has been melancholy at the prospect of going out of power finds that he may have an opportunity of returning to power?

Is it possible that the gentleman from Michigan has indicated here to-day his intention to support Governor Cleveland's administration, and his ambition, perhaps, to return to this House two years hence, to sit upon our side of it, and to enjoy what he has so long enjoyed, the delights of political place and power?

I think I may say, although I shall not be here to welcome him, that if he should come he will receive a cordial welcome from this side of the House, for we should be glad to have his very unusual facilities for debate always displayed as they were this morning in the eulogy of Democratic statesmen and in the defense of Democratic doctrine. [Laughter.]

The public act which was the subject of the eulogy of the gentleman from Michigan was the letter addressed to certain members of this House by the President-elect. Now, I agree with the gentleman that that letter contained an abundance of sound doctrine. I will, however, say, because I propose to be perfectly frank, and from a long knowledge of and personal acquaintance with the President-elect I know that his character and disposition dispose all men to frankness who deal with him as to public matters—

The CHAIRMAN. The time of the gentleman has expired.

Mr. HERR was recognized and yielded his time to Mr. DORSHEIMER.

Mr. DORSHEIMER. I should have preferred, inasmuch as the President-elect thought it desirable to address certain members of the House, that he had done what I have no doubt he will do upon the first occasion which the duties of his office shall furnish him, and that is to suggest to Congress some practicable method by which the circulation as coin of the two metals can be maintained and reconciled. For I do not believe it to be either desirable or possible that silver should be demonetized in this country. On the other hand, I think it is a part of true statesmanship to recognize the facts that exist and to bring about a reconciliation between these two currencies by a reconsideration of the ratio of their values.

In my judgment, the true solution is to make the silver dollar equal to the gold dollar, and if the silver dollar be made equal to the gold dollar there will be no reason for placing any restriction whatever upon its coinage. And indeed we might in that case safely make it the sole foundation of the paper money of the country. I believe in some such solution as the one I have suggested, although I wish to be deferential in expressing my views; for without reference to particular plans the result is what I would aim to accomplish, and that result in my judgment must be a reconciliation of this difficulty by placing the gold coinage and the silver coinage of the country upon an equality as to value.

How much time have I left?

The CHAIRMAN. The gentleman has one minute of his time remaining.

Mr. DORSHEIMER. Mr. Chairman, the time at my disposal will not permit me to go into the subject of the bill. I will, however, briefly state that in my judgment the time has arrived when sufficient appropriations should be made for the re-enforcement of our fortifications and for the provision of new and improved cannon. I am sorry to say that I do not think the bill offered by the committee accomplishes this. We should place in the hands of the Administration such a law as will enable it to procure the guns that are needed and to give to the fortifications the strength that they should have.

[Here the hammer fell.]

Mr. HERR. I have been very much instructed, not to say amused, by the fact that my friend from New York [Mr. DORSHEIMER] should have taken the peculiar view he did of my remarks in reference to the good sense exhibited in the letter written by his distinguished friend who is to become very soon President of the United States. I was not astonished that he should think it was an intimation that I was about to leave my party and go over to the Democracy, because I recollect it is the most common thing in the world for people to judge others by

what they do themselves. [Laughter.] And I recollect it was only a little while ago when my friend was a rousing good Republican; and the moment the Republicans did not, as he thought, properly provide for him he trotted out and joined the Democrats. [Laughter.] I wish to say that is not my style. I believe in the Republican party and its principles. I am proud of its history and its record, and I hope to die believing in the principles that I have advocated up to this day during my whole life. I do not leave a party because it does not at all times keep me in place, nor would I under any conceivable condition seek refuge in the Democratic party. [Applause.]

I do not think my friend should complain because I happened to discover a little sense in something coming from a Democrat in the United States. [Laughter.] You ought not to complain at my giving notice of such a discovery. I know it is extremely rare. [Laughter.] Oh! how rare! [Laughter.] But when I find a Democrat guilty of using good common sense and stating it in good common English, my nature is such that I can not be unjust and deny him full credit for so unusual a gift. [Laughter.] If his party friends here had taken my advice they would not have given their President thus early the "black eye" that they administered to him the other day. My word for it, he did not deserve it nor did he expect it. [Laughter.] I say again, he did better than I supposed it was possible for him to do. I give him credit for it. And have I not the right to do that?

Mr. DORSHEIMER. Certainly.

Mr. HERR. I wish I could say as much for the Democratic majority here—not for you; you voted with him; it can not be on account of any sly way you have of being in the warming rays of the rising sun. [Laughter.] Mr. Chairman, as I said in good faith, I hoped when I read this letter that we were to have a new era. I did not make that remark for the purpose of lugging in politics. I did it for the purpose of illustrating that on this fortification bill I hoped some good sense would be exhibited, and that we would have in this new Democratic administration—I will not say a return but a resort to business principles; that we would build forts and defend our great cities; that we would have American steel and American guns; that our own factories would be set running, and that this would be done under an administration that I did not expect any great things of. I hope such will be the result. Your President has started right. Let us all stand by him—when he is right. When he is wrong I shall take the earliest opportunity to say so, and shall do it (now, take notice) while staying in the Republican party. [Applause.] I shall not go over to the Democracy to preach my politics.

[Here the hammer fell.]

Mr. WARNER, of Ohio, obtained the floor.

Mr. HANCOCK. I wish to remark that it is not proposed to build fortifications or fabricate guns of silver; and I submit that this debate should be confined to the subject before the Committee of the Whole.

Mr. ELLIS. I rise to a question of order. Is it in order, Mr. Chairman, upon amendments to this fortification bill to make political speeches upon silver?

The CHAIRMAN. The Chair thinks not.

Mr. ELLIS. Then I trust the Chair will confine gentlemen to the question under debate.

Mr. BLAND. That point ought to have been raised a little sooner.

Mr. WARNER, of Ohio. Mr. Chairman, this point of order is raised rather late. I understand very well that this is a fortification bill and that the question before the House relates to guns and fortifications—not to silver and gold. Nevertheless, Mr. Chairman, the silver question has been imported into the discussion; and I think it will not be considered out of place for me to say a word on it. Silver may come in play in payment of guns and fortifications.

The silver question is an economic question, not a political question. It is a question that concerns the world. It is not a question to be settled by reference to the opinion of any one. It is well understood that able men hold different views on this question. It is well understood, and has been I presume, that the President-elect entertained opinions not in harmony with all the members of this House. There is nothing strange in that fact. Republicans do not agree on it, and never have. Distinguished Republicans hold opinions entirely at variance with a majority of their party. There is nothing strange in that. The silver question belongs to a class of questions on which there are certain to be differences of opinion. It is a question of monetary science.

But I rise, Mr. Chairman, to say a word rather upon the alarm that has been sounded throughout the country that a financial crisis is about to overtake us unless the coinage of silver is stopped. I regret that time does not permit me to give reasons at length for the belief that there is no real foundation for such fears. A certain letter of the President-elect has been referred to. It is a letter evidently prepared with care and doubtless expresses his views on this important question. But that does not deprive a member on this floor from holding different views, and I frankly say that I hold views very different from those expressed in the letter referred to, and especially as to the danger of a financial crisis being about to take place.

I do not believe gold is going to a premium or that it is about to be expelled from this country. Our entire circulation, aside from gold, does not exceed \$725,000,000.

Mr. BAYNE. I rise to a point of order. Unless these guns are to be constructed of silver the gentleman's remarks are out of order.

Mr. BUDD. The bill before the House provides for obtaining guns by competitive examination, without any regard to caliber or metal, and I submit that gentlemen have the right to propose brass if they wish to do so.

Mr. WARNER, of Ohio. I have no time to reply to interruptions of that kind, as they are not worth replying to. I was about to remark, Mr. Chairman, that with a currency aside from gold of less than \$725,000,000 it is impossible that this currency should go below the par of gold. It is not in the power of the banks of this country, aided by all the banks of London, to put gold to a premium and keep it there so long as the volume of money in this country is kept down to as low a limit as \$725,000,000. In other words, if that volume of money is not larger than is necessary to maintain prices in the United States at a level with international prices, then it is impossible for gold to go to a premium and stay there.

If the volume of money which any country has put into circulation is less than its distributive share of the world's money, then gold will flow to that country and stay there in sufficient amount to fill its channels of circulation to the international level of prices. That is our condition now. Six hundred million dollars of gold remain here because that amount falls to us as our share as supplemental to paper and silver. There is no instance in the history of the world where gold under circumstances that exist here now went to a premium.

Why, Mr. Chairman, the very attempt to put gold to a premium would put prices down here and gold would then come here as the cheapest market to buy in.

When prices go down, money goes up. To take gold out of circulation, then, would be to raise the value of silver and paper. Who ever knew of gold rising to a premium in a country where prices were falling? When money is cheap and abundant, prices rise; when it is scarce and dear, prices fall. When gold rises to a premium over other money it is because other money is cheap, not because it is dear or becoming dear—exactly the reverse of the conditions that exists here now. The alarm that has been sounded, therefore, is without foundation. The same thing was predicted a year ago, but the crisis did not come.

[Here the hammer fell.]

Mr. REED, of Maine. If the Chair will recognize me I will yield my time to the gentleman from Ohio.

Mr. WARNER, of Ohio. I hope the Chair will do so.

The CHAIRMAN. The Chair has already recognized the gentleman from Pennsylvania [Mr. CURTIN].

Mr. CURTIN. Mr. Chairman, as I am in favor of some measure to arm this country for its protection, I have not time in the allotment made me to make a political speech, as gentlemen make this discussion the occasion. I at times have made political speeches in my life [laughter]—occasionally for other people to get votes for them and frequently for myself, and have always found myself more zealous when I could secure votes for myself than for the opposing candidate. [Renewed laughter.] That is the case, no doubt, with the politicians who attempt to inject into this debate political matter having nothing at all to do with this bill. I, too, would be glad to make a political speech if this august assemblage could resolve itself into a town meeting, and I was a candidate for office. If that were the case, I would convince you of my right to your votes. [Laughter.]

But such is not the case, or this the place or occasion. This fortification bill is before the House and under discussion, and soon we will be called upon to vote upon it. I wish to say in the first place that I am in favor of liberal appropriations for the armament of this country for the defense of our extended coast line.

You must not drop into fancied security of peace so eloquently depicted by the gentleman from New Jersey [Mr. MCADOO]. Wars come suddenly upon humanity, and all nations should be prepared for such a calamity. The first man born into the world killed the next who followed him, and he was his brother, and from that day to this there has been no hour of the world's history when the people on the face of this earth were not somewhere engaged in warfare in some part of it. Historians and those who study the subject have ascertained the average length of peace among the most civilized nations is about twenty-five years, and that will be found to be the lessons of the past.

The war out of which grew our claims on account of French spoiliations, and which claims remained unrecognized for eighty-five years, or until in this session, when Congress provided for their adjudication—that war burst as suddenly and unlooked for as lightning in January from the sky in the frozen north. It arose from the fact that this country, then in its infancy, negotiated treaties with other countries instead of regarding France as the exclusively favored nation, and the First Consul, with all the power at his command, proceeded to destroy our commerce on the high seas, and enlisted armies which threatened with war by invasion. The war of 1812 with England found this country without preparation. Their forces landed upon our shores, burned the old capitol standing where this building is now located, and ravaged the shores of the Chesapeake Bay and the Potomac River, closed the entrance to Philadelphia and all the ports along New England, and would have captured Baltimore but for Fort McHenry. In the poverty of

the country, when her armies were defeated, peace was made with that country and concessions never again to be made with any nation. We had war with Mexico in 1846, and it came suddenly upon us. And who in this country can reflect without emotions of profound sorrow on the bitter war which broke out among our people in 1861 when in civil strife the country was drenched with fraternal blood. That unhappy war was far beyond the wisdom of mortality.

The CHAIRMAN. The gentleman's time has expired.

Mr. ELLIS. I will take the floor and yield my time to the gentleman from Pennsylvania [Mr. CURTIN].

Mr. CURTIN. Now, Mr. Chairman, when Frederick the Great penetrated into Silesia it was done so suddenly he was in the center of that country before his enemies were aware of it, and then he declared war against Austria. So, too, the war of 1866 fell suddenly on Europe. The French and German war, which resulted in the unity of the German Empire and the prostration of the French Empire and a change of government, came suddenly, and the success of the Germans followed preparation while in peace. I say, therefore, there is no sensible man on this floor—and I am aware I speak in the presence of enlightened men—who can look calmly and with philosophy on the coalitions forming in Europe who will not conclude they are not in harmony with the continued peace of that continent.

I do not suppose that 3,000 miles away we can be drawn into war if there should be hostilities in Europe, but nevertheless it may break suddenly upon this nation. With the telegraph and telephone, with rapid transit by steam, with the perfect preparation of the nations of Europe, ten days would bring to the harbor of New York a naval force which would pass the guns stationed in the fortifications there and lay under tribute that metropolitan city. I do not wish to say that may occur, but in the affairs of humanity we must stand prepared for national protection; for, gentlemen of the House of Representatives, under the Providence of God we are not exempt from the destiny of nations, and sufficient and prudent preparation in time of peace may save us millions of money in time of war as well as thousands of valuable lives.

I say the time for forts is not passed. Guns of sufficient caliber should be stationed in proper fortifications impenetrable, in casemates, in our harbors for their protection. You can station barbette guns of any weight and caliber protected from any ordnance that can be floated. You can make your forts of sand and mortar; you can make them iron-clad, or in turret, and by such works and ordnance the entrance to your great commercial cities shall be protected in time of peace for any emergency that may occur suddenly in time of war. For this I refer the House to the report of the Lieutenant-General, and refer to General Sheridan, the peer of any living soldier.

We are a great nation. Our commerce and our trade are with all the world. We are prosperous, with 60,000,000 of people; we are powerful, with men and money; and I regret all that has been said of the high regard and friendship of the people of Europe for the government of this country and its people. It is puerile sentimentality. I lived abroad for four years, and my association satisfied me there is not a government in Europe that has any partiality or friendship for this form of government. How can they? We never have been the propagandist of our ideas of government, and yet insensibly, constantly, and powerfully we have undermined the foundations of all the legitimist governments of Europe by our examples of liberty, social deal level, and equality. We have extended by our example of free government the influence of the masses of the people by giving them power heretofore centralized and held by legitimate, hereditary, traditional authority.

We have never attempted to preach the gospel of our political faith to foreign nations; our example and our success in the formation of this Government has demonstrated that, without the necessity of our becoming propagandists of our political faith; and with such teaching to all humanity, with the conflict of interests of the nation in which we are involved as an active agent, how can the governing classes look upon us with other than jealous eyes; and is it not wisdom not to be parsimonious in economy in peace and make preparation for the uncertainty of the future?

[Here the hammer fell.]

Mr. RANDALL. Mr. Chairman, this annual scare in behalf of large appropriations has lost its novelty so far as I am concerned. The bill which the committee recommend is in the main based on the bill of a year ago. It was then accepted promptly by the Senate.

I want, for one, before I enter upon a system of seacoast defenses or the construction of new systems of fortifications, to provide that a plan shall be adopted which has been properly matured, so that I can judge of the amount of money required to be expended, and determine whether it is judicious to expend such an amount or not. Until that is done we have no guide.

That is one of the features of this bill proposed by the committee. Another is that it provides a thorough test as to the manufacture of large ordnance before embarking upon a wide sea of expenditure in that direction; for up to this time I have not been aware that there has been a successful termination of any of the experiments heretofore made.

Therefore it is desired that an effort shall be made to induce those

interested in this character of manufacture to see whether they can give us a sample test-gun that we can safely follow as our model in future.

Mr. ELLIS. Does the gentleman expect that anybody will provide money for the manufacture of that gun until some inducement is offered to do so?

Mr. RANDALL. I believe distinctly, under the provisions of this bill, there will be a test made of a 12-inch gun. I believe the inducements are such as to warrant it.

Mr. ELLIS. Then I understand the gentleman gives his adhesion to the committee's bill.

Mr. RANDALL. I undoubtedly aided, with the rest of my colleagues on this side of the House, with the exception of the gentleman from Louisiana himself, in securing the reporting of this bill to the House. But I am not tenacious of my views in that respect. If there be a fault in the committee's bill let us amend it. I always stand open to enlightenment and to reason, and am ready to listen at all times and surrender my views to the views of gentlemen who know more of such subjects than I do.

I think this rule should be adopted on all questions of public policy. But gentlemen propose here in this substitute an expenditure covering a period of five years. They propose something entirely new in legislation. I am unwilling to give it my support. On the contrary, I think we have given ample power to the incoming administration to test a system or character of gun to be purchased and adopted as a governmental model of guns; and that the plan proposed in the majority report will give us through a board of engineers and competent officers some system of fortifications and armament of which we have not now the knowledge.

Mr. REED, of Maine. I desire to call to the attention of the gentleman from Pennsylvania the actual provisions of this bill. They provide that a cannon shall be produced of 12-inch caliber of 60,000 pounds weight, and fulfilling certain conditions. Now, there is no method of production provided. How can it be produced? Obviously in but one way, and that is by private enterprise. Now, will the gentleman from Pennsylvania tell this House what will be the probable cost of a plant necessary to produce a 12-inch gun of 60,000 pounds weight?

Mr. RANDALL. I answer that I am in favor of private enterprise taking hold of the matter, because—

Mr. REED, of Maine. Will the gentleman answer my question?

Mr. RANDALL. I am going to answer it.

Mr. REED, of Maine. I do not want the gentleman to occupy my time in making an argument.

Mr. RANDALL. I will answer the gentleman in my own way.

Mr. REED, of Maine. The gentleman declines to answer.

Mr. RANDALL. No, sir; I do not. I will answer in proper time.

Mr. REED, of Maine. I ask the gentleman to say whether \$500,000 will purchase such a plant. He knows that it will not. What then is the proposition? As a practical man I ask him the question. It is that a gun shall be produced by competition among manufacturers, and the preliminary to that competition is the expenditure of from a half million to one million of dollars. Is that going to be done? Is any manufacturer in this country going to purchase a plant costing \$500,000 or a million of dollars on the chance of his beating the gentleman who invented this description of gun? Everybody knows that there is going to be no practical result from this measure. We are only setting up and following a chimera. There is nothing in it. The gun is to be produced by competition, and the very entrance-money to the competition is at least a half million of dollars, probably a whole million. Now what do you say to that as practical men?

Mr. RANDALL. Mr. Chairman, I want to say that I am all the time for throwing the door open to private skill and energy, as well as private enterprise.

Mr. REED, of Maine. So am I.

Mr. RANDALL. And I believe that this bill will do it. And I want to go upon a new road, to bring in the skill and the enterprise and the capital of private individuals in this country. That road I believe will reach success as against a costly governmental failure. [Applause.]

Mr. BUDD. The gentleman from Maine [Mr. REED] a moment since spoke of the gun-factory plant as costing half a million dollars.

Mr. ELLIS. Nine hundred and sixty thousand dollars.

Mr. BUDD. The gun board, on page 43 of the report which I have in my hand, puts the cost at \$150,000 only.

Mr. ELLIS. The gentleman can not be reading the report correctly.

Mr. BUDD. After giving that estimate they say:

This plant is capable of producing one 12-inch gun every three weeks or a proportionally larger number of smaller calibers.

Mr. ELLIS. From what page is the gentleman reading?

Mr. BUDD. Page 43, Senate Executive Document No. 13. There is shown there the cost of gun-factory plant up to 12-inch caliber, and it is said:

This plant does not include rough boring and turning.

Mr. REED, of Maine. Nor all the rest of it, either; that is the mere assembling.

Mr. BUDD. The report proceeds:

The parts are supposed to be supplied ready for finishing.

Mr. REED, of Maine. That is the mere assembling. I venture to say that instead of half a million dollars a million dollars is inside the figure.

Mr. BUDD. The gentleman asks where any inducements are offered in this bill to stimulate production of guns. I desire to state that according to this bill if a gun can be furnished that will stand the battle test the first producer of such a gun is entitled to a contract from the Government of the value of \$3,600,000; and if that be not a sufficient inducement for private enterprise, then there can be none whatever. Three million six hundred thousand dollars is the first inducement offered to the successful American producer. Though the total plant might cost a million dollars, it must be remembered that after the manufacturer has produced his first hundred successful guns if he can furnish a gun answering to a better test than the test prescribed by this bill then he is entitled to a further contract. In other words, the bill itself provides a sufficient inducement for the establishment of a factory.

So far as the question of the best kind of metal for large guns is concerned that is a matter still in doubt. The bill proposed here by the gentleman from Louisiana, the substitute bill, provides for \$7,500,000 to be given under direction of the Secretary of War to any person who may produce the material necessary for a gun, or who will produce a blank gun. I suppose the gentleman intends who will produce a finished gun. In other words, the committee's bill provides sufficient compensation for a gun which stands a prescribed test, what is known as the battle test; the substitute bill provides \$7,500,000 for any man who will produce the material fit for a gun, or who will provide a blank, not a finished, gun. In either or any of these latter cases, if the substitute be adopted, that producer is entitled to and shall have the \$7,500,000.

Mr. ELLIS. Provided he is the lowest bidder—

Mr. BUDD. And there are but two possible bidders in the United States.

Mr. ELLIS. And produces the material.

Mr. BUDD. Now, Mr. Chairman, a word more on this proposition. There has been no valid objection to the test provided here. The gentleman from Maine in speaking of the penetration of the celebrated Krupp gun states it is double this. I will ask the gentleman from Maine for his authority for the statement that the Krupp gun will penetrate three calibers.

Mr. REED, of Maine. I said twenty-four inches.

Mr. BUDD. That is the same thing.

Mr. REED, of Maine. The authority I give is the chief of the bureau of the Navy Department.

Mr. BUDD. I understood the gentleman to state it would penetrate double the amount required here as the war test.

Mr. REED, of Maine. That being thirteen inches.

Mr. BUDD. I make the assertion, and defy any member to produce an authority to the contrary, that the Krupp gun will not stand the test herein contained.

[Here the hammer fell.]

Mr. ELLIS. When the substitute I have offered shall come before the House I will try to speak to it. At present we have the bill of the committee.

Now I want to reply to the gentleman from Pennsylvania [Mr. RANDALL] who indorses the bill of the committee. In the first place, it tempts the foreigner to compete with your laborer. Does the gentleman approve of that? I want the people to know where he stands. Under the provisions of this bill the foreigner may compete; the Englishman, the German, the Frenchman may compete. Under this bill all the materials may come from abroad. Does the gentleman sanction that?

Mr. HUTCHINS. Will the gentleman from Louisiana allow me to ask him a question?

Mr. ELLIS. Yes, sir.

Mr. HUTCHINS. If the foreigner has stronger material than we can produce, can he not with that material beat us if we have an inferior article?

Mr. ELLIS. I will not suppose impossibilities. I know our ordnance officers tell me that within the last three months a concern in the district of the gentleman from Pennsylvania, or in his State, the Midvale Steel Works, has produced steel equal to the best English steel.

Mr. HUTCHINS. Now will the gentleman allow me to ask this question, which I asked him before? Would you use an article in the manufacture of a gun, or a ship, or a fortification inferior to that you could get abroad?

Mr. ELLIS. No, sir; I would not. Iron is iron, and steel is steel, and our mountains are full of iron, and our mechanics are full of genius, and our manufacturers are full of enterprise, and we can produce the best steel in the world.

Mr. HUTCHINS. Very well; but even with all this skill and genius, and with our mountains full of iron and coal, if you could get better guns abroad would you not purchase them?

Mr. ELLIS. I will not suppose such a case. I tell the gentleman no; I tell him emphatically no.

Mr. HUTCHINS. You would not even in time of war?

Mr. ELLIS. No; I would not permit such competition.

Mr. ELLIS. The provision of the bill as well as the section which I propose to substitute provides for a board under whose direction whatever money may be expended in these examinations shall be disbursed.

I believe that my substitute is best inasmuch as it provides that this board shall be composed of officers of the highest grade—the very heads of those departments charged with this work of defense.

Mr. RANDALL. The gentleman's amendment would limit the scope of selection of the officers to compose this board.

Mr. ELLIS. I want to have on this board the very heads of the engineer, ordnance, and torpedo branches of the service.

Mr. RANDALL. I want the selection open so that skilled officers may be chosen from the whole Army; that the selection shall not be confined to designated officers.

Mr. BUDD. A few moments ago the gentleman from Maine stated that no company could go into the manufacture of these guns without an expenditure of half a million dollars. I said that the necessary additional plant, as stated by the board, need not exceed \$150,000, and that there are companies in the United States having all the necessary plant. I desire now to call attention to the statement of Mr. William P. Hunt, president of the South Boston Iron Company, that his company has all the material necessary to turn out the largest guns.

Mr. ELLIS. Cast-iron?

Mr. BUDD. Yes, sir; but the additional cost to produce steel ones is not so great.

Now, the gentleman, speaking of the Krupp gun, gives, as I understood him, as authority General Benét, the present Chief of Ordnance of the Army of the United States.

Mr. HANCOCK. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. HANCOCK. The point I make is that the debate has been closed, and the gentleman therefore is out of order.

The CHAIRMAN. The committee has passed from the paragraph on which debate was closed.

Mr. HANCOCK. I intended to embrace the whole thing.

Mr. BUDD. Now, Mr. Chairman, the report of the committee, as I understand it, shows that this same able officer, two or three years since, went before an ordnance committee and staked his reputation upon the four guns of the Crispin pattern. Congress required a test of the guns on which General Benét, whom I highly regard as authority, thus staked his reputation, and those guns were tested and three out of the four burst; and the parts of the three guns which gave way were not those of cast-iron, but the steel parts. And yet this substitute bill provides for steel guns only.

At the time of the interruption I stated that the Krupp guns would not stand the battle test herein required. They may penetrate at slow shots two calibers and a little more; but I doubt whether there has ever been any large steel guns made or produced or offered or suggested that could fire the number of shots and deliver the amount of weight of projectiles per inch of caliber prescribed here, and within the same time. Krupp himself, with his larger steel guns, of which they speak, requires between the first and second shot an interval of from fifteen to twenty minutes. The unequal expansion and overheating from rapid firing would cause the steel portion of the guns to give way. I doubt whether there is any steel gun produced that can stand the test prescribed by this bill. Whether cast-iron guns can stand the test or not I do not know, but it is not proper, nor is it wise, to provide only for a metal that has not yet stood the test, in a bill giving seven and a half millions of dollars.

Mr. ELLIS. Does the gentleman know anything about the relative strength of steel and iron?

Mr. BUDD. I certainly do.

The CHAIRMAN. Does the gentleman from California yield to an interruption?

Mr. BUDD. Certainly; I will answer any question put to me.

Mr. ELLIS. Does not the gentleman know that the best iron guns, the 8-inch converted guns, which I am informed are shown hardly to be as strong as the original guns—does the gentleman know how much the charge of that gun is?

Mr. BUDD. No, sir; not exactly.

Mr. ELLIS. Does he know what its extreme charge is?

Mr. BUDD. I have not the data at hand. The gentleman asks me in regard to tensile strength, and I wish to inform the gentleman that the tensile strength of a gun is not the only necessary element in rapid firing. There is no strength in the world which will resist the expanding power of heat. It is not alone the force exerted on a gun, it is not alone the amount of the charge, it is not alone the weight of the projectile that will cause a gun to burst, but it is also the unequal expansion of metal from rapid heating. Weight, size, and metal have nothing to do with it, generally.

The CHAIRMAN. The gentleman's time has expired.

Mr. ELLIS. If the gentleman will now listen I will give him some figures, taken from actual experiment, showing the difference between the strength and power of iron and steel guns. An 8-inch iron gun carries a charge of forty-five pounds of powder. An 8-inch steel gun carries a charge of one hundred pounds, or twice as great. The projectile of an 8-inch cast-iron gun is one hundred and eighty pounds, while the projectile of the steel gun is three hundred pounds. The penetrating power of the 8-inch cast-iron gun is eight inches of iron at a thousand yards. The penetrating power of the steel gun at a distance of a thou-

sand yards is twelve to fifteen inches. The range of the iron gun is four miles, while the range of the other is seven miles.

Mr. BUDD. The gentleman from Louisiana yields the remainder of the time to me?

Mr. ELLIS. I do.

Mr. BUDD. Now I ask the gentleman if these steel guns have been fired rapidly?

Mr. THOMAS. I will answer the question if the gentleman yields to me.

Mr. BUDD. I will.

Mr. THOMAS. There is one 6-inch gun, built at the navy-yard in Washington—a high-power breech-loading 6-inch gun—now at the naval testing-ground at Annapolis, Md., which has been fired two hundred and thirty times, and shows not the least sign of breaking up or giving way—a gun showing a muzzle initial velocity of 2,000 feet. That is the highest power ever reached.

Mr. BUDD. Oh, yes; that is a 6-inch gun, and the rule is that the thickness of the barrel is equal to the caliber of the gun, and hence the thinness of the outside metal of the small gun allows it to heat through rapidly, and it does not burst as readily as a large gun. Take a thin glass vessel, as thin as it can be made, and pour boiling water into it and it will not burst, though its resisting strength is slight. But if you take a thick glass and pour water of the same temperature into it you will find that it will not stand the strain, but will burst, though the resisting strength is great. The thinness of the inclosing walls allows the heat to expand the material equally, while thick walls restrain it, and the unequal expansion caused by the heat of the chamber causes the bursting of the shell.

You can not produce, and I defy any man supporting this substitute bill to give an example of it, a thick steel gun, I mean with a thick inclosing shell, which has been subjected to rapid and repeated firing that has not burst before it became thoroughly heated. It has not been done, and I will ask the gentleman on my right, Mr. THOMAS, who talks about these guns with six inches thickness of metal, if it is not a well-known fact that these re-enforced guns, what are known as the Crispin guns, burst—three out of every four of them—when subjected to the tests which I have just mentioned?

Mr. THOMAS. I understand that is true, and the reason was that they were made of two different metals of different textile strength and different degrees of ductility; hence the re-enforced guns, so far as this goes, have not proved successful. But we ask that they shall be made of steel of a certain quality, and that difficulty will disappear.

Mr. BUDD. You say that two metals were employed in the manufacture of these guns; now let me ask which gave way—was it the cast-iron or the steel that gave way?

Mr. THOMAS. It was the cast-iron in every instance.

Mr. BUDD. No, sir; the gentleman is mistaken. The steel gave way in every instance, as the reports show. I am perfectly willing to leave it to the gentleman from Louisiana, who proposes this substitute bill, whether I am not correct.

Mr. ELLIS. I handed to the gentleman from California the official report of the bombardment of Alexandria to which I wish again to ask his attention, and I think he will find his error.

Recently the report of the bombardment of Foo Chow by the French has been received where the modern steel gun was used continuously in action without injury, and with the most powerful results, against the opposing fortress—the most effective ever known in modern warfare.

Mr. BUDD. The report as I understand it makes quite a different showing.

Mr. ELLIS. The gentleman has the report.

Mr. BUDD. No; I handed it back to the gentleman. But that very report shows that one of the vessels, the Achilles, engaged in the bombardment of Alexandria had its steel guns disabled and it had to retire out of range to get a new armament.

Mr. ELLIS. I defy the gentleman to produce the evidence that the steel guns resulted in such a failure.

Mr. BUDD. The gentleman has the document before him, and I refer further to the London Times's account as stated in the committee's report.

[Here the hammer fell.]

Mr. BRUMM. Mr. Chairman, it seems to me that the material difference or the most important difference in the two bills rests upon this ground: The committee's bill says we do not know which is the best gun; and inasmuch as we are not sure which is the best gun, therefore we must build no guns at all but must experiment to find out which is the best; while the proposition of the minority bill is that we should go on and build guns under the best lights that we have, not only from our own experience but from the experience of other countries; and if that be true the distinction between them is in that. Why should gentlemen want us to wait, Micawber-like, until something may turn up and give us actually a perfect gun?

Mr. Chairman, it is the duty of Congress to provide for making guns for our defenses, and to make them now, and to make them of the best material and in the best manner known. As to the second proposition, that we must permit foreign competition in the manufacture of these guns, I want to say that our American manufacturers can produce the

steel and can make the guns equally as well as, if not better than, any foreign manufacturer.

But the danger in competition is this, that if we allow that competition the difference will be only in the price, not in the quality. If this Government is going to allow competition it will give the contract to the man who will make the guns cheapest; and the foreign manufacturer can make them cheaper, although he can make them no better. I believe it is the policy of this Government to encourage home manufacturers in this line as in all others, not only for the benefit to be derived, but that we may be able to make them, no matter with what country we may possibly get into a war. We should be able to rest upon our own resources, make our own guns, even though it should cost a farthing or two more. That is, in my judgment, all the difference there is between the two measures; and the question is whether Congress is going to take hold of the matter now or do nothing.

Mr. HANCOCK. Unless we can by consent close the debate I move that the committee do now rise.

The CHAIRMAN. The Chair will submit the motion, as no gentleman asks recognition for further debate. The question is on agreeing to the motion of the gentleman from Louisiana to strike out and insert, which has been stated.

Mr. ELLIS. I propose to substitute for the paragraph of the committee's bill constituting the board the section of the substitute bill making provision for the same purposes. My motion is to strike out from line 11 to line 28 in the committee's bill, on page 2, and substitute the second section of the substitute bill which has been read, which is the mere substitution of one board for another, only the board I propose is made of much better timber and more highly finished than the other.

The question was taken; and on a division there were—ayes 35, noes 97.

Mr. BROWNE, of Indiana. No quorum.

Mr. ELLIS. I will have to take tellers, I think, Mr. Chairman.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. HANCOCK and Mr. ELLIS were appointed tellers.

The committee again divided; and the tellers reported—ayes 52, noes 112.

So the amendment was not agreed to.

The Clerk read the following paragraph:

For the expenses of said board, and for such plans, tests, and experiments as may be required to enable said board to determine upon the best methods of protecting batteries for defensive works, and for the purchase and erection of iron, steel, and composite armor in the form of sections of turrets, gun-shields, and iron embrasures, for actual competitive tests, or any other question connected with their duties, \$300,000, the same to be immediately available.

Mr. ELLIS. I am hopeless of accomplishing anything by moving to strike out this paragraph. Yet, in the interest of economy, and informing the committee that these tests have been made and the engineering thought and information of the world is full of this question, I propose to try to save that \$300,000 that some future legislators may make fortifications out of it. I therefore move to strike out the paragraph.

The question being taken on the motion to strike out, there were—ayes 23, noes 63.

So (further count not being called for) the motion was not agreed to.

The Clerk read the following paragraph:

For the purchase and competitive test of specimens of the various kinds of machine-guns now in use, and of any others which may be presented and deemed worthy of consideration; for the armament of seacoast fortifications, including the manufacture of heavy guns and carriages; for the purchase or manufacture of multicharge guns, and testing the same; projectiles, fuses, powder, and implements, their trial and proof, and all necessary expenses incidental thereto, including compensation of draughtsmen on gun construction while employed in the Ordnance Bureau, \$450,000; and not exceeding \$15,000 thereof may be used for the expenses of experiments in the use of dynamite or other high explosive projectiles.

Mr. HANCOCK. I offer the amendment which is in the hands of the Clerk.

The Clerk read as follows:

After the word "consideration," in line 44, insert "for constructing and testing experimental gun-carriages."
In line 47, after "projectiles," insert "gun-loaders."

Mr. HANCOCK. This is a little more than a verbal amendment. It is offered at the instance of the committee.

The amendment was agreed to.

Mr. LONG. I move to strike out the last word.

So far, Mr. Chairman, this bill reported by the Committee on Appropriations is intelligible. In the first paragraph it provides for the preservation and repair of existing fortifications. In the following paragraphs it provides for the creation of an intelligent and capable board which shall examine this whole important question of a further general and adequate system of fortification, what defenses are necessary, the character and kind best adapted, the utilization of torpedoes, the purchase of movable submarine torpedoes, competitive tests, the investigation of multicharge guns, &c. I believe the Committee of the Whole realize the importance of these matters, both with a view of preserving what we have and of making intelligent provision for future work.

Further than that I for one am not willing to go in favor of this bill.

But I give notice, and I believe I represent others on this floor, that if a motion which is proposed shall be made and carried to strike out all of the bill that follows, namely, all after line 53, I shall heartily give my vote for the previous paragraphs.

Why strike out the remainder of the bill? First, because it undertakes to deal with matters that are in some respects just the matters on which the board created in the second paragraph are to report to us next year for our consideration and action then. Second, because the provisions of the bill after line 53 are experimental in their nature, of doubtful utility, of uncertainty, and liable to create great expense. Suppose some manufacturer accumulates the plant necessary for and with a view to producing one of these great guns. Suppose he almost succeeds but barely fails. Suppose then he comes to Congress with a claim, saying he was induced to enter upon the experiment by this bill; that he went to an expenditure of nearly a million of dollars in getting his plant; that he is not satisfied with the examination and verdict of the board who have been appointed to test his work.

Taking into consideration the possibility of a claim of that kind, the uncertainties which attend the bill, the objections which have been made by members who have already spoken, the experimental character of the whole thing, and the fact that in the second paragraph you appoint a board who are to consider and report upon the whole question of fortification improvements, I believe our legislation will be wiser, more intelligent, and more beneficent if we stop at line 53, strike out the rest of the bill, and be content with it up to that point.

The CHAIRMAN. Does the gentleman from Massachusetts withdraw the formal amendment?

Mr. LONG. I withdraw it, at the same time asking if there is unanimous consent to move to strike out all after line 53?

Mr. ELLIS. Before we part from the section which has been last read I would like to amend it.

Mr. REED, of Maine. I ask unanimous consent that a motion may be now entertained to strike out the remainder of the bill after line 53.

Mr. ELLIS. Wait until we get there. I want to amend this paragraph.

Mr. RANDALL. I have no objection myself to including all of it in a single vote.

The CHAIRMAN. Does the gentleman from Louisiana yield?

Mr. LONG. I ask unanimous consent—

Mr. ELLIS. I want to know from the gentleman who drew this bill if he proposes to purchase every machine-gun that comes along before it is tested.

Mr. HANCOCK. I do not propose to purchase a single gun; but I do think it wise to provide a board to pass upon the quality of these guns and to say whether they are worthy to be purchased or not.

Mr. ELLIS. That is all right. Now make the language plain that these guns may be tested but not purchased.

Mr. HANCOCK. If they are tested and found satisfactory why not purchase them?

Mr. ELLIS. And there is a provision here also for purchasing the multicharge gun, when that gun has been reported against elaborately by our own ordnance officers.

Mr. BUDD. It is a fact shown by the experiments that the multicharge gun made a greater penetration per caliber than any other gun in the world. The officers of the Army in reporting against the multicharge gun compared it with 8, 10, and 12 inch guns to show the amount of penetration and they refused absolutely to compare it with guns of like caliber.

Mr. ELLIS. I ask the gentleman to produce his official authority for that statement.

Mr. BUDD. It is in evidence taken by your committee. When the gentleman says "produce your authority," I will state it is often impossible to get a report of the committee till some days after the bill is passed. I will refer to the report of the ordnance board of June 4, 1884, which says:

There seems to be no doubt that a higher energy has been obtained with this gun with its successive charges, and with moderate and safer pressure, than can result from any gun of the same caliber using only one charge.

MESSAGE FROM THE SENATE.

The committee rose informally; and the Speaker having resumed the chair, a message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had passed bills of the following titles:

- A bill (H. R. 1266) for the relief of Alexander D. Schenck;
- A bill (H. R. 2722) for the relief of Martha Turner;
- A bill (S. 3000) for the relief of certain settlers on the Duck Valley Indian reservation, in Nevada;
- A bill (H. R. 4382) for the relief of William H. Davis;
- A bill (H. R. 6087) authorizing the payment by the Secretary of the Treasury of the United States to Charles H. Getman, the firm of E. W. Rathbun & Co., the firm of Kinyon, Wright & Co., the firm of Bond & Jenkins, and the firm of Page, Fairchild & Co. certain duties paid by them on imported lumber accidentally burned while in custody of officers of customs, and before the same had entered into consumption;
- A bill (H. R. 6940) granting a pension to Sarah M. Bissell; and
- Joint resolution (H. Res. 824) authorizing the collector of the port of New York to deliver free of duty a silver cup won by Sergt. A. B. Van

Heusen as a member of the American rifle team at Wimbledon, in July, 1883.

The message further announced that the Senate insisted upon its amendments to the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes, and asked for a committee of conference upon the same.

FORTIFICATION APPROPRIATION BILL.

The committee resumed its session.

Mr. BAYNE. Mr. Chairman, I hope that unanimous consent will be given to entertain a motion to strike out all of this bill after line 53. We shall then know whether we are to go on and perfect this measure or not, instead of being detained here striking out paragraph after paragraph. If one paragraph should go out, all should go out. Let us have unanimous consent to that effect, and let us have a vote upon it. If we strike out the remainder of the bill after line 53 our labors are finished. The committee can rise and the chairman can report the bill to the House.

Mr. REED, of Maine. I think that is what we had better do.*

Mr. BAYNE. The contents of this bill, after line 53, are such as can not be considered judiciously or properly at this short session of Congress. We want more knowledge, more light, than we can get in this short session of Congress to give to this proposition an intelligent consideration. Therefore I hope that no member of the committee will object to the motion to strike out all after line 53.

Mr. REED, of Maine. I ask unanimous consent that that may be done.

Mr. ELLIS (to Mr. REED). It will take but a minute to perfect this paragraph.

Mr. REED, of Maine. If we do not strike it out, then the gentleman can perfect it.

Mr. ELLIS. But I am trying to perfect the preceding paragraph, and I ask the gentleman to withhold his request for a few minutes.

Mr. REED, of Maine. Oh, certainly; I will wait for that.

Mr. ELLIS. Mr. Chairman, I propose to amend by inserting in line 44, after the word "consideration," this provision: "No machine-gun shall be purchased until tested and approved by the board herein provided for."

Mr. RANDALL. Does the gentleman from Texas [Mr. HANCOCK] object to that?

Mr. HANCOCK. Yes.

The question was taken on the amendment; and there were—ayes 30, noes 43.

Mr. ELLIS. Mr. Chairman, I can not believe that the committee wants to buy inventions before they are tested—inventions which may prove useless; and I therefore must ask for tellers.

The CHAIRMAN. Tellers are demanded, and the Chair appoints the gentleman from Texas, Mr. HANCOCK, and the gentleman from Louisiana, Mr. ELLIS.

Before the count by tellers was completed,

Mr. ELLIS. Mr. Chairman, I withdraw the demand for tellers, and I will modify my amendment so as to read: "But no gun shall be purchased until tested and approved by the board herein provided for."

The amendment as modified was agreed to.

Mr. ELLIS. Now, I want to add the same proviso at the end: "That no gun shall be purchased until thoroughly tested and approved by the Department."

Mr. BUDD. I move to amend the amendment by striking out the words "and approved." The insertion of these words may defeat the entire purpose of the bill. The amendment of the gentleman from Louisiana rightly provides that no gun shall be purchased until tested; but the insertion of the words "and approved" would allow the Department to pass upon the metal itself.

A MEMBER. Oh, no.

Mr. BUDD. Yes, sir; I have no objection to a provision that any gun before being accepted shall conform to the test—

Mr. ELLIS. My object is to prevent the Government from purchasing or accepting under the provisions of this bill guns which may be useless.

Mr. BUDD. That is right.

Mr. ELLIS. Now we have organized Departments to which these subjects are committed. We must trust somebody. I think we should provide that no gun shall be purchased until it has been thoroughly tested and is approved by the Department.

Mr. BUDD. The Committee on Appropriations have provided for a test, and a gun which does not conform to the test should not be purchased; but the amendment of the gentleman from Louisiana requires the type of the gun to be approved by the Department, and this language may include the metal and everything else.

Mr. ELLIS. Ought it not to be approved?

Mr. BUDD. Not necessarily.

Mr. ELLIS. Why not?

Mr. BUDD. If it meets the requirements of the test—if it will throw the number of pounds of projectiles required by the test—why should not the gun be accepted?

Mr. ELLIS. Are not the officers of the Department proper judges of such matters?

Mr. BUDD. Does not the gentleman remember that the officers of the Ordnance Department during the late war refused to accept the breech-loader upon the ground that it was unsafe, until long after it had shown its superiority to the muzzle-loader, and that therefore the late civil war was fought with muzzle-loading guns?

Mr. HANCOCK. Mr. Chairman, the effect of this amendment, whether that be its object or not, would be to neutralize the entire bill; and probably it is intended for that purpose. This amendment would take the jurisdiction of this matter out of the hands of the board provided for in the bill, and would allow the Department to pass upon any gun without having it tested by the board. I presume the object of the amendment was to undo and cancel the preceding portion of the bill. I trust the Committee of the Whole will vote down the amendment.

The CHAIRMAN. The question is upon the amendment of the gentleman from California [Mr. BUDD] to strike out in the amendment of the gentleman from Louisiana [Mr. ELLIS] the words "and approved."

Mr. BUDD. I modify my amendment so as to strike out the words "and approved" and insert "and found to conform to the requirements of this act."

Mr. ELLIS. All right; I accept that; it amounts to the same thing. The question being taken, the amendment of Mr. BUDD was agreed to; and the amendment of Mr. ELLIS as amended was agreed to.

Mr. ELLIS. I move to amend by striking out in lines 44 and 45 the words "including the manufacture of heavy guns and carriages." It must be obvious that this language is mere surplusage. There is not money enough provided in the bill for this purpose. We have not determined the type of heavy gun that shall be constructed, nor even the kind of material that shall be used. Therefore this language is mere surplusage.

Mr. ROSECRANS. Mr. Chairman, this provision was inserted in view of the fact that a pneumatic gun-carriage for the purpose of handling heavy breech-loading guns has been invented, and after examination by the Ordnance Department an appropriation has been recommended for construction and test. Such a carriage is of vast importance. The invention appeared to be promising, and the inventor was too poor to try the experiment himself; hence the Department was willing to recommend an appropriation of \$10,000 for the purpose of constructing a carriage of this description, with its appurtenances, and mounting the gun, if necessary.

Mr. ELLIS. I do not object to any test; but I do emphatically enter my protest against the purchase or manufacture by the Government of any patented invention until it is tested.

Mr. ROSECRANS. I think the gentleman did not understand my statement. The object is not to purchase this patent, but, as the inventor is too poor to make the experiment himself, and as the invention is one of probable utility, the proposition is to expend money enough to make one test of a pneumatic carriage for heavy breech-loading guns.

Mr. ELLIS. I do not believe the Government of the United States should embark in anything of the sort. If there be merit in it science will not be wanting in sight to see it and capital will not be wanting to carry it out. I do not believe the money of the whole people should be embarked for the private advantage of any one. While I want the Government to have the best, I want it to make a proper test before it purchases.

Now as to the manufacture of heavy guns, my friend from Pennsylvania [Mr. RANDALL] will agree with me, and the gentleman from Texas [Mr. HANCOCK] must agree with me, in favor of striking out the words "including manufacture of heavy guns and gun-carriages."

Mr. RANDALL. I would suggest to the gentleman he should insert a provision that they should be tested before they are purchased. There is no harm in that.

Mr. ELLIS. One amendment at a time.

Mr. RANDALL. Do not strike them out, but let there be a provision put in that they shall be tested before they are purchased.

Mr. ELLIS. Does the gentleman refer to gun-carriages?

Mr. RANDALL. Both, for guns and gun-carriages.

Mr. ELLIS. I have moved that the words "including the manufacture of heavy guns and gun-carriages" should be stricken out.

Mr. RANDALL. Yes, and I suggest instead that the gentleman shall insert the words that they shall not purchase until tested.

Mr. ELLIS. That is already in the bill and this provision ought to go out.

Mr. RANDALL. There ought to be the same test for gun-carriages that there is for guns.

Mr. ELLIS. Unquestionably.

Mr. RANDALL. Then insert those words.

Mr. ELLIS. But you have not a gun to test.

Mr. RANDALL. I propose we shall test it before we proceed to purchase it.

Mr. ELLIS. But you have not any to purchase, even. The clause reads now, "including the manufacture and purchase of heavy guns and carriages."

Mr. BUDD. The word "purchase" is not there.

Mr. ELLIS. The words I move to strike out are "including the manufacture of heavy guns and gun-carriages."

Mr. RANDALL. What I wish to provide for is that no more than one gun of any type shall be manufactured until that type has been fully tested. I do not want to cut off the gun if it comes up on the test to what is desired.

Mr. ELLIS. Does the gentleman also propose to put in the test for gun-carriages?

Mr. RANDALL. Certainly; to test the gun-carriage as well as the gun.

Mr. ELLIS. That is already in, and I therefore insist on my motion to strike out the words "including the manufacture of heavy guns and carriages."

The CHAIRMAN. The noes seem to have it.

Mr. ELLIS. I demand a division.

The committee divided; and there were—ayes 5, noes 63.

So the amendment was rejected.

Mr. REED, of Maine. I now ask that motion be stated to the committee.

The CHAIRMAN. The gentleman from Maine moves by unanimous consent that the question shall be taken on striking out all after line 53 in the bill.

Mr. HAMMOND. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HAMMOND. Does it include that the words proposed to be stricken out shall be considered as read?

Mr. BUDD. That is the purpose.

Mr. HAMMOND. I do not object if it includes all purposes.

Mr. REED, of Maine. I merely propose to test the sense of the committee. If the words are stricken out that is the end of it; but if they are not stricken out, then as now that portion of the bill will be open to amendment.

Mr. HAMMOND. I wish to have it considered as read. Really no motion is in order to strike out what has not yet been read.

The CHAIRMAN. Is there objection to the proposition of the gentleman from Maine [Mr. REED]?

Mr. HAMMOND. If modified in that way I do not object.

Mr. BUDD. Of course we all consider it as having been read.

Mr. REED, of Maine. Yes; that is understood, but if that portion of the bill is not stricken out, then it is to be open to amendment.

Mr. THOMAS. Points of order can also be made if those words are not stricken out.

The CHAIRMAN. It will be considered subject to points of order also. Is there objection to the proposition of the gentleman from Maine?

Mr. HANCOCK. I object. [Cries of "Read!"]

Mr. REED, of Maine. I make the point of order that the pending paragraph is new legislation and obnoxious to our rules. I ask for a ruling of the Chair, and will not take up the time in the discussion of the point of order.

Mr. HANCOCK. There has been a misapprehension in reference to my objection. I do not object to testing the sense of the committee, but merely express my hope that the proposition will not be agreed to.

The CHAIRMAN. Is there further objection to the proposition of the gentleman from Maine, that all after line 53 in the bill shall be stricken out?

Mr. HAMMOND. The understanding being that that portion of the bill has been read through.

The CHAIRMAN. Is there objection?

Mr. REED, of Maine. And all points of order are reserved.

Mr. HANCOCK. I hope that motion will not prevail. The effect would be to neutralize almost entirely everything that has gone before. There would be little or nothing left for the board we deem so important and for whose establishment we have provided to act upon. Nor would there be any inducement to any persons to establish plants for the purpose of producing guns of a desirable character. You in effect strike out the object, the purpose, the aim of all the preceding portion of the bill if the motion of the gentleman from Maine shall prevail. It seems to me most remarkable, if it be the sentiment of this House we shall ascertain the proper gun, that it will agree now to strike out all this portion of the bill, the effect of which will be to render nugatory all that has gone before. Where will you get your guns for this board to test? Where will you get your ammunition?

Mr. LONG. Three hundred thousand dollars is appropriated for actual competitive tests in the preceding portion of the bill.

Mr. HANCOCK. But that does not apply to this subject.

Mr. LONG. Yes, it may be used for this purpose; it says for actual competitive tests, or any other questions connected with the duties of the board.

Mr. HANCOCK. And who is going to produce guns on such conditions? What inducement do you offer to any person to undertake the work? Let me ask the gentleman from Massachusetts, would any of your great manufacturers, would the gun foundry in Boston produce guns to have them tested at their own expense when there is nothing in the way of remuneration or inducement or advantage in the bill to

give them any hope of repayment for the work if successful? The gentleman proposes to strike out all in the bill that provides any inducement to men to embark in this enterprise. He strikes out all that is likely to bring about the tests of the character that we desire and which can be accomplished in no other way at present in this country.

It leaves the bill a perfect waste and blank, without the remotest inducement to invite competition or excite emulation among manufacturers to provide the best quality of guns for the use of the Government. There is nothing to be accomplished by the bill with this stricken out. There is no object in being able to furnish guns to the Government, for there is no reward for successful enterprise. These provisions of the bill we believed to be absolutely essential to bring about some satisfactory results, and if stricken out the inevitable result is that nothing can be accomplished. I trust, therefore, the motion will not prevail; I hope it will be voted down, and the portions of the bill proposed to be stricken out will be adopted by the committee and made a part of the law.

Mr. REED, of Maine. Mr. Chairman, it is perhaps not necessary to repeat anything I have already said; but I want to call the attention of the House to the fact that this strikes out of the bill a proposition which seems to me to be futile, and which I am of the opinion has been already demonstrated clearly to be futile. It is a proposition which in a few words may be stated this way: We offer the manufacturers of guns a proposition to buy of them a certain kind of gun provided they come up to certain tests. Well, now, in order for them to compete for the contract of manufacturing these guns there is not a single one of them in this country that must not spend from \$1,000,000 to \$1,250,000 to get the plant. I have said before, and I repeat, that this is only following an illusion, and that we are sure simply to waste time by adopting a proposition of that kind.

My second objection is that the test of the gun is so worded that it will only lead to disappointment and disaster, and I think the terms of the test are such that there has been put upon the committee a set of words, a set of terms, which will result in the benefit of a single manufacturer, and one who has hitherto been a failure as a manufacturer of guns. [Cries of "Vote!" "Vote!"]

Mr. ROSECRANS. Mr. Chairman, in reply to the remarks of the honorable gentleman from Maine, I wish to call the attention of the committee to the first proposition he makes. He says it is entirely futile to attempt this. I want to ask the committee and gentlemen on this floor whether they think it futile to provide some regular dimensions of calibers for our guns? Why is it futile? You might as well say it is futile to provide regular calibers for muskets in the Army as for ordnance? It is ridiculous to assert the futility of such provisions for guns and at the same time to admit the utility of prescribing uniform calibers for muskets and small-arms.

Mr. REED, of Maine. Why have similarity in caliber both in the Navy and Army, and prohibit all else? That I discussed before.

Mr. ROSECRANS. In the first place, if you understand gunnery as well as other people do you would know more about it. You made it appear impossible or wonderfully strange that there should be any uniformity whatever. I would like to ask any gentleman on this floor to give any reason why there should not be uniformity when it facilitates the use and interchange of ammunition in use for like calibers in the Army and Navy.

Mr. REED, of Maine. I will give the gentleman an answer if he wants it.

Mr. ROSECRANS. Why not have uniformity to permit of interchange of ammunition on land and sea so that by manufacturing fixed sizes we can make no mistakes? Take, for instance, the ammunition for one of our 6-inch guns and see the advantage of uniformity of caliber. When a requisition is made for this character of ammunition it can go either for use by sea or land. Now, with regard to uniformity of length. There are cases where a manufacturer of ordnance makes a gun in which there is a slight variation sometimes in the length, or slight variance in the size of the bore. It creates the idea in the testing of the gun that there is an indetermination in the result or character of the tests; that they are not satisfactory, because it is said that perhaps one gun is an inch or two longer in the bore or there may be some little difference between them in other respects which gives a slight advantage. This difference leads to uncertainty in the tests. What we want in these engines of war is that they shall produce the desired effects with uniformity and that the projectiles, ammunition, and all that is needful for their service shall be as simple and uniform as possible, and equally available whether used by the Army or Navy.

Mr. ELLIS. Upon that same question this board is to pass.

Mr. ROSECRANS. The next proposition of the gentleman is that it is uncertain. We know enough about ordnance and heavy ordnance to know that, if we can get a gun which will discharge a projectile with muzzle velocity sufficient to penetrate one and a half calibers into a steel plate, we shall have accomplished something in the right direction and something which we have not before accomplished.

We know that this penetrative power depends upon two things. First, on the square of the velocity; secondly, on the mass of the projectile. Now, if a man comes and says, "Allow me to double the mass and diminish the velocity proportionately," we are willing he should do it.

I want further to call the gentleman's attention to this also: The passage of this bill does not in the least interfere with any operation we have in hand, nor any examination, nor any steps that we need to take for the future defense of our country. It only invites those gentlemen who have such confidence in their inventions and in their means of bringing those inventions to perfection that they are willing to accept of the inducement we offer, namely, "Gentlemen, if you want to make a gun, and if you can do it, set about it, and when ready apply for a test and you shall have it; and this is the test you shall have." And it gives a test, and it is a good test; there is no vagueness about it. The offer of pay for the accepted type-gun at a reasonable price, and a contract for fifty such, is only made to the first successful competitor, and to no others.

The price to be paid for these guns is not fixed, but the greatest which the act allows is less than what we are now paying, while any gun which will stand the required tests would be greatly superior to even the Krupp gun, the price of which, General Benét stated to our committee, is now about 55 cents per pound at the manufactory.

It is well to remember in this connection that to prepare and produce the Krupp guns here would require an outlay of many millions of dollars and ten years of time, and even were the attempt to be made it is uncertain when we should acquire the secrets of handling and of annealing such heavy masses so as to have a guaranteed success.

What then becomes of the claims made by the honorable gentleman from Louisiana, that to start upon this line of operation would be to benefit home labor and native genius?

Why, the committee's bill proposes to open the doors to American genius and American labor immeasurably in comparison. And the gentleman in one breath expresses his confidence in the superiority of our native genius and capacity to meet the national requirements for heavy armor-penetrating guns, and in the very next deprecates opening their production to competition for fear the foreigner would compete for and carry away the prize. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment of the gentleman from Maine [Mr. REED].

The question being taken, the chairman stated that in the judgment of the Chair the ayes had it.

Mr. BUDD. I call for a division.

The committee divided; and there were—ayes 74, noes 42.

Mr. BUDD. No quorum.

Mr. RANDALL. I hope the gentleman will not insist on that point.

Mr. BUDD. I withdraw the point as to a quorum.

So (further count not being called for) the amendment was agreed to.

Mr. HANCOCK. I move that the committee rise and report the bill to the House with the amendments.

The motion was agreed to.

The committee accordingly rose; and the Speaker having taken the chair, Mr. BLOUNT reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. 8279) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1886, and for other purposes, had instructed him to report the same back to the House with sundry amendments.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, informed the House that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. 577) to donate a cemetery site on the public lands to the city of Kirwin, in the State of Kansas; and

A bill (H. R. 3058) to amend section 1889, chapter 1, title 23 of the Revised Statutes of the United States, relative to general incorporation acts of Territories.

The message further announced that the Senate had passed a bill of the following title, in which the concurrence of the House was requested:

A bill (S. 2637) to authorize the Secretary of the Interior to release a right of way across lands of the United States at Carlisle, Pa.

FORTIFICATION BILL.

Mr. HANCOCK. I move the previous question on the amendments and upon ordering the bill to be engrossed and read a third time.

The previous question was ordered.

The SPEAKER. Is there a demand for separate votes on the amendments?

Mr. BUDD. I only demand a separate vote on the amendment to strike out the last portion of the bill.

The SPEAKER. Is there a demand for a separate vote on any other amendment? [After a pause.] If no other separate vote is demanded the question will be taken on the other amendments in gross.

The question being taken on the other amendments, they were agreed to.

The SPEAKER. The Clerk will now report the last amendment.

The Clerk read as follows:

Strike out all of the bill from line 54 to line 141, inclusive.

The portion of the bill which the amendment of the Committee of the Whole proposed to strike out is as follows:

That hereafter the calibers of all heavy single-charged rifled cannon shall be uniform for the Army and Navy, and shall be guns of six inches caliber, with projectiles of not less than one hundred pounds weight; eight inches, with projectiles of not less than two hundred pounds weight; ten inches, with projectiles of not less than three hundred pounds weight; and twelve inches, with projectiles of not less than six hundred pounds weight.

That hereafter no intermediate calibers shall be made; and all such cannon hereafter manufactured by or for the United States shall be breech-loaders, not less than thirty calibers in length of bore; and in all cases the cannon shall be one hundred times the weight of the rifle-projectiles therefor.

That before any further contracts are entered into or expenditures made for cannon for the armament of fortifications, except as herein provided, a breech-loading rifled cannon of 12-inch caliber shall be produced and subjected to satisfactory test of its power and endurance, under such conditions of rapid firing as to resemble, as nearly as possible, those existing in actual battle, by firing continuously for at least one hour at such rate as to deliver not less than 18,000 pounds of its proper projectiles in that time, or at the rate of 1,500 pounds per hour for each inch of diameter of its bore, and with such charges of powder as will impart to the standard weight and kind of projectiles such initial velocity as would be required to penetrate fairly through a solid iron target equal in thickness to one and one-half times the caliber at one mile range, which extreme proof is hereby declared to be the standard test to be applied to all single-charge trial guns hereafter to be manufactured by or for the United States. No single-charge gun shall be introduced into the service of the United States, of whatever kind, standard, caliber, or material, before a trial gun of the same material, caliber, and kind has been subjected to and has withstood this standard test, at the cost of the projector or producer of the gun, and under the inspection and direction of a commission of officers to be appointed for each test as hereinafter provided for.

That whoever shall first present such a breech-loading rifled cannon of 12-inch caliber, with the necessary projectiles of six hundred pounds weight, powder, implements, and ordnance supplies, shall, upon giving proper notice in writing to the President that he has it ready for trial at some convenient place, have the standard test applied by a commission to be appointed by the President for the purpose, and be composed of one officer of the Ordnance Corps, two officers of the artillery corps of the Army, and two line officers of the Navy; and in case it conforms to the standard herein established in all particulars and successfully endures the test, it shall be adopted as the standard type, and thereafter no other kind of 12-inch or any other smaller single-charge standard-caliber gun shall be procured for service until another and better 12-inch or other standard-caliber rifled cannon has been produced, and has successfully withstood the specified test, and has proved equal in all respects, and superior in some important particulars, such as power, endurance, or economy, to all previous ones tested and adopted as a standard, when the last and best of all shall be the standard for all guns of such calibers until one of higher standard shall have been produced and accepted as aforesaid.

That whoever shall first produce any such tested and accepted standard breech-loading rifled cannon as aforesaid shall have such gun received and paid for at a fair and reasonable cost by the Secretary of War, who, moreover, shall contract with said producer to furnish, within one year thereafter, fifty such guns and one hundred projectiles of the standard therefor for each gun, to be paid for, the guns at not to exceed 50 cents per pound and the projectiles at not to exceed 10 cents per pound. Each gun shall be tested by firing ten rounds with standard projectiles and powder used in the testing of the standard gun, and fired, as nearly as possible, with the rapidity required in actual practice in war; and no gun shall be received which does not withstand this test, and no gun shall be rejected which does withstand it; and he shall be entitled to have a like contract for the delivery of fifty such cannon, with projectiles, from the Secretary of the Navy.

That in case the said successful gun or guns shall have been produced by conversion of cast-iron smooth-bore guns now the property of the Government, the person or persons producing the same shall have the option of purchasing such other cast-iron guns belonging to the Government, for his use, as he may select, at the prices and on the terms now fixed by law. And the Secretary of War shall report to Congress, at the beginning of next session, all that has been done under the provisions of this act, with such recommendations as he may deem necessary.

The question being taken on agreeing to the amendment, there were—ayes 76, noes 51.

Mr. BUDD. No quorum.

The SPEAKER. The point being made that a quorum has not voted, the Chair will appoint as tellers the gentleman from California, Mr. BUDD, and the gentleman from Maine, Mr. REED.

The House again divided; and the tellers reported—ayes 131, noes 48. So the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. HANCOCK. I demand the previous question on the passage of the bill.

The previous question was ordered.

ENROLLED BILLS SIGNED.

Mr. PERKINS, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 870) to provide for the erection of a public building at Aberdeen, Miss., for use as a post-office, United States court, and for United States internal-revenue officials, and for other Government purposes;

A bill (H. R. 1091) granting an increase of pension to Sophia A. Morgan, widow of the late Charles H. Morgan, a brevet brigadier-general in the United States Army and brigadier-general of volunteers;

A bill (H. R. 1813) granting an increase of pension to Ann Cornelia Lanhan;

A bill (H. R. 2722) for the relief of Martha Turner;

A bill (H. R. 3008) for the relief of certain settlers on the Duck Valley Indian reservation, in Nevada;

A bill (H. R. 6087) authorizing the payment by the Secretary of the Treasury of the United States to Charles H. Getman, the firm of E.W. Rathbun & Co., the firm of Kinyon, Wright & Co., the firm of Bond & Jenkins, and the firm of Page, Fairchild & Co., certain duties paid

by them on imported lumber accidentally burned while in custody of officers of customs and before the same had entered into consumption;

A bill (H. R. 7659) granting a pension to Mrs. Emily L. Alvord;

A bill (H. R. 7830) granting a pension to the widow of the late Commander S. Dana Green; and

A bill (H. R. 847) for the relief of Francis B. Van Haesen.

Mr. PETERS, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 851) for the relief of the heirs of Mary Jane Veazie, deceased;

A bill (H. R. 948) for the relief of John M. Dorsey and William F. Shepard;

A bill (H. R. 1132) to place J. Washington Brank on the muster-rolls of Company B, Second North Carolina Mounted Infantry;

A bill (H. R. 1324) for the erection of a public building at Reading, Pa.;

A bill (H. R. 1566) for the relief of O. L. Cochran, late postmaster at Houston, Tex., reimbursing him for money erroneously collected from him by the Post-Office Department;

A bill (H. R. 1567) for the relief of the legal representatives of the late Capt. John G. Tod, of the Texas navy;

A bill (H. R. 1618) to provide for the construction of a court-house and post-office at Clarksburg, W. Va.;

A bill (H. R. 2123) for the erection of a public building at Wichita, Kans.;

A bill (H. R. 2949) for the erection of a public building at Port Townsend, Wash.;

A bill (H. R. 3343) for the erection of a public building in the city of Auburn, N. Y.;

A bill (H. R. 3593) for the erection of a public building at Chicago, Ill.;

A bill (H. R. 4067) to change the limit of appropriation for the public building at Louisville, Ky.;

A bill (H. R. 4686) for the relief of Fendall Carpenter;

A bill (H. R. 5452) for the relief of John W. Martin;

A bill (H. R. 5747) to authorize the increase of the capital stock of the First National Bank of Larned, Kans., not to exceed \$250,000;

A bill (H. R. 6089) for the relief of Moses F. Carleton;

A bill (H. R. 6824) authorizing the President of the United States to appoint Passed Assistant Engineer Nathan B. Clark, United States Navy, a chief engineer on the retired-list of the Navy;

A bill (H. R. 7655) granting an increase of pension to the widow of Maj. Thomas T. Thornburgh, late of the United States Army;

A bill (H. R. 8034) for the relief of the estates of Hugh and Byrd Douglas, deceased;

A bill (S. 544) granting increase of pension to Elijah W. Penny;

A bill (S. 1877) granting increase of pension to John Hall;

A bill (S. 2245) granting a pension to William N. Morris;

A bill (S. 2302) granting a pension to John Lowe;

A bill (S. 2279) granting a pension to Lewis L. Canady;

A bill (S. 2367) granting a pension to Sarah A. White;

A bill (S. 1730) granting a pension to the widow and children of the late Byram Pitney;

A bill (S. 2437) granting a pension to Mrs. Mary Gordon;

A bill (S. 2125) granting a pension to Sarah Jane Prince;

A bill (S. 2527) granting a pension to Robert Sheridan;

A bill (S. 2443) granting an increase of pension to Polly Young;

A bill (S. 1113) granting a pension to Anne E. Manchester;

A bill (S. 2153) granting a pension to Benjamin F. Brockett;

A bill (S. 1836) granting an increase of pension to Sarah Hague;

A bill (S. 1612) granting a pension to Bryson R. McCartney;

A bill (S. 1633) granting a pension to James Bond;

A bill (S. 2268) for the relief of Robert J. Ballort;

A bill (S. 2607) granting a pension to Mary B. Holmes;

A bill (S. 1811) granting a pension to Anne T. Dicks;

A bill (S. 2316) granting a pension to Mrs. Cordelia Brainerd Thomas;

A bill (S. 2546) granting a pension to Charlotte C. B. Hatch;

A bill (S. 1911) for the relief Duncan L. Clinch;

A bill (S. 2262) granting a pension to Sedate P. Martin; and

A bill (S. 2620) granting a pension to James H. Boaz.

FORTIFICATION BILL.

Mr. HANCOCK. Mr. Speaker, I ask unanimous consent to dispense with the yeas and nays on the passage of the fortification appropriation bill.

The SPEAKER. Is there objection? [After a pause.] No objection is made. The question is, Shall this bill pass?

Mr. RANDALL. I call for the yeas and nays. [Cries of "Too late!" "Too late!"]

The SPEAKER. The Chair asked for objection and none was offered.

Mr. RANDALL. There was so much confusion that I did not hear the Chair. [Renewed cries of "Too late!" "Too late!"]

The SPEAKER. The Chair thinks the objection comes too late.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. HANCOCK moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table. The latter motion was agreed to.

POST-OFFICE BUILDING, WASHINGTON, D. C.

Mr. DIBBLE, by unanimous consent, introduced a bill (H. R. —) to authorize the purchase of the real estate known as square No. 406 of the city of Washington for the enlargement of the Post-Office Department building, and to provide accommodations for the city post-office; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. EATON. I move that the House adjourn.

Mr. RANDALL and others. Oh, no.

Mr. EATON. I withdraw the motion.

ARMY APPROPRIATION BILL.

Mr. FORNEY. Mr. Speaker, I rise to present a conference report, which I send to the Clerk's desk to be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate, numbered 23, to the bill of the House 8120, making appropriations for the support of the Army for the fiscal year ending June 30, 1886, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same.

WILLIAM H. FORNEY,
R. W. TOWNSHEND,
J. WARREN KEIFER,
Managers on the part of the House,
WILLIAM B. ALLISON,
P. B. PLUMB,
Managers on the part of the Senate.

The SPEAKER. The Clerk will read the statement of the House conferees which accompanies this report.

The Clerk read as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendment of the Senate, numbered 23, to the bill (H. R. 8120) making appropriations for the support of the Army for the fiscal year 1886, submit the following in explanation of the action recommended by the conference committee in the report submitted herewith.

The effect of the action recommended strikes from the bill as it passed the House the provision to amend article 94 of section 1342, so as to permit court-martial to sit during such hours as they might determine.

WM. H. FORNEY,
R. W. TOWNSHEND,
J. WARREN KEIFER,
Managers on the part of the House.

Mr. KEIFER. Mr. Speaker, I desire one minute to say that the conferees on the part of the House were induced to agree to strike out the last section of the Army bill for the reason that they were persuaded that the articles of war to which that section related may need at an early time very general and substantial revision. That section (which was incorporated in this bill on my motion in the House) was in the right direction, and if the one to which it related were the only article of war needing revision we should have insisted upon the Senate agreeing to that provision of the bill; but, in view of what will be necessary in that direction in the near future, we thought it was best to ask the House to recede from its position, and we are unanimous in favor of the report.

Mr. FORNEY. Mr. Speaker, I move the adoption of the report.

The motion was agreed to.

Mr. FORNEY moved to reconsider the vote by which the report of the committee of conference was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

SALE OF SAC AND FOX RESERVATION.

Mr. PERKINS. Mr. Speaker, I move that the House insist upon its disagreement to the amendments of the Senate to the bill (H. R. 6658) to provide for the sale of the Sac and Fox reservation in the States of Nebraska and Kansas, and for other purposes, and consent to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

The SPEAKER. The Chair will appoint as managers on the part of the House the gentleman from Texas, Mr. WELLBORN, the gentleman from North Carolina, Mr. SKINNER, and the gentleman from Kansas, Mr. PERKINS.

CLAIMS OF OFFICERS AND ENLISTED MEN.

Mr. ROSECRANS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5713) to provide for the settlement of claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3 and 4, and agree to the same, as follows:

No. 1. Page 1, line 4, after "officers," insert "and."
No. 2. Page 1, lines 4 and 5, strike out "and" and insert "or hostilities with Indians."
No. 3. Page 2, line 3, insert after "war" "or hostilities with Indians."
No. 4. Page 2, line 7, after "reasonable," insert "useful, necessary, and proper for such officer or soldier while in quarters engaged in the public service in the

line of duty: And provided further, That all claims now existing shall be presented within two years, and not after, from the passage of this act; and all such claims hereafter arising be presented within two years from the occurrence of the loss or destruction."

And the Senate agree to the same.

W. S. ROSECRANS,
GEORGE W. STEELE,
R. M. MURRAY,
Managers on the part of the House.
F. M. COCKRELL,
BENJAMIN HARRISON,
Managers on the part of the Senate.

The report was adopted.

Mr. ROSECRANS moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PAYMENT FOR INDIAN SUPPLIES.

Mr. STRAIT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 84) entitled "An act to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof," having met, after full and free conference agree to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 3, and 5, and agree to the same.

That the House recede from its amendment numbered 4, and in lieu thereof agree to the following:

"Provided, however, That said sum shall be charged to the unpaid annuities stipulated to be paid to the said Sioux Indians under treaties, but abrogated and annulled by the act approved February 16, 1863;" and the Senate agree to the same.

OLIN WELLBORN,
H. B. STRAIT,
R. S. STEVENS,
Managers on the part of the House.
ANGUS CAMERON,
JAMES H. SLATER,
H. L. DAWES,
Managers on the part of the Senate.

The report was adopted.

Mr. STRAIT moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BLACKBURN. I now move that the House take a recess until 12 o'clock to-morrow for the consideration of such business as may come before it other than contested-election cases.

Mr. WHITE, of Kentucky. I move to amend by providing for a recess until Monday morning at 9 o'clock.

Mr. TURNER, of Georgia. Does this proposition require unanimous consent?

The SPEAKER. The Chair will state that the latter part of the motion of the gentleman from Kentucky [Mr. BLACKBURN], excluding a particular class of business from consideration, requires unanimous consent.

Mr. BLACKBURN. Then I will make the motion that the House now take a recess until 12 o'clock to-morrow, and will state that so far as I can aid in preventing their consideration election cases will not be considered.

Mr. HUTCHINS. There is no such pressing necessity as to justify this proposition, and I protest in the strongest terms against this desecration of the Sabbath.

Mr. BLACKBURN. I withdraw the motion I have made, and substitute a motion that the rules be suspended so that the House now take a recess until 12 o'clock to-morrow, to proceed with legislative business other than contested-election cases.

Mr. WHITE, of Kentucky. I demand a second on the motion to suspend the rules.

Mr. BENNETT. I rise to a question of privilege, and call up the contested-election case of Frederick vs. Wilson, from the State of Iowa.

Mr. HAMMOND. I move that the House do now adjourn.

Several members addressed the Chair.

The SPEAKER. Debate is not in order. The Chair will state the position of the question. The gentleman from Kentucky [Mr. BLACKBURN] moves to suspend the rules so as to take a recess until to-morrow at 12 o'clock for the transaction of business other than contested-election cases. Pending that motion the gentleman from North Carolina [Mr. BENNETT] calls up the contested-election case from the State of Iowa; and then the gentleman from Georgia [Mr. HAMMOND] moves that the House adjourn, which is the first question to be voted upon and is not debatable or amendable.

Mr. WHITE, of Kentucky. I demanded a second on the motion of my colleague [Mr. BLACKBURN].

The SPEAKER. The Chair has not reached that point yet.

Mr. REAGAN. I suggest to the gentleman from Georgia to change his motion from that of adjournment to taking a recess until 9 o'clock Monday morning. [Cries of "Regular order!" "Vote!"]

Mr. BLACKBURN. If the Chair will hear me a moment [cries of "Regular order!"], I want to submit a motion that takes precedence of the motion of the gentleman from Georgia. I move that when the House adjourns to-day it adjourn to meet to-morrow at 12 o'clock.

The SPEAKER. That changes an order of the House, which is to meet at 11 o'clock. The question is on the motion to adjourn.

The House divided; and there were—ayes 80, noes 85.

Mr. HUTCHINS. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 108, nays 83, not voting 133; as follows:

YEAS—108.

Adams, G. E.	Dunham,	Ketcham,	Rowell,
Anderson,	Dunn,	Lanham,	Ryan,
Atkinsop,	Eaton,	Lawrence,	Seymour,
Barksdale,	Ellwood,	Le Fevre,	Singletou,
Bayne,	Everhart,	Long,	Skinner, C. R.
Bland,	Ferrell,	McAdoo,	Smalls,
Boutelle,	Forney,	McComas,	Smith, H. Y.
Boyle,	Greenleaf,	McCormick,	Spriggs,
Bratton,	Hammond,	Miller, J. F.	Steele,
Breckinridge,	Hardy,	Mills,	Stephenson,
Broadhead,	Hart,	Muller,	Stewart, Charles
Brown, W. W.	Hatch, W. H.	Nelson,	Stewart, J. W.
Brumm,	Hemphill,	Parker,	Strait,
Buchanan,	Henderson, T. J.	Patton,	Struble,
Caldwell,	Hepburn,	Payne,	Sumner, D. H.
Campbell, Felix	Hewitt, A. S.	Pettibone,	Swope,
Campbell, J. M.	Hewitt, G. W.	Pierce,	Taylor, J. D.
Clements,	Hiscock,	Polter,	Thomas,
Converse,	Hitt,	Price,	Tillman,
Cox, W. R.	Hopkins,	Pryor,	Van Eaton,
Craig,	Horr,	Randall,	Wallace,
Crisp,	Howey,	Rauney,	Washburn,
Culbertson, D. B.	Hutchins,	Reed, T. R.	White, J. D.
Davis, G. R.	James,	Reid, J. W.	Whiting,
Dixon,	Jones, B. W.	Reese,	Wilkins,
Dockery,	Jones, J. H.	Riggs,	Wolford,
	Keifer,	Rockwell,	York.

NAYS—83.

Adams, J. J.	Ellis,	Mitchell,	Shively,
Arnot,	English,	Morrill,	Skinner, T. G.
Bennett,	Ermentrout,	Murphy,	Spooner,
Bisbee,	Follett,	Mutchler,	Springer,
Blackburn,	Foran,	Ochiltree,	Stevens,
Breitung,	Funston,	O'Ferrall,	Stockslager,
Browne, T. M.	Goff,	O'Hara,	Sumner, C. A.
Budd,	Green,	O'Neill, Charles	Talbot,
Burnes,	Halsell,	Faige,	Taylor, J. M.
Cabell,	Hancock,	Peel,	Townshend,
Campbell, J. E.	Hill,	Perkins,	Turner, H. G.
Carleton,	Holmes,	Peters,	Valentine,
Cassidy,	Jeffords,	Poland,	Wadsworth,
Clardy,	Kleiner,	Post,	Ward,
Clay,	Lewis,	Pusey,	Warner, Richard
Cook,	Lovering,	Ray, Ossian	Weaver,
Cosgrove,	Lowry,	Robertson,	Wellborn,
Covington,	McCoid,	Rogers, J. H.	Wemple,
Curtin,	McMillin,	Rogers, W. F.	White, Milo
Dibble,	Matson,	Rosecrans,	Woodward,
Dorheimer,	Milliken,	Seney,	

NOT VOTING—133.

Aiken,	Dowd,	Jordan,	Russell,
Alexander,	Eldredge,	Kean,	Shaw,
Bagley,	Elliott,	Kelley,	Slocum,
Ballentine,	Evans,	Kellogg,	Smith, A. Herr
Barbour,	Fiedler,	King,	Snyder,
Barr,	Findlay,	Lacey,	Stone,
Beach,	Finerty,	Laird,	Storm,
Belford,	Fyan,	Lamb,	Taylor, F. R.
Belmont,	Garrison,	Libbey,	Thompson,
Bingham,	Geddes,	Lore,	Throckmorton,
Blanchard,	George,	Lyman,	Tucker,
Blount,	Gibson,	Maybury,	Tully,
Bowen,	Glascok,	Millard,	Turner, Oscar
Brauer,	Graves,	Miller, S. H.	Van Alstyne,
Brewer, F. B.	Guenther,	Money,	Vance,
Brewer, J. H.	Hanback,	Morgan,	Wait,
Buckner,	Hardeman,	Morrison,	Wakefield,
Burleigh,	Harmer,	Morse,	Warner, A. J.
Cannon,	Hatch, H. H.	Moulton,	Weller,
Chalmers,	Haynes,	Muldrow,	Williams,
Cobb,	Henderson, D. B.	Murray,	Willis,
Collins,	Henley,	Necce,	Wilson, James
Connolly,	Herbert,	Nicholls,	Wilson, W. L.
Cox, S. S.	Hoblitzell,	Nutting,	Winans, E. B.
Culbertson, W. W.	Holman,	Oates,	Winans, John
Cullen,	Holton,	O'Neill, J. J.	Wise, G. D.
Cutcheon,	Hooper,	Payson,	Wise, J. S.
Dargan,	Houk,	Phelps,	Wood,
Davidson,	Houseman,	Rankin,	Worthington,
Davis, L. H.	Hunt,	Ray, G. W.	Yaple,
Davis, R. T.	Hurd,	Reagan,	Young,
Deuster,	Johnson,	Rice,	
Dibrell,	Jones, J. K.	Robinson, J. S.	
Dingley,	Jones, J. T.	Robinson, W. E.	

So the motion was agreed to.

During the roll-call,

Mr. YORK moved to dispense with the reading of the names.

There was no objection, and it was ordered accordingly.

The following pairs were announced:

On all political questions until further notice:

Mr. MORRISON with Mr. JOHN S. WISE.

Mr. SHAW with Mr. LAIRD.

Mr. THROCKMORTON with Mr. EZRA B. TAYLOR.

Mr. JORDAN with Mr. HENDERSON, of Iowa.
 Mr. HURD with Mr. RICE.
 Mr. NEECE with Mr. CHALMERS.
 For the remainder of the day:
 Mr. GLASCOCK with Mr. KEAN.
 Mr. GEORGE with Mr. GIBSON.
 Mr. BLANCHARD with Mr. KELLOGG.
 Mr. BARR with Mr. GARRISON.
 Mr. NICHOLLS with Mr. LYMAN.
 Mr. BUCKNER with Mr. WAIT.
 Mr. SNYDER with Mr. HANBACK.
 Mr. HOLTON with Mr. WILSON, of West Virginia.
 Mr. DINGLEY with Mr. MORSE.
 Mr. HOUK with Mr. WILLIS.
 Mr. MILLARD with Mr. ELLIOTT.
 Mr. DAVIDSON with Mr. HARMER.
 Mr. BREWER, of New Jersey, with Mr. MCADOO.
 Mr. LAMB with Mr. HITT.
 Mr. JONES, of Alabama, with Mr. KELLEY.
 Mr. VANCE with Mr. STONE.
 Mr. BALLENTINE with Mr. CUTCHEON.
 Mr. COVINGTON with Mr. PHELPS.
 Mr. WILLIAMS with Mr. FINERTY.
 Mr. O'NEILL, of Missouri, with Mr. BINGHAM.
 Mr. YAPLE with Mr. LACEY.
 On this vote:
 Mr. MORRISON with Mr. WILSON, of Iowa.
 Mr. TULLY with Mr. A. HERR SMITH.
 Mr. THOMPSON with Mr. RAY, of New York.
 Mr. YOUNG with Mr. PAYSON.
 Mr. HOBLITZELL with Mr. MILLARD.
 Mr. FIEDLER with Mr. JOHNSON.
 Mr. TURNER, of Kentucky, with Mr. BURLEIGH.
 Mr. MURRAY with Mr. BOWEN.
 Mr. AIKEN with Mr. EVANS.
 Mr. GEORGE D. WISE with Mr. LIBBEY.
 The vote was then announced as above recorded.

PRODUCTION OF PRECIOUS METALS.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting a report from the Director of the Mint of the production of precious metals in the United States during the calendar year of 1884; which was referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

And then (at 6 o'clock and 40 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ARNOT: Petition of citizens of New York, asking for the repeal of revenue tax on tobacco, &c.—to the Committee on Ways and Means.

By Mr. BAYNE: Resolution of the Legislature of Pennsylvania for the passage of the bill placing General U. S. Grant on the retired-list as General—to the Committee on Military Affairs.

Also, petition of John Launitz and others, of Allegheny County, Pennsylvania, requesting Congress to take early action for the suppression of Mormonism—to the Committee on the Judiciary.

By Mr. BRUMM: Resolution of the Legislature of Pennsylvania in favor of the retirement of General U. S. Grant—to the same committee.

By Mr. R. T. DAVIS: Two petitions of citizens of Nantucket, Mass., on Indian affairs—to the Committee on Indian Affairs.

By Mr. FINERTY (by request): Petition of Henry Richards and others, praying for the investigation of certain proceedings in the United States district and circuit courts, eastern district of Louisiana, and the third judicial district of Dakota—to the Committee on the Judiciary.

By Mr. D. B. HENDERSON: Petition of George W. Brindell and 60 others, citizens of Manchester, Iowa, praying for legislation against Mormonism—to the same committee.

By Mr. HOPKINS: Resolution of the Legislature of Pennsylvania in favor of placing General U. S. Grant on the retired-list—to the Committee on Military Affairs.

Also, resolution of the Legislature of Pennsylvania in opposition to the abolition of the National Board of Health—to the Select Committee on the Public Health.

By Mr. HOWEY: Petition of Rev. J. G. Williamson, J. G. Huffman, and others, citizens of Hunterdon County, New Jersey, praying for early action looking to the suppression of Mormonism—to the Committee on the Judiciary.

By Mr. JAMES: Petition of Mrs. Lenette M. Frost, for extension of letters patent No. 51735 and reissues Nos. 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, to her as sole legatee and devisee of John K. Mayo, deceased—to the Committee on Patents.

Also, petition of 66 voters of Cazenovia, N. Y., praying for early ac-

tion upon the so-called Mormon question—to the Committee on the Judiciary.

By Mr. KEAN: Two petitions of citizens of Elizabeth, N. J., relative to the Mormon question—to the same committee.

By Mr. LANHAM: Petition of W. L. Sartwell and others, of Comanche, Tex., on the Mormon question—to the same committee.

By Mr. LIBBEY: Petition of Philip Epstein and others, for relief—to the Committee on War Claims.

By Mr. MORRILL: Memorial of the Legislature of Kansas, asking for a general pension to the soldiers of the rebellion—to the Committee on Invalid Pensions.

By Mr. PATTON: Petition of Mrs. E. Tate, president of the Home Missionary Society of Tionesta, Pa., accompanied with 134 names from the same place, asking for legislation on the Mormon question—to the Committee on the Judiciary.

By Mr. VAN ALSTYNE: Report and resolution of the Board of Trade of the city of Albany, N. Y., in opposition to the passage of any act by Congress authorizing the erection of a bridge across the Hudson River at Storm King—to the Committee on Commerce.

By Mr. WASHBURN: Joint resolution of the Legislature of Minnesota urging upon Congress the immediate enlargement of the lockage of the Sault Saint Mary—to the Committee on Rivers and Harbors.

By Mr. WILKINS: Petitions of Rev. Thomas A. Kohr and 100 others, citizens of Palatka; of J. W. Lindstedt and 72 others, citizens of Mount Vernon, and of Rev. Faris Brown and 112 others, citizens of New Concord, Ohio, praying for the suppression of Mormonism—to the Committee on the Judiciary.

By Mr. JOHN WINANS: Memorial of the State Legislature of Wisconsin for an appropriation for experiments with sorghum and improved methods of making sugar—to the Committee on Agriculture.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. W. W. BROWN: Joint resolutions of the Legislature of the Commonwealth of Pennsylvania.

By Mr. GEORGE: Of Charles H. Osterhault and 20 others, of Oregon.

By Mr. KEIFER: Of R. C. McLaughlin and 63 others, of Frampton; of Samuel Wise and 24 others, of Calla; of J. H. Kimball and 161 others, of C. R. Thomas and 45 others, of Prospect; of J. A. Boyer and 41 others, of West Liberty; of Isaac Ax and 40 others, of Beach City; of James Fanning and 104 others, of Forest; of W. D. Mathews and 69 others, of Mount Gilead; of Philetus Dow and 70 others, of Davis; and of Marvin F. Hasson and 101 others, of Centreburg, Ohio.

By Mr. MATSON: Of John H. Percy and 16 others, ex-Union soldiers, of Greencastle, Ind.

By Mr. RAYMOND: Thirty-four petitions of citizens of Dakota, and also one of 320 soldiers of Fort Meade, Dak.

By Mr. SPRIGGS: Resolutions of the Grand Army of the Republic, Department of New York.

SENATE.

MONDAY, March 2, 1885.

The Senate met at 9 o'clock a. m.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last.

Mr. HALE. I ask unanimous consent that the further reading of the Journal may be dispensed with. There has been ample time to prepare it, and I have no doubt it is entirely accurate.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and the further reading of the Journal is dispensed with.

CREDENTIALS.

Mr. GIBSON presented the credentials of James B. Eustis, chosen by the Legislature of Louisiana a Senator from that State for the term beginning March 4, 1885; which were read and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8030) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1886, and for other purposes.

The message also announced that the House had concurred in the amendment of the Senate numbered 23 to the bill (H. R. 8120) making appropriations for the support of the Army for the fiscal year 1886, and for other purposes.

The message further announced that the House had passed a bill (H. R. 8279) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June

30, 1886, and for other purposes; in which it requested the concurrence of the Senate.

The message also announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 6658) to provide for the sale of the Sac and Fox Indian reservation in the States of Nebraska and Kansas, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. OLIN WELLSBORN of Texas, Mr. T. G. SKINNER of North Carolina, and Mr. B. W. PERKINS of Kansas managers at the conference on its part.

The message further announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 84) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

- A bill (S. 544) granting increase of pension to Elijah W. Penny;
- A bill (S. 1113) granting a pension to Anne E. Manchester;
- A bill (S. 1612) granting a pension to Bryson R. McCartney;
- A bill (S. 1633) granting a pension to James Bond;
- A bill (S. 1739) granting a pension to the widow and children of the late Byram Pitney;
- A bill (S. 1811) granting a pension to Anne T. Dicks;
- A bill (S. 1836) granting an increase of pension to Sarah Hague;
- A bill (S. 1877) granting increase of pension to John Hall;
- A bill (S. 1911) for the relief of Duncan L. Clinch, of the State of Georgia;
- A bill (S. 2125) granting a pension to Sarah Jane Prince;
- A bill (S. 2153) granting a pension to Benjamin F. Brackett;
- A bill (S. 2245) granting a pension to William N. Morris;
- A bill (S. 2262) granting a pension to Sedate P. Martin;
- A bill (S. 2268) for the relief of Robert J. Ballort;
- A bill (S. 2279) granting a pension to Lewis L. Canady;
- A bill (S. 2302) granting a pension to John Lowe;
- A bill (S. 2316) granting a pension to Mrs. Cordelia Brainerd Thomas;
- A bill (S. 2367) granting a pension to Sarah A. White;
- A bill (S. 2437) granting a pension to Mrs. Mary Gordon;
- A bill (S. 2443) granting an increase of pension to Polly Young;
- A bill (S. 2527) granting a pension to Robert Sheridan;
- A bill (S. 2546) granting a pension to Charlotte C. B. Hatch;
- A bill (S. 2607) granting a pension to Mary B. Holmes;
- A bill (S. 2619) granting an increase of pension to Martha Hughes;
- A bill (S. 2630) granting a pension to Thomas H. Boaz;
- A bill (H. R. 851) for the relief of the heirs of Mary Jane Veazie, deceased;
- A bill (H. R. 870) to provide for the erection of a public building at Aberdeen, Miss., for use as a post-office, United States court, and for United States internal-revenue officials, and for other Government purposes;
- A bill (H. R. 948) for the relief of John M. Dorsey and William F. Shepard;
- A bill (H. R. 1091) granting an increase of pension to Sophia A. Morgan, widow of the late Charles H. Morgan, a brevet brigadier-general in the United States Army;
- A bill (H. R. 1132) to place J. Washington Brank on the muster-rolls of Company B, Second North Carolina Mounted Infantry;
- A bill (H. R. 1321) for the erection of a public building at Reading, Pa.;
- A bill (H. R. 1566) for the relief of O. L. Cochran, late postmaster at Houston, Tex., reimbursing him for money erroneously collected from him by the Post-Office Department;
- A bill (H. R. 1567) for the relief of the legal representatives of the late Capt. John G. Tod, of the Texas navy;
- A bill (H. R. 1618) to provide for the construction of a court-house and post-office at Clarksburg, W. Va.;
- A bill (H. R. 1813) granting an increase of pension to Ann Cornelia Lanman;
- A bill (H. R. 2123) for the erection of a public building at Wichita, Kans.;
- A bill (H. R. 2722) for the relief of Martha Turner;
- A bill (H. R. 2949) for the erection of a public building at Port Townsend, Wash.;
- A bill (H. R. 3008) for the relief of certain settlers on the Duck Valley Indian reservation, in Nevada;
- A bill (H. R. 3343) for the erection of a public building in the city of Auburn, N. Y.;
- A bill (H. R. 3593) for the erection of a public building at Chicago, Ill.;
- A bill (H. R. 4067) to change the limit of appropriation for the public building at Louisville, Ky.;

- A bill (H. R. 4686) for the relief of Fendall Carpenter;
- A bill (H. R. 5452) for the relief of John W. Martin;
- A bill (H. R. 5747) to authorize the increase of the capital stock of the First National Bank of Larned, Kans., not to exceed \$250,000;
- A bill (H. R. 6089) for the relief of Moses F. Carleton;
- A bill (H. R. 6087) authorizing the payment by the Secretary of the Treasury of the United States to Charles H. Getman, the firm of E. W. Rathbun & Co., the firm of Kinyon, Wright & Co., the firm of Bond & Jenkins, and the firm of Page, Fairchild & Co., certain duties paid by them on imported lumber accidentally burned while in custody of officers of customs and before the same had entered into consumption;
- A bill (H. R. 6824) authorizing the President of the United States to appoint one passed assistant engineer now on the retired-list of the Navy a chief engineer on the retired-list of the Navy;
- A bill (H. R. 7655) granting an increase of pension to the widow of Maj. Thomas T. Thornburgh, late of the United States Army;
- A bill (H. R. 7659) granting a pension to Mrs. Emily L. Alvord;
- A bill (H. R. 7830) granting a pension to the widow of the late Commander S. Dana Greene, United States Navy; and
- A bill (H. R. 8034) for the relief of the estates of Hugh and Byrd Douglas, deceased.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting a supplemental list of claims allowed by the accounting officers of the Treasury under the act of March 3, 1849. The Chair is not sure, but thinks the letter ought to be referred to the Committee on Claims.

Mr. JACKSON. The Committee on Claims has usually acted upon that class of cases. I suggest that the communication be referred to that committee.

The PRESIDENT *pro tempore*. If there be no objection, the communication, with the accompanying papers, will be referred to the Committee on Claims and ordered to be printed.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting an appropriation estimate received from the Secretary of the Navy for a combined coal-shed and store-house for the naval station at Port Royal, S. C.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

LAND TITLES IN NEW MEXICO.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a communication from the Secretary of the Interior, transmitting, in answer to a resolution of the 4th and 20th instants, a letter from the Commissioner of the General Land Office, with accompanying papers, upon the subject of the fraudulent acquisition of titles to lands in New Mexico. The letter with the accompanying papers will be printed and referred to the Committee on Public Lands. [A pause.] The Chair sees that the documents are very voluminous, and will direct, if there be no objection, that the letter of the Secretary of the Interior and the letter of the Commissioner of the General Land Office be printed, and with the accompanying papers referred to the Committee on Printing, in order that the Committee on Printing may determine the question of printing them.

Mr. HILL. The time is very short now in which this matter can be considered. These papers are of very great importance, and I hope an order will be made to print them without a reference to the Committee on Printing, as it is so near the close of the session.

Mr. INGALLS. I should regret exceedingly to have an order made for the printing of the mass of papers sent in under the resolution, without their being examined by the proper committee. I think the rule requires it.

The PRESIDENT *pro tempore*. The first paragraph of the twenty-ninth rule leaves it in the discretion of the Senate whether to order the printing without a reference. It requires that such papers as these shall be referred to the Committee on Printing unless the Senate shall otherwise order. The Chair understands the Senator from Colorado to move that the Senate order that the papers be now printed. Is that the motion of the Senator from Colorado?

Mr. HILL. Yes, sir.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion.

Mr. HAWLEY. The Senator will allow me to suggest that that is rather a formidable pile of papers, as the Chair has remarked. With the charge that is now upon the Printing Office anyhow, by reason of the particular time, I will not say that it would be impossible for the Printer to print those papers at once, for of course if everything else is sacrificed he can have them here to-morrow morning. The Printing Office can have almost anything in the world here in print in the morning, but in the course of proper business we should not get them under a week or ten days.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Kansas to move that the papers be referred to the Committee on Printing.

Mr. INGALLS. That is my motion.

The PRESIDENT *pro tempore*. Pending the motion of the Senator from Colorado the Senator from Kansas moves that the papers be referred to the Committee on Printing.

Mr. HILL. Is this subject open to debate?

The PRESIDENT *pro tempore*. The Chair thinks it is. The Chair will state the question. The Senator from Colorado has moved that the papers be printed. The Senator from Kansas thereupon moves that the papers, together with the motion or resolution to print them, be referred to the Committee on Printing. The Chair thinks that the motion of the Senator from Kansas is first to be put, so that the question is first on the reference.

Mr. HILL. I desire to offer briefly some explanation.

Mr. HOAR. Will the Chair be good enough, before the Senator from Colorado proceeds, to state what the papers relate to?

The PRESIDENT *pro tempore*. They relate to alleged frauds in respect of public lands in New Mexico. The mass of papers sent up is so large, it being the mass here on the table, that the Chair thought it fit to refer them to the Committee on Printing, but the Senator from Colorado desires that they be now printed.

Mr. HILL. Mr. President, on the 4th of February the Senate adopted a resolution, offered by me, directing the Secretary of the Interior to furnish to the Senate copies of the reports of F. D. Hobbs and R. A. Green, who held the official position of inspectors of land offices, in respect to the fraudulent acquisition of titles to the public lands in New Mexico, and of the testimony accompanying the reports.

The resolution further directed the Secretary of the Interior to furnish copies of "all papers on file relating to this subject."

I offered this resolution in consequence of information communicated to me by letters from well-known citizens of New Mexico, to the effect that the reports of Messrs. Hobbs and Green exposed great land frauds in New Mexico, in which the register of the land office at Santa Fé was an active participant, and involved the integrity of persons holding much higher official positions than that held by the register. These reports recommended not only that the register should be dismissed from the office, but that the United States attorney in New Mexico should be instructed to take measures to prosecute him and secure his proper punishment for various crimes and misdemeanors. Whether by a mistake or by inadvertence, it would appear that honest men were selected by the Secretary of the Interior to investigate these frauds, or at least that Hobbs and Green went to New Mexico with the intention of dishonestly discharging their official duties.

No action was taken on the reports, the one relating to the land office having been sent to the Interior Department on the 17th of July. The register was retained in his office by the Secretary of the Interior, boasting that he was "solid," to use his own expression, with the Secretary of the Interior, and would therefore be left undisturbed in his official position.

About the 16th of last month I received a letter from a prominent citizen of Santa Fé, from which I quote the following words:

In conversation with United States Prosecuting-Attorney Prichard, for New Mexico, yesterday informed me that he had made application some six weeks or two months ago for copies of the reports of Messrs. Hobbs and Green, for the purpose of aiding him in prosecuting suits against certain parties indicted for irregular land transactions, whom he has reason to believe were mentioned in said reports, but up to this time has not been able to extort a reply from the Interior Department. He also informs me that by reason of said failure to respond to his request he finds himself sadly crippled in the discharge of his duties.

On the 20th day of February, ten days ago to-day, the President nominated Charles F. Easley to be register of the Santa Fé land district, in place of Max Frost, resigned. His resignation was plainly in consequence of the resolution of February 4 and of the disclosures sure to result from it. As strange as it may appear, it did not occur till nearly eight months after the report of Hobbs was received at the Interior Department, so much time being generously allowed him apparently to aid the parties who were extensively engaged in plundering the public domain to close up their transactions.

On the 19th of February, no copies having been sent to the Senate in compliance with the resolution of February 4, I called at the Interior Department to inquire as to the cause of what seemed to be an extraordinary delay. I was then informed that copies had been made of the reports of the inspectors, Hobbs and Green, and of the evidence accompanying the same, but that further time would be required to comply with the closing part of the resolution which called for copies of "all papers on file relating to this subject."

On the next day, February 20, the resolution was modified by the Senate, on my motion, by striking off the words which I have just quoted.

On the 24th of February, the copies not yet having been received by the Senate, I again went to the Interior Department to ascertain the cause of the continued delay.

I was then informed that the copies of all the papers called for by the resolution of February 4, as modified by the Senate, were complete, and nothing remained to be done except the writing of the formal letter of transmission to the Senate. The papers were not, however, sent to the President of the Senate till last Saturday, the 28th.

Now, Mr. President, I believe I am justified in saying that the reso-

lution of the Senate has been complied with reluctantly and with unnecessary delay, and finally, when the papers come, within two or three days of the close of this Congress, a large mass of material is thrown in, which in no sense was called for under the modified resolution, to embarrass the action of the Senate in the matter of ordering the papers printed.

The papers are of a character which requires that they should be printed for the information of Congress and the country. They embrace reports of important officials of the General Land Office and of evidence officially taken by them, which have been hidden from sight in pigeon-holes for nearly eight months, and the threatened publication of which has caused the flight of one of the implicated parties by a resignation of his office. It is true that this is only one of hundreds of cases of criminal misconduct, on which there is an imperative necessity that light should be thrown.

These papers relate to a subject about which the public mind is very sensitive, the administration of the public domain. There is a widespread belief that it is preyed upon and plundered by those who have no just right to it and in violation of the rights of the Government and of the people.

I trust that with this explanation the papers may be allowed to be printed. It is not necessary that they should be furnished to the Senate by the close of the Congress, but if they are ordered to be printed now they will come out in due time, and it is information which the public ought to have.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is, Will the Senate agree to refer the papers, with the motion to print, to the Committee on Printing?

The motion to refer was agreed to.

HOUSE BILLS REFERRED.

The bill (H. R. 8279) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1886, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

The joint resolution (H. Res. 341) to authorize the printing of 50,000 copies of the second annual report of the Bureau of Animal Industry for the year 1885 was read twice by its title, and referred to the Committee on Printing.

REPORT ON THE PRECIOUS METALS.

The PRESIDING OFFICER laid before the Senate the following concurrent resolution, received on Saturday from the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring). That the report of the Director of the Mint on the production of the precious metals in the United States for the year 1884 be printed, and that 9,000 extra copies be printed; 4,000 copies for the use of the House of Representatives, 2,000 copies for the use of the Senate, and 3,000 copies for the use of the Director of the Mint.

PUBLIC BUILDING AT COUNCIL BLUFFS.

Mr. CAMERON, of Wisconsin. There is one House public building bill remaining on the Calendar. I ask unanimous consent that that may be taken up and considered at this time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 441) for the completion of a public building at Council Bluffs, Iowa.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in line 3, before the word "thousand," to strike out "one hundred" and insert "fifty;" so as to make the bill read:

Be it enacted, &c., That the additional sum of \$50,000 is hereby appropriated to erect a post-office, court-room, and internal-revenue building at Council Bluffs, Iowa, to be expended by the Secretary of the Treasury, subject to the requirements of an act for that purpose approved May 23, 1882. The limit of cost prescribed in said act is hereby extended, and no plan shall be approved which will involve an expenditure for site and building complete, including approaches, greater than the limit herein fixed.

Mr. ALLISON. I hope the amendment will not be adopted.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. HOAR. I ask unanimous consent that it shall be in order to offer to the sundry civil appropriation bill when it comes up for consideration this amendment:

For the woman's department of the World's Industrial Exposition now held in New Orleans, \$15,000.

The PRESIDING OFFICER. The Senator from Massachusetts asks the unanimous consent of the Senate that it shall be in order to offer the amendment which he has just sent to the desk. Is there objection?

Mr. GIBSON. I should like to hear the amendment read.

Mr. HOAR. It is merely to appropriate an additional \$15,000 for the woman's department.

The PRESIDING OFFICER. The amendment will be read for the information of the Senate.

The Chief Clerk read as follows:

For the woman's department of the World's Industrial Exposition now held in New Orleans, \$15,000.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts?

Mr. SHERMAN. What is the request?

The PRESIDING OFFICER. That the amendment just read shall be considered in order as an amendment to the sundry civil appropriation bill. Is there objection? The Chair hears none.

JOHN F. SEVERANCE.

Mr. DAWES. I am obliged to be absent from the Senate to-day, and I ask the Senate to take up the bill (H. R. 2268) for the relief of John F. Severance. It is a little House bill appropriating only \$85.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It appropriates \$85, to be placed to the credit of the Post-Office Department, and directs the proper accounting officers of the Post-Office Department to credit John F. Severance, of Shelburne, Mass., in his account as postmaster, with that sum for loss by robbery of his post-office on the night of the 19th of June, 1878, without fault or neglect on the part of the postmaster.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WOMAN SUFFRAGE.

Mr. HOAR. I give notice that to-morrow morning, after the reading of the Journal, at the first convenient opportunity, not to interfere with an appropriation bill, I shall ask the Senate to take up for consideration Senate joint resolution No. 19, being a resolution proposing an amendment to the Constitution of the United States to secure the right of suffrage to women. It is not proposed to debate that question, but merely to get a vote on it without debate.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask leave to report from the Committee on Appropriations the sundry civil appropriation bill.

The PRESIDING OFFICER. If there be no objection the report will be received at this time.

Mr. ALLISON. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, to report it with amendments.

The bill is on the table of Senators in print, with the amendments. I ask unanimous consent that the Senate now proceed to the consideration of the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa?

Mr. McMILLAN. I rise to make an inquiry as to the effect of assent to that proposition. Does it affect the unfinished business of Saturday? Does it imply an assent that that shall be laid aside informally?

The PRESIDING OFFICER. It does not affect the status of the bill referred to by the Senator from Minnesota at this time in any manner whatever. If, however, the sundry civil appropriation bill should continue under consideration through the day and the Senate adjourn with it pending it would become the unfinished business.

Mr. McMILLAN. I have no objection to make to taking up the bill informally if it does not include an assent to laying aside informally the bill which was under consideration by the Senate on Saturday.

The PRESIDING OFFICER. The Chair will suggest to the Senator from Minnesota that even if the sundry civil appropriation bill is not finished to-day, if the bill he refers to shall be laid before the Senate prior to adjournment it would be continued as unfinished business.

Mr. ALLISON. Do I understand the Senator from Minnesota to object?

Mr. McMILLAN. I do, if it implies assent that the bill forfeiting the land grant to the State of Iowa shall be laid aside informally.

Mr. ALLISON. I will say to the Senator from Minnesota that I do not wish to interfere with any of the pending business before the Senate further than is absolutely necessary to continue the consideration of the appropriation bill to-day until it is completed, as I am of the opinion that unless we complete the bill to-day we shall have an opportunity of sitting here some days after the 4th of March.

Mr. HARRISON. The Senator from Iowa will allow me to suggest that as I understand the Senator from Minnesota he is not apprehensive that the bill he has referred to may be interfered with, but his apprehension is that it may not be, and he desires the Senator from Iowa to move to proceed to the consideration of the appropriation bill so as to displace the other bill.

Mr. McMILLAN. For that purpose I will object to the consideration of the appropriation bill.

Mr. ALLISON. Very well; the Senator objects.

Mr. McMILLAN. Now I move to lay aside the unfinished business.

The PRESIDING OFFICER. That motion is not now in order.

The morning business has not been completed, and the time for entertaining such a motion has not yet arrived.

Mr. HOAR. I ask unanimous consent to make a suggestion to the Senator from Minnesota.

The PRESIDING OFFICER. If there be no objection the Senator from Massachusetts will be heard. Is there objection? The Chair hears none.

Mr. HOAR. The Senator from Minnesota knows very well that I am opposed to the bill which he opposes, but it is always a mere question of a vote of the Senate. If the land-forfeiture bill remains the unfinished business, a vote of the Senate can lay it aside without debate. If, on the other hand, it does not remain the unfinished business but is displaced by the request of the Senator from Iowa to proceed to the consideration of the appropriation bill, a vote of the Senate can take it up without debate.

Mr. McMILLAN. Certainly; that is all I desire.

Mr. HOAR. So I suggest that it is hardly worth while to postpone the appropriation bill for an hour, which would be the effect of the Senator's position, because the Senator from Iowa can not get the bill up without unanimous consent until all the morning business is disposed of. It can not be done on motion, and as it runs the risk of some inconvenience to the Senate I hope the Senator from Minnesota will withdraw the objection.

Mr. McMILLAN. I desired to make an inquiry as to the effect of taking up the appropriation bill. I will withdraw the objection for the present.

The PRESIDING OFFICER. The Senator from Minnesota withdraws the objection heretofore made. Is there objection to the request of the Senator from Iowa that the Senate proceed to the consideration of the sundry civil appropriation bill?

Mr. CALL. I gave notice on Saturday that I should occupy the time of the Senate for a few minutes to-day in the consideration of a petition for the forfeiture of a land grant in the State of Florida. I make no objection to the request of the Senator from Iowa, the chairman of the Committee on Appropriations, to take up the appropriation bill, but I renew the notice I gave that when the bill is terminated I shall ask the Senate to give me the opportunity of being heard for ten or fifteen minutes upon the petition, which is lying on the table.

Mr. ALLISON. After the appropriation bill shall have been concluded, of course it is not my purpose to interfere with the wish of the Senator from Florida.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa that the Senate do now proceed to the consideration of the sundry civil appropriation bill? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

Mr. ALLISON. I ask unanimous consent that the formal reading of the bill be dispensed with, and that as the reading progresses the amendments reported by the Committee on Appropriations may be considered.

The PRESIDING OFFICER. The Senator from Iowa asks the unanimous consent of the Senate that the first or formal reading of the bill be dispensed with, and that it be read by paragraphs for amendment. Is there objection? The Chair hears none, and it is so ordered.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, in the appropriations for the "Botanic Garden," in line 12, after the word "Congress," to strike out "four thousand six" and insert "seven thousand four;" so as to read:

Botanic Garden:

For concreting walks, reconstructing plant-house No. 13 with iron ribs, extending water supplies, and for general repairs, under the direction of the Joint Library Committee of Congress, \$7,400.

The amendment was agreed to.

The next amendment was, after line 13, to insert:

UNDER THE STATE DEPARTMENT.

For payment, under the final award made by the late French and American Claims Commission against the United States, of the claims of French citizens against this Government, under the treaty of January 15, 1880, between this country and France, \$623,566.35.

The amendment was agreed to.

The next amendment was, after line 21, to insert:

International boundary survey, United States and Mexico: To enable the President to execute the engagements of the convention of July 29, 1882, between the United States of America and the United States of Mexico, providing for an international boundary survey to relocate the existing frontier line between the two countries west of the Rio Grande, \$224,556.75, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, in the appropriations for public buildings "under the Treasury Department," after line 32, to insert:

For court-house and post-office at Abingdon, Va.: For completion under present limit, \$25,000.

The amendment was agreed to.

The next amendment was, after line 35, to insert:

For fitting up the building known as the "club-house," Sitka, Alaska, as a temporary jail, \$5,000.

The amendment was agreed to.

• The next amendment was, after line 37, to insert:

For repairing Government building for court-room at Sitka, \$1,500.

The amendment was agreed to.

The next amendment was, after line 39, to insert:

For repairing Government building for court-room at Wrangel, \$300.

The amendment was agreed to.

The next amendment was, after line 41, to insert:

For repairing court-room and jail at Ounalaske, \$1,000.

The amendment was agreed to.

The next amendment was, after line 43, to insert:

For constructing a frame or log court-house and jail at Juneau City, \$5,000.

The amendment was agreed to.

The next amendment was to strike out the clause from line 60 to line 82, inclusive, in the following words:

That the Secretary of the Treasury is hereby authorized and directed to sell at public auction, in the city of Boston, Mass., to the highest bidder, after thirty days' notice in six of the principal newspapers published in the city of Boston, the land and premises known as the old United States court-house in said city, on the corner of Tremont street and Temple Place, the time and place of said sale in said city to be fixed by the Secretary of the Treasury at a date not later than ninety days after the passage of this act, and at a price not less than \$225,000, with power to reject any or all bids and to readvertise and offer the said property in like manner as often as may be necessary to secure the value thereof; and the cost to be paid from proceeds of sale. And it shall be the duty of the Secretary of the Treasury to cause inquiry to be made as to the value of this property; and if it shall appear that the price above named is inadequate, he is authorized and directed to appoint a board of three persons in the employ of the United States to assess the value of the said property, and report the same to the Secretary of the Treasury, when the sum fixed by this board shall be the minimum price at which the property may be thus sold.

The amendment was agreed to.

The next amendment was, after line 82, to insert:

For post-office and subtreasury at Boston, Mass.: For completion, \$15,000.

The amendment was agreed to.

The next amendment was, after line 90, to insert:

For marine hospital at Cairo, Ill.: For completing hospital buildings, \$7,000; and for filling and grading, \$20,000; in all, \$27,000.

The amendment was agreed to.

The next amendment was, in line 106, to reduce the appropriation "for court-house and post-office at Columbus, Ohio: For completion of building," from \$110,000 to \$50,000.

Mr. SHERMAN. I hope the Senate will not agree to this amendment. Indeed I am somewhat surprised that the amendment finds its place in this bill. So far as I know this is the only local item for the State of Ohio in the sundry civil bill, although I have not looked through the bill and can not say positively. This item of \$110,000 is an increase of \$60,000 beyond the legal limit fixed by the law originally for the construction of a public building at Columbus. The original plan, however, recommended by the Secretary of the Treasury, included this sum and more, but the Committee on Public Buildings and Grounds reduced the estimate of the Treasury Department without rhyme or reason, and reduced the building to a two-story structure in the capital of the State of Ohio, under the shadow of the State capitol, so that any one who saw the plan proposed which the Department was compelled to adopt for the public building at Columbus was ashamed that the United States should occupy such a position in such a place, it being the capital of the State where the State courts are held and where there are a great many public offices. It ought to be a building commensurate with the size of the city, the importance of the State, and the importance of the location.

It was some time before we could get the attention of Congress to the subject, the Treasury Department continually insisting that the plan they were compelled to adopt was inadequate to the place, and three times recommended an increase of the appropriation for the Columbus building; but for some reason it could not be adopted. Finally at the present session of Congress the Committee on Public Buildings and Grounds reported a bill increasing the allowance \$60,000 upon an urgent estimate made by the Secretary of the Treasury that that was necessary to add an additional story to the building and give it a height somewhat proportionate to the surrounding buildings. That bill passed the Senate unanimously. The House of Representatives not being able to reach that bill on its Calendar, it being lumbered up with a multitude of bills on the Speaker's table, inserted the increased amount of appropriation necessary for that story in the sundry civil bill, so that it comes to us from the House. The House Committee on Appropriations, knowing that the House could not act on the Senate bill, knowing that that \$60,000 additional was for the additional story required by the estimates of the Treasury Department, put it in on this bill.

Both Houses have agreed to the measure after debate and it now comes to us, and the Committee on Appropriations, I do not know for what reason—certainly they could not have known the facts which I have mentioned—have proposed to reduce the amount to \$50,000, and thus compel the construction of a two-story building right at the corner of the great edifice built by the State of Ohio and at a less altitude than

the surrounding stores and shops. If this amendment is adopted I would rather you should discontinue the building at Columbus. I suppose it was proposed probably pursuant to some general idea. At all events I trust this amendment will not be adopted.

Mr. ALLISON. The Committee on Appropriations are thoroughly familiar with every statement made by the Senator from Ohio. We understand from all the data in our possession that unless the sum allowed is enlarged as proposed in this bill the building at Columbus, Ohio, will be a two-story building, but that building stands precisely in the same relation to this bill that four or five or six other buildings do.

The rule adopted by the Committee on Appropriations is the rule of the Senate. We felt obliged in making these reports to stand by the rules of the Senate which require us not to interfere in these appropriation bills with the general legislation of Congress. What the Senator from Ohio says is perfectly true; the Senate did pass unanimously at this session a bill looking to the enlargement of the limit, that is, looking to the change of the law, but the House of Representatives have not passed that bill.

Mr. SHERMAN. They put it here.

Mr. ALLISON. I know they have made a provision here for the enlargement of the building; but the Committee on Appropriations believed that, so far as we were concerned, it was our duty to report these bills according to existing law, and we have done so in every instance. Of course Columbus had to stand with the other instances in this bill, and there are five or six of them. They ought all to stand or fall upon the decision of the Senate with reference to this particular amendment now under consideration. I think they substantially stand upon the same condition of facts.

Mr. MORRILL. Will the Senator allow me to ask him whether his committee hold that the recommendation of an amendment by a standing committee is not in order whether there is any previous law for it or not?

Mr. ALLISON. Our committee were not required to decide that question. Of course—

Mr. DAWES. There is a law against it; not the absence of a law for it.

Mr. MORRILL. There is a rule which provides that a standing committee may move amendments.

Mr. ALLISON. The Senator from Vermont is asking me a question which does not come up in this discussion. He asks me whether an amendment reported by a standing committee of the Senate is in order in the judgment of the Committee on Appropriations. We do not decide that question. If an amendment is proposed by a standing committee of this body, it is in order to offer it whether the Committee on Appropriations agree to it or not, and therefore we deprive no committee and no Senator of its or his just rights under the rule.

I believe the statement made by the Senator from Ohio to be substantially true. I believe that this appropriation for the building at the city of Columbus, Ohio, is a wise appropriation, but that we could not consider it in the Committee on Appropriations under the rules which the Senate has laid down for our guidance, and we have rigidly adhered to the rules established by the Senate for our conduct, and merely appropriated according to existing law. If the laws are to be changed let them be changed by the Senate acting on reports of committees of the Senate having authority to change them. That is the only reason why this amendment is proposed by the Committee on Appropriations.

Mr. BECK. Supplementing what the Senator from Iowa has said somewhat, I desire to say that I hope the Senate will consider this case carefully, because it will settle all the disputed questions relative to public buildings. All stand upon the same footing, and this is as meritorious as any of those which will be affected by the decision of the Senate.

The Supervising Architect of the Treasury came before us in this and other cases, and especially in this case at Columbus, and said if we would give the \$60,000 additional beyond what is provided by law he could make a fire-proof building with an additional story, a building which would be a credit to the country, and if he did not get that amount he could not. I state it as broadly as the Senator from Ohio stated it, I believe it ought to be done; but the law prohibits it as the law stands to-day, and the Committee on Appropriations have been told over and over again that we had no right to make appropriations in violation of law, for it is in violation of law, as we understand it, until Congress passes an act extending the limit, which I think they ought to do in this case. If the Senate see fit to vote that this provision ought to go in extending the limit in this case, then I for one will move in five or six other cases that the limit shall be extended, because they are meritorious cases as well as this.

If we can make appropriations in excess of the limit provided by law and in violation of law, then we shall be at sea and get back to where we were ten or fifteen years ago. I remember once—and the Senator from Massachusetts [Mr. DAWES] will recall the fact—we limited the New York post-office to \$3,000,000, and we put penal clauses in the law to punish those who exceeded the limit. It was not a year before they spent the \$3,000,000, and had not progressed beyond the first story.

We then gave them \$1,500,000 more, making \$4,500,000, and we put other penal clauses in, but they paid no attention to them. They got up to \$6,000,000, and after three laws passed against giving beyond the limit, they got it up to \$9,000,000 before completing the building.

The Boston post-office had a limit of a million and a half, and I think it got up to \$1,000,000 before it was through, just defying the law. The Committee on Appropriations were denounced in both Houses because they were compelled to yield to pressure; and this committee determined—I was one of them—to make the statement that this building ought to be made three stories and fire-proof, that a law ought to be passed by both Houses authorizing the extension of the limit; and if the Senate desire now to order the committee to add \$60,000 to this when there is no law authorizing it but a law prohibiting it, I for one shall willingly acquiesce in all the other cases; but the difficulty is that if you do that then we shall originate public buildings. If the committee reports in favor of one, we can fix no limit to the power of the Committee on Appropriations. The moment you break down the rule and adopt the suggestion of the Senator from Vermont that when a committee favorably recommends a building we can go on and erect it for what we please and extend the limit *ad infinitum*, there is no telling what the Committee on Appropriations can not do.

Mr. VAN WYCK. Will the Senator allow me to ask a question?

Mr. BECK. Yes, sir.

Mr. VAN WYCK. I ask the Senator if he thinks it worth while to discuss the binding force of a rule made by the Senate when the Senate violates that rule day after day whenever it suits its purpose?

Mr. BECK. The Senator can answer that as well as I can. I do not propose to go into that. I have said all I care to say. I believe the motion is right; and if the Senate think they can do it and keep a proper check on appropriations for public buildings hereafter, I have no objection; but it is a dangerous thing.

Mr. COCKRELL. I desire to say that as a member of the Committee on Appropriations I dissent *in toto* from the supposed rule of the Senate and of the committee. I say that the Committee on Appropriations had a perfect right to adhere and agree to this provision of the House bill, without any violation of law or the violation of any rule of the Senate; and I desire to say now that that committee was not unanimous in its recommendation, and I disclose no secret of the committee when I say that, and I think if it had been polled it would have been very difficult to tell on which side the majority would have fallen.

Mr. President, it is a question of business and common sense. The Supervising Architect of the Treasury Department has in this case, in a case at Saint Joseph, Mo., one at Hannibal, Mo., and one at Jefferson City, Mo., and one in nearly every State in the Union made an estimate of the amount necessary to complete public buildings according to the law authorizing their construction. The officers have partly done the work of completing them according to that, but they find that to make those buildings fire-proof and what they ought to be they must have an additional appropriation and they have estimated the amount, and the Secretary of the Treasury and the Architect recommend the appropriation of it.

Now they say here that in Columbus, Ohio, they can complete the building two stories high and not fire-proof, according to the original law. The question is, shall we force the completion of the building two stories and not fire-proof, and inside of a few years have to put on another story or two or construct a new building? That is the question. We have already abandoned a number of inferior and too small buildings which had been erected at the public expense and that amounted to nothing. You take the case at Hannibal, Mo. Seventy-five thousand dollars was appropriated there. They have partly constructed the building—it is not fire-proof—with \$75,000, but with the addition of \$18,000 they can make a fire-proof building, one that will stand indefinitely, and the Architect says that it is for the best interests of the public service and the Government that the increased appropriation of \$18,000 shall be made. And will the Senate say that in order to conform to some mysterious law or rule which some one has established we will disregard the public interests and put up an indifferent and inferior building, one that in a few years will necessarily have to be repaired?

It does seem to me the plainest proposition that was ever submitted to the Senate, that the very best interests of the public service, the interests of the tax-payers of this country, require that we shall not accept this amendment proposed by a bare majority of the Committee on Appropriations, and which I do not conceive is required by any law or rule of the Senate.

Mr. BECK. One word more and I am done. The Senator from Missouri and myself do not differ at all except in this: I claim that when the necessity for changing these buildings and making them fire-proof was made so apparent the Supervising Architect of the Treasury and the persons interested ought to have laid those facts before the Committee on Public Buildings and Grounds, and a bill ought to have been reported which could be passed through both Houses in two days, extending the limit fixed by law. Then the Committee on Appropriations would have had no trouble about it; but when there is a law prohibiting us from doing anything—

Mr. SHERMAN. Will the Senator from Kentucky allow me to in-

terrupt him? I am not quoting the proceedings of the House of Representatives when I state to the Senate that I know from the best information possible that after we passed the bill extending the plan and requiring a third story to be built it could not be taken up in the House. It was covered over by the mass of bills there; and the Committee on Appropriations of the House adopted this as a means of carrying out and really passing the Senate bill. It was because they could not get at that bill.

Mr. BECK. The Senator from Ohio understands exactly the difference between the Senator from Missouri and myself, that we as a committee were compelled to obey existing law and could not make new ones.

Mr. SHERMAN. What law?

Mr. BECK. The law limiting the total cost of the building at Columbus to \$150,000.

Mr. SHERMAN. This bill is full of change of the law. Take the very next page, to which I call the attention of the Senator. On that page I find an appropriation for the extension and completion of the public building at Des Moines.

Mr. BECK. Congress has passed an act authorizing it. There are a dozen cases of that sort. There were eight bills passed by the Senate on Saturday authorizing such increases.

Mr. SHERMAN. The changing of a plan by law is a violation of our rule, according to this construction.

Mr. BECK. Oh, no! Whenever a law is passed authorizing it, the Committee on Appropriations appropriate according to law.

Mr. SHERMAN. Let me answer one other point made by the Senator from Kentucky, if he will allow me.

Mr. BECK. Certainly.

Mr. SHERMAN. The Senator says, with great propriety and force, that ten or twelve years ago there was the grossest abuse by the Executive Departments in regard to appropriations for public buildings. They disregarded all limits of laws, and if a million dollars were appropriated they would go on and devise plans for four millions. But that was all corrected, and the Senator from Kentucky will, I think, bear witness that during the time I held the office of Secretary of the Treasury we required the law to be followed in every case, and there was not a solitary case where the expenditure went one single dollar beyond the amount limited by law. But that does not prevent Congress from making these changes, and I do not see why Congress may not do it here.

Mr. BECK. I think Congress can do it here if they see fit, but I do not think the Committee on Appropriations could report in favor of it without reporting a violation of law. Congress can make the change.

Mr. SHERMAN. If the committee have any trouble about it, the Senate may solve the whole matter.

Mr. FRYE. There is no rule of the Senate preventing it.

Mr. SHERMAN. No rule prevents it.

Mr. CONGER. Mr. President, I think the committee misunderstand the law on this subject. There is no limitation upon the committee and no limitation upon the Senate by any law which I know of which has been passed as to the amount that is to be appropriated for a public building. It is as much open to the exercise of the discretion of the Senate as is the passage of any other law. To prevent the abuses which have been referred to there is a limitation upon the Architect in preparing the plans that he shall not prepare plans which will require a greater expenditure than the amount appropriated.

Mr. CAMERON, of Wisconsin. Will the Senator yield to me on a privileged matter?

Mr. CONGER. I yield to the Senator from Wisconsin without losing my right to the floor.

SUPPLIES TO MINNESOTA SIOUX INDIANS.

Mr. CAMERON, of Wisconsin, submitted the following report, which was read:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 84) entitled "An act to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof," having met, after full and free conference agree to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 3, and 5, and agree to the same.

That the House recede from its amendment numbered 4, and in lieu thereof agree to the following:

"Provided, however, That said sum shall be charged to the unpaid annuities stipulated to be paid to the said Sioux Indians under treaties, but abrogated and annulled by the act approved February 16, 1863."

And the Senate agree to the same.

ANGUS CAMERON,
JAMES H. SLATER,
H. L. DAWES,
Managers on the part of the Senate,
OLIN WELLBORN,
H. B. STRAIT,
R. S. STEVENS,
Managers on the part of the House.

The report was concurred in.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. GROOME submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was referred to the Committee on Appropriations.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 5713) to provide for the settlement of claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 847) for the relief of Francis B. Van Haesen; and it was thereupon signed by the President *pro tempore*.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, the pending question being on the amendment of the Committee on Appropriations, in line 106, to reduce the appropriation "for court-house and post-office at Columbus, Ohio: For completion of building," from \$110,000 to \$50,000.

Mr. CONGER. Mr. President, I was stating when I was interrupted that the limitation referred to by the committee was a limitation upon the Supervising Architect of the Treasury commanding him not to make plans for a building that would cost more than the amount appropriated. There is no restriction upon the Senate; no restriction in that law upon Congress. Under our rules amendments to increase appropriations are provided for, and there is nothing to limit making an amendment in this respect in the Senate, provided it is not new legislation. If the Supervising Architect reports to Congress that if he does make an estimate according to the appropriation which has been made the building would be unfit for the service, that the amount is not sufficient, then it comes back to Congress again to say whether they will make an additional appropriation, and it is no violation of law for Congress to entertain the proposition to increase an appropriation to such an amount as may be deemed necessary. I do not think the Committee on Appropriations have any right to construe a limitation upon the Architect of the Treasury as a limitation upon their power to recommend legislation to the Senate.

Mr. HARRISON. Mr. President, for one I am entirely at a loss to understand how the Committee on Appropriations can find any difficulty under our rules in agreeing to this legislation proposed by the House. The chairman of the Committee on Appropriations says it changes existing law. What if it does?

Mr. ALLISON. May I ask the Senator a question?

Mr. HARRISON. Certainly.

Mr. ALLISON. Does the Senator think the Committee on Appropriations could have increased this appropriation to a million dollars?

Mr. HARRISON. I think the Committee on Appropriations could have suggested any limit they pleased, and if the Senate ratified it that would be the law.

Mr. ALLISON. No doubt of that; I suppose we can do it; but was it within our province to make appropriations beyond the limits of existing law? That is the question.

Mr. HARRISON. There is no rule of the Senate that prohibits the change of existing law in an appropriation bill, and never was. That is the rule of the House as we understand it, but the rule of the Senate simply is that general legislation shall not be proposed on an appropriation bill. Our Rule XVI makes explicit provision for introducing new items of appropriation and for increasing items of appropriation upon the recommendation of standing committees of the Senate. Now, this appropriation and others like it in this bill—there is one which is local to Indiana—have not only been recommended by the particular committee having this subject in charge, the Committee on Public Buildings and Grounds, but the Senate has ratified the recommendations of that committee by the passage of several bills. So these propositions to increase the appropriations for these public buildings are not only recommended to the Committee on Appropriations by the appropriate standing committee of the Senate, but the Senate has added its sanction by passing the bills as separate propositions.

This is not general legislation, and that is the only limit upon our committee. It has been decided by the Chair, and by the Senate upon appeal, that any legislation which exhausted itself with the expenditure of an appropriation was not general legislation.

Mr. HARRIS. Will the Senator from Indiana allow me to ask—

The PRESIDENT *pro tempore*. Does the Senator from Indiana yield?

Mr. HARRISON. Certainly.

Mr. HARRIS. I quite agree with the Senator that Congress having passed a bill authorizing the construction of a public building, if it had done no more it would have been perfectly legitimate, in my opinion, for the Committee on Appropriations to have made such appropriation as, in the light of all the facts, they deemed necessary to carry out that object; but where Congress authorizes the construction of a public build-

ing and by statute prohibits an appropriation beyond a given amount, does the Senator from Indiana hold that in the face of that statutory limitation the Committee on Appropriations is justified in appropriating or proposing to appropriate money that goes beyond the limit fixed by law and stands upon the statute-book so fixed and unchanged?

Mr. HARRISON. I will adopt the New England fashion of responding to the Senator from Tennessee by asking him a question. I ask the Senator what rule of the Senate prohibits it?

Mr. HARRIS. I have not asserted that any rule of the Senate prohibited it, but a statute prohibits it is the point I suggested to the Senator from Indiana.

Mr. HARRISON. It is a novel doctrine that a statute puts a limitation upon the power of Congress, that an act of Congress limits the power of Congress to change it. The limitation put by that statute is a limitation upon the executive officers of the Government; it is not a limitation upon the power of Congress to change it at any moment it pleases by a concurrent vote of the two Houses. We have prohibited the Supervising Architect from making an estimate or from making plans beyond a certain amount; it is a limitation upon the power of the executive officers; and I do not think the Senator from Tennessee, when he reflects a moment, will hold to the proposition that that limitation of law binds us or binds any committee of this body as to recommending a change of the existing law.

So, then, there is no limitation under our rule; we are perfectly free. The Committee on Appropriations was and the Senate is, in the aspect in which this stands, perfectly free to deal with this question, and it seems to me that the reason sometimes given why the Committee on Appropriations should not deal with these questions does not at all apply in these questions, because as I have said we are not throwing upon the committee the duty of investigating the proper cost of a public building anywhere. The appropriate committee has done that, and not only has it done it and recommended this increase, but the Senate has already given its concurrence in that recommendation. So I submit that the Committee on Appropriations were amply equipped to deal with this question, in the first place because the Committee on Public Buildings and Grounds had dealt with it, and in the second place because the Senate itself had dealt with it.

Mr. INGALLS. Mr. President, I do not understand that the Committee on Appropriations differ materially with those Senators who have spoken upon this subject. I listened with much interest to what the Senator from Kentucky said when he was replying to the Senator from Ohio. It appeared to me that he must have listened with great attention to the prayer of the Chaplain this morning, for his appeal appeared to be "lead us not into temptation, but deliver us from evil." He said there was really no objection whatever to the suggestion made by the Senator from Ohio that the building ought to be enlarged, that additional stories should be placed upon it, and that it should be made fire-proof; but he said the Senate should not yield to this importunity because, if it did, the last safeguard to the virtue of the Committee on Appropriations would be swept away; there was no longer any hope that they would refuse to yield to the solicitations from every quarter unless the Senate acceded to the amendment reported by the committee, and refused to listen to the Senator from Ohio.

Mr. President, that is a pretty feeble appeal to make to this body. If the Senator from Kentucky has no stronger foundation on which to stand than that, I must say that I think his appeal was one rather to disregard the amendment than to agree to it.

Mr. President, this is not in any manner whatever general legislation. It can not be construed into general legislation. The Senator from Indiana has properly placed that before the Senate. It is not that species of legislation against which the rule of the Senate was intended to guard, and the Committee on Appropriations themselves appear to have acted with singular disregard of the rule. I observe that they have placed in this bill changes of existing law by their own motion. They affirm that it is a rule that should govern them, to the violation of the provisions of which attention has been called in a case where Congress during the session has enacted a bill for the construction of a public building. Now they place on page 12, for instance:

For court-house and post-office at Troy, N. Y., \$100,000.

For court-house and post-office at Tyler, Tex., \$50,000.

For court-house and post-office at Wichita, Kans., \$50,000.

These are absolutely new appropriations. They are not provided for by law, because I heard the bill for the appropriation for the public building at Wichita read this morning at the Secretary's desk. It has passed both Houses of Congress, but it has not been approved by the President, and therefore is not a law of Congress. It is no more a law of Congress than the appropriation for the building at Columbus is a law of Congress. It will be a law of Congress whenever it is approved by the President; but the Committee on Appropriations have no right to assume that these enactments are to be approved by the President. It is just as much a violation of the rules of the Senate to put those appropriations in here as it is to disregard the appropriation that came from the House of Representatives about the Columbus building. I hope we shall have some consistency about this matter; that the Committee on Appropriations will adhere, if they intend to enforce this rule, logically to the suggestions of the rule, and not refuse to agree to

one appropriation and at the same time insert others upon grounds that can not be supported by the facts.

I trust, sir, that the Senate will agree with the Senator from Ohio, that they will permit the appropriation to stand as it came from the House, because we have just as much right to say in this bill that the limitation for the construction of a public building shall be extended as we have to say that an appropriation for a building not warranted by law shall be inserted in the bill.

Mr. CALL. Mr. President, with all the constructions which have been placed on this rule of the Senate, it has never before been contended that it prohibited the Committee on Appropriations or the Senate from accepting a provision that came from the House. The point has been made that we could not amend, by inserting general legislation upon an appropriation bill, the action of the House on a bill coming here; and in this case this is the action of the House, and it is only proposed to accept that action and concur in it by adopting the bill as it came from the House. But the Committee on Appropriations is now holding that it was not competent for that committee to report to this body accepting the provision which came from the House of Representatives.

It has never before been contended that the rule of the Senate went so far as that. Certainly, however, the committee were justified in saying that this was a proposition to impose general legislation upon an appropriation bill, for the statute which provides for a public building and proposes that it shall not exceed a certain amount is a law; and it only illustrates the impropriety of that rule of the Senate, for it can not be distinguished from general legislation. It does not exhaust itself any more than any other appropriation does. It is simply a law providing for a public building and declaring that that public building shall not exceed a specified amount. Sir, I hold that there is a duty of the Senate imposed by the Constitution, and that the committee have no right to withhold their assent from such a proposition when it is a matter of public interest, when the good of the public service requires that an appropriation shall be increased and the proposition is sent here from the House in an appropriation bill increasing it, and we are required by the public necessities to increase it. In such a case I think it is the duty of the committee to report that increase and to adopt it.

So far as this provision is concerned coming here from the House and requiring a mere acceptance of the provision by the Senate, not being an amendment, which might be prohibited under the strict technical construction of the rule, there can be no ground of reason for objecting to the clause. It is a heresy in reasoning as it is in law to suppose that the functions of this body in appropriating public money are limited by the action of any past Congress, and I shall not cease so long as I remain here to protest against the idea upon which our rule is based, that there is anything in the action of any past Congress which can limit this Congress in its action.

Mr. MILLER, of New York. This seems to me to be a very plain and simple matter. Congress in its power exercised for years has passed a number of bills for the erection of various public buildings. The bill in this case limited the amount of money which could be expended by the Secretary of the Treasury in obeying the law and in erecting the building, and by law the Supervising Architect has been restrained from making a plan for any building which would exceed the amount of money appropriated in the various bills; but in the exercise of his duties and powers as Supervising Architect he has reported to the Secretary of the Treasury that a number of buildings have been ordered by Congress which can not be properly constructed for the amount of money to which they were limited in the original bills, and he has recommended an additional appropriation in a number of cases. His recommendations go to show that the buildings ordered heretofore can not be constructed in a fire-proof manner; that several of them can not be constructed of sufficient size to accommodate the public business of the country at the points where they are located. The recommendation comes here that the limitation of appropriation be changed and that the amount of money appropriated be increased. Certainly it is within the province and power of Congress to change the limit of appropriation for any public building. It is not in defiance of any law now existing upon the statute-book, because it is simply a change of the law, which we have a perfect right to make and which we should make.

As a business question, then, it simply amounts to this: Shall we compel the Supervising Architect to go on with these buildings, and erect buildings which are not fire-proof and will not answer the public purposes of the Government, or shall we, following his recommendation, so change those limitations, so add to the appropriations that the buildings when completed shall be perfect and fire-proof and shall be of sufficient size to accommodate the public business of the Government at these various places? There is nothing in existing law, there is nothing in the rules of the Senate which prohibits this; and judging from the arguments which have been made by the Appropriations Committee, chiefly by the chairman and by the Senator from Kentucky, it must be evident to the Senate that the Appropriations Committee desire this body not to concur in the amendment which they have proposed. I trust that the Senate will meet the Appropriations Committee in that spirit and disagree to their amendments in all these cases.

Mr. MITCHELL. I desire to ask the Senator a question. I find

upon the statute-book, in the Revised Statutes, section 3734, in these words:

Before any new buildings for the use of the United States are commenced, the plans and full estimates therefor shall be prepared and approved by the Secretary of the Treasury, the Postmaster-General, and the Secretary of the Interior; and the cost of each building shall not exceed the amount of such estimate.

I ask the Senator whether that does not come within this provision of Rule XVI:

No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received.

Mr. MILLER, of New York. It has been stated here repeatedly that these amendments can not be considered general legislation, and even if they were general legislation they would not come under the provisions of this rule, because this legislation comes to us from the House. The House had a right to put it in, and all the Senate can do is to agree to it or strike it out. We can not change the provision which the House has put into the bill. That rule refers to amendments suggested in the Senate, and not to bills of the House.

Mr. MITCHELL. I ask further whether during this session this body has not repeatedly decided that certain provisions coming from the House were within that clause of Rule XVI and not in order?

Mr. MILLER, of New York. The Senate has never decided anything of the kind, but it has repeatedly decided through the Chair directly to the contrary, and on every occasion during this session when that question has been submitted to the judgment of the Senate it has, I think, without any exception, held directly to the contrary. In the case of every amendment upon the Post-Office bill, which passed the other day, the Senate held directly the opposite. It has never held to any such doctrine as the Senator states.

Mr. MITCHELL. One word in reply to what the Senator said. My recollection is entirely different from that of the Senator, and I think the RECORD will bear me out that the Senate has repeatedly decided the other way and sustained the President of the Senate in making that decision. It is true sometimes it has broken down that ruling.

Mr. MILLER, of New York. If the Senator will put that question to the Chair for an answer I shall be entirely satisfied with the answer he will receive.

The PRESIDENT *pro tempore*. The question is on the amendment recommended by the Committee on Appropriations in line 106.

Mr. BECK. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 8, nays 46; as follows:

YEAS—8.			
Allison, Beck,	Dawes, Edmunds,	McPherson, Mitchell,	Morgan, Pugh.
NAYS—46.			
Bayard, Blair, Bowen, Brown, Call, Cameron, Cameron of Wis., Chace, Cockrell, Coke, Colquitt, Conger,	Cullom, Dolph, Fair, Frye, George, Gorman, Groome, Hampton, Harrison, Hawley, Hoar, Ingalls,	Jackson, Jonas, Kenna, Lapham, McMillan, Mahone, Manderson, Maxey, Miller of Cal., Miller of N. Y., Morrill, Palmer,	Pendleton, Pike, Sabin, Sawyer, Sherman, Vance, Van Wyck, Vest, Voorhees, Wilson.
ABSENT—22.			
Aldrich, Butler, Cameron of Pa., Farley, Garland, Gibson,	Hale, Harris, Hill, Jones of Florida, Jones of Nevada, Lamar,	Logan, Platt, Plumb, Ransom, Tiddleberger, Saulsbury,	Sewell, Slater, Walker, Williams.

So the amendment was rejected.

Mr. SHERMAN. I suggest to the Senator from Iowa to insert the words "extension and" at the beginning of line 106.

Mr. ALLISON. I have no objection to that.

Mr. SHERMAN. That will make it uniform with the other public-building items.

The PRESIDENT *pro tempore*. The Senator from Ohio moves to amend the clause by inserting the words "extension and" before the word "completion" in line 106; so as to read:

For court-house and post-office at Columbus, Ohio: For extension and completion of building, \$110,000.

If there be no objection, the amendment will be received and considered as agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 107, to insert:

For court-house and post-office at Concord, N. H.: For completion under present limit, \$100,000.

The amendment was agreed to.

The next amendment was, after the word "for," at the end of line 111, to strike out:

Completion of the building, \$25,000; and the cost of said building, including site, shall not exceed \$100,000.

And insert:

Approaches, fencing, and grading, \$15,000.

So as to make the clause read:

For court-house and post-office at Dallas, Tex.: For approaches, fencing, and grading, \$15,000.

Mr. BECK. According to the vote taken by the Senate in the Columbus case, I think the committee ought not to ask that that amendment be adopted.

Mr. COKE. I hope the Senate will not concur in this amendment.

Mr. ALLISON. This case stands precisely on the footing of the case just decided by the Senate. This clause as it stands is an extension of the limit \$25,000.

The PRESIDENT *pro tempore*. The question is on the amendment recommended by the Committee on Appropriations.

The amendment was rejected.

The next amendment was, after the word "dollars," at the end of line 117, to insert "to be immediately available;" so as to make the clause read:

For court-house and post-office at Denver, Colo.: For continuation of building, \$28,000, to be immediately available.

The amendment was agreed to.

The next amendment was, after line 118, to insert:

For court-house and post-office at Detroit, Mich.: For continuing work on same, \$100,000.

Mr. PALMER. I offer the following amendment as a substitute for the amendment of the committee:

For the execution of the provisions of the act of Congress entitled "An act to provide for the erection of a public building at Detroit, Mich.," approved May 25, A. D. 1882, or for the execution of the provisions of the act of Congress entitled "An act to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich.," as the Secretary of the Treasury may determine according to law, \$300,000.

Mr. ALLISON. If I can I make the point of order on that amendment.

The PRESIDENT *pro tempore*. The Chair thinks it subject to a point of order on the amount; it increases the amount reported by the committee; but it is not subject to a point of order on what it declares, as it refers to laws existing.

Mr. ALLISON. I hope the Senator from Michigan will not insist upon the phraseology that he has inserted there with reference to the two laws, but that whatever amount is appropriated will be appropriated as is proposed by the committee.

Mr. MORRILL. I ask the Senator from Iowa to accept an amendment on line 102, after the word "same" —

The PRESIDENT *pro tempore*. The Senator from Michigan [Mr. PALMER] is entitled to the floor.

Mr. CONGER. My colleague [Mr. PALMER] yields to me for a moment. I do not understand that any point of order lies against the amount here proposed under any law or rule. There are still several hundred thousand dollars of the estimate for this building that have not been appropriated, so that my colleague's amendment does not increase the amount beyond the sum already provided either by the former law or by the present one recently passed. I hope the Senator from Iowa will not insist on the point of order as to the amount. That matter was presented to the committee by my colleague, and there is no necessity for insisting on a mere form.

Mr. ALLISON. I will say with reference to the amount that we had the Supervising Architect of the Treasury before the committee with reference to the various public buildings authorized by law. We asked him the question as to the amount of money he needed to economically continue the construction of the buildings authorized by law, and the recollection of the committee is that he stated that if had \$250,000 for the current year it would be as much as he could economically expend on the building at Detroit. There is now a balance of \$149,000 of the appropriation of last year remaining unexpended, and we add \$100,000 in this bill, making \$250,000 in round numbers that will be at the disposal of the Treasury if the amendment proposed by the committee shall be adopted.

Mr. BECK. Then we had another trouble, which I will call attention to, that there is some difficulty about a change in the site. That I think is going to cause some delay, and therefore the Architect could not expend all that is proposed, because of the delay likely to grow out of that condition of affairs.

Mr. PALMER. I will come to that if the Senator will give me an opportunity. In 1882 a public-building bill was passed for Detroit appropriating \$600,000 if a new site was obtained, and \$500,000 if it was not obtained—that is, if the old Government property there was used for a site. The building was commenced; some progress has been made; and this Congress has passed another bill increasing the limit to \$900,000, and opening the question of choice of site. That is the reason of the phraseology in the amendment that I sent up. I have no objection to withdrawing that if the Senator from Iowa, the chairman of the Committee on Appropriations, will permit me to change the phraseology of the appropriation in the bill.

Mr. INGALLS. I did not understand from the reading of the amendment to what the discretion of the Secretary of the Treasury applies.

Mr. PALMER. To the selection of a site according to the terms of the recent bill. That bill has been passed by both Houses; it has gone

to the President, but has not yet been returned with his signature. It opens the whole question. The first bill is involved in the second. If the second fails the first stands. There is no objection to an increase, because the limit under the old bill has not been reached.

Mr. COCKRELL. I would suggest to the Senator that probably the bill he refers to will become a law before this bill becomes a law, as it has already passed the House and Senate, and this will be one of the last bills signed.

Mr. ALLISON. We make no point on that. I will say that the amendment of the Senator from Michigan is still within the present limit of the law. The present limit of the law is \$500,000, and there has been appropriated about \$250,000; so that the amendment is within the limit of the law as it now stands. But if the Senate will bear with me one moment, I wish to suggest that we ought to perhaps obey a law that has not yet passed, though I hardly see how we could do so. The facts are that here is an old building in Detroit; authority was given some years ago to enlarge and extend it, and an appropriation of \$250,000 was made for that purpose. One hundred thousands dollars and over of that sum has been expended at the present site. Now it is proposed, as I understand, to change the entire site of the building, and commence the erection of an absolutely new building with a limitation of \$900,000 for its construction. Is not that what is proposed under the law?

Mr. PALMER. The Senator is correct.

Mr. ALLISON. The Committee on Appropriations believed that it was a wise thing to give \$100,000 in addition to the amount already in the Treasury for this purpose without committing the Senate to this question of a change of site and a new building.

Mr. PALMER. I will say in reply that I do not think in either case the change will be made unless it be made by the Secretary of the Treasury; it is very doubtful if it will be made; but the question is opened by the bill recently passed, and if a change is made the present appropriation, or what remains of it, the unexpended balance, will not more than buy a new site. The property that the Senator from Iowa speaks of as having been purchased for this site is worth all the money that it has cost. There can be no loss to the Government in either event; but the question of the location of the building is reopened. If the site is changed we shall want more than \$100,000 additional. If it is not changed, \$100,000 will be sufficient. When there is a law already fixing the limit at \$500,000, of which \$250,000 is unexpended, it seems to me as if the Senate would be taking sides for keeping the location where it is, instead of opening it, as the bill just passed contemplates, and leaving it within the discretion of the Secretary by adopting the committee's amendment in the language proposed.

Mr. HARRISON. May I ask the Senator from Michigan if the bill opening the question of location has already passed both Houses and gone to the President?

Mr. PALMER. It has.

Mr. HARRISON. Would it not answer the Senator's purpose to let this stand simply by an increase of the amount, and then the other bill being signed by the President will settle the matter, without putting in any additional words here?

Mr. PALMER. It would if it were not for the phraseology of this amendment. I want to make it so clear that the man who runs may read. "For continuing the work" might be construed by some of our people as committing me to the present building, although I do not think that would be a fair construction. I would say:

For public building and site at Detroit, Mich., \$300,000.

Leaving out the rest of that clause. I should be satisfied with that.

Mr. MORRILL. I hope the Senator from Michigan will not insist upon that, because that would be taking sides on the question of the site. My own opinion is very decided that there ought not to be a change of site. The present building is right in the heart of business, on the borders of the lake, in the midst of the greatest part of the mercantile and law business of the city. If the appropriation is made it is all that is needed; and so far as a new site is concerned, if that should be decided upon, it would take some considerable time to obtain the authority of the Legislature in relation to it, and it would probably take a considerable time to compose the quarrels of the city in relation to the building. I hope, therefore, the Senator will not ask the Senate to decide the question of a site at this time.

Mr. HALE. If the Senator desires to change the location of the Detroit post-office and custom-house from the center of business where it is now and where it accommodates the business of that city, let him say so in terms, because what he suggests, an appropriation for a site, is pregnant with the idea of a change of location. The Senator must see that as plainly as I do.

Mr. PALMER. If the Senator will permit me, that is the reason why I submit the amendment I do, expressing no opinion in regard to the site. Whatever my opinion may be on that subject, I do not declare it. I do not propose to take a hand upon either side of the controversy. It was on that ground that the amendment I sent up was couched in the language it was. I ask the Secretary to read it. I think the Senator from Maine, who was not in at the time, may have a little light thrown upon the question when it is read.

The PRESIDENT *pro tempore*. The amendment will be again read if there be no objection.

The CHIEF CLERK. It is proposed to strike out the paragraph comprised in lines 119 to 121, inclusive, and to insert:

For the execution of the provisions of the act of Congress entitled "An act to provide for the erection of a public building at Detroit, Mich.," approved May 25, 1882, or for the execution of the provisions of the act of Congress entitled "An act to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich.," as the Secretary of the Treasury may determine according to law, \$300,000.

Mr. HALE. The reason why the clause is put in as it stands in the bill is that this is a begun building. Whatever additional accommodations Detroit has for post-office and custom-house business, whether it be in one place or another, there has been money already expended. Whether it shall be on the old site or on a new site is to be settled hereafter through the Secretary of the Treasury. The committee thought that without in any way committing itself upon that question, it being undoubtedly a continuing work, the increasing of the appropriation should be left in that way.

Then the law squarely says, and it has already been passed, that the whole subject shall be taken up by the Secretary of the Treasury, and he shall consider and determine where this additional work of providing additional accommodations for Detroit shall be done. I can not believe that any Secretary will change the site. I do not believe the Senator himself would want the site changed.

I hope the Senator will not insist upon his amendment on this statement. Under the act the Secretary will go on and settle it, and then this work which has been begun will be continued with the additional accommodations for Detroit. If he takes it up at a new place, and thereby removes it from the business center, the responsibility must be with him. I hope the Senator will not insist on the amendment, because evidently it will (and I know the sentiment of many business men in Detroit) be construed as committing both the Senator and this body and Congress in favor of a new location; and I do not think the Senator ought to press that.

Mr. PALMER. In regard to the merits of the location, with the quarrel, as I said before, I will have nothing to do; my opinion shall not be heard upon that point. What I care for more is to satisfy the people whose interests in the aggregate are greater than mine or those of any other Senator present. It was on that account that I did not want the appropriation even by implication to limit the location of the building to where it is now.

Mr. HALE. There is no danger of that.

Mr. PALMER. I will withdraw my amendment and modify the clause in the bill.

The PRESIDENT *pro tempore*. The Senator from Michigan withdraws the amendment he has already offered, and offers an amendment to the amendment of the Committee on Appropriations.

Mr. PALMER. I move to strike out and insert so as to make the clause read:

For public buildings at Detroit, Mich., \$200,000.

Mr. HALE. That of course carries with it in as clear terms as possible that this is to be a new building.

Mr. PALMER. I can not see how the Senator from Maine makes out that this is to be a new public building.

Mr. HALE. That is the language used where we appropriate for a new public building. It is for a public building.

Mr. PALMER. I propose to make it read "for public buildings at Detroit, Mich." There are no new public buildings there. I think not a stone has been laid, so that it can not by implication affect the site.

Mr. HALE. That is a worse amendment, if the Senator will allow me, than the other. It carries with it the idea of an entirely new building.

The PRESIDENT *pro tempore*. The amendment now proposed by the Senator from Michigan will be read.

The CHIEF CLERK. In line 119 it is proposed to strike out the words "court-house and post-office," and in line 120 to strike out the words "for continuing work on the same, one," and to insert "two;" so as to read:

For public buildings at Detroit, Mich., \$300,000.

Mr. PALMER. That is the amendment I now propose, and I hope it will be adopted by the Senate. It seems to me to be the fairest and most equitable way in which the appropriation can be put without committing any one to the site.

The PRESIDENT *pro tempore*. The Chair on reflection is still of the opinion that unless there is an estimate for more than \$100,000 for the year, the amendment is subject to the point of order made by the Senator from Iowa. The Chair thinks the language of Rule XVI in regard to carrying out provisions of an existing law or a treaty applies to a case where there is an obligation on the part of Congress to do something which requires the payment of money; and as these public buildings are authorized, if there be not an estimate the Chair thinks the amendment is not in order. There are a great many analogous and similar cases where the increase of appropriation would be enormous under any other construction of the rule. The Chair thinks that the motion to increase the recommendation of the committee from \$100,000 to \$200,000 is not in pursuance of the estimate of the head of the Department, and

does not fall within the provision of carrying out the provisions of existing law, as the Chair understands the rule to mean, as an obligation of the United States to enter into which requires the payment of money; but the Chair understands the Senator from Michigan to say that it is in pursuance of an estimate.

Mr. PALMER. It is in pursuance of a general estimate, but not, as I understand, of an annual estimate. I was not aware that such an estimate was required every year where a work was continued.

The PRESIDENT *pro tempore*. Does it appear in the regular estimates of the Treasury Department for the expenses of the coming year?

Mr. HALE. No, sir; it does not.

The PRESIDENT *pro tempore*. The Chair will submit the question to the Senate if the Senator from Michigan desires. The Chair thinks it does not fall within the provision of the rule about carrying out the provisions of an existing law, inasmuch as the Chair thinks, as he stated, that that means where the existing law requires an appropriation to be made, not merely where it authorizes an appropriation to be made.

Mr. CONGER. One law has been passed authorizing the expenditure of \$500,000 on the building. Another law, which may or may not at this hour of the proceedings have been approved, has increased that to \$900,000. Only \$250,000 have been appropriated of the \$500,000 which were authorized to be used for the building. Now, I think, under any rule, there may be under that law \$250,000 more appropriated right along, which has been authorized; and, under the new law, if it should come here approved in half an hour, there would be \$400,000 additional which might be appropriated. There is no request that there shall be an amount appropriated beyond the provisions of either of the laws.

The PRESIDENT *pro tempore*. The Chair does not put it on the ground that the last act of Congress has not been approved by the President, because if a bill of the Senate alone were passed which required the appropriation of money, an amendment appropriating the sum would be within the rule. But as the law only authorizes the carrying on of a public work and limits the extent to which the expenditure shall go, the Chair is of opinion that it does not fall within the meaning of the rule as an amendment which the Senator from Michigan may offer to carry out the provisions of an existing law. The Chair thinks that that has always been construed to mean, and it is clear that for the purposes intended by the rule it should mean, that the provision heretofore passed should require an appropriation to be made and not merely authorize an appropriation.

Mr. CONGER. I do not know that the Chair quite understood the point I made. It is that under the prior law, leaving the present law out of consideration entirely, there are still \$250,000 authorized by law to be appropriated for the purpose. If the Senator from Massachusetts [Mr. HOAR] will allow me to finish my remarks, directed to the Chair, it might perhaps be better.

The PRESIDENT *pro tempore*. The Chair understood the point of the Senator. The Chair thinks that under the rule the Senator can not move to increase the appropriation reported by the committee, on the ground that the provision in the act authorizing the building is only a limitation of expenditure and does not require that any money shall be appropriated whatever.

Mr. CONGER. Under the same phrase an appropriation was put in here for the increase of the appropriation at Columbus.

The PRESIDENT *pro tempore*. The Chair understands that; but that was put in on the report of a committee, and that may be done whether against the law or pursuant to the law.

Mr. CONGER. There may have been a mistake in regard to it. Both the Senators from Michigan personally appeared before the committee and requested the committee to fix the amount at \$250,000, and presented that as an amendment which they wished to have reported by the committee. If it gives any more formality to have an amendment sent up to the desk without reading and referred, without anybody knowing what it is, to the committee, than to go to the committee and present the amendment directly to them, we should understand that.

The PRESIDENT *pro tempore*. If the amendment had been reported from the Committee on Public Buildings and Grounds, or any other appropriate committee, and sent to the Committee on Appropriations, then the difficulty would not have existed. The Chair understands the amendment to be submitted by one of the Senators from Michigan in his individual right as a Senator.

Mr. CONGER. The committee informed the Senators from Michigan, they acting under their supposed construction of the rule, that they could not recommend it because they had already struck out every such provision from the House bill. Now, the Senate has overruled that, and by consequence it should overrule the decision against the amendment proposed by Senators to the committee, as I have stated.

Mr. ALLISON. There is no estimate whatever for the building at Detroit in the Book of Estimates for the coming year. The change of limit has been made at this session. We called the Supervising Architect of the Treasury before us with a view of inquiring of him what amount he could economically expend at Detroit, Mich., for the building, and he stated to us \$250,000. Then we investigated the amount remaining on the 1st day of January unexpended under former appro-

priations and found \$149,000. So the building at Detroit, if the amendment proposed by the committee shall prevail, will have \$250,000 for whatever purpose the law authorizes it to be used.

Mr. CONGER. I desire to call the attention of the Chair to the first clause of Rule XVI. I submit that if we have been mistaken in the law it is a new ruling, I think, of the Chair. The first clause of Rule XVI, as to amendments to appropriation bills, says:

No amendment shall be received to any general appropriation bill, the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, &c.

Now, we find on the statute-books a law which authorizes the construction of a building at Detroit, and limits the amount to \$500,000. We find that there have been appropriated under that provision \$250,000. The law authorizes the expenditure of \$250,000 more.

I do not know why it is, with a rule which provides that no Senator shall pass between the Chair and the speaker, that shall not only be done, but the attention of the Chair, to whom a Senator is addressing his remarks, should be obstructed by it. Twice during the course of my remarks that has been done, and I object to it now and hereafter.

The rule provides that no amendment shall be received—

Unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the Departments.

We come with the first of these propositions, the provisions of an existing law, and we ask to increase an appropriation under the provisions of an existing law within the limits which that law prescribed. Why is not that of equal force with the estimate of the Treasury Department or with the recommendation of a committee? I call the attention of the Chair to that point, and ask, within this provision of an admitted existing law by which a building not to cost more than \$500,000 shall be built, and there remaining a margin of \$250,000 of appropriation to carry out that law, why an amendment to increase the amount within that limit is not in order under Rule XVI?

The PRESIDENT *pro tempore*. The reason why the Chair expressed the opinion, which he will however gladly leave to the Senate for its determination, was that all the operations of the Government are carried on under the provisions of existing law—ships are built, forts are built, guns are made, the Indian service is carried on, and so on. The Chair thinks that this rule was intended to mean and has always been construed to mean (this part of the rule has stood for more than twenty years, the Chair thinks) that the right to move by an individual Senator, without taking the judgment of a committee and their recommending it, and it then being sent to the Committee on Appropriations, is the right of an individual Senator to move such an amendment, without having it referred, as would carry out the provisions of existing law which require the expenditure of money; in other words, an obligation that the money shall be expended for the purpose proposed. With any other construction the Chair thinks the rule would be of no value at all, because almost every item which proposes to spend money in a bill an existing law authorizes to be done. But, as the Chair stated, the Chair will submit to the Senate the question as to this amendment being in order, it increasing the sum recommended by the committee.

Mr. LAPHAM. Allow me to make a single suggestion. In the last Congress on an appropriation bill I offered just such an amendment as this, appropriating money for a public building in Brooklyn, and the Senator from Iowa made a point of order on it. The then occupant of the chair, when I called his attention to the fact that the limit proposed by my amendment was within the act authorizing the erection of the building, overruled the point of order, and held that it was admissible, and the amendment was carried by the Senate.

The PRESIDENT *pro tempore*. The Chair thinks that the present occupant could not have been in the chair at the time. He remembers no such precedent.

Mr. LAPHAM. No; it was in the last Congress, when Judge Davis was in the chair. The decision was made by him. I cite it simply as a precedent.

The PRESIDENT *pro tempore*. The Chair will submit the question of order to the Senate. Is the Senate ready for the question? Senators who are of opinion that the amendment proposed by the Senator from Michigan [Mr. PALMER], increasing the sum recommended by the Committee on Appropriations, is in order, will say "ay;" those of the contrary opinion will say "no." [Putting the question.] The yeas appear to have it.

Mr. PALMER. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. COCKRELL. I should like to know exactly the point which is presented. What is the amendment decided to be out of order?

The PRESIDENT *pro tempore*. No amendment is decided to be out of order. The Chair is submitting the question to the Senate.

Mr. COCKRELL. What is the particular amendment?

The PRESIDENT *pro tempore*. The particular amendment is to increase the appropriation for the public building at Detroit from \$100,000 to \$200,000. The Committee on Appropriations report an amendment

providing an appropriation of \$100,000. The Senator from Michigan moves to increase that sum to \$200,000. The question is whether the amendment increasing the sum above that recommended by the committee, not having been reported from a standing or select committee and referred, is in order, there being no estimate of appropriation for it.

Mr. PALMER. I will state that the amendment would have been referred to the committee if I had not understood from the committee that the appropriation to be recommended by them was \$250,000. They probably, in making the statement that they did to me, took the unexpended balance of \$148,000 or \$149,000, and then this \$100,000 additional, making \$249,000; but I understood that they were to report an appropriation of \$250,000, and I told them I wanted but \$200,000. Those are the facts; and it is through no laches of mine that the amendment was not formally offered in the Senate and referred to the committee before to-day. I supposed that this item would come in at \$200,000 or \$250,000 by way of recommendation. I think under the circumstances the amendment I propose should be received and adopted.

Mr. ALLISON. I hope the Senate will not, under a desire to accommodate the Senators from Michigan, establish a rule which would allow any amendment offered to an appropriation bill to be increased upon the motion of a Senator. That rule never has prevailed in the Senate, and it seems to me it would be a very dangerous one to establish.

The PRESIDENT *pro tempore*. The question is, Is the amendment proposed by the Senator from Michigan in respect of its increasing the sum recommended by the Committee on Appropriations in order? Senators who are of opinion that it is in order will as their names are called answer "yea;" the contrary, "nay."

The question being taken by yeas and nays, resulted—yeas 22, nays 28; as follows:

YEAS—22.			
Brown,	Ingalls,	Miller of N. Y.,	Van Wyck,
Chace,	Lapham,	Mitchell,	Vest,
Conger,	McMillan,	Palmer,	Voorhees,
Cullom,	Mahone,	Riddleberger,	Williams,
Dolph,	Mauderson,	Sabin,	
George,	Miller of Cal.,	Sawyer,	
NAYS—28.			
Aldrich,	Dawes,	Hampton,	Morrill,
Allison,	Edmunds,	Harris,	Pike,
Beck,	Prye,	Jackson,	Platt,
Camden,	Garland,	Jonas,	Plumb,
Cameron of Wis.,	Gibson,	Kenna,	Pugh,
Coke,	Gorman,	Maxey,	Slater,
Colquitt,	Groome,	Morgan,	Vance,
ABSENT—26.			
Bayard,	Fair,	Jones of Florida,	Saulsbury,
Blair,	Farley,	Jones of Nevada,	Sewell,
Bowen,	Hale,	Lamar,	Sherman,
Butler,	Harrison,	Logan,	Walker,
Call,	Hawley,	McPherson,	Wilson,
Cameron of Pa.,	Hill,	Pendleton,	
Cockrell,	Hoar,	Ransom,	

The PRESIDENT *pro tempore*. The Senate decides that the amendment, so far as it increases the sum, is not in order.

Mr. CONGER. I feel an embarrassment about this matter that I do not like to feel. The chairman of the committee stated, and I could not find it at the moment turning to it, that there was no estimate for this appropriation in the Book of Estimates, and the Chair so put the proposition. I was spending my time as rapidly as I could to find the estimate.

I make the same request of the officers that I have of Senators, that they do not address the Chair when I am addressing him about a matter for his own personal consideration.

The PRESIDENT *pro tempore*. The Chair thinks that it is necessary for the officers to address the Chair about current business even when Senators are speaking. They will try not to interrupt the Senator.

Mr. CONGER. Then perhaps the same courtesy which requires a Senator to suspend until a message from the House shall be received might be extended satisfactorily. It comes so often I should like to have some rule about it.

The PRESIDENT *pro tempore*. The Senator from Michigan will proceed.

Mr. CONGER. The Chair made his ruling on the statement of the chairman of the Committee on Appropriations that there was no estimate for this additional money. I find on page 143 of the Book of Estimates for public works:

Detroit, Mich.: Court-house, post-office, &c., completion under present limit, \$250,000.

It is under the head of total amount to be appropriated this year; and if there is not an estimate for that, there is not an estimate for an item in the whole bill, for it turns on exactly the same rule. I will send this to the Chair; it is exactly in the same line and mode and manner as every estimate in the book. I submit that it is a little irregular to rule the amendment out on statements made contrary to the fact when the estimate is before us. It is at page 143. I do not like to be the subject of that kind of information.

Mr. ALLISON. At the moment I supposed there was no estimate. I think the Senator from Michigan makes a fair criticism. I withdraw my statement.

Mr. CONGER. Then, the statement being withdrawn, I suppose the amendment does come within the proper ruling of the Chair and may be offered.

The PRESIDENT *pro tempore*. It appears in the estimates of appropriations as submitted. The Chair thinks that should be considered as an estimate affirmative. It appears to be for the coming year. So the Chair thinks on that point it is in order. It was understood when the Chair submitted the question of order to the Senate that there was not an estimate for it.

Mr. CONGER. I know it was so stated; and I was unable at the moment to find the estimate.

Mr. ALLISON. I will state to the Senator from Michigan that it is impossible for me to keep in my memory every item of appropriations estimated for or not estimated for by hastily glancing at the Book of Estimates. I supposed at the moment that this item was not estimated for.

Mr. CONGER. I do not question at all the correctness of the information of the chairman of the committee at that time, but it affects very seriously a matter of interest to us, and therefore I called attention to it.

The PRESIDENT *pro tempore*. If there be no objection the amendment that was ruled out on a vote of the Senate will be received. The Chair hears no objection. The question is on agreeing to it. The amendment will be again read.

The CHIEF CLERK. In line 119 strike out the words "court-house and post-office" and insert the words "public buildings;" in line 120 strike out the words "for continuing work on same, one" and insert the word "two;" so as to read:

For public buildings at Detroit, Mich., \$200,000.

Mr. HALE. I suggest to the Senator from Michigan that the first amendment submitted by him would be more satisfactory than the one that he has put in now.

Mr. PALMER. Does the Senator say that the first amendment would be more satisfactory to him?

Mr. HALE. Neither of them suits me, but I think the first is the better one. I have been looking at it since I was on the floor before.

Mr. PALMER. I will resume my position and take the first amendment.

The PRESIDENT *pro tempore*. The amendment was returned to the Senator from Michigan. It is not now at the desk.

Mr. PALMER. I send up the amendment again.

The PRESIDENT *pro tempore*. The Senator from Michigan modifies his amendment. It will be read as modified.

The CHIEF CLERK. Strike out the paragraph from line 119 to line 121, inclusive, and insert:

For the execution of the provisions of the act of Congress entitled "An act to provide for the erection of a public building at Detroit, Mich.," approved May 23, 1862; or for the execution of the provisions of the act of Congress entitled "An act to provide for the purchase of a site and the erection of a public building at Detroit, Mich.," as the Secretary of the Treasury may determine according to law, \$200,000."

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Michigan to the amendment reported by the Committee on Appropriations.

Mr. MORRILL. I ask to insert at the end of the amendment the words:

Under the limits of existing law.

I do not want to increase the amount beyond the sum of \$500,000.

Mr. PALMER. I accept that amendment.

The PRESIDENT *pro tempore*. The Senator from Michigan modifies his amendment. The question is on agreeing to the amendment to the amendment as modified.

Mr. HALE. The Senator from Michigan, as I understand, under this amendment which he offers, does not in any way consider that it affects or influences the question of a new site or building upon the old site?

Mr. PALMER. No, sir.

Mr. HALE. And he has no such intention?

Mr. PALMER. The intent is to leave that entirely to the proper authorities. There is not the slightest wish on my part, nor on the part of any one else that I know of who has spoken for this amendment, to influence the location of the site.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Michigan to the amendment of the Committee on Appropriations.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House requested the return of the concurrent resolution for the printing of 3,500 copies of the first and second volumes of "Decisions relating to the public lands," prepared under the direction of the Department of the Interior.

The message also announced that the House had concurred in the res-

olution of the Senate for the printing of 3,000 copies of the communication of the Secretary of State, containing a list of claimants against France by reason of the spoliation committed prior to the 31st of July, 1801.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, after line 121, to insert:

For court-house and post-office at Des Moines, Iowa: For extension and completion, \$45,000.

The amendment was agreed to.

The next amendment was, after line 124, to insert:

For custom-house at Dubuque, Iowa: For approaches, grading, fencing, and paving, \$8,000.

The amendment was agreed to.

The next amendment was, in line 133, after the word "building," to strike out "eighty-five" and insert "thirty-five;" so as to make the clause read:

For court-house and post-office at Fort Wayne, Ind.: For completion of building \$35,199.12.

Mr. ALLISON. That should be "\$60,000" instead of "\$35,000," under the ruling of the Senate.

Mr. HARRISON. How does the Senator get at \$60,000 instead of \$85,000?

Mr. ALLISON. I will explain it. At this session of Congress a law was passed for the public building at Fort Wayne making an appropriation in the law itself.

The PRESIDENT *pro tempore*. The Senator from Iowa moves to amend the amendment of the committee, in line 133, by striking out "thirty-five" and inserting "sixty" before the word "thousand."

Mr. VOORHEES. Eighty-five thousand dollars is the amount named in the bill as it came from the House. Why is 60,000 proposed?

Mr. ALLISON. Because at this session of Congress the limit of the Fort Wayne building has been extended \$25,000; and in the act extending the limit there is an appropriation of \$25,000; and with the \$60,000 there will be a sufficient sum under the new limit.

Mr. VOORHEES. My reason for inquiring is that the House makes the sum \$85,000. The explanation of the Senator from Iowa is satisfactory.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 139, after the word "acquire," to strike out "such" and insert "three;" in line 140, after the word "additional," to insert "lots of," in same line, after the word "ground," to insert "adjoining those already purchased;" and in line 142, after the word "exceeding," to strike out "twenty" and insert "ten;" so as to make the clause read:

The Secretary of the Treasury is hereby authorized, out of any money heretofore appropriated for the purpose of purchasing a site and erecting a public building in the city of Galveston, Tex., to purchase and acquire three additional lots of ground adjoining those already purchased for a public building in Galveston, Tex., as he may deem necessary, at a cost not exceeding \$10,000.

The amendment was agreed to.

The next amendment was, after line 143, to insert:

For custom-house at Galveston, Tex.: For completion under present limit, \$37,500.

The amendment was agreed to.

The next amendment was, in line 149, to increase the appropriation "for court-house and post-office at Greensborough, N. C.: For approaches, grading, fencing, and paving," from \$5,000 to \$7,500.

The amendment was agreed to.

The reading of the bill was resumed, and lines 150, 151, and 152 were read, as follows:

For post-office at Hannibal, Mo.: For completion of building under present limit, \$37,500.

Mr. ALLISON. In line 151 I move to strike out the words "under present limit" and to strike out "\$37,500" and insert "\$55,500."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 152, to insert:

For court-house and post-office at Harrisonburg, Va.: For approaches, grading, fencing, and paving, \$7,500.

The amendment was agreed to.

The next amendment was to increase the appropriation "for court-house and post-office at Jackson, Tenn.: For approaches, grading, fencing, and paving," from \$5,000 to \$10,000.

The amendment was agreed to.

The next amendment was, in line 160, after the word "for," to strike out "completion of the building, \$32,000; and the entire cost of said building, including site, shall not exceed \$132,000," and to insert

"approaches, grading, fencing, and paving, \$10,000;" so as to make the clause read:

For court-house and post-office at Jefferson City, Mo.: For approaches, grading, fencing, and paving, \$10,000.

Mr. ALLISON. Under the decision of the Senate that amendment should not be agreed to.

The PRESIDING OFFICER (Mr. HARRISON in the chair). The Chair did not hear the Senator.

Mr. ALLISON. This amendment should be disagreed to if the Senate intends to adhere to its vote in the Columbus, Ohio, case.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Committee on Appropriations.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 167, to increase the appropriation "for custom-house and post-office at Kansas City, Mo.: For completion of approaches, clock, and sewer connections," from \$15,000 to \$20,000.

The amendment was agreed to.

The next amendment was, after line 167, to insert:

For court-house and post-office at Marquette, Mich.: For completion under present limit, \$50,000.

The amendment was agreed to.

The next amendment was, after line 170, to insert:

For court-house and post-office at Keokuk, Iowa: For purchase of site and completion of building, \$100,000.

The amendment was agreed to.

The next amendment was to strike out the clause from line 174 to 177 inclusive; as follows:

For custom-house and post-office at Saint Joseph, Mo.: For continuation of building, \$50,000; and the entire cost of said building and approaches, including site, shall not exceed \$300,000.

Mr. COCKRELL. That amendment is to be disagreed to under the same rule.

Mr. VEST. That amendment comes under the same rule as the Columbus case.

The PRESIDING OFFICER. The question is on agreeing to the recommendation of the committee to strike out the clause.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 179, to increase the appropriation "for court-house and post-office at Louisville, Ky.: For continuation," from \$75,000 to \$200,000.

The amendment was agreed to.

The next amendment was, after line 185, to insert:

For court-house and post-office at Macon, Ga.: For purchase of site and commencement of building, \$75,000.

The amendment was agreed to.

The next amendment was, to strike out from line 192 to line 196 inclusive, in the following words:

For post-office, internal revenue, and other Government offices at Minneapolis, Minn.: For continuation of building, \$110,000: *Provided*, That the entire cost of such building shall not exceed \$500,000.

Mr. SABIN. I ask the Senate to non-concur in the recommendation of the committee.

Mr. ALLISON. That is one of the cases that come under the ruling of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Appropriations.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 198, before the word "repairs," to strike out "completion;" so as to make the clause read:

For custom-house at New Orleans, La.: For repairs, plumbing, and drainage, \$15,000.

The PRESIDING OFFICER. The question is on agreeing to this amendment.

Mr. BECK. I do not quite understand. Is the Minneapolis matter passed? I do not object to the disagreement with the committee's amendment, but I desire to strike out the proviso, which reads:

Provided, That the entire cost of said building shall not exceed \$500,000.

The PRESIDING OFFICER. The Chair will inform the Senator from Kentucky that the question now is on striking out the word "completion," in line 198.

Mr. BECK. I ask consent to go back to that proviso for a moment.

Mr. ALLISON. If we go back to that we shall have to go back to the others. I consented myself to reject that amendment with a view that those provisions should all stand upon an equality.

The PRESIDING OFFICER. If there is objection, in the opinion of the Chair—

Mr. BECK. The vote was taken while I was on my feet trying to be heard. I was willing that the amendment of the committee might be disagreed to, but that did not dispose of the paragraph, and the Secretary commenced reading before I could get a chance to say a word.

Mr. ALLISON. Very well; I shall make no point on that.

The PRESIDING OFFICER. If no objection is made the Senate

will return to the consideration of the amendment proposed by the committee, beginning in line 192. The Chair hears no objection. The question recurs on agreeing to the amendment of the committee striking out the clause.

Mr. BECK. I move to amend the amendment by striking out the proviso beginning at the word "provided," in line 194, down to and including the word "dollars," in line 198, and for this reason: This provision has not passed either House. The House of Representatives, as we know, passed this bill under a suspension of the rules, so that the House really never saw it. There is no court held at Minneapolis. The internal-revenue business there amounts to almost nothing, simply the watching of wholesale and retail liquor dealers and cigar-makers; and for a post-office building alone to have a \$500,000 limitation, when it started, I believe, with \$110,000, ought not to be. I am willing to vote all the money that they ask and let the limitation be fixed hereafter when the House and the Senate and the appropriate committees of each House shall have had a fair chance to look at it.

I desire to give Minneapolis all that the bill proposes to give it, but I do not wish to make any provision by which they will erect a \$500,000 building simply for a post-office and for internal-revenue offices, when the internal-revenue business amounts to almost nothing. The courts are held at Saint Paul, within six or seven miles of Minneapolis. The communications between the two cities are constant; every half hour I believe. There is no pretense that anything is needed except a good post-office building, with a room or two in it for the internal-revenue collections. Minneapolis is a great city and a growing city, and the building ought to be a handsome one because it is a handsome city, but \$200,000 or \$250,000 at the outside is all that could be properly expended in justice to the other parts of the country and the buildings in the other cities of the country simply for a post-office in that city.

That is the reason why I desire now to strike out the limitation while giving the money that the House has given.

Mr. SABIN. I trust that the amendment of the Senator from Kentucky will not prevail. The city of Minneapolis is a city containing 140,000 or 150,000 inhabitants. It is a city the growth of which has been almost phenomenal and the growth of which in the future can scarcely be estimated. The amount named in the bill, \$500,000, is not an exorbitant sum considering the location and the prospects of that city situated in the heart of the great Northwest.

I trust that the paragraph will remain as it came from the House and that the proviso will be retained.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Kentucky to the amendment of the Committee on Appropriations. [Putting the question.] The yeas appear to have it.

Mr. BECK. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. McMILLAN. Let the amendment to the amendment be read, so that Senators may understand it.

The PRESIDING OFFICER. The amendment to the amendment will be again read.

The CHIEF CLERK. After the word "dollars," in line 194, strike out the following proviso:

Provided, That the entire cost of such building shall not exceed \$500,000.

The question being taken by yeas and nays, resulted—yeas 20, nays 35; as follows:

YEAS—20.

Bayard,	Coke,	Ingalls,	Pendleton,
Beck,	Colquitt,	Jackson,	Plumb,
Brown,	Garland,	Maxey,	Slater,
Butler,	Hampton,	Morgan,	Vance,
Call,	Harris,	Morrill,	Williams.

NAYS—35.

Aldrich,	Dawes,	Jones of Nevada,	Platt,
Allison,	Dolph,	Lapham,	Sabin,
Blair,	Fair,	McMillan,	Sawyer,
Camden,	Frye,	Manderson,	Sewell,
Cameron of Pa.,	Harrison,	Miller of Cal.,	Vest,
Cameron of Wis.,	Hawley,	Miller of N. Y.,	Voorhees,
Chace,	Hoar,	Mitchell,	Walker,
Conger,	Jonas,	Palmer,	Wilson.
Cullom,	Jones of Florida,	Pike,	

ABSENT—21.

Bowen,	Gorman,	Logan,	Saulsbury,
Cockrell,	Groome,	McPherson,	Sherman,
Edmunds,	Hale,	Mahone,	Van Wyck.
Farley,	Hill,	Pugh,	
George,	Kenna,	Ransom,	
Gibson,	Lamar,	Riddleberger,	

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment proposed by the committee, which is to strike out from and including line 192 to and including line 198.

The amendment was rejected.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment of the Committee on Appropriations in line 198, before the word "repairs," to strike out the word "completion."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 199, to insert:

For court-house and post-office at New York, N. Y.: For iron shed for shelter of mail-wagons and force employed in delivery of mails, and for extension of mezzanine gallery for the proper accommodation of the postal business, \$35,000.

The amendment was agreed to.

The next amendment was, after line 204, to insert:

For court-house and post-office at Oxford, Miss.: For approaches, fences, grading, and paving, \$7,500.

The amendment was agreed to.

The next amendment was, after the word "for," at the end of line 208, to strike out "continuation" and insert "completion;" and in line 210, before the word "thousand," to strike out "fifty" and insert "seventy-five;" so as to make the clause read:

For post-office and court-house at Peoria, Ill.: For completion of building under present limit, \$75,000.

Mr. CULLOM. In line 210 I move to strike out the words "seventy-five," before "thousand," and insert "one hundred;" so as to read "\$100,000."

Mr. ALLISON. I hope the Senator will not insist on that.

Mr. CULLOM. I hope the Senator will hear me for a moment.

Mr. ALLISON. I will.

Mr. CULLOM. The item that I propose to amend is in reference to the court-house at Peoria, Ill. I think the amendment which I suggest ought to be adopted. As most Senators perhaps know, the business at that city is very large, and the building that would be built if completed under the statute as it stands to-day would not be near sufficient to accommodate the public interests in that city.

As the Senator from Iowa will see, under the form of the amendment proposed by the Committee on Appropriations, the building would necessarily have to be completed with the \$75,000 appropriated in the bill. The building has been in progress and is now up to the top of the second story, and is waiting for the determination by this Congress whether there shall be an additional appropriation so that a third story may be put upon the building, which will make it sufficient to accommodate the public interests.

This is just one of that class of cases where clearly the equity and right in the premises would justify the amendment which I have asked to be adopted, and I hope the Committee on Appropriations will make no objection to it, at least so far as a point of order is concerned, so as to let the Senate vote upon the question whether they will agree to the increased appropriation which I propose.

I might go into a general discussion of the vast amount of revenue which is collected in that city and the public business done there, so as to show conclusively that the building if finished under the present law will not be sufficient to accommodate the public interests. It will either have to be finished as a two-story building and an insufficient one, or it will have to stand there for another year, unless my amendment is adopted. I hope, therefore, that the chairman and other members of the Committee on Appropriations will make no objection to the amendment, and allow the \$25,000 increase which I propose.

Mr. ALLISON. For the building at Peoria, Ill., the limit is \$225,000. That certainly ought to build a very good building at Peoria. The estimate for this year is only \$75,000. I trust therefore that the Senator from Illinois will not at this moment press his amendment.

Mr. CULLOM. The Secretary of the Treasury has recommended that this increase be made, and that it be made at this session in view of the fact that the building has reached a point of construction where it will either have to be completed under the appropriations now made or stand until another session of Congress. I give my word to Senators upon this question that unless the appropriation is increased the building will not be sufficient in size to accommodate the public interests in that city.

Mr. ALLISON. I wish to ask the Senator if the building can be changed in its general plan by the amendment proposed.

Mr. CULLOM. It can be changed by adding a story to the building. It is a two-story building as originally designed. It is built up to the top of the second story. All that is necessary is to go on with the third story and make the building larger.

Mr. ALLISON. I can not understand why it requires over \$200,000 to build a two-story building.

Mr. CULLOM. The Senator will understand that some \$45,000 of the original appropriation went to the purchase of ground upon which the building was to be located, which reduced the amount for the building. I desire the Senate to understand that the city of Peoria is a city which pays more taxes than almost any other city in this country and consequently has more need of a public building.

Mr. ALLISON. Notwithstanding that, I must make the point of order upon the Senator's amendment.

The PRESIDING OFFICER. The Senator from Iowa raises the point of order upon the amendment proposed by the Senator from Illinois. The Chair is of opinion that the point of order is well taken.

Mr. CULLOM. I do not like to appeal from the decision of the Chair, but I insist that the amendment ought to be adopted. I hope the Committee on Appropriations will not stand here and raise a technical point where there are other buildings just exactly like it, so far as

merits are concerned, but which do not happen to be in the same category on the question of order and get through, while some are ruled out. I shall have to appeal from the decision of the Chair.

The PRESIDING OFFICER. The Senator from Illinois appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the Senate? [Putting the question.] The "ayes" appear to have it. The "ayes" have it. The decision of the Chair is sustained.

Mr. CULLOM. I ask that the President of the Senate submit the question to the Senate not technically upon the question of order, but upon the point whether the amendment may be allowed to be made to the bill.

Mr. FRYE. That can not be done, Mr. President.

Mr. HARRIS. The question of order has been raised and settled. I suggest to the Senator from Illinois that he may perhaps in some measure accomplish his object by asking the Senate to disagree to the committee amendment striking out the word "continuation" and inserting the word "completion" in line 209.

Mr. CULLOM. If the Senate refuses to increase the amount, then I ask that the word "completion" be stricken out, and that the word "continuation," which the committee proposed to strike out, shall be allowed to stand in the bill.

The PRESIDING OFFICER. The Chair will state to the Senator from Illinois that there is no pending proposition to increase the amount except as made by the Committee on Appropriations. The Senator's amendment has been ruled out of order.

Mr. CULLOM. Then I move that the word "completion" be stricken out and that the word "continuation," which the committee has reported to strike out, be allowed to remain in the bill.

The PRESIDING OFFICER. The Chair will suggest to the Senator from Illinois that all that would be necessary would be for the Senate to disagree to the amendment reported by the committee, which would leave the word "completion" to stand.

Mr. CULLOM. I will put it in that form.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee, in line 209, to strike out the word "continuation" and insert the word "completion."

The amendment was rejected.

The PRESIDING OFFICER. The question now is on agreeing to the amendment of the Committee on Appropriations, in line 210, to increase the appropriation from \$50,000 to \$75,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 211, after the word "for," where it occurs the second time, to strike out "completion of building, \$30,000," and insert "approaches, fencing, grading, and paving, \$10,000;" so as to make the clause read:

For post-office at Poughkeepsie, N. Y.: for approaches, fencing, grading, and paving, \$10,000.

Mr. MILLER, of New York. That is the same as the Columbus and other cases. I wish to have the amendment disagreed to. I understand the committee have given their consent to that. This is one of the cases already decided, and by the understanding of the committee these amendments are to be disagreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the committee.

The amendment was rejected.

The next amendment was, to strike out the following clause, from 214 to 238, inclusive:

That the Secretary of the Treasury is hereby authorized and directed to sell at public auction, in the city of Philadelphia, Pa., to the highest bidder, after thirty days' notice in four of the principal newspapers published in the city of Philadelphia, in one or more lots, the land and premises known as the old court-house and post-office in said city, lying upon Chestnut street and extending back to Library street, and between Fourth and Fifth streets, and adjoining the present custom-house site in said city; the time and place of said sale in said city to be fixed by the Secretary of the Treasury at a date not later than ninety days after the passage of this act, and at a price not less than \$200,000, with power to reject any or all bids and to readvertise and offer the said property in like manner as often as may be necessary to secure the value thereof, and the cost to be paid from the proceeds of sale; and it shall be the duty of the Secretary of the Treasury to cause inquiry to be made as to the value of this property, and if it shall appear that the price above named is inadequate, he is authorized and directed to appoint a board of three persons in the employ of the United States to assess the value of the said property, and report the same to the Secretary of the Treasury, when the sum fixed by this board shall be the minimum price at which the property may be thus sold.

The amendment was agreed to.

The next amendment was, after line 241, to insert:

For post-office at Reading, Pa.: For purchase of site and completion of building, \$20,000.

The amendment was agreed to.

The next amendment was, after line 244, to insert:

For public building at Richmond, Va.: For enlargement of building, \$50,000.

The amendment was agreed to.

The next amendment was, after line 248, to insert:

For post-office at Sacramento, Cal.: For purchase of site and completion of building, \$100,000.

The amendment was agreed to.

The next amendment was to strike out lines 258 and 259, as follows:
For post-office and court-house at Syracuse, N. Y.: For completion of building, \$58,000.

Mr. LAPHAM. That is one of the cases in which the Senate has already overruled the committee. I hope the Senate will disagree to that amendment. It comes within the same class.

The PRESIDING OFFICER. The question is on the amendment.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 265, to insert:

For court-house and post-office at Troy, N. Y.: For purchase of site and commencing the erection of building, \$100,000.

The amendment was agreed to.

The next amendment was, after line 268, to insert:

For court-house and post-office at Tyler, Tex.: For purchase of site and completion of building, \$50,000.

The amendment was agreed to.

The next amendment was, after line 271, to insert:

For court-house and post-office at Wichita, Kans.: For purchase of site and completion of building, \$50,000.

The amendment was agreed to.

The next amendment was to strike out lines 282, 283, and 284, in the following words:

Extensive repairs to roof, \$6,400; and annual repairs to Treasury building, \$6,000; in all, \$12,400.

And in lieu thereof to insert:

Extensive repairs to roof, renewal of old concrete floors, replacing worn and worthless water-closets, and annual repairs to Treasury building, \$37,000.

The amendment was agreed to.

The next amendment was, in line 292, before the word "thousand," to strike out "fifty" and insert "seventy-five," so as to make the clause read:

For repairs and preservation of public buildings: Repairs and preservation of custom-houses, court-houses, post-offices, and other public buildings under the control of Treasury Department, \$175,000.

The amendment was agreed to.

The next amendment was to strike out the clause from line 305 to line 315, inclusive, in the following words:

That hereafter no plan shall be prepared or approved by the Secretary of the Treasury for any public building authorized by Congress to be erected until after the site therefor shall have been purchased and paid for; and he shall not authorize or approve of any plan for any such building which shall involve a greater expenditure in the completion of such building and approaches thereto than the amount that shall remain of the sum specified in the law authorizing the erection of such building as the limit of the cost of the site and building after the site shall have been paid for.

The amendment was agreed to.

Mr. VEST. I offer the following amendment, after line 315, to insert—

Mr. ALLISON. I ask the Senator to withhold that until after the committee amendments are disposed of. That was the understanding.

The PRESIDING OFFICER. The Chair thinks that was the understanding of the Senate.

Mr. ALLISON. That I believe is the rule of the Senate also.

The PRESIDING OFFICER. The Chair thinks it is. The reading of the bill will be continued.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "light-houses, beacons, and fog-signals," in line 319, to increase the item of appropriation "for establishing a light on Romer Shoal, in the lower bay of New York," from \$20,000 to \$25,000.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 323, to insert "to be immediately available;" so as to make the clause read:

Winter-Quarter Shoal light-ship, Virginia: For the construction and establishment of an iron light-ship, with a fog-signal, for Winter-Quarter Shoal, Virginia, \$30,000, to be immediately available.

The amendment was agreed to.

Mr. ALLISON. There was one light-house omitted, and I move to insert, after line 323, from the Committee on Appropriations:

For the construction of a light-house at Plantation Inlet, near the mouth of Chesapeake Bay, \$25,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 336, to increase the appropriation "for a light-house and fog-bell on Bush's Bluff, Elizabeth River, near Norfolk, Va.," from \$20,000 to \$25,000.

The amendment was agreed to.

The next amendment was, in line 332, before the word "thousand," to strike out "five" and insert "ten;" and in the same line, after the word "dollars," to insert "to be immediately available;" so as to make the clause read:

Hunting Island light-station, South Carolina: For protecting the site of the light-house at Hunting Island, South Carolina, \$10,000, to be immediately available.

The amendment was agreed to.

The next amendment was, in line 334, after the word "for," to strike out "continuing" and insert "completing;" and in line 336, before the

word "thousand," to strike out "thirty" and insert "seventy;" so as to make the clause read:

Mosquito Inlet light-station, Florida: For completing the light-house at Mosquito Inlet, Florida, \$70,000.

The amendment was agreed to.

The next amendment was, in line 338, to increase the appropriation "for establishing a light at Anclote Keys, Florida," from \$15,000 to \$20,000.

The amendment was agreed to.

The next amendment was, after line 342, to insert:

For the establishment of a small range-light at Northwest Passage, Key West, Fla., \$200.

The amendment was agreed to.

The next amendment was, after line 348, to insert:

Hell Gate electric light, New York: For the purchase of land for the site of the electric-light tower already established at Hallet's Point, near Hell Gate, New York, \$10,000.

The amendment was agreed to.

The next amendment was, after line 355, to insert:

Pipe Island light-station, Michigan: For establishment of a light upon Pipe Island, Michigan, to form a range to guide into the Detour Passage, Saint Mary's River, \$10,000.

Mr. CONGER. I move to amend by adding the words "to be immediately available." There can be no objection to that.

Mr. ALLISON. I hope the Senator will not do that. There is no reason for making any one of these items immediately available more than another except where the work can be completed during the current year.

Mr. CONGER. This is a small range-light. It can be completed in a month or six weeks at the most.

Mr. ALLISON. Very well. I had rather agree to it than spend time upon it.

Mr. CONGER. All right.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 359, to insert:

Saint Mary's River ranges, Michigan: For erecting range-lights to guide through the dredged cut in Saint Mary's River, near Round Island, Michigan, \$12,000.

Mr. ALLISON. Let the same amendment be made to that.

Mr. CONGER. I move the same amendment there.

To be immediately available.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in line 366, after the word "dollars," to insert "to be immediately available;" so as to read:

Detroit River light-house: For the completion of the light-house at or near the mouth of the Detroit River, in Lake Erie, \$18,000, to be immediately available.

The amendment was agreed to.

The next amendment was, in line 370, to increase the appropriation "for continuing the construction of a light-house on Northwest Seal Rock, off Point Saint George, California," from \$30,000 to \$75,000.

The amendment was agreed to.

The next amendment was, after line 371, to insert:

Angel Island fog-signal, California: For establishment of a fog-signal on Angel Island, San Francisco Bay, California, \$4,500.

The amendment was agreed to.

The next amendment was, in line 376, after the word "establishing," to strike out "complete;" and in line 378, before the word "thousand," to strike out "twenty-five" and insert "forty;" so as to make the clause read:

Destruction Island light-station, Washington Territory: For establishing a first-order light and fog-signal on Destruction Island, Washington Territory, \$40,000.

The amendment was agreed to.

The next amendment was to strike out the following clause from line 379 to 381, inclusive:

That appropriations made by this act shall not be available before the 1st day of July, 1885, except where expressly provided herein.

The amendment was agreed to.

The next amendment was, in line 432, to reduce the total amount of the appropriation "for pay of crews of surfmen employed at the life-saving and life-boat stations during the period of actual employment," &c., "and miscellaneous expenses that can not be included under any other head of life-saving stations on the coasts of the United States," from \$730,000 to \$710,000.

Mr. CONGER. I desire to ask the chairman of the committee whether the wording of this provision would not exclude payment to those members of the Life-Saving Service who have become disabled and under an act of Congress are entitled to pay for the year following whether in service or not, or, if they are dead, their widows. I fear that is not included in this. I call attention to the clause from line 412 to 432.

Mr. ALLISON. That is in the language of last year's bill.

Mr. CONGER. Since that time we have passed a law giving one year's salary to persons injured while in actual duty.

Mr. ALLISON. I believe at this session some law has been passed giving additional pay or pension to these people.

Mr. CONGER. At the close of the last session.

Mr. ALLISON. I can not state to the Senator whether the language here employed would cover the provisions of that law or not. There is no special estimate that I know of covering that provision. We had the chief the Life-Saving Service before us and he assented to this provision.

Mr. CONGER. That may have been provided for in the general bill.

Mr. ALLISON. I will say to the Senator that the committee did not specially examine that. We took it for granted that the chief of this service, who is usually pretty prompt and pretty vigorous in asking for whatever is necessary to maintain the establishment, would have called attention to it if it was wrong. I think the Senator will find that there is no difficulty in the way.

Mr. CONGER. If it may be understood that if, after examining the general bill making appropriations for that service it is found not to be provided for in that, we may return to this and offer an amendment to secure those who have been injured in the service and their widows—

The PRESIDING OFFICER. The Chair understands that the whole bill will be open to amendment after the committee amendments have been disposed of.

Mr. CONGER. I will wait until that time and examine the subject.

The PRESIDING OFFICER. The question is on agreeing to the amendment in line 432.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 435, to increase the appropriation "for establishing new life-saving stations and life-boat stations on the sea and lake coasts of the United States" from \$25,000 to \$50,000.

The amendment was agreed to.

Mr. MILLER, of California. I desire to ask the chairman of the committee if the chief of the Life-Saving Bureau made any statement as to the proposed necessities of the service for new life-saving stations? I see the committee have increased this item from \$25,000 to \$50,000, but as I am advised the whole amount of \$50,000 is needed for new stations on the Pacific coast alone.

Mr. ALLISON. Some two or three years ago we passed a bill providing for forty new life-saving stations, and the chief of the Life-Saving Service said to us that with this \$50,000 he could establish ten new life-saving stations, and that that was about the required number for the next fiscal year. He did not state where they were to be located.

Mr. MILLER, of California. That is satisfactory.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to strike out the following clause, from line 450 to line 453:

That the Secretary of the Navy be, and is hereby, directed to transfer to the Treasury Department, for use as a revenue cutter in the waters of Alaska, the Bear, one of the vessels of the late Greely relief expedition.

The amendment was agreed to.

The next amendment was, in line 503, to increase the appropriation "for salaries of keepers of light-houses: For salaries, fuel, rations, rent of quarters, where necessary, and similar incidental expenses of 1,015 light-keepers and fog-signal keepers," from \$575,000 to \$585,000.

The amendment was agreed to.

The next amendment was to increase the appropriation "for expenses of light-vessels: For seamen's wages, rations, repairs, salaries, supplies, and incidental expenses of thirty light-ships," from \$220,000 to \$230,000.

The amendment was agreed to.

The next amendment was, before the word "thousand," in line 514, to strike out "twenty" and insert "twenty-five," so as to make the clause read:

For expenses of buoyage: For expenses of raising, cleaning, painting, repairing, removing, and supplying losses of buoys, spindles, and day-beacons, and for the maintenance of whistling-buoys and bell-buoys, and for chains, sinkers, and similar necessities, \$325,000.

The amendment was agreed to.

The next amendment was, in line 518, before the word "thousand," to strike out "fifty" and insert "seventy," so as to make the clause read:

For expenses of fog-signals: For establishing, renewing, duplicating, and improving fog-signals and buildings connected therewith, and for repairs and incidental expenses of the same, \$70,000.

The amendment was agreed to.

The next amendment was, at the end of line 530, to insert the following proviso:

Provided, That so much as may be necessary of the unexpended balance of the appropriation for lighting and buoyage of the Mississippi, Missouri, and Ohio Rivers for the fiscal year ending June 30, 1884, may be used to defray the expense of repairing the light-house tender Lily, damaged by fire September 20, 1884.

The amendment was agreed to.

The reading of the bill was continued to the end of line 547.

Mr. CONGER. I desire to call the attention of the chairman of the committee to this paragraph, ending in line 547:

For maintenance of lighted buoys: For the maintenance of light-buoys now in use, \$5,000.

I move to strike out the words "now in use," so that the Light-House Board may change the light-buoys from point to point, as may be necessary.

Mr. ALLISON. That amendment is not in order now.

The PRESIDING OFFICER. The Chair will state to the Senator that under the order of the Senate the amendments of the Committee on Appropriations are being disposed of. It will be in order when the bill has been read through to propose other amendments.

Mr. CONGER. I will reserve it, then, until the reading is completed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations "for Coast and Geodetic Survey," in line 569, after the word "Head," to strike out "seven thousand five hundred" and insert "nine thousand;" and in line 570, after the word "dollars," to insert "of which sum \$1,500 shall be immediately available;" so as to make the clause read:

For continuing the survey of the coast of Maine eastward from Englishman's Bay toward Quoddy Head, \$3,000, of which sum \$1,500 shall be immediately available.

The amendment was agreed to.

The next amendment was, after the word "Sound," at the end of line 575, to strike out "thirteen thousand" and insert "fifteen thousand five hundred;" and after the word "dollars," in line 576, to insert "of which sum \$2,500 shall be immediately available;" so as to make the clause read:

For continuing resurvey of Long Island Sound, \$15,500, of which sum \$2,500 shall be immediately available.

The amendment was agreed to.

The next amendment was, in line 654, before the word "thousand," to strike out "thirty-eight" and insert "forty-two;" so as to make the clause read:

And 10 per cent. of the foregoing amounts shall be available interchangeably for expenditure on the objects named; in all, for party expenses, \$142,500.

The amendment was agreed to.

The reading of the bill was continued to the end of line 623.

Mr. ALLISON. In line 622 the committee authorize me to move to strike out "five" and insert "eight."

The PRESIDING OFFICER. The first "five" or the second?

Mr. ALLISON. The first "five."

The PRESIDING OFFICER. The Senator from Iowa proposes in line 622 to strike out "five" and insert "eight;" so as to make the clause read:

For continuing the topographical survey of the coast of Southern California, including the necessary supplementary surveys near San Francisco, \$3,500.

The amendment was agreed to.

Mr. ALLISON. I will say that at a later stage that will require an amendment in line 493. I will call attention to it later. It will necessitate the rechanging of totals to the amount of \$3,000.

The PRESIDING OFFICER. The amendment referred to by the Senator from Iowa will be stated by the Chief Clerk.

The CHIEF CLERK. In line 493 strike out "\$350,000" and insert "\$353,000."

The PRESIDING OFFICER. The Chair believes that is the amendment intended to be proposed by the Senator from Iowa. It can be acted on now.

Mr. ALLISON. That is not the place. I will reserve that for the moment.

The reading of the bill was continued to the end of line 626.

Mr. MILLER, of California. There is an error in line 625. The name "Sancelito" should be "Saucelito." I move to strike out "Sancelito" and insert "Saucelito."

The PRESIDING OFFICER. That amendment will be made if there be no objection.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was, before the word "thousand," in line 654, to strike out "thirty-eight and insert "forty-two."

Mr. ALLISON. It should be \$42,800.

The PRESIDING OFFICER. The Senator from Iowa proposes to amend by inserting "eight hundred."

Mr. ALLISON. Strike out "five" and insert "eight."

Mr. MILLER, of California. The addition should be \$3,000.

Mr. ALLISON. Ten per cent. of these appropriations is reserved interchangeably.

The PRESIDING OFFICER. The amendment of the Senator from Iowa will be considered as agreed to if there be no objection. The question is on the amendment of the committee as amended.

The amendment as amended was agreed to, so as to make the clause read as follows:

And 10 per cent. of the foregoing amounts shall be available interchangeably for expenditure on the objects named; in all, for party expenses, \$142,800.

The PRESIDING OFFICER. It is the duty of the Chair, the hour of 1 o'clock having arrived, to lay before the Senate the unfinished business, which is the bill (H. R. 7299) forfeiting a part of certain lands granted to the State of Iowa to aid in the construction of railroads in that State, and for other purposes.

Mr. ALLISON. I ask unanimous consent that the regular order may be informally laid aside in order that we may proceed with this appropriation bill.

SAINT PAUL AND SIOUX CITY RAILROAD LANDS.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that the regular order be informally laid aside in order that the Senate may continue the consideration of the appropriation bill.

Mr. McMILLAN. I desire to inquire what the regular order now laid before the Senate is.

The PRESIDING OFFICER. The title will be read again.

The SECRETARY. A bill (H. R. 7299) forfeiting a part of certain lands granted to the State of Iowa to aid in the construction of railroads in that State, and for other purposes.

Mr. McMILLAN. May I inquire if that is the bill which was under consideration on Saturday at the adjournment?

The PRESIDING OFFICER. The Chair understands that it is.

Mr. McMILLAN. Then I object.

The PRESIDING OFFICER. The Senator from Minnesota objects.

Mr. McMILLAN. If the Senator from Iowa will yield to me I will move that the bill be laid upon the table. It has already occupied one day of debate.

Mr. ALLISON. I ask unanimous consent to say a word.

Mr. McMILLAN. I do not yield.

The PRESIDING OFFICER. The Senator from Minnesota declines to yield.

Mr. ALLISON. Is he making a speech?

Mr. McMILLAN. I am making a statement. That bill has occupied one entire day of the Senate's time in debate, and it would occupy two or three days more if there were that much of the session remaining. It is interfering seriously with business, and I move that the bill be laid on the table.

Mr. ALLISON. Pending that motion—

The PRESIDING OFFICER. The motion of the Senator from Minnesota is not debatable.

Mr. ALLISON. I understand that; I do not propose to debate it; but pending that motion, I ask unanimous consent that the bill may be informally laid aside, in order that we may proceed with the appropriation bill, and pending that I desire unanimous consent to say one word.

The PRESIDING OFFICER. If there is no objection the Senator from Iowa will be allowed to make a statement.

Mr. ALLISON. I hope the Senator from Michigan will not interpose an advantage which he has at this moment to get rid of another bill which I do not propose to interfere with one way or the other. I ask what has never before been denied, unanimous consent to proceed with the appropriation bill without affecting the pending orders, whatever they may be.

Mr. McMILLAN. I ask unanimous consent to make a statement.

The PRESIDING OFFICER. Is there objection to the Senator from Minnesota being heard? The Chair hears none.

Mr. McMILLAN. I do not think that the chairman of the Committee on Appropriations has pursued a proper course in making the remarks he has in using the power of the Committee on Appropriations to protect this bill which I have moved to lay on the table. To attempt to raise an issue between me and the Senate in regard to the merits of this motion is not I think entirely fair. I present no contest of that kind. I desire to proceed with the bill the Senator has had before the Senate this morning; and it is for the reason that I desire the sundry civil bill to be disposed of without interruption that I make this motion. It will take no time to dispose of this motion except what is required to take the vote of the Senate; and to attempt to antagonize it with the weight of the Committee on Appropriations is not, I think, exceedingly fair.

Mr. WILSON. Mr. President—

The PRESIDING OFFICER. The Chair will say to Senators that the pending motion is not a debatable motion. If any Senator asks unanimous consent to be heard the Chair will put the request of the Senator.

Mr. WILSON. I ask unanimous consent.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent to be heard on this question. Is there objection? The Chair hears none.

Mr. WILSON. I do not desire to antagonize the appropriation bill with the pending order. I desired and suggested to the Senator from Minnesota that we allow this to be laid aside informally in order that the Senate might proceed with the consideration of the appropriation bill; and when that shall have been completed, if the Senator from Minnesota desires then to make his motion to lay the bill on the table, he can do so and have a test vote. But I do not desire that advantage taken now when the Senate is anxious to proceed with this appropriation bill. Let it go over informally, and when we shall have concluded the appropriation bill, then if he desires to take a test vote on the motion to lay on the table I shall have no objection, for I do not desire to occupy the time of the Senate on that bill. I shall not, if we come to the discussion of it, occupy more than five minutes of the time of the Senate in what I desire to submit concerning it.

Mr. McMILLAN. Mr. President—

The PRESIDING OFFICER. The Senator from Minnesota is not in order.

Mr. ALLISON. I object to any further debate.

The PRESIDING OFFICER. Objection is made to debate.

Mr. McMILLAN. I desire to withdraw—

Mr. ALLISON. I object.

The PRESIDING OFFICER. Does the Senator rise to debate the question?

Mr. McMILLAN. No, sir; I do not rise to debate it. I yield to the power of the Committee on Appropriations and withdraw the motion.

The PRESIDING OFFICER. The Senator from Minnesota withdraws his motion.

Mr. ALLISON. Now I ask unanimous consent—

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that the pending question be laid aside informally, and that the Senate continue the consideration of the sundry civil appropriation bill? Is there objection? The Chair hears none.

Mr. ALLISON. Now I desire to say to the Senator from Minnesota that it is both unjust and unfair to the Committee on Appropriations to assert that they are interposing anything here, and I do not wish that imputation to be cast upon the committee. I only ask in this regard that this bill, whatever it is, shall be treated as everything else informally laid aside in order that the business of the Senate may be proceeded with in reference to appropriations.

Mr. McMILLAN. In justice to myself I desire to say that the time consumed in opposing this motion has been much greater than would have been consumed in taking a vote of the Senate upon the motion to lay the bill on the table. This is a question of great importance, involving public and private rights, and it is my duty as a member of the Senate to take all the opportunities I have to protect those rights. The Senator from Iowa in charge of this bill, it seems to me, has interfered with the motion that I had made without any necessity for doing so.

RETURN OF A HOUSE CONCURRENT RESOLUTION.

The PRESIDING OFFICER laid before the Senate the following resolution of the House of Representatives:

IN THE HOUSE OF REPRESENTATIVES, March 2, 1885.

Resolved, That the Clerk of the House be directed to request the Senate to return to the House of Representatives the concurrent resolution of February 27, 1885, providing for the printing of the first and second volumes of "Decisions relating to the public lands," which was by mistake communicated to the Senate as having passed the House.

The PRESIDING OFFICER. Will the Senate agree to the request of the House of Representatives for the return of this resolution?

There being no objection, the request was granted.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 441) for the completion of a public building at Council Bluffs, Iowa;

A bill (H. R. 577) to donate a cemetery site on the public lands to the city of Kerwin, in the State of Kansas;

A bill (H. R. 1286) for the relief of Alexander D. Schenck;

A bill (H. R. 2158) for the benefit of John C. Herndon;

A bill (H. R. 2263) for the relief of John F. Severance;

A bill (H. R. 3058) to amend section 1889, chapter 1, title 23 of the Revised Statutes of the United States, relative to general incorporation acts of Territories;

A bill (H. R. 4280) to increase the pension of Mrs. Martha C. Breese;

A bill (H. R. 4382) for the relief of William H. Davis;

A bill (H. R. 5713) to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States;

A bill (H. R. 6940) granting a pension to Sarah M. Bissell;

A bill (H. R. 8030) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1886, and for other purposes;

A bill (H. R. 8120) making appropriations for the support of the Army for the fiscal year ending June 30, 1886, and for other purposes; and

Joint resolution (H. Res. 124) authorizing the collector of the port of New York to deliver, free of duty, a silver cup won by Sergt. A. B. Van Heusen, as a member of the American rifle team at Wimbledon, in July, 1883.

REPORTS OF COMMITTEES.

Mr. SHERMAN. I ask consent to make a report at this time so that it may be placed on the Calendar without printing, as I wish to call it up to-day.

I am directed by the Committee on Finance, to whom was referred the bill (S. 2069) to authorize the Secretary of the Treasury to issue a duplicate certificate of deposit to the People's National Bank of Lawrenceburg, Ind., to report it without amendment. I do not ask that the report be printed. We have adopted the House report, and therefore it is not necessary to print it.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (H. R. 7618) granting a pension to Harry H. G. Kisingbury,

Walter F. Kislisbury, Wheeler Schofield Kislisbury, and Douglas E. L. Kislisbury, respectively, children of the late Frederick F. Kislisbury, a lieutenant in the Eleventh Regiment United States Infantry, reported it without amendment, and submitted a report thereon.

Mr. CAMDEN, from the Committee on Pensions, to whom was referred the bill (H. R. 2872) granting a pension to Jacob Funkhouser, reported it without amendment, and submitted a report thereon.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred a letter of the Secretary of War, transmitting, in compliance with law, an abstract of the military force of the United States, reported it back with a recommendation that it be printed; which was agreed to.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER (Mr. HARRIS in the chair) presented a petition of the department encampment of the Grand Army of the Republic of Indiana, praying that General U. S. Grant be immediately placed on the retired-list of the Army on full pay; which was ordered to lie on the table.

Mr. MILLER, of California. I ask unanimous consent to present a joint resolution of the General Assembly of the State of California, in regard to the Indian-war debt of that State. I do so because I desire it to go before the Committee on Appropriations before the deficiency bill is acted on.

The PRESIDING OFFICER. If there be no objection, the resolution of the Legislature of California will be received, read, and referred.

The resolution was read, and referred to the Committee on Appropriations, as follows:

Assembly joint resolution No. 73, adopted March 30, 1878.

Resolved by the assembly of the State of California (the senate concurring). First. That our Senators be instructed and our Representatives requested to urge upon Congress the immediate payment of all bonds, coupons, and certificates of coupons issued by the State of California for expenses incurred in the Indian wars which have not been paid by the General Government. Second. That his excellency the governor be requested to cause a statement of all such bonds, certificates, and coupons, and of the circumstances connected therewith, to be prepared by the comptroller, and upon such statement being prepared to cause an application to be made to Congress, in the name of the State of California, for the payment of said bonds, coupons, and certificates. Third. And that he forward a copy of these resolutions to each of our Senators and Representatives in Congress.

STATE OF CALIFORNIA, DEPARTMENT OF STATE.

I, Thomas L. Thompson, secretary of state of the State of California, do hereby certify that I have carefully compared the annexed copy of assembly joint resolution No. 73, adopted by the Legislature of the State of California on the 30th day of March, 1878, with the original now on file in my office, and that the same is a correct transcript therefrom and of the whole thereof. Also, that this authentication is in due form and by the proper officer.

Witness my hand and the great seal of State, at office in Sacramento, Cal., the 31 day of January, A. D. 1885.

[SEAL.]

T. L. THOMPSON,
Secretary of State.
By A. E. SHATTUCK Deputy.

Mr. CAMERON, of Pennsylvania. I ask unanimous consent to present several joint resolutions of the Legislature of Pennsylvania.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. CAMERON, of Pennsylvania, presented a joint resolution of the Legislature of Pennsylvania, in favor of the passage of an act placing General U. S. Grant on the retired-list; which was ordered to lie on the table, and be printed in the RECORD, as follows:

IN THE HOUSE OF REPRESENTATIVES, February 13, 1885.

Whereas the bill providing for the retirement of General U. S. Grant is still pending in Congress, the dilatory action of that body tending to create a feeling of indignation among the people, who believe that the most generous treatment of this distinguished soldier and patriot is the merest justice; and

Whereas it is the sense of the General Assembly of this State that only the promptest action in passing the said bill can keep pace with the increasing age and failing strength of the great soldier, and that the debt due him from his country should be acknowledged while yet it may lighten the increasing cares of his life: Therefore

Be it resolved (if the senate concur) That our Senators be instructed, and our Representatives in Congress be requested, to use their earliest and utmost efforts to pass the bill placing General U. S. Grant on the retired-list.

Extract from the Journal of the House of Representatives.

GEO. PEARSON,
Chief Clerk of the House of Representatives.

IN THE SENATE, February 19, 1885.

THOS. B. COCHRAN,
Chief Clerk of the Senate.

The foregoing resolution concurred in.

Approved the 25th day of February, A. D. 1885.

ROBERT E. PATTISON,
Governor.

Mr. CAMERON, of Pennsylvania, presented a joint resolution of the Legislature of Pennsylvania, favoring the passage of an act granting pensions to the surviving soldiers of the Mexican war; which was ordered to lie on the table and be printed in the RECORD, as follows:

IN THE HOUSE OF REPRESENTATIVES, February 6, 1885.

Whereas there is now pending in the House of Representatives of the United States a measure known as the "Mexican pension bill," which provides for the pensioning of the surviving soldiers of the United States who participated in the war with Mexico, as well as to facilitate the speedy settlement and allowance of claims of disabled soldiers and sailors who participated in the battles for the supremacy of the Union in the war of the rebellion; and

Whereas the Government of the United States is abundantly able to provide a pension for the soldiers and sailors of the country whose sacrifices have given us a restored Union and a united people: Therefore,

Be it resolved (if the senate concur). That our Representatives in Congress be requested to support said Mexican pension bill with the Senate amendments, and to use their utmost endeavors for its speedy consideration and passage before the termination of this Congress, in order that good faith may be kept and justice done to the nation's defenders.

Resolved. That this resolution, with the preamble, be printed, and a copy, properly attested, forwarded to each of Pennsylvania's Representatives in the national Congress.

Extract from the Journal.

GEO. PEARSON,
Chief Clerk House of Representatives.

IN THE SENATE, February 11, A. D. 1885.

The foregoing resolution concurred in.

THOS. B. COCHRAN,
Chief Clerk of the Senate.

Approved the 19th day of February, A. D. 1885.

ROBT. E. PATTISON.

OFFICE OF THE SECRETARY OF THE COMMONWEALTH,
Harrisburg, February 19, A. D. 1885.

PENNSYLVANIA, ss:

I do hereby certify, that the foregoing and annexed is a full, true, and correct copy of the resolution of the General Assembly of the Commonwealth of Pennsylvania in relation to the "Mexican pension bill," now pending in the Congress of the United States.

In testimony whereof I have hereunto set my hand and caused the seal of the secretary's office to be affixed, the day and year above written.

[SEAL.]

JNO. C. SHOEMAKER,
Deputy Secretary of the Commonwealth.

In the name and by the authority of the Commonwealth of Pennsylvania.

ROBERT E. PATTISON, governor of the said Commonwealth. To all to whom these presents shall come, sends greeting:

Know ye, that the attestation or certificate hereunto attached is in due form and made by the proper officer, and that John C. Shoemaker, whose name is subscribed thereto, was at the time of subscribing the same, and now is, deputy secretary of the Commonwealth, duly appointed and commissioned, and full faith and credit are due and ought to be given to his official acts accordingly.

Given under my hand and the great seal of the State, at Harrisburg, this 19th day of February, in the year of our Lord 1885, and of the Commonwealth the one hundred and ninth.

[SEAL.]

ROBT. E. PATTISON,
Governor.

By the governor:

W. S. STENGER,
Secretary of the Commonwealth.

Mr. CAMERON, of Pennsylvania, presented a joint resolution of the Legislature of the State of Pennsylvania, remonstrating against the abolishment of the National Board of Health; which was referred to the Committee on Epidemic Diseases, and ordered to be printed in the RECORD, as follows:

IN THE SENATE, February 20, 1885.

Resolved. That the senate (the house concurring) do earnestly request our Senators and Members of the House of Representatives at Washington to oppose any effort to abolish the National Board of Health in the face of the approach of the cholera.

Extract from the journal of the senate.

THOS. B. COCHRAN,
Chief Clerk of the Senate.

IN THE HOUSE OF REPRESENTATIVES, February 24, 1885.

The foregoing resolution concurred in.

GEO. PEARSON,
Chief Clerk of the House of Representatives.

Approved the 26th day of February, A. D. 1885.

ROBERT E. PATTISON.

EDUCATION EXHIBITS AT NEW ORLEANS.

Mr. BLAIR. I ask unanimous consent to introduce a resolution calling for a report from a Department:

Resolved. That the Secretary of the Interior be directed to transmit to the Senate the report of the Commissioner of Education of the exhibition of education at the World's Industrial and Cotton Centennial Exposition at New Orleans, La.

Mr. ALLISON. That is a little premature, I think.

Mr. BLAIR. It is not to print it. It is simply to transmit it to the Senate.

Mr. ALLISON. How can the report be ready when the exposition is going on now?

Mr. BLAIR. It will be here to-night if it is not here now.

Mr. ALLISON. I object, and ask that the resolution be printed.

The PRESIDING OFFICER. The resolution will lie over and be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CAMERON, of Pennsylvania, submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was referred to the Committee on Appropriations.

Mr. SAWYER submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce.

Mr. MORGAN submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which, with the accompanying papers, was referred to the Committee on Appropriations.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate resumed the consideration of the sundry civil appropriation bill (H. R. 8256).

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "pay of field officers of the Coast and Geodetic Survey," after line 685, to insert:

For pay of four assistants, at \$1,550 per annum, \$6,200.

The amendment was agreed to.

The next amendment was, in line 689, before the word "assistants," to strike out "nine" and insert "five;" and in line 690, before the word "thousand," to strike out "thirteen" and insert "seven;" so as to make the clause read:

For pay of five assistants, at \$1,550 per annum, \$7,750.

The amendment was agreed to.

The next amendment was, at the end of line 704, before the word "hundred," to strike out "twenty-four thousand nine" and insert "twenty-five thousand one;" so as to make the clause read:

Total pay in field, \$125,120.

The amendment was agreed to.

The next amendment was, in the appropriations for "pay of office force for the Coast and Geodetic Survey," in line 707, to increase the appropriation "for one disbursing agent" from \$2,500 to \$2,800.

The amendment was agreed to.

The next amendment was, in line 714, to increase the appropriation "for one general office assistant" from \$2,000 to \$2,500.

The amendment was agreed to.

The next amendment was, in line 878, before the word "hundred," to strike out "twenty-seven thousand four" and insert "twenty-eight thousand two;" so as to make the clause read:

Total pay of office force, \$128,278.82.

The amendment was agreed to.

The next amendment was, under the head "Miscellaneous objects under the Treasury Department," in line 950, before the word "thousand," to strike out "twenty" and insert "forty;" so as to make the clause read:

Expenses of the national currency: For paper, express charges, and other expenses, \$40,000.

The amendment was agreed to.

The next amendment was, in line 954, before the word "thousand," to strike out "thirty" and insert "forty;" so as to make the clause read:

Disbursive paper for United States securities: For paper, including mill expenses, transportation, examination, counting, and delivery, \$40,000.

The amendment was agreed to.

The next amendment was, in line 956, after the word "coin," to strike out "that" and insert "for transportation of silver coin, \$50,000; and in expending this sum;" so as to read:

Transportation of silver coin: For transportation of silver coin, \$50,000; and in expending this sum the Secretary of the Treasury, &c.

The amendment was agreed to.

Mr. ALLISON. What has become of the amendment from line 956 to 970?

The PRESIDING OFFICER. The question has just been taken on the insertion of the words:

For transportation of silver coin, \$50,000; and in expending this sum—

Mr. ALLISON. All right.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after the word "Treasury," at the end of line 958, to strike out the words "be, and he is hereby" and insert "is;" and in line 960, after the word "subtreasuries," to strike out "and mints;" so as to read:

The Secretary of the Treasury is authorized and directed to transport from the Treasury or subtreasuries, free of charge, silver coin when requested to do so.

The amendment was agreed to.

The next amendment was, in the proviso to the clause in relation to the "transportation of silver coin," after the word "applicants," in line 964, to strike out:

The expenses of such transportation shall be paid from the fund arising from the profits accruing from the coinage of the standard silver dollar, which is hereby appropriated for that purpose.

And in line 969, after the word "this," to strike out "paragraph, so far as the sum relates to the Treasury or subtreasuries," and insert the word "appropriation;" so as to make the proviso read:

Provided, That an equal amount in coin or currency shall have been deposited in the Treasury or such subtreasuries by the applicant or applicants. And the Secretary of the Treasury shall annually report to Congress the cost arising under this appropriation.

The amendment was agreed to.

The Secretary read the clause of the bill from line 971 to line 974, inclusive, as follows:

Transportation of gold coin: For the transportation of gold coin from San Francisco to New York, \$100,000; the same to be immediately available.

Mr. INGALLS. I should like to hear from the chairman of the Committee on Appropriations on the subject of the amount of gold coin in San Francisco, and why it requires to be transported at the expense of the Government to New York.

Mr. BECK. I rose for that purpose, and to add that I hope the chairman of the committee will now tell the Senate the exact condition

of things in regard to these matters. We had more trouble about this than perhaps any other item in this bill, and the chairman of the committee knows all about it.

Mr. ALLISON. Mr. President, this is a provision inserted in the House of Representatives for the transportation of gold coin from San Francisco to New York. This appropriation was made after an investigation of an executive document, the number of which I have on a memorandum, but I do not remember it exactly. I think it is House Executive Document 106, in which the Treasury Department asked for an appropriation of \$500,000 for the transportation of silver coin between subtreasuries and for the erection of further vaults for the purpose of containing the silver coin. The House instead of adopting the suggestion made in this report, authorized the transportation of gold coin from San Francisco to New York.

The facts are that there are now in San Francisco \$56,000,000 of gold coin in the subtreasury at that place. There are also in the subtreasury at that place 19,000,000 silver dollars. There are in the mint at San Francisco 32,000,000 of silver dollars.

Mr. INGALLS. Are these deposits of gold and silver coin the product of the mint at San Francisco, or are they received in the course of the payment of customs and other duties?

Mr. ALLISON. The great body of the gold coin at the San Francisco subtreasury is the accumulation of years, which comes there from the production of gold on the Pacific coast. It is utterly impossible under existing law and in the regular range of commerce and trade between the Pacific coast and the Atlantic coast for this silver or this gold to reach the Atlantic coast. The exchanges of course are all in favor of the Atlantic coast, while both gold and silver are produced on the Pacific coast. So it is an inherent difficulty not only with reference to silver but with reference to gold coin that there is an accumulation on the Pacific coast. The Committee on Appropriations believed that it was a wise thing to transfer this gold coin or a portion of it to the Atlantic coast from the Pacific coast.

Mr. INGALLS. Why?

Mr. ALLISON. For the purpose of having it nearer the range of the great commercial transactions of our country.

Mr. INGALLS. But we have a great deal more than we can use now in the Treasury. Why should there be \$56,000,000 more brought here?

Mr. ALLISON. I will answer the Senator. There is a constant accumulation at the San Francisco mint and at the San Francisco subtreasury, and there is now in the subtreasury all the coin that it has room for, and therefore the committee believed that this provision was a wise one in relieving the subtreasury at San Francisco and transporting this gold coin to New York.

Mr. INGALLS. All of it?

Mr. ALLISON. Not all of it.

Mr. INGALLS. How much?

Mr. ALLISON. The provision here will transfer \$40,000,000 of gold coin from San Francisco to New York at the rate of \$2.50 a thousand, which is the charge made by the express companies, and is said to be the lowest charge for the work.

We have added to this provision a clause authorizing an appropriation of \$50,000 for the transportation of silver coin between the subtreasuries, and the committee made inquiry both of the Director of the Mint and of the Assistant Secretary of the Treasury, who was before us, why it was that there was this great accumulation of silver in San Francisco and this great cry against the accumulation in San Francisco when there was nothing said about the accumulation of gold there. It is now within the power of the Treasury Department to transfer these thirty-two million silver dollars from the mint in San Francisco to the Treasury at Washington, or the subtreasury at New York, if they desire to do so, without an appropriation, because the profits that are derived from the coinage of silver can be used under existing law to transport any portion of the silver dollars from the mints to any subtreasury.

So the cry made for appropriations and for additional vault room San Francisco, as it appeared to the committee, was unnecessary, from the fact that if there is an undue accumulation of silver at the mint there the Department can transfer that silver, if they choose, to any subtreasury in the United States or to the Treasury here in Washington, where there is now room for \$36,000,000 of silver in the vaults already prepared in the Treasury.

For these reasons the committee not only agreed to the provision in this bill for the transportation of gold coin, but they also have inserted a provision which will enable the Treasury to make such manipulations and changes of the silver coin now in the different subtreasuries as will relieve the Treasury entirely from the necessity of building any more vaults for the storage of silver dollars.

Mr. MILLER, of California. The committee have done exactly what they should have done. There is a large accumulation of both silver and gold coin in San Francisco, because that is the largest mint there is in the United States, and it is in the region of silver and gold production.

Mr. INGALLS. Does this gold and silver all belong to the United States Government?

Mr. MILLER, of California. It does.

Mr. INGALLS. How did they get possession of this fifty-six millions of gold coin?

Mr. MILLER, of California. I do not know how they got possession of it. It was coined at the mint.

Mr. INGALLS. The Government does not buy gold as it does silver for the purpose of coinage.

Mr. MILLER, of California. The Government receives it, though, from the owners of gold bullion for coinage at the Mint, and exchanges greenbacks for it. In that way the United States have accumulated in San Francisco a large amount of gold, and really there is not vault-room sufficient in the subtreasury or in the mint in San Francisco for all the gold and silver there accumulated, and the vaults there should be relieved by the transfer of the coin from the Pacific coast to the eastern coast, where the coinage is needed and where the disbursements take place.

This proposition of the committee is not only in the interest of the Government, but it is good policy and good sense to do precisely what they have proposed.

Mr. BECK. It seemed to me that the transportation companies charged an enormous price for the work they do. When this question came up we sent for the Director of the Mint and Assistant Treasurer and everybody who knew anything about it. It seemed to me that the idea of paying \$100,000 to carry gold coin from San Francisco to New York was altogether extravagant; but when the facts were laid before us and the charges made against private individuals for the same work were explained, I did not see how to find fault, and therefore I have no objection to make to the amendment.

The PRESIDING OFFICER. The reading of the bill will proceed. The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 974, to insert:

Transportation of silver coin: For transportation of silver coin between subtreasury offices, \$50,000.

The amendment was agreed to.

The next amendment was, after line 1041, to insert:

Smithsonian Institution building: For finishing and completing the furnishing of the eastern portion of the Smithsonian Institution building, \$5,000.

The amendment was agreed to.

The next amendment was, in line 1089, before the word "thousand," to insert "and twenty;" so as to make the clause read:

Furniture and repairs of furniture: For furniture and repairs of furniture, including carpets, for all public buildings under the control of the Treasury Department, including the public building at Cleveland, Ohio, and including marine hospitals, and for furniture, carpets, chandeliers, and gas-fixtures for new buildings, \$300,000. And all furniture now owned by the United States in other buildings shall be used as far as practicable, whether it corresponds with the present regulation plans for furniture or not.

The amendment was agreed to.

The reading of the bill was continued to line 1129.

Mr. ALLISON. In line 1128, before the word "thousand," I move to strike out "fifteen" and insert "twenty;" so as to read:

For the protection of sea-otter hunting-grounds and seal-fisheries in Alaska: To enable the Secretary of the Treasury to use revenue-steamers for the protection of the interests of the Government on the sea-islands and the sea-otter hunting-grounds, and the enforcement of the provisions of law in Alaska, \$30,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1129, to insert:

National Board of Health: For salaries and expenses of the National Board of Health, \$15,000.

The amendment was agreed to.

The next amendment was, after line 1132, to insert "For suppression of epidemic diseases;" and after the word "danger," in line 1143, to strike out "the same to be expended under the direction of the Marine-Hospital Service;" so as to make the clause read:

For suppression of epidemic diseases: The President of the United States is hereby authorized, in case of threatened or actual epidemic of cholera or yellow fever, to use the unexpended balance of the sum reappropriated therefor by the act approved July 7, 1884, together with the further sum of \$300,000, the same to be immediately available, in aid of State and local boards or otherwise, in his discretion, in preventing and suppressing the spread of the same and for maintaining quarantine and maritime inspections at points of danger.

The amendment was agreed to.

The next amendment was, after line 1145, to insert:

That the Secretary of the Treasury is hereby authorized to issue a warrant in favor of the Hartford and New York Transportation Company for the sum of \$4,722, which sum is hereby reappropriated, being the amount appropriated for said Hartford and New York Transportation Company under the act approved July 7, 1884, making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes, and now unpaid.

The amendment was agreed to.

The next amendment was, after line 1157, to insert:

To enable the Secretary of the Treasury to reimburse ex-President R. B. Hayes for amount paid for expenses of the commission appointed to go to Louisiana in April, 1877, \$3,950.73.

The amendment was agreed to.

The next amendment was, in the appropriations "under the Navy Department," in line 1168, after the word "Surgery," to strike out

"one thousand five hundred" and insert "three thousand;" so as to make the clause read:

To enable the Secretary of the Navy to pay to W. P. Wood for services rendered in connection with the detection and exposure of parties concerned in defrauding the Bureau of Medicine and Surgery, \$3,000: *Provided*, That this sum shall be accepted by the said Wood in full compensation for such services.

The amendment was agreed to.

The reading of the bill was continued to the end of line 1176.

Mr. McPHERSON. Before any action is taken on that clause I should like to offer an amendment:

The PRESIDING OFFICER (Mr. HARRISON in the chair). The Chair will state to the Senator from New Jersey that under the agreement amendments are not now in order except those proposed by the Committee on Appropriations.

Mr. McPHERSON. I reserve my right, then, to offer an amendment to this clause.

The PRESIDING OFFICER. The Senator will have that right.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was to strike out the clause from line 1183 to line 1188, inclusive, as follows:

To pay in full the claim of the New England Transportation Company, of New Haven, Conn., for repairs to certain barges belonging to that company which were injured by collision with the United States steamer Tallapoosa, in July, 1884, \$76.50.

The amendment was agreed to.

The next amendment was, in line 1198, after "California," to strike out "continuation" and insert "completion;" in line 1199, after "dry-dock," to strike out "one hundred and seventy" and insert "three hundred and sixty;" and in line 1203, after the word "all," to strike out "two hundred and twenty-six" and insert "four hundred and sixteen;" so as to make the clause read:

Navy-yard, Mare Island, California: Completion of stone dry-dock, \$300,000; for continuing artesian well, \$10,000; for iron crane, \$40,000; to complete sewerage system, \$6,000; in all, \$416,000.

The amendment was agreed to.

The next amendment was, after line 1204, to insert:

For the care and preservation of the building on Coaster's Harbor Island formerly known as the "asylum," and the adjoining buildings and grounds, given to the United States for naval purposes by the State of Rhode Island, to be used for an advanced course of instruction for naval officers, and for improvements, furniture, fixtures, heating, lighting, water, and for books and stationery, \$11,000; for pay of one clerk to officer in charge of building, \$1,000; in all, \$12,000.

The amendment was agreed to.

The next amendment was, in the appropriations "Under the Department of the Interior," after line 1217, to insert:

For an additional Assistant Secretary of the Interior, who shall be known and designated as First Assistant Secretary of the Interior, \$4,500.

The amendment was agreed to.

The next amendment was to strike out the clause from line 1222 to line 1231, inclusive, as follows:

The Commissioner of Patents, under the direction of the Secretary of the Interior, is authorized to reproduce and bind 5,000 copies of maps showing the growth of industrial art; 3,500 for the use of the House, 1,000 for the use of the Senate, and 500 for the use of the Interior Department, the cost of which to be paid out of any surplus money heretofore appropriated to defray the expenses of the exhibit of the United States at the World's Fair at New Orleans.

The amendment was agreed to.

The next amendment was, after line 1231, to insert:

The representative of the Department of the Interior appointed by executive order dated May 13, 1884, as a member of the Government board charged with preparing a departmental exhibit for the United States at the World's Industrial and Cotton Centennial Exposition at New Orleans, is hereby authorized to have reproduced 5,000 copies of the "Growth of industrial art," illustrated, prepared by him for said exposition, and to pay the cost of the same out of the amount heretofore appropriated for paying the expense of the departmental exhibit under his charge: *Provided*, That the unexpended balance to the credit of said departmental exhibit is sufficient to pay the cost of such reproduction and all other expenses incident to said exhibit. Of said reproduction 1,200 copies shall be for the use of the Senate, 3,500 copies for the use of the House of Representatives, and 300 copies for the use of the Department of the Interior.

The amendment was agreed to.

The next amendment was, under the head of "public buildings," after line 1250, to insert:

Interior Department building: For completion of the reconstruction of the east wing of the Department building, \$160,000.

Mr. PLATT. Should that be the east wing?

Mr. ALLISON. Yes, sir; the east wing.

Mr. PLATT. I wish to say just one word, not in opposition to this amendment but on a subject to which it relates. I am very glad that the repairs of the Interior Department building are to be completed. It has been a good many years since the fire occurred which rendered those repairs necessary, and I think there has been no public building in Washington that has needed the expenditure of Government money to be made upon it as much as this building of the Interior Department.

But what I rose to say was this: I felt it my duty at the last session of Congress to call the attention of the Senate to the fact that that building was entirely unsuitable and entirely too small to accommodate the business of the Interior Department. At that time I urged upon Congress also the separation of the Patent Office from the Interior Department and the creation of it into a new department or a new bureau.

It has not seemed practicable to accomplish anything by pressing that at the present session of Congress. I want now to say that immediately upon the opening of the next Congress I propose to introduce bills and to press them with all my power to secure two objects: to separate the Patent Office from the Interior Department in some way, and to build another building either for the Interior Department or for the Patent Office.

The Patent Office and the Land Office have grown so and will grow so in the future, and the work of those two offices is now so much behind by reason of the fact of insufficient accommodations, that it becomes an absolute necessity, as I believe, that the Patent Office shall be separated from the Interior Department and that a new building shall be provided. I wish to say just that much here. I should be glad to enlarge upon it, but I know how valuable the time of the Senate is in these last hours and I will not enlarge.

Mr. ALLISON. I desire to say only one word in response to what the Senator from Connecticut has said. The present Interior Department building is now incomplete with reference to its fire-proof qualities from the fact that the east wing has not a fire-proof roof. The north wing, the west wing, and the south wing have all been repaired and new roofs provided for those wings. The Secretary of the Interior said to us that if this appropriation was made it would enable him to make the entire roof of the building fire-proof, and would also enable him to supply a place for one hundred additional clerks now needed, and also give some additional room to the Patent Office; so that whatever may be done in the future in the direction suggested by the Senator from Connecticut, it is important that this work should be done in order to complete the present building.

Mr. PLATT. The chairman of the committee did not understand me as making any objection to the amendment.

Mr. ALLISON. No, I did not.

Mr. PLATT. I am aware of the fact that more room is to be provided for the operations of the Interior Department, but I also believe—and I think the Secretary of the Interior, and the Commissioner of Patents, and the Commissioner of the General Land Office would all agree—that when the new room is provided that is about being furnished, the accommodations will still be insufficient. The Interior Department is growing all the while and must grow as the country grows, and the commencement of a new building in the very near future is an imperative necessity, as I believe.

Mr. ALLISON. I quite agree with the Senator. We are now paying \$68,000 per annum rental for buildings for the Interior Department in this city.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1254, to insert:

For construction of coal-vaults on west wing of the Department building, and repairing pavement, \$6,000.

The amendment was agreed to.

The next amendment was, at the beginning of line 1258, to strike out "for casual repairs of the Interior Department building;" so as to make the clause read:

For casual repairs of the Department building, \$5,780.

The amendment was agreed to.

The next amendment was, after line 1264, to insert:

For completing the cleaning of the outside walls of the House and Senate wings of the Capitol, and the approaches thereto, \$3,000.

The amendment was agreed to.

The next amendment was to strike out the clause from line 1273 to line 1278, as follows:

For constructing terrace north of the Capitol, section marked B, as shown on printed plan accompanying the letter of the Secretary of the Treasury (Executive Document No. 9, first session Forty-eighth Congress), including wages of mechanics and laborers, \$21,500.

And in lieu thereof to insert:

For continuing the construction of the terrace and grand stairways of the Capitol, as shown on plan accompanying the letter of the Secretary of the Treasury (Executive Document No. 9, first session Forty-eighth Congress), including wages of mechanics and laborers, \$350,000.

Mr. MORRILL. I understand that the committee by mistake left out the following words, and I move to amend by inserting them:

And this appropriation shall be immediately available.

Mr. ALLISON. I have no objection to that, though I suggest to the Senator that there was no mistake about it.

The PRESIDING OFFICER. If the Senator from Iowa does not object the amendment of the Senator from Vermont will be received at this time. The question is on that amendment to the amendment.

The amendment to the amendment was agreed to, adding:

And this appropriation shall be immediately available.

The amendment as amended was agreed to.

The next amendment was in the appropriations for "Hot Springs improvement," after line 1223, to insert:

To construct a reservoir for hot water on the Government reservation at Hot Springs, Ark., in order to provide for an adequate supply of hot water for the Army and Navy hospital and bath-houses, \$30,000.

The amendment was agreed to.

The next amendment was under the head "expenses of the collection of revenue from sales of public lands," in line 1336, to increase the appropriation "for incidental expenses of the several land offices" from \$165,000 to \$180,000.

The amendment was agreed to.

The next amendment was, in line 1352, after the word "hearings," to insert "to be;" in the same line, after the word "held," to insert "and investigations to be made;" in line 1356, after the word "law," to strike out "twenty-five" and insert "ten;" and in line 1357, after the word "dollars," to insert "and the Secretary of the Interior shall report in detail all expenditures under the four preceding paragraphs;" so as to make the clause read:

For expenses of hearings to be held and investigations to be made by registers and receivers, under instructions from the General Land Office, to determine whether alleged fraudulent entries are of that character or have been made in compliance with law, \$10,000; and the Secretary of the Interior shall report in detail all expenditures under the four preceding paragraphs.

The amendment was agreed to.

The next amendment was in the appropriations for "surveying the public lands," after the word "hundred," in line 1373, to insert "and fifty;" and in line 1398, after the word "exceeding," to strike out "fifty-five" and insert "fifty;" so as to make the clause read:

For surveying the public lands, \$350,000, at rates not exceeding \$9 per linear mile for standard and meander miles, \$7 for township, and \$5 for section lines, except that the Commissioner of the General Land Office may allow, for the survey of standard and meander lines through lands heavily timbered, mountainous, or covered with dense undergrowth, a sum not exceeding \$13 per linear mile for standard lines, \$11 for township, and \$7 for section lines; or where, for any cause not provided for by law, in Oregon or Washington Territory, he is unable to get the necessary surveys made at the rates aforesaid, he may allow a sum not exceeding \$12 per linear mile for standard lines, \$10 for township lines, and \$6 for section lines; and of the sum hereby appropriated not exceeding \$50,000 thereof may be expended for occasional examinations of public surveys in the several surveying districts, in order to test the accuracy of the work in the field and to prevent payment for fraudulent and imperfect surveys returned by deputy surveyors, and inspecting mineral deposits, coal fields, and timber districts, and for the making of such other surveys or examinations as may be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States.

The amendment was agreed to.

The next amendment was, in line 1427, before the word "thousand," to strike out "fifteen" and insert "twenty-five;" so as to make the clause read:

For necessary expenses of survey, appraisal, and sale of abandoned military reservations transferred to the control of the Secretary of the Interior under the provisions of an act of Congress approved July 3, 1834, \$25,000.

The amendment was agreed to.

The next amendment was to strike out the clause from lines 1428 to 1432, inclusive, as follows:

For establishing initial monuments of a permanent character to govern mineral survey, in order to secure accuracy in survey of mineral claims, and to connect the monuments with each other and with the public lands, \$7,000.

The amendment was agreed to.

The next amendment was to strike out the clause from lines 1433 to 1436, inclusive, as follows:

For purchase of iron monuments, cost of transportation to the offices of surveyors-general, and storage, to mark the lines of public surveys passing over public lands devoid of timber and stone, \$7,000.

And in lieu thereof to insert:

Provided, That all appropriations herein under public lands shall be expended under the direction of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, under the head of "miscellaneous objects," in the appropriations for the "Government Hospital for the Insane," in line 1515, after the word "dollars," to insert "to be immediately available;" so as to read:

For completion of stock and hay barn, \$2,000, to be immediately available.

The amendment was agreed to.

The next amendment was, after line 1515, to insert:

For erection of cottage at the cemetery, \$300.

The amendment was agreed to.

The next amendment was, after line 1517, to insert:

For dining-hall for the detached buildings, \$9,500.

The amendment was agreed to.

Mr. ALLISON. I think the amendment should be modified. It should be:

For dining-hall in such building.

It can be corrected hereafter, though, and I will let it pass.

The PRESIDENT *pro tempore*. Does the Senator make any motion at this time?

Mr. ALLISON. No; let it stand as it is.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1519, to insert:

For purchase of additional land for farming purposes, \$6,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "Howard University," after line 1538, to insert:

For repairs of buildings, \$5,000.

The amendment was agreed to.

The next amendment was, after line 1539, to insert:

For increase of library, of cabinet, and of philosophical and chemical apparatus, and improvements in the works containing the same, \$3,500.

The amendment was agreed to.

The next amendment was, in the appropriations for "Freedmen's Hospital and Asylum," in line 1547, after "subsistence," to strike out "twenty-two" and insert "twenty-three;" in line 1551, before "thousand," to strike out "thirteen" and insert "fourteen;" in line 1556, after the word "thousand," to insert "five hundred;" and in the same line, after the word "all," to strike out "forty-nine thousand" and insert "fifty thousand five hundred;" so as to make the clause read:

For subsistence, \$23,000; for salaries and compensation of the surgeon-in-chief, two assistant surgeons, engineer, clerk, matron, nurses, laundresses, cooks, teamsters, watchmen, and laborers, \$14,000; for rent of hospital buildings and grounds, \$4,000; for fuel and light, clothing, bedding, forage, transportation, medicines, and medical supplies, repairs and furniture, and other absolutely necessary expenses, \$10,500; in all, \$50,500.

The amendment was agreed to.

The next amendment was, after line 1557, to insert:

For purchase of one force-pump, to be immediately available, \$400.

The amendment was agreed to.

The next amendment was, in the appropriations for "National Museum," in line 1565, to strike out the word "preservation" and insert "preservation;" and in line 1570, before the word "thousand," to strike out "ninety-one" and insert "ninety-six;" so as to make the clause read:

For the preservation of collections of the National Museum: For the preservation and exhibition and increase of the collections received from the surveying and exploring expeditions of the Government, and other sources, including salaries or compensation of all necessary employes, \$96,000.

The amendment was agreed to.

The next amendment was, to strike out from line 1585 to line 1589, inclusive, in the following words:

Tenth Census: That the twenty-second section of the act entitled "An act to provide for the taking of the tenth and subsequent censuses," approved March 3, 1879, be, and the same is hereby, repealed.

Mr. ALLISON. The Senate will observe that this provision repeals an important section of the act authorizing the taking of the Tenth Census. That provision was put in that act after a very full debate and discussion in both Houses, and it seemed to the Committee on Appropriations that it ought not to be in this way repealed on an appropriation bill.

Mr. HALE. Will the Senator read that section?

Mr. ALLISON. I send the section to the desk to be read.

The PRESIDENT *pro tempore*. If there be no objection the section will be read.

The Secretary read as follows:

SEC. 2. That if any State or Territory, through its duly appointed officers or agents, shall, during the two months beginning on the first Monday of June of the year which is the mean between the decennial censuses of the United States is by this act directed to be taken, take and complete a census in all respects according to the schedules and forms of enumeration in the census of the United States and shall deposit with the Secretary of the Interior, on or before the 1st of September following, a full and authentic copy of all schedules returned and reports made by the officers and agents charged with such enumeration, then the Secretary of the Treasury shall, upon receiving a certificate from the Secretary of the Interior that such schedules and reports have been duly deposited, pay, on the requisition of the governor of such State or Territory, out of any funds in the Treasury not otherwise appropriated, a sum equal to 50 per cent. of the amount which was paid to all supervisors and actual enumerators within such State or Territory at the United States census next preceding, increased by one-half the percentage of gain in population in such State or Territory between the two United States censuses next preceding: *Provided*, That the blank schedules used for the purposes of the enumeration herein provided for shall be similar, in all respects of form and size of heading and ruling, to those used in the census of the United States.

Mr. CHACE. That refers to a provision for taking a semi-decennial census by the States.

Mr. ALLISON. That is the provision.

Mr. CHACE. In my opinion it ought to be repealed. I think this clause should be left in the bill. It will be impossible for the Census Department to collate, tabulate, and prepare these statistics and get through with them before the end of this decennial period. I understand that very few States have taken any steps under this provision of law, and unless action under it is arrested now it will be too late, and as a result the Government will be called upon to expend this money without any material benefit to any interest.

Mr. ALLISON. That may be; but I will say to the Senator from Rhode Island that four or five or more States have already taken steps under this provision, and it seemed to the Committee on Appropriations that if it was important to repeal this provision of the law some effort in that direction ought to have been made before the last day preceding the final adjournment of this Congress.

Mr. CHACE. I agree that this whole matter ought to have been brought before the Senate earlier; but I should like to ask the chairman of the committee what information the committee had in regard to what steps have been taken by the States. My information is that there has been really no step taken by any of the States, but I may be misinformed. Is the committee in possession of any information in regard to that matter?

Mr. ALLISON. Of course the investigation of the committee on this subject was of a very summary character. We did understand that four

or five States had already taken some steps in compliance with this provision of law, and believing that that was the case, and also believing that it was impossible and improper to repeal this important provision on this appropriation bill, the committee struck out the clause.

Mr. HOAR. I hope the present law will stand and that the amendment will be adopted. In Massachusetts I have no doubt, though I have had no communication with the office very lately, they are making their preparations to have a thorough census taken in 1885. It seems hardly in good faith for the Government to make the repeal at so late a day.

Mr. MORRILL. I also add my hope that this law will not be repealed. It will be a vast advantage to the whole country to have this census taken at the semi-decennial period in order to compare the results of one period with another, to correct any errors that may be made. Whether there are few or many States that are now taking steps with these semi-decennial censuses, I hope they will not be interrupted, and if they were to be interrupted undoubtedly a claim would be presented to us for all expenses, and therefore it would be economy for us to go on under the present law.

Mr. HOAR. I should like to say one thing further. It seems to me it is very important to maintain the present policy, so that sooner or later all the States will get into the habit of having a census taken every ten years. It is a great assistance. In the first place, they get in every State a body of trained enumerators who within five years have taken a census, and the National Government has not anybody ready for that work.

Mr. ALLISON. I will state an additional reason which operated on the minds of the committee, which was that this law certainly ought not to be repealed as respects the taking of the census now in 1885 because certainly some States, and perhaps a good many, have acted under it, and therefore it ought not to be repealed for 1885, and if not for 1885, then we have ten years in which to repeal it.

Mr. MANDERSON. I desire simply to say in response to the inquiry of the Senator from Rhode Island, who, as I understand him, desired to know if the States had taken steps under this law, that the State of Nebraska has passed the necessary act to take a census for 1885 and I understand the officials, the census-takers, have been appointed under that law.

Mr. ALLISON. Iowa has also.

Mr. MANDERSON. The Senator from Iowa informs me that the State of Iowa has passed similar legislation and has taken steps to take a census in 1885.

Mr. MORRILL. And New Hampshire and New York also.

Mr. MANDERSON. There are four States which have complied with this provision. I hope the recommendation of the committee will be sustained.

The PRESIDING OFFICER (Mr. PLATT in the chair). The question is on the amendment of the Committee on Appropriations to strike out the clause which has been read.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriation for the Rock Island arsenal, in line 1596, to increase the item of appropriation "for armory-shop K, an iron-finish shop," from \$50,000 to \$60,000.

The amendment was agreed to.

The next amendment was, in line 1601, to increase the appropriation "for commencing and completing fire-proof stone building for offices for both the armory and arsenal" from \$30,000 to \$35,000.

The amendment was agreed to.

The next amendment was, after line 1602, to insert:

For erecting lumber storehouse, \$14,000.

The amendment was agreed to.

The next amendment was to strike out the clause from line 1666 to line 1673, inclusive, as follows:

That the Secretary of War is authorized and directed to sell at public auction, after due advertisement, and at prices not less than those fixed by the board of appraisers in each case, the following arsenals, namely: Allegheny arsenal, Pennsylvania; Augusta arsenal, Georgia; Indianapolis arsenal, Indiana; and Kennebec arsenal, Maine; and the money so received, after paying the necessary expenses of sale, shall be covered into the Treasury.

The amendment was agreed to.

The next amendment was, in the appropriations for "buildings and grounds in and around Washington," in line 1695, before the word "repair," to insert "construction and;" so as to make the clause read:

For construction and repair of iron fences, \$500.

The amendment was agreed to.

The next amendment was to strike out the clause from line 1714 to line 1718, inclusive, as follows:

That the officer in charge of public buildings and grounds may, on the approval of the Secretary of War, cause to be removed the iron fences surrounding the reservations on Pennsylvania avenue between Thirteenth and Fourteenth streets.

The amendment was agreed to.

The next amendment was, in line 1760, after the words "Washington Monument," to strike out:

For completion of interior stairways and platforms, \$25,000; insertion of presentation blocks, \$5,000; cementing interior walls, \$2,000; paving the floor and

covering drum-pits, \$2,000; closures of doorways and passages, \$5,000—in all, \$40,000—to be expended under the direction of the Secretary of War.

And in lieu thereof to insert:

For completion of the Washington Monument, namely: For iron work of stairs and platforms and elevator fronts, engine-house and approaches, insertion of presentation blocks, cementing interior walls, paving floor and covering drum-pit, closures of doorways, doors, and passages, change in elevator-car and machinery, new boiler-house and boiler, office expenses, including rent of necessary office-rooms, and for each and every purpose connected with the completion of the monument, \$75,000, to be expended under the direction of the joint commission created by the act of August 2, 1876.

The amendment was agreed to.

The next amendment was, in line 1779, after the words "Yorktown monument," to strike out—

That not exceeding \$5,000 of the unexpended balance of the appropriation for the erection of the Yorktown monument may be expended, under the direction of the Secretary of War, for the erection of an iron railing around said monument.

And in lieu thereof to insert:

For the care and protection of the Yorktown monument, \$2,500, or so much thereof as may be necessary, to be expended under the direction of the Secretary of War.

The amendment was agreed to.

The next amendment was, in the appropriations for "Army and Navy hospital, Hot Springs, Ark.," in line 1797, to increase the appropriation "for completely furnishing the hospital, including furniture for rooms for patients (officers) and of wards for enlisted men, necessary bedding, hospital clothing, and miscellaneous articles," from \$10,000 to \$15,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "military posts," in line 1802, after the word "dollars," to strike out:

Fifteen thousand dollars of which sum may be used for the purchase of a site near Atlanta, Ga., for the erection thereon of a ten-company post.

So as to make the clause read:

For the construction of buildings at and the enlargement of such military posts as in the judgment of the Secretary of War may be necessary, \$165,000.

Mr. BROWN. Mr. President, I trust the motion to strike out will not prevail in that case. The object of the appropriation of \$15,000 is the purchase of a site for military barracks at or near Atlanta, Ga. While General Sherman was General of the Army he strongly recommended the permanent establishment of barracks at Atlanta. The present Secretary of War, Mr. Lincoln, also recommends it. Soon after the war there were military barracks established there which were known as the McPherson barracks, which were upon lands leased by the Government from a man named Alexander. The barracks were built up and were very comfortable. At the end of the lease, however, there being some doubts about the title of the land upon which they were located, there being a disagreement between the land-owner and the Government, the barracks were abandoned; but since that time General Sherman has still insisted that for strategic purposes as well as on account of the health of the place barracks ought to be established there.

As the appropriation now stands there will be no chance for the expenditure of any portion of the money at the military post at Atlanta for the reason that it confines the appropriation to the construction of buildings or the enlargement of a military post. The object here, the lease having expired and the old barracks having been given up, is to purchase a proper site for the location of the barracks that they may be built upon it. Only the small sum of \$15,000 is considered necessary for that purpose.

I may remark in this connection that there are troops kept at either Charleston or New Orleans every winter; and on account of the healthfulness of Atlanta they are transferred to Atlanta in the summer season. For the last three summers they have been kept near Atlanta in their tents, there being no other provision made for them. The War Department thinking that the proper location for them, has transferred them there even without any buildings, and has kept them there during each of the last three summers.

I do not know upon what ground it is that the committee propose to strike out the appropriation, but I trust it will not be done.

If there is further objection to retaining the clause I shall ask leave to have read a letter of General Sherman, and also a letter of the Secretary of War, Mr. Lincoln, on the subject.

Mr. ALLISON. The provision which the committee recommend to be stricken out is a provision which would involve the Government in a very large expenditure of money at Atlanta, Ga., within the heart of the Union. Our posts are now on the frontier. The expenditures for the construction of permanent posts are almost wholly, in fact I believe wholly, in that region, and the committee did not believe that it was a wise thing now to enter upon the construction of expensive permanent posts in the interior of our country. The same reason which I think substantially would apply to Atlanta, Ga., would apply to other strategic points on the Atlantic coast.

Mr. COLQUITT. Mr. President, I could hardly catch the remarks made by my friend from Iowa; but, if I understood him correctly, I think there can be a very sufficient answer made to his suggestion. The military officers who have control and jurisdiction of this question

advise that these barracks should be built. They do so as a question of humanity, because they are intended to preserve the life and the health of the troops, and also because this is an important strategic point. They, themselves, are the best judges as to whether it is well located or not in that city. The troops are placed there summer after summer with a view to avoid malaria by reason of the latitude in which the barracks are placed. It is purely a question as to whether they shall be made comfortable by a proper building, or whether they shall be exposed to all the vicissitudes of the weather by living in tents. That is the only question which is involved.

Mr. BROWN. Before the amendment is voted upon, I should like to have read the letter of General Sherman, and also the letter of Mr. Lincoln, the Secretary of War, on this question. I ask for the reading of General Sherman's letter.

The PRESIDENT *pro tempore*. The letter will be read, if there be no objection.

The Chief Clerk read as follows:

I also inclose you an extract of an inspection report I made to the Secretary of War (McCrory) February 5, 1879, in which I expressed my judgment of the importance of the military authorities maintaining possession of this property for sanitary and strategic reasons. I am of the same mind still, and since the Eighteenth Infantry has been sent to Montana have broken up the garrisons at Charleston and Savannah and transferred them to McPherson barracks, which is now the headquarters of the Fifth United States Artillery.

I do not regard the rental of \$4,000 and taxes as excessive, but still prefer that the United States should buy outright the title, providing it can be bought at a fair market price.

Assuming \$4,500 as the annual rent, and capitalizing at 7 per cent., would give \$65,000 as the value of the ground. I think a thousand dollars per acre would be a fair price, or say in round figures, \$50,000.

If the lessor, Thomas Alexander, can make a good title to the satisfaction of the Attorney-General, and if the State of Georgia will relinquish jurisdiction as is required by existing laws, I surely will recommend that the United States purchase the site of the ground in Atlanta known as McPherson barracks.

You may construe this letter as official if you have occasion to make such use of it.

I am, with respect, your friend and servant,

W. T. SHERMAN, General.

Mr. BROWN. Now I ask to have read an extract from the report of General Sherman to the Secretary of War on the same question.

The PRESIDENT *pro tempore*. The report will be read, if there be no objection.

Mr. ALLISON. What is the date of the letter just read?

The PRESIDENT *pro tempore*. It is dated January 16, 1880.

Mr. ALLISON. Five years ago.

The Chief Clerk read as follows:

And if the ground on which McPherson barracks stand were the property of the United States, I would advise the retention thereof in this regiment for reasons similar to those which apply to the Saint Paul, Omaha and Leavenworth, but unfortunately the ground, some fifty acres, is private property, leased for a term of years which has expired, and now it is retained from year to year at a rental of \$4,000. High, healthy, and admirably placed, the buildings are numerous, well designed, and seemingly well built on brick foundations, and would with care and ordinary repair last twenty-five years. They were built for and are ample for a whole regiment.

Atlanta is geographically so placed that this regiment could reach Wilmington, N. C., Charleston, Savannah, Tallahassee, Pensacola, Mobile, New Orleans, or Nashville by rail in twenty-four hours. Even if we must use this regiment of infantry in the Indian country this year, I think it will be good military policy to retain the barracks, subject to the rental of \$4,000 for the headquarters and the greater part of the Fifth Artillery, leaving mere fort-keepers on the coast, ready to re-enforce them on the shortest notice. Most of our Gulf posts and south Atlantic posts are subject to yellow fever, and Atlanta is the surest and easiest place of refuge.

With great respect, yours, truly,

W. T. SHERMAN, General.

Mr. BROWN. The honorable chairman of the committee seems to object to the date of the letter of General Sherman.

Mr. ALLISON. No, I do not object to it; I merely inquired as to the date.

Mr. BROWN. He made a note of it at least, that it has been some years ago. I now desire to have read a letter from the Secretary of War dated December 9, 1884, since the present session of Congress convened.

The PRESIDING OFFICER (Mr. GARLAND in the chair). The Secretary will read the letter.

The Chief Clerk read as follows:

WAR DEPARTMENT, Washington City, December 9, 1884.

SIR: I have the honor to acknowledge the receipt of your letter of the 2d instant, asking to be informed of the present state of the matter of establishing a military post at Atlanta, Ga., and what are the prospects of the same.

In reply, I have the honor to advise you that although this Department has desired to establish a military post at that point, especially for sanitary reasons, no direct provision has been made therefor. By the act making appropriations for sundry civil expenses, approved July 7, 1884, there was appropriated the sum of \$200,000 "for the construction of buildings at, and the enlargement of such military posts as in the judgment of the Secretary of War may be necessary." It will be observed that this appropriation makes no provision for the purchase of land, and gives no authority for doing so out of the appropriation. Communications have been received at this Department offering to sell land for this purpose, but it has not been possible to give any consideration to them by reason of this lack of authority to complete the matter. Of the appropriation of \$200,000 there remains \$100,000 still available for the purposes expressed in the act.

I have the honor to be, very respectfully, your obedient servant,

ROBERT T. LINCOLN,
Secretary of War.

Hon. N. J. HAMMOND, M. C., Washington, D. C.

Mr. BROWN. It will be observed that the Secretary of War favors this location on account of sanitary and other reasons that he mentions.

but can not construct the buildings there for the reason that the language of the act precludes that use of the appropriation, the appropriation being for the construction of buildings and the enlargement of military posts, and there being in fact no buildings there and no military post; the old post that was held under the lease has been given up; the Government owning none there, the general appropriation does not cover the case.

Last year Atlanta was stricken out of the sundry civil appropriation bill on the ground that the Secretary of War would be left to his discretion in the matter, but it turns out that under the construction of the statute he had no such discretion, and can not have until some part of the fund is set aside specifically for the use of purchasing the location.

The honorable chairman of the committee refers to the fact that the Indian wars are conducted upon the frontier. That is true; but I believe we might say with great propriety that the Indian wars are about at an end. It is not at all probable that the Government of the United States will in the future have much trouble with Indian wars. The Indians are generally located upon reservations; they are under control; there is some system about their management, and we shall have little more trouble there.

It is much more likely that our next uses for the military may be somewhere in the reach of the coast of our own country, and it is therefore judicious I think on the part of the military authorities—at least they practice it—to keep some of the troops every year along upon the Southern coast, where they would be nearer at hand in case of an emergency of the character to which I allude. But whenever the summer season comes, on account of the unhealthfulness of the climate on the coast, they at once transfer the troops to Atlanta; they are thrown into camp there without buildings, and remain in that condition.

Under these circumstances, as the General of the Army lately in command, and the Secretary of War at the present session of Congress recommend an appropriation of this character, and this \$15,000 is all that is asked to purchase the site, I trust there will not be further opposition to it.

The PRESIDENT *pro tempore*. The question is on agreeing to the recommendation of the Committee on Appropriations that the clause be stricken out.

Mr. ALLISON. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 13, nays 33; as follows:

YEAS—13.			
Allison,	Garland,	Miller of N. Y.,	Sherman.
Beck,	Harrison,	Mitchell,	
Chace,	Hawley,	Platt,	
Edmunds,	Inglalls,	Sawyer,	
NAYS—33.			
Blair,	George,	Lapham,	Sabin.
Bowen,	Gibson,	McPherson,	Sewell.
Brown,	Gorman,	Mahone,	Van Wyck,
Candeen,	Groome,	Manderson,	Voorhees,
Cameron of Pa.,	Hampton,	Maxey,	Walker.
Cole,	Harris,	Morgan,	Williams.
Colquhitt,	Jackson,	Pendleton,	
Cullom,	Jonas,	Pike,	
Frye,	Jones of Nevada,	Pugh,	
ABSENT—30.			
Aldrich,	Dolph,	Lamar,	Riddleberger,
Bayard,	Fair,	Logan,	Saulsbury,
Butler,	Farley,	McMillan,	Slater,
Call,	Hale,	Miller of Cal.,	Vance,
Cameron of Wis.,	Hill,	Morrill,	Vest,
Cockrell,	Hoar,	Palmer,	Wilson.
Conger,	Jones of Florida,	Plumb,	
Dawes,	Kenna,	Ransom,	

So the amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriation for the "Signal Service," in line 1811, after the word "agriculture," to strike out "of" and insert "throughout;" so as to make the clause read:

For the observation and report of storms: For expenses of the meteorological observation and report of storms by telegraph and signal, or otherwise announcing the probable approach and force of storms, for the benefit of the commerce and agriculture throughout the United States, as follows, &c.

The amendment was agreed to.

The next amendment was, in line 1815, after the word "reports," to strike out "and messages over commercial lines, and for the rent of leased lines;" and in line 1817, before the word "thousand," to strike out "thirty-six" and insert "forty;" so as to make the clause read:

For telegraphic reports, \$140,000.

The amendment was agreed to.

The next amendment was before the word "thousand," in line 1828, to strike out "five" and insert "seven;" so as to make the clause read:

For continuing the connections of signal stations at life-saving stations and light-houses, including services of operators, repairmen, materials (such as cable, wire, poles, and insulators), and general services connected therewith, \$7,500: Provided, That such connections, in the opinion of the Superintendent of the Life-Saving Service and the Light-House Board, shall be deemed necessary.

The amendment was agreed to.

The next amendment was, in line 1838, before the word "thousand,"

to strike out "forty" and insert "forty-three;" so as to make the clause read:

For rent, hire of civilian employes, furniture, light, heating supplies, stationery, ice, repairs, and other expenses of offices maintained for public use in cities and ports receiving reports, outside of Washington, D. C., \$43,000.

The amendment was agreed to.

The next amendment was, in line 1848, after the words "telegraph lines," to strike out "including rents of offices, salaries of civilian operators and repair-men, lights, supplies, and general repairs;" so as to make the clause read:

For maintenance and repair of military-telegraph lines, \$24,000.

The amendment was agreed to.

The next amendment was, in line 1869, after the word "exceed," to strike out "four" and insert "five;" and in line 1871, after the word "of," to strike out "three officers" and insert "one officer lately;" so as to read:

And the Secretary of War is authorized, in his discretion, to detail for the service in the Signal Corps not to exceed five commissioned officers, exclusive of the second lieutenants of the Signal Corps authorized by law, and of one officer lately serving in the Arctic seas.

The amendment was agreed to.

Mr. ALLISON subsequently said: I ask unanimous consent to go back to line 1871, in order to make a little correction that I intended to make at the moment, but the Chief Clerk, much to my gratification, reads rapidly, and I escaped it. I ask to insert in that line "two officers" instead of "one officer;" so as to read:

And of two officers lately serving in the Arctic seas.

The PRESIDING OFFICER (Mr. HARRIS in the chair). If there be no objection the amendment suggested by the Senator from Iowa will be entertained at this time, and that modification will be made. The Chair hears no objection, and the clause is so modified.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the clause making appropriations for "regular supplies" for the Signal Service, after the word "cents," in line 1918, to strike out the following clause:

And hereafter there shall not be allowed for forage, straw, or shoeing for any greater number of horses and mules in the Signal Service than is herein provided for.

The amendment was agreed to.

The next amendment was, in line 1945, after the word "Signal Corps," to strike out "84,108" and insert "93,960;" and after the word "all," at the end of line 1948, to strike out "85,608" and insert "95,460;" so as to make the clause read:

Barracks and quarters: For commutation of quarters to enlisted men of the Signal Corps, \$93,960; work and supplies at Fort Myer, Virginia, \$1,500; in all \$95,460.

The amendment was agreed to.

The next amendment was, after line 1972, to insert:

That the joint commission, consisting of three Senators and three Representatives, to consider the present organizations of the Signal Service, Geological Survey, Coast and Geodetic Survey, and the Hydrographic Office of the Navy Department, provided for in the act entitled "An act making appropriations for sundry civil expenses of the Government," &c., approved July 7, 1864, be, and the same is hereby, continued, with power to sit during the recess of Congress in the city of Washington; and the said commission shall report to their respective Houses on or before the third Monday in December, 1885, or as soon thereafter as may be, by bill or otherwise; and the present President *pro tempore* of the Senate and Speaker of the House of Representatives shall appoint respectively a Senator and Representative to take the places on said commission of the Senator and Representative whose terms of office expire with the present Congress.

The amendment was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on this day approved and signed the act (S. 1609) to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich.

NAVAL APPROPRIATION BILL.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in some and non-concurring in other amendments of the Senate to the bill (H. R. 8239) making appropriations for the naval service for the fiscal year ending June 30, 1886, and for other purposes.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives concurring in some and non-concurring in other amendments of the Senate to the bill (H. R. 8239) making appropriations for the naval service for the fiscal year ending June 30, 1886, and for other purposes.

Mr. ALLISON. I move that the Senate insist upon its amendments in which the House has not concurred, and ask a conference with the House on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. HALE, Mr. PLUMB, and Mr. BECK were appointed.

MISSISSIPPI RIVER IMPROVEMENTS.

Mr. VAN WYCK submitted the following resolution; which was re-

ferred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the Improvement of the Mississippi River be directed to prepare a detailed statement of the expenses of the improvements of the Mississippi River and its tributaries with a view to ascertain the amounts expended for purpose of commerce, the amount expended to protect the lands adjoining from the ravages of the rivers, to report the same to the Senate at the December session of Congress, and be authorized for that purpose to employ a clerk at the usual compensation until December 1, 1885, to be paid from the contingent fund of the Senate.

SARAH B. JACKSON—RATES OF PENSION.

Mr. VAN WYCK submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 3800) for the relief Sarah B. Jackson.

EVENING SESSION.

Mr. ALLISON. I wish to state that in the judgment of the Committee on Appropriations a night session this evening will be desirable. I move that the Senate take a recess from 6 o'clock until 8 o'clock. I should like to finish the sundry civil appropriation bill before the recess, if possible.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from Iowa moves that the Senate take a recess this evening from 6 to 8 o'clock.

The motion was agreed to.

RIVER AND HARBOR BILL.

Mr. CONGER. I ask permission to make a report from the Committee on Commerce.

The PRESIDING OFFICER. Is there objection? Hearing none, the report will be received.

Mr. CONGER. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. 8280) making appropriations for the preservation and continuation of certain public works on rivers and harbors, and for other purposes, to report it with sundry amendments.

The PRESIDING OFFICER. The bill will be printed and go to the Calendar.

Mr. CONGER. I ask, in order that it may be before the Senate, that the Chair will instruct the clerks to have the bill printed and returned to the Senate as soon as possible.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "miscellaneous objects," in line 2018, after the word "monument," to insert "in lieu of headstones;" so as to make the clause read:

For erecting a monument, in lieu of headstones, at Baxter Springs, Kans., to the memory of Union soldiers killed at or near that place on the 6th day of October, 1863, \$4,000, to be expended under the direction of the Secretary of War.

The amendment was agreed to.

The next amendment was, in line 2027, before the word "thousand," to strike out "one hundred and sixty" and insert "seventy-five;" and after the word "dollars," in line 2028, to insert:

Provided, That no part of this sum shall be paid until a complete title is vested in the United States; and the full amount of said sum shall be paid directly to the owners of the property.

So as to make the clause read:

To enable the Secretary of War to acquire good and valid title for the United States to the Fort Brown reservation, Texas, and to pay and extinguish all claims for the use and occupancy of said reservation by the United States, the sum of \$75,000: *Provided*, That no part of this sum shall be paid until a complete title is vested in the United States; and the full amount of said sum shall be paid directly to the owners of the property.

Mr. COKE. Mr. President, I hope the amendment of the committee will not be concurred in. I make no objection to the proviso. I simply object to striking out \$160,000 and inserting in lieu thereof \$75,000.

The object of this appropriation is to enable the Secretary of War to acquire title to the Fort Brown reservation at Brownsville, on the Rio Grande, in Texas. In 1846 the Government of the United States took possession of three hundred and fifty-eight acres of land at that point, having a frontage on the Rio Grande River of a mile and a half, comprising a part of and adjoining the city of Brownsville, a city of 7,000 or 8,000 inhabitants. The Government has held and occupied that land for now nearly forty years, has never paid one dollar of rent for it, and the owners of the land are paying to the State of Texas, as I perceive from papers submitted to the Committee on Appropriations, some years as high as \$1,000 a year taxes upon it.

There have been repeated efforts made here to get something for this land by the owners. These efforts have always failed.

In 1853 an officer of the United States Army appeared by petition in the district court of the county of Cameron, of which Brownsville is the county seat, and instituted proceedings for the condemnation of this land in order that the Government of the United States might ac-

quire it. Proceedings were had, and a verdict of the jury was rendered assessing the value of the land. I will read the verdict:

We, the jury, assess the value of the lands mentioned in said application at \$50,000.

This was in 1853. Subsequently a judgment was rendered by the district court of Cameron County, from which I will read:

And it is further ordered, adjudged, and decreed that upon the payment by the United States of the said sum aforesaid of \$50,000, together with the interest thereon, from said 29th day of November, 1853, at and after the usual lawful rate of 8 per cent. per annum, into the First National Bank of the city of Galveston, to be disposed of as hereinafter provided, the whole right, title, and interest of both the said city of Brownsville and of the said Marie Josefa Cavazos, deceased, and also of the said Pedro G. Cavazos, her successor in interest in and to the said lands and premises, shall vest forever in the United States of America for the uses and purposes as prescribed and provided in and by the statute aforesaid.

Under this decree, a portion of which I have read, if you compute the interest at 8 per cent., the legal rate of Texas, you will see that the amount appropriated by the bill is insufficient to pay it. The House provides \$160,000 as payment for the amount. It is simply a computation of the interest with a liberal deduction upon the amount of the judgment and decree of the court. This judgment and decree is alleged to have been irregular in some respects. The fact that the jury assessed the land at \$50,000 and that the assessment was a fair and reasonable one I do not think is controverted by anybody. It gives us the best and most reliable basis we could possibly have for arriving at the value of the land which the Government is bound to have for military and strategic purposes on that border.

The Quartermaster-General, to whom a letter was addressed by the Secretary of War, makes this reply:

Respectfully returned to the honorable the Secretary of War, with the report, as follows:

"In the opinion of the Quartermaster-General the rental value of the site of Fort Brown from 1846 to 1866 was at least equal to \$2,500 per annum, which, for twenty years, makes a sum of \$50,000. There is no question in his mind that from 1866 to date the value of the rental, considered relatively to prices paid for similar property in the State of Texas, was and is at least \$3,600 per annum, which, for eighteen years, gives a sum of \$64,800, or a total sum of \$114,800."

In addition to that is the \$50,000 of assessed value for the title.

The difference between this calculation and the sum named in the bill, namely, \$31,200, is a fair, equitable amount to offset deferred payment and the natural differences of opinion that arise in determining values of this land. It was alleged in 1873 and 1874 that the property was taxed at or about \$1,000 per annum.

That is, by the State of Texas.

Estimates of the value of this site have varied from \$25,000 to \$75,000.

Mr. ALLISON. Why does the Senator call it a jury?

Mr. COKE. What is the question asked by the Senator?

Mr. ALLISON. Does the Senator from Texas now allude to the appraisal made in 1853?

Mr. COKE. I allude to the appraisal made in 1853.

Mr. ALLISON. I ask the Senator why he calls that a jury?

Mr. COKE. I call it the verdict of a jury because I have a printed record here, and the verdict is:

We, the jury, assess the value of the lands mentioned in said application at \$50,000.

E. B. KATMAN, Foreman.

Mr. ALLISON. What is the date of that?

Mr. COKE. That was in 1853. I show you here, in addition to the computation of the Quartermaster-General for rental, \$50,000 for the title assessed by a jury, which has never been paid, which would make \$164,000; and if you discard the rental and claim title under the decree of the court, I show you that 8 per cent. interest upon the amount will come to more than the amount in the bill.

The bill, after the gravest and most deliberate consideration in the other House, is presented here with \$160,000 as the amount which ought to be paid, and I submit to the Senate that the Government of the United States ought to pay it. The Government has had possession of the land since 1846, has never paid one dollar of rent, has never paid one dollar of interest, and year after year when the owners of the land appear here and ask for relief, if they get it in the other House it has been stricken down in this body. It was so at the last session of the Senate, when there was debate upon this very item and it was stricken out. The applicant comes here again, armed with a certificate from the Quartermaster-General, who approves the amount named in the bill as just, and states that there has been a liberal deduction made from it, and that the balance should be paid.

I submit that the amendment of the committee should not prevail, and that the sum of \$160,000 should be paid for the land. I make no objection to the remainder of the amendment contained in the proviso, that is—

That no part of this sum shall be paid until a complete title is vested in the United States; and the full amount of said sum shall be paid directly to the owners of the property.

I make no objection to that; I desire the United States Government to get a clear title; but I do submit that when the Government takes three hundred and fifty-eight acres of land belonging to a citizen, and holds it from 1846 until now, the Government ought to pay for it. The citizen can not sue the Government. He can not dispossess the Government. He can not sell to another. He is bound to submit to the

Government. The Government has never claimed to own this land. The title of the applicant for relief is admitted to be good. The Senate can not resist the justice and equity of this appropriation, indorsed as it has been by the House.

Mr. MAXEY. Mr. President, this same item was before the Senate once before, and I presented my views in regard to it. If the Senate could now, as ordinarily, listen attentively to a plain statement of the facts there could be no question as to the result.

The importance of Brownsville as a strategic point was discovered by General Taylor in 1846. He established what is known as Fort Brown, which was besieged from Matamoras in 1846, and held it. From 1846 to the present hour that has been used and occupied as a fort by the United States every year with the exception of the four years during the late war. There has been no general of the United States Army in the command of the Department of Texas who has not felt that the holding of Fort Brown was an essential point in the line of the Rio Grande frontier defense.

The United States have held that land from that day to the present and have never paid any rent upon it. They have put, I will venture to say, at the lowest (the Quartermaster-General puts it much higher) a half-million dollars of improvements upon it. The United States have no title to that property. They have expended that money in the form of improvements. Those improvements belong, under every law ever written upon the statute-book, to the owner of the soil. Here the proposition is to settle upon the basis of \$160,000, which not only covers the value of the property itself, but it covers all the rental from its first occupation by the United States to the present time.

I apprehend that the reason why the title was not first obtained before these great improvements were placed there was because there was a suit pending involving, if I remember correctly, eleven leagues of land embracing these three hundred and fifty-eight acres. The suit was brought in the United States circuit court, the case of Trevino vs. Cavazos, which was appealed, and was decided after a most elaborate argument by the Supreme Court of the United States, whereby the title was affirmed. That was since the war. It was only after that time that the United States could have obtained a title from anybody.

Every year from that time on the attempt has been made to settle this thing, and there has been no settlement for some reason unknown to me. Although the House have regularly sent this item up, we meet with disturbance in the subcommittee of the Committee on Appropriations, and it is stricken out or the amount reduced. If there is an item in the bill which should be allowed, this is the item, and I only ask that the Senate will consider what has been said in regard to it, believing as I do that if the Appropriations Committee understood it as my colleague understands it, as I understand it, as the member from Texas in the Appropriations Committee of the House understood it, Judge HANCOCK, who urged it there, there would be no difficulty whatever in settling this question.

I submit the question in the hope that the Senate will not concur with the action of the Committee on Appropriations. My point, as was made by my colleague, advises only the non-concurrence in the striking out of \$160,000 and the insertion of \$75,000. So far as the proviso is concerned, that no part of this sum shall be paid until the complete title is vested in the United States, I say that is right; it ought to be there. So far as the other part of the proviso is concerned, that the full amount of said sum shall be paid directly to the owners of the property, I believe that to be right.

I think the secret of all this opposition is that the opinion of the committee is that perhaps there is some great scheme about this matter in the hands of parties who have been urging it. If the money shall be paid directly to the owners of the property, the question will be settled, and that is all that I want done. I want the money paid to the owners, whoever they are. I do not know who they are. I want it paid to those, whoever they are, and I do not want any dollar of it paid until the title is first completely and fully vested in the United States.

Mr. ALLISON. After what has been said by the two Senators from Texas, I shall occupy only a moment. As the Senators from Texas say, this is an old matter. In the first place, it has no business on this bill. It is purely a private claim, and it is a private claim that so far as I know has never been considered by any of the standing committees of this body. If I am mistaken in that statement, I hope the Senators from Texas will correct me.

Mr. MAXEY. It has never been objected to on that ground. On the contrary, if the position of the Senator from Iowa is a tenable one for an argument, the whole clause should be stricken out, but the committee recognize the validity and propriety of it by simply reducing the amount.

Mr. ALLISON. I have stated the first objection I have to this matter, that it ought to be considered by the proper committee of the Senate and by the proper committee of the House of Representatives, which is the Committee on Military Affairs.

In 1846, as I understand, the Army on its way home from Mexico established a post at what is now the city of Brownsville, Tex. At that time there was no city there. There were perhaps fifty or one

hundred people there. The Government of the United States established at that point for defensive purposes a military post, and it has held that post from that day until this. In 1853 the city of Brownsville, then having grown up under the shadow of this post, made claim to the ownership of this land and made a request, or at least General Van Vliet, who was then in the command there, an officer of the Army at that post, summoned a jury for the purpose of ascertaining the value at that time of these three hundred and fifty-eight acres. He had no authority to summon that jury.

No Secretary of War, no superior officer, required him to summon a jury for that purpose. The United States at that time had a proper right to make a claim to the ownership of this ground; but a jury was then summoned, and I believe that jury from the neighborhood of Brownsville did find that the United States ought to pay \$50,000 for these three hundred and fifty-eight acres of land, and from that time until within two years there has not been a reason given why the United States should part with any of its money for this purpose. The title was in dispute absolutely from 1853 until 1879. Am I mistaken in the date, because I state it from memory?

Mr. COKE. I will state, if the Senator will permit me, that the judgment to which I referred him just now provides that the money shall be paid into court, to be held there to await the decision of the court as to the title, and the money shall be paid to whoever was found to own the lands.

Mr. ALLISON. The judgment of the jury, that is, a neighborhood jury of the city of Brownsville, provided that the money should be paid into the court by the United States. The United States never paid any money into court; there never was any pretense that it ought to pay any money into court, and in 1878 the heirs, whose names I have forgotten—

Mr. MAXEY. Trevino vs. Cavazos is the style of the case which was decided by the Supreme Court.

Mr. ALLISON. The heirs of the Cavazos estate were adjudicated to be the owners of this property in 1879. Then appeared this claim. Last year it was found upon the sundry civil appropriation bill in the form of an appropriation for rental \$121,000 as it came to us from the House.

Mr. MAXEY. I will ask the Senator from Iowa if under every principle of a court of equity, the title being in dispute and a third party being the occupant, he would not have a right to have interpleaded and to have the fact determined as to whom he should pay the money; and if, after the title was determined, it was not the duty of the Government to pay whoever the title was proved to be in? I ask if the Government is estopped, if the Government is relieved from paying the rent because the title was in dispute? It belongs to whoever owns the title surely.

Mr. ALLISON. There never has been any proper adjudication of this question.

Mr. MAXEY. An appeal was taken to the Supreme Court of the United States and it was there decided.

Mr. ALLISON. It was decided as to whom the property belongs, but there never has been any adjudication as to how much rent should be paid or how much the Government of the United States should pay for the property.

What I object to is that this question comes in here from the House of Representatives this year on an appropriation bill for the purchase of the property at \$160,000, when last year it came in the same appropriation bill for rent at \$121,000. If the Government of the United States is under obligation to pay anybody for the land, for the use of it from 1846 until 1885, let the proper committees of the Senate and House of Representatives take up that question and examine it with care and scrutinize every question involved, and see to it that the Government of the United States has a proper title to the property, and also investigate as to the question whether it is a wise thing for the Government to have this property at all, whether we should not abandon the property rather than pay the amount claimed for it.

Mr. COKE. Let me suggest to the Senator that I make no objection to the proviso put upon the clause by the Senate committee, which provides that none of the money shall be paid until a perfect title is given to the Government.

Mr. ALLISON. I understand; but there is still a question beyond that. The United States has since 1846 made certain improvements upon the property. Now, it is an open question whether the Government of the United States should buy the property at all, or whether it should not abandon it to its uses rather than pay even the \$75,000 which is proposed here to be paid. The Committee on Appropriations were led to believe by the investigation they made last year that if we had appropriated \$75,000 in the bill of last year we could have then secured an absolute title to the property, although, of course, there was no formal statement made by the owners of the property that they would take \$75,000 for it. Now it has grown to \$160,000 in a single year, and comes here again upon an appropriation bill.

I submit to the Senators from Texas and to the owners of this property that, having waited from 1846 to 1885, they can wait one year longer until the Government of the United States, through its proper officers

and through the proper committee of this body and of the House of Representatives, can have an investigation of all the facts connected with this case, and then pay for it.

But the Committee on Appropriations were willing, in order that the question might be finally settled and disposed of, to pay these people what they have reason to believe they were willing to accept only a year ago, \$75,000, for all the rental and for every claim in connection with this property. I submit to the Senate that the proposition to pay \$160,000 for the property, with no further information than we now have respecting it, would be an unjust payment from the Government of the United States to the persons who have been claiming this property from 1853 until 1879.

Mr. COKE. Mr. President, I have to say in reply to the Senator from Iowa that he makes precisely the proposition now that was made a year ago when this same question was up, that is, to wait another year.

Mr. ALLISON. The Senator will bear in mind that last year we struck the whole provision out.

Mr. COKE. I know it was stricken out, but it was discussed here, and it was said that the Government of the United States ought not to pay a rent, but should own the land. The facts are that the Government has this land in possession, has had it in possession since 1846; that there are three hundred and fifty-eight acres of it, that it fronts the Rio Grande for a mile and a half adjoining a flourishing and prosperous city of 7,000 or 8,000 inhabitants, and that the Government has never paid one dollar of rent nor one dollar of consideration for the possession and use and enjoyment of it. There never has been any pretense that the Government owned the land.

The only reason why payment for it has not been sought earlier was because the land has been in litigation, and the Government said to the litigating parties, "Whenever you settle your lawsuit over the land we will take it at a fair price." It is a fact that in 1853 General Van Vliet, an Army officer stationed at Brownsville, went into the district court of Cameron County on his petition asking for a condemnation of the land to the use of the Government of the United States. The question of its value was submitted to a jury. The jury assessed it at \$50,000 in 1853, and the court said that 8 per cent. interest must be paid upon the money until it was paid into a bank in Galveston. Now, if you assess interest upon the \$50,000 from 1853 to this time it exceeds the amount named in the bill. If, however, you say that no title was vested then, and if you pay rent, according to the statement of the Quartermaster-General of the Army the rental will exceed the amount in the bill. I care not which horn of the dilemma you take, the bill is a just one, and unless the Government of the United States proposes to repudiate an honest debt and to take with a strong hand property belonging to citizens the clause should be agreed to as it passed the House, and those people should be paid for the land.

The question about referring this matter to another committee is an after-thought of the chairman of the Committee on Appropriations. He struck out \$160,000 and inserted \$75,000 and added a proviso. Does not this show that the committee took jurisdiction over it and considered it? If the committee can consider it, can take jurisdiction over it for the purpose of paying \$75,000, ought not the same jurisdiction to enable the committee to do full justice if the land is worth \$160,000 and allow the whole amount?

I hope that the Senate will not permit the rights of the owners of this land any longer to be deferred, but will reject the amendment and cause the Government of the United States in good faith to pay those people for that which it has enjoyed the exclusive possession of since 1846 and upon which it has placed more than half a million dollars' worth of improvements.

Mr. MAXEY. The proposition of the Senator from Iowa in regard to the bill is very heroic, but not very well bottomed in judgment, in my opinion. He says it would be better for the Government to abandon the post. There never has been a general of the Army who has occupied it, never a department commander of Texas who has not regarded it not only as an important point but as a supply depot for the Rio Grande frontier. It faces the city of Matamoros, by far the most important city on the Lower Rio Grande in Mexico. It was regarded from the beginning by General Taylor as a strategic position, and has been held so from that time to the present.

I ask if there is any honesty in holding a man's property against his consent without paying rent? The Government has never paid a dollar of rent from the time it first occupied it to the present. It holds it by the strong hand. The Government has put half a million dollars of improvements on that land, and yet the proposition is made by a committee charged with managing the money of this country to throw away that half million dollars, to throw away a strategic position, because forsooth the committee is unwilling to agree with the House.

The chairman says it ought to have been submitted to some committee of the House for investigation. How do you know that it has not been so submitted? It came here from the House of Representatives in due form. How do you know the manner in which the provision got on the bill in the House? It is here. It comes to us regularly, it is just, and the Government will get at least a half million dollars more than the value of the property for the \$160,000. The title is not in the United States; it never has been in the United States. If there was

any way whatever of bringing an action of ejectment against the United States, as there would be against a private citizen, all the fixed and permanent improvements built by the United States would pass along with the soil, the improvements would go with the soil; but the United States occupies this position: "You can not sue me; I have got your land; I shall not pay you any rent; I shall keep your land." That is the position. We ask for a settlement. The proposition made by the House is perfectly fair. Not a reason has been given by the Senator in charge of the bill why the position of the House is not entirely fair, and I ask the Senate to non-concur in the action of the committee.

The PRESIDENT *pro tempore*. The question is on agreeing to the recommendation of the Committee on Appropriations.

Mr. ALLISON. I will modify the amendment of the committee. I do not want, even by implication, to say that we are obliged to pay \$75,000. In line 2028, after the word "of," in the proviso recommended by the committee, I move to strike out "this sum" and insert "the purchase-money;" and in line 2030, to strike out "said sum" and insert "the purchase-money;" so as to read:

Provided, That no part of the purchase-money shall be paid until a complete title is vested in the United States; and the full amount of the purchase-money shall be paid directly to the owners of the property.

The PRESIDENT *pro tempore*. The amendment to the amendment will be agreed to if there be no objection. The question now is on the first amendment of the Committee on Appropriations, in line 2027, striking out "\$160,000" and inserting "\$75,000."

The question being put, there were on a division—yeas 12, nays 17; no quorum voting.

Mr. HARRIS. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 15, nays 24; as follows:

YEAS—15.			
Allison,	Chace,	Hoar,	Plumb,
Blair,	Dawes,	McMillan,	Sewell,
Cameron of Pa.,	Edmunds,	Miller of N. Y.,	Wilson,
Cameron of Wis.,	Harrison,	Mitchell,	
NAYS—24.			
Brown,	Harris,	Mahone,	Sawyer,
Call,	Jackson,	Manderson,	Vance,
Coke,	Jonas,	Maxey,	Van Wyck,
Fair,	Jones of Florida,	Pendleton,	Voorhees,
Gibson,	Jones of Nevada,	Pugh,	Walker,
Hampton,	McPherson,	Riddleberger,	Williams,
ABSENT—37.			
Aldrich,	Dolph,	Ingalls,	Platt,
Bayard,	Farley,	Kenna,	Ransom,
Beck,	Frye,	Lamar,	Sabin,
Bowen,	Garland,	Lapham,	Saulsbury,
Butler,	George,	Logan,	Sherman,
Camden,	Gorman,	Miller of Cal.,	Slater,
Cockrell,	Groome,	Morgan,	Vest,
Colquhoun,	Hale,	Morrill,	
Conger,	Hawley,	Palmer,	
Cullom,	Hill,	Pike,	

So the amendment was rejected.

The PRESIDENT *pro tempore*. The question is on inserting the proviso.

The Secretary read the proviso from line 2028 to line 2031, inclusive, as follows:

Provided, That no part of this sum shall be paid until a complete title is vested in the United States, and the full amount of said sum shall be paid directly to the owners of the property.

Mr. ALLISON. I desire to ask unanimous consent to modify the amendment—and I suppose the Senator from Texas will not object to this modification—so that it will read:

Provided, That no part of this sum shall be paid until a complete title is vested in the United States, and the full amount of the price, including all claims for rents, shall be paid directly to the owners of the property.

What I desire is to cover not only the purchase-money for the property, but also the arrears of rent. Therefore I insert after the words "amount of" the words "the price, including rent."

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to amend the proviso so as to make it read:

Provided, That no part of this sum shall be paid until a complete title is vested in the United States; and the full amount of the price, including rent, shall be paid directly to the owners of the property.

The PRESIDENT *pro tempore*. Is there objection to the modification? The Chair hears none. The question is on the amendment as amended.

The amendment as amended was agreed to.

Mr. VAN WYCK. I call the attention of the committee to the provision at the top of page 83 appropriating \$5,000 to Mrs. Mary T. Barnes, widow of the late Surg. Gen. Joseph K. Barnes, "for especial and meritorious services rendered by her husband in the last illness of President Garfield."

I supposed all the expenditures for attendance on President Garfield were provided for in 1882, when some \$57,000, I think, was appropriated to cover all the expenses and services in connection with that matter. I remember very well that when the proposition was made here

to increase the pension of the widow of Surgeon-General Barnes from \$30 to \$50 a month, one of the reasons urged why that increase should be made was on account of the services of her husband in attending upon General Garfield; and now we find an item placed in this bill, after all that has been done, of \$5,000 to be paid to the widow of General Barnes. I call the attention of the chairman of the Committee on Appropriations to that item.

Mr. RIDDLEBERGER. Will the Senator permit me to ask him whether it is not a fact that Surgeon-General Barnes refused to accept any compensation because he was a public officer? Is not that the fact?

Mr. VAN WYCK. I do not know whether he refused to accept it or whether he was unable to receive anything because he was in the employ of the Government in its highest medical position as Surgeon-General of the Army. I do not know whether it was delicacy on the part of General Barnes or whether it was impossible for him to obtain from the Government anything more than the compensation he was receiving. At all events, the fact is that \$57,000 were appropriated in 1882 to cover all the expenses attending service upon General Garfield and his burial. It was even provided that extra compensation might be given not to exceed three months' pay to any employé who had been especially faithful to the dying President. Now, after that whole matter was settled in 1882, and when, as I say, since that time Mrs. Barnes has had her pension increased from \$30 to \$50, and one of the reasons alleged was that her husband had rendered efficient service in attendance on General Garfield, the Appropriations Committee ask us to appropriate \$5,000 to Mrs. Barnes. It at least, I think, requires a little explanation. I move that that item be stricken out.

The PRESIDENT *pro tempore*. It will not be in order to make that motion until the amendments of the Committee on Appropriations are gone through with. The reading of the bill will proceed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 2056, after the words "Garfield Hospital," to strike out:

For the support and medical treatment of thirty-seven transient paupers, medical and surgical patients, in the city of Washington, under a contract to be made with the Garfield Hospital by the Surgeon-General of the Army, \$7,500.

And in lieu thereof to insert:

For maintenance, to enable it to provide medical and surgical treatment to transient persons unable to pay therefor, \$7,500.

The amendment was agreed to.

The next amendment was, in the clause making appropriations "for the publication of the Official Records of the War of the Rebellion, both of the Union and confederate armies," after the word "dollars," in line 2086, to insert the following proviso:

Provided, That the time during which said publication shall be subject to the order of Senators, Representatives, and Delegates shall be extended from July 1, 1885, to July 1, 1886.

The amendment was agreed to.

The next amendment was, after line 2090, to insert:

Fort Leavenworth military reservation: For the improvement of roads on the Fort Leavenworth military reservation, to be expended under the direction of the Secretary of War, \$12,000.

The amendment was agreed to.

The next amendment was, after line 2094, to insert:

Quartermaster and commissary depot at Saint Paul, Minn.: For the completion of the public building for a quartermaster and commissary depot at Saint Paul, Minn., to be used as offices for officers of the Department of Dakota, and for heating the same, \$30,000.

The amendment was agreed to.

The next amendment was, after line 2100, to insert:

For purchasing hospital and other records of the war pertaining to the New England Soldiers' Relief Association, \$5,500.

The amendment was agreed to.

The next amendment was, after line 2103, to insert:

Sea-wall at Governor's Island, New York Harbor: For sea-wall around Governor's Island, \$40,000.

The amendment was agreed to.

The next amendment was, after line 2106, to insert:

For the purpose of erecting a statue, with suitable emblematic devices thereon, as one of the public reservations in the city of Washington, to the memory of General La Fayette and his compatriots, \$50,000.

The amendment was agreed to.

The next amendment was, after line 2110, to insert:

That the Secretary of War, the chairman of the Joint Committee on the Library, and the Architect of the Capitol are authorized to contract for and erect the said statue, and to designate a suitable public reservation in the city of Washington as the site for said statue.

The amendment was agreed to.

The next amendment was, in the appropriations "under the Department of Justice," after line 2226, to insert:

Reform School, District of Columbia: For repairs to buildings, including new roof on main building and new piers in basement, \$1,500.

The amendment was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had directed him to return to the

Senate, agreeably to its request, the bill (H. R. 5800) for the relief of Sarah B. Jackson, with the Senate amendments thereto.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 6658) to provide for the sale of the Sac and Fox Indian reservation in the States of Nebraska and Kansas, and for other purposes.

The message further announced that the House insisted upon its disagreement to certain amendments of the Senate to the bill (H. R. 8239) making appropriations for the naval service for the fiscal year ending June 30, 1886, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SAMUEL J. RANDALL of Pennsylvania, Mr. WALDO HUTCHINS of New York, and Mr. JOHN D. LONG of Massachusetts managers at the conference on its part.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 84) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to June 1, 1861, and prior to the massacre of August, 1862, and providing for the payment thereof; and it was thereupon signed by the President *pro tempore*.

SAC AND FOX AND IOWA INDIAN RESERVATION.

Mr. DAWES. The Senator from Iowa yields to me to call up a conference report.

The PRESIDENT *pro tempore*. On what bill?

Mr. DAWES. On House bill No. 6658, to provide for the sale of the Sac and Fox Indian reservation in the States of Nebraska and Kansas, and for other purposes.

The PRESIDENT *pro tempore*. The message of the House is that it has concurred in the Senate amendments, which disposes of the bill without any report from the conferees. It supersedes a conference report.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. MORGAN submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

SARAH B. JACKSON—RATES OF PENSION.

Mr. VAN WYCK. I wish to ask for a committee of conference on the disagreeing votes of the two Houses on House bill No. 5800, just returned from the House.

The PRESIDENT *pro tempore*. Is there unanimous consent that this bill from the House be now laid before the Senate?

Mr. ALLISON. I make no objection.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the bill (H. R. 5800) for the relief of Sarah B. Jackson. This bill passed the Senate with amendments, which have been sent to the House of Representatives, but are now returned pursuant to the request of the Senate.

Mr. VAN WYCK. I merely ask for a conference with the House on the amendments.

The PRESIDENT *pro tempore*. The Senator from Nebraska moves that the Senate request a conference with the House of Representatives on its amendments.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. MITCHELL, Mr. VAN WYCK, and Mr. JACKSON were appointed.

COINAGE OF SILVER.

Mr. ALDRICH. I wish to be allowed to offer a joint resolution at this time.

By unanimous consent, leave was granted to introduce a joint resolution (S. R. 135) requesting the President to enter into negotiations with foreign powers to secure an agreement for the free coinage of silver; which was read the first time by its title and the second time at length, as follows:

Resolved by the Senate, &c., That the President of the United States is hereby requested to enter into negotiations with the States of the Latin Union, and such other foreign powers as he shall deem advisable, with the purpose of securing such treaties with them as shall bind the nations agreeing thereto to open their respective mints to the free coinage of silver with full legal-tender power, at such uniform ratio to gold as shall be agreed upon.

Mr. ALDRICH. I ask that the joint resolution go over until to-morrow when I shall call it up.

The PRESIDENT *pro tempore*. The joint resolution will lie on the table.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

The Secretary resumed the reading of the bill. The next amend-

ment of the Committee on Appropriations was, to strike out the following clause from lines 2230 to 2232, inclusive:

Penitentiary for Utah Territory: For construction and completion of the penitentiary for Utah Territory, \$50,000.

Mr. HARRISON. I desire to inquire of the chairman of the Committee on Appropriations why that appropriation is proposed to be stricken out. I call the attention of the Senator from Iowa to the two appropriations for a penitentiary in Utah and Montana. I have myself no information as to the situation of Utah, but I have as to the situation in Montana, and I do not think the appropriation there ought to be stricken out.

Mr. ALLISON. I can furnish the Senator from Indiana with some information on both provisions; I do not mean new information, not information unknown to him. Last year we inserted in the civil sundry appropriation bill an appropriation of \$26,000 to complete an addition to the penitentiary at Deer Lodge, in Montana.

Mr. HARRISON. We have not got to that yet. It is the Utah case that is before us now.

Mr. ALLISON. I understood the Senator to make inquiry about both.

Mr. HARRISON. I did about both.

Mr. ALLISON. There was a special provision in that law requiring this sum to complete the penitentiary in Montana. In Utah there is a provision here for a penitentiary to cost \$50,000. There is nothing to support that except a simple estimate of the Treasury Department in the Book of Estimates. There were no papers, no statements that this was important at this immediate time; and inasmuch as there were a large number of amendments made by the Senate to this bill for important and necessary appropriations, we supposed that the people of Utah could get on for another year without a penitentiary.

Mr. HARRISON. I have no information about the situation in Utah as to their need of a penitentiary, and therefore I make no objection to that amendment being agreed to; but I desire to be heard upon the next one.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to strike out the clause from lines 2233 to 2235, inclusive, as follows:

Penitentiary for Montana Territory: For completion of the penitentiary for Montana Territory, \$25,000.

Mr. HARRISON. The Government made an appropriation some years ago for the construction of a penitentiary in Montana. Plans were furnished for the building, which consisted of a central building intended to be used chiefly for offices and two wings in which the cells were to be situated. The construction of this building was entered upon, and one of the wings was first constructed when the appropriation to which the Senator from Iowa refers of \$25,000 in the last Congress to complete the building there was made. The question was presented to the governor of the Territory, through whom, and under whom, it was to be expended, as to how it could be expended. Of course it was practically impossible to go to work to construct the other wing, which would thus have left two isolated, unconnected wings of the penitentiary. So that money was expended in part in the construction of the central building, which was to connect the two wings, and I have seen a statement from the gentleman who was in charge of construction that they have out of that appropriation accumulated at the penitentiary a very large part of the material that will be necessary to complete the other wing; but the appropriation was not sufficient in carrying out the plan to construct the central part and also to provide the other wing.

Now the situation of things in the Territory as to the necessity for an enlargement of the penitentiary is represented to me by Hon. John Coburn, who is one of the justices of that Territory, to be as follows: He says that the penitentiary has only twenty-eight cells, and that there are more than one hundred and twenty prisoners, and that it was so overcrowded and the condition of the convicts such as to render the building unwholesome, and that the courts were compelled to make orders that the prisoners of the Territory, instead of being sent to the penitentiary, should be lodged in the county jails of the counties where they have been convicted.

There are but two courses open to us. One is to finish the building and make it useful for the purpose for which it was started, because the plan has been established, the foundations are in, one wing and the central building are built, and the simple question now is whether we shall stop or complete the structure according to the original design, and furnish that Territory with some adequate place for the confinement of its prisoners.

Mr. BECK. The sundry civil appropriation bill for the current year which was approved on the 7th of July last contains this provision:

To erect the unfinished portion of the United States penitentiary at Deer Lodge, Mont., and to complete the same in accordance with the original plans, \$15,000: *Provided*, That the work shall be carried on under the direction and general supervision of the governor of the Territory of Montana.

That they undertook to do, and when they came to ask us for \$25,000 more without explaining why they had made that expenditure necessary under a law that required the building to be done for \$15,000, we thought—

Mr. HARRISON. The Senator from Kentucky will allow me?

Mr. BECK. Certainly.

Mr. HARRISON. It was simply impossible. That was all there was about it. The Government was requiring work that would cost forty or fifty thousand dollars to be done for \$15,000.

Mr. BECK. No complaint seems to have been made in regard to it as far as we know except that they had adopted plans inconsistent with the act of Congress.

Mr. HARRISON. But the very law which the Senator cites shows that plans had already been adopted before that appropriation was made.

Mr. BECK. But we have had no information so far as I know, or so far as anybody else knows, unless it be from Judge Coburn, that they have attempted to carry out the act; and in the face of facts like these it would hardly seem proper for us to make further appropriations.

Mr. HARRISON. Perhaps I was remiss in not bringing to the attention of the Committee on Appropriations the information I have. I tried to find to-day, but have mislaid it, the report from the gentleman who was put in charge of the construction by the governor, in which he sets out all the facts, some of which I have outlined, one of which is that one wing has been built. Here was \$15,000 appropriated. They could not enlarge the cell accommodations of the penitentiary with \$15,000. If they constructed the wing without any central part to protect it, they would have there two isolated buildings. That money was expended in part in completing the central part of the building according to the original plan, and he reports that they have accumulated a large amount of material there which can be used in the residue of the work. But there is no use of saying when a plan has been entered upon that will cost \$50,000 the building shall be completed for \$15,000.

Mr. BECK. All I desire to say is that we have had struggles all the time to make our officials comply with the law, and we had no information given us and no good reason assigned why they do not comply with it, and in the absence of such information, having a positive law that required it to be done, and no excuse being offered to us nor any fact laid before us, we did not feel at liberty to insert \$25,000 more. That was all there was of it, I think.

The PRESIDENT *pro tempore*. The question is on the amendment recommended by the Committee on Appropriations. [Putting the question.] The yeas appear to have it.

Mr. HARRISON. I ask a division on that question. It is one of so much interest to the Territory of Montana that I am sure that if Senators would think of it for a moment they would not refuse this appropriation. There is an unfinished, ragged building, totally inadequate to confine the prisoners of the Territory. What sort of economy is there on the part of the Senate in refusing to give money to go on with it? We have to finish it at some time. I ask for a division.

The PRESIDENT *pro tempore*. On this question a division is demanded by the Senator from Indiana.

The question being taken, there were on a division—yeas 22, noes 21.

Mr. HARRISON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ALLISON. This is a proposition to appropriate \$25,000 in a case where a year ago the Committee on Appropriations stated that \$15,000 would complete the building.

Mr. HARRISON. That is just the absurdity of this proposition. The Government made a plan for a penitentiary in Montana, as I have said, that would cost perhaps \$50,000—I do not state the amount accurately—and after they had spent \$20,000 or \$10,000 or \$15,000, then the Committee on Appropriations decree that \$15,000 shall finish it. If the decree of the Appropriations Committee was sufficient to make \$15,000 do the work of \$40,000, there might be some sense in that statement. It simply means that you will not finish it at all. Fifteen thousands dollars will not go any further than the number of days' work and the amount of material that it will buy, no matter what the Committee on Appropriations say about it.

Mr. ALLISON. The Committee on Appropriations care nothing about this any more than other Senators. We have no interest in it except to carry on the public service. The Committee on Appropriations make no statement about this. The people who proposed this penitentiary, the responsible officers of the Government, came before the committee last year and expressly stated that if we would appropriate \$15,000 they would complete this building according to the original plan, and we appropriated it. Now they come in here, or somebody does through the House of Representatives, and propose that \$25,000 more shall be allowed, and I suppose next year they will propose \$50,000 more.

Mr. HARRISON. What does the Senator propose—to let them go without a penitentiary or any building?

Mr. ALLISON. I do not propose to do anything now except to strike out this appropriation.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment reported by the Committee on Appropriations, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 30, nays 24; as follows:

YEAS—30.			
Allison,	Dawes,	Harris,	Plumb,
Bayard,	Edmunds,	Inglis,	Ransom,
Beck,	Garland,	Jackson,	Vance,
Brown,	Gibson,	Jonas,	Vest,
Call,	Gorman,	Jones of Florida,	Walker,
Cameron of Wis.,	Groome,	Morgan,	Williams,
Cookrell,	Hale,	Pendleton,	
Coke,	Hampton,	Pike,	
NAYS—24.			
Cameron of Pa.,	Harrison,	Miller of Cal.,	Sawyer,
Chace,	Hawley,	Miller of N. Y.,	Sewell,
Conger,	Hoar,	Mitchell,	Sherman,
Cullom,	Lapham,	Morrill,	Van Wyck,
Delph,	Mahone,	Platt,	Voorhees,
Frye,	Manderson,	Pugh,	Wilson,
ABSENT—22.			
Aldrich,	Fair,	Lamar,	Riddleberger,
Blair,	Farley,	Logan,	Sabin,
Brown,	George,	McMillan,	Saulsbury,
Bulter,	Hill,	McPherson,	Slater,
Camden,	Jones of Nevada,	Maxey,	
Colquhoun,	Kenna,	Palmer,	

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was under the head of "Miscellaneous," in line 2290, after the name "Charles J. Guiteau," to insert "to be immediately available;" so as to make the clause read:

The Attorney-General is authorized and directed to pay to Charles H. Reed and George Scoville, attorneys at law, any sums, not exceeding \$3,000 to Charles H. Reed and not exceeding \$2,000 to George Scoville, for services rendered in the case of the United States vs. Charles J. Guiteau, to be immediately available.

Mr. VAN WYCK. In regard to the item—

The PRESIDENT *pro tempore*. Does the Senator from Nebraska object to that amendment making the appropriation immediately available?

Mr. VAN WYCK. Yes, sir; I object to that, and I propose to make a motion to strike out the paragraph. I object to the amendment of the committee, and in order that this thing may be fully understood, as it has been several times in Congress I understand, to allow something to the counsel for Guiteau, I want to know whether there is any statute under which the Appropriations Committee advise this amount. If so, I will withdraw my objection to it; but if it is purely arbitrary, if it is assuming to do what the Committee on Appropriations say they can not do, then I should like to be advised of that fact.

Mr. ALLISON. I know of no law which authorizes the payment of this money and the Committee on Appropriations have no care respecting it. It comes here I believe for the third time in a House bill, certainly the second time, and the Committee on Appropriations in view of all the circumstances surrounding it did not care to strike it out. That is all I desire to say about it; I do not care to defend or oppose it.

Mr. PLUMB. The only time this matter has hitherto been before the Senate was I think two years ago when I moved the provision as an amendment to the deficiency bill, and it was adopted by the Senate. It was rejected in the committee of conference and therefore did not become a law. I think myself the payment ought to be made. A poor creature shot the President of the United States. He was entitled to a fair trial. He had no money. His brother-in-law volunteered to defend him. I do not know anything about the character of that defense; because that is not material to what is before the Senate now; but in addition to that a prominent lawyer of the city of Chicago, at the solicitation of the defendant himself, was engaged as counsel, and devoted some months of service to the preparation necessary to defend this party, and did defend him to the best of his ability. The result of that trial is known. No payment was made to either of these counsel because the defendant had no money to pay the necessary expense of that defense. It is not obligatory on the United States Government to pay for that service; but it was a state trial, it was a trial in the outcome of which the people of the United States had great interest, and I think it is no more than proper that the Government should pay for this service.

But I do not care so much for that as I do for the insinuation which was contained in the remark of the Senator from Nebraska against the Committee on Appropriations because this item was found in the bill as it came from the House and there was no law authorizing it to be paid. Mr. President, there is no law for one-half of the appropriations contained in this bill. They are appropriations from year to year for the purpose of carrying on the United States Government. If we are to wait until a law is passed authorizing every particular thing necessary to be done to carry on all the Departments of the Government, then of course the functions of the Committee on Appropriations will necessarily be largely diminished and many of these items will be stricken out.

In this case, however, the Committee on Appropriations on the part of the Senate simply accepted what the House had said as an expression of their judgment that at all events whatever doubt there might be it ought to be resolved in favor of the payment, as they have done in regard to a large mass of appropriations to be found in other portions of this bill.

Mr. GARLAND. Some two years ago this matter came before the Committee on the Judiciary upon an inquiry, if I recollect correctly, suggested by the Senate, to inquire whether there was any authority under the law to pay for services of this character. The committee were of opinion that there was no law authorizing it, but they were unanimously of the opinion that payment should be made to these counsel of a reasonable sum for their services. I do not remember that there was a single member of the committee who doubted the propriety of making such a payment, although the committee answered in the negative, that there was no existing statute then authorizing it.

Mr. VAN WYCK. Mr. President—

Mr. HARRIS. If the Senator from Nebraska will allow me I desire to suggest to him that it is not now in order for a Senator to move to strike out this paragraph, but it will be so as soon as the committee's amendments have been acted upon. I suggest to him that we go on through the bill, and if he will at that time move to strike out the paragraph I shall be glad to vote with him.

Mr. VAN WYCK. I will assent to that in a moment, because it is opportune to say now that we have been endeavored to be held in line by the Appropriations Committee. Against them no word must be said for their strict adhesion to the rules of this body, and for their observance of the law. It has been stated to us at the commencement and day after day that these rules, so mysterious in their creation and in the construction that has been placed upon them, and even the mysterious conduct of the Appropriations Committee, if I may say it without any offense, rendered it necessary that we should understand, particularly in the light of many things that have been said to-day, whether there was a statute requiring this, or whether it was in conformity with rule. My friend from Iowa says that he has no particular concern about this matter and the committee have none. Very well, I have no particular concern about this matter, but I have as to the rules and the impulses of action.

The provision was placed in this bill by the House. The chairman of this committee says there have been other things placed in the bill by the House of Representatives which the Appropriations Committee insisted should be stricken out. Why, then, did their adhesion to this rule give out? About the time they stuck this appropriation here at the end of the bill they got wearied in well-doing, wearied in following the rules of this body which were supposed to be framed for their guidance when they desired them to be, and then when they get near the end of the bill and become weary this rule is so elastic that they draw themselves out from under the yoke.

Is it not a strange spectacle here this evening that we are to be instructed first that there is no law under which this appropriation can be made, and next that it is a violation of the rules of this body; and now the Senator from Iowa says there is no statute, and the Senator from Kansas and other members of the Appropriations Committee say there is no obligation on the General Government to pay this money? Then why pay it? There is no statute requiring it, no obligation on the Government to pay it except that there was a poor wretch indicted for crime. Do the Appropriations Committee stumble over the rules of this body and discharge their duty in that way in regard to every poor creature who happens to be a defendant in a suit where the Government is the prosecutor? No, sir.

I only desired to stop long enough to call attention to this, because before we finish the consideration of this bill I propose to ask the Senate to do some things standing just where the Senator the chairman of the committee stands, and where that other distinguished member of the committee, the Senator from Kansas, places himself on this item.

I will now consent to the suggestion of the Senator from Tennessee that the matter may be withheld until we get through with the committee's amendments.

Mr. PLUMB. There can be no regret at the occurrence of this debate because it has given the Senator from Nebraska an opportunity to exploit himself; but it is not proper that the statement should go without any objection, that this amendment is in opposition to the rules of the Senate. It is not in opposition to the rules of the Senate, because it is not general legislation.

But, as I said before, there is found in this bill probably one-half of the paragraphs and probably one-half of the gross appropriations and items that have no warrant in the command of existing law. There is no requirement that we should make appropriations for the prosecution of claims; there is no requirement that we should make appropriations for the extension of the Reform School in the city of Washington; there is no requirement that we should continue the completion of the road at Baton Rouge, La., to the national cemetery. There are all through this bill appropriations of different characters that are not required in deference to existing law; that is to say, there is no specific law requiring the appropriation to be made. This is of a character of appropriations that have been made from time to time which in the judgment of Congress, without any legal obligation, are proper to be made. I do not say that this appropriation is one of that overshadowing character which requires us to incur the hostility of the Senator from Nebraska, nor that we should detain the Senate to hear either his speech or mine in regard to it; but it is one of those things which commend themselves, if not to my judgment, at least to my sense of that which is fair and

decent on the part of the Government, and I think the appropriation ought to be made.

The PRESIDENT *pro tempore*. The question is on the amendment of the committee inserting the words "to be immediately available," in line 2290.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 2291, to insert:

To enable the Attorney-General to employ a competent person to edit and prepare for publication and superintend the printing of the seventeenth and eighteenth volumes of the Opinions of the Attorneys-General, \$1,000.

The amendment was agreed to.

The next amendment was in the appropriations for "United States courts," in line 2318, to increase the appropriation "for fees of United States commissioners, and justices of the peace acting as United States commissioners," from \$100,000 to \$125,000.

The amendment was agreed to.

The next amendment was, after line 2339, to insert:

UNDER THE POST-OFFICE DEPARTMENT.

To pay rent of building occupied by the Washington city post-office, at a rate not exceeding \$5,000 per annum, \$5,000; and for payment of rent of same from November 15, 1884, to the close of the current fiscal year, at same rate, \$3,125.

Mr. WILSON. I move to add "to be immediately available." That is in the nature of a deficiency, but providing for the next year as well. We provide for it all here.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the head of "House of Representatives," in line 2371, to strike out:

One chief page, Alvin H. Pickens, \$900.

And insert:

For one chief page, Alvin H. Pickens, at the rate of \$900 per annum, from April 4, 1885, to June 30, 1886, \$1,180.

The amendment was agreed to.

The next amendment was, after line 2377, to insert:

To pay the four pages now employed by resolution of the House the same compensation and for the same period as is provided for the payment of session pages employed by the House, \$270, to be immediately available.

The amendment was agreed to.

The next amendment was, after line 2382, to insert:

To reimburse the postmaster for postage-stamps, \$70, to be immediately available.

The amendment was agreed to.

The next amendment was, after line 2384, to insert:

To reimburse N. A. Fuller, late cashier in the office of the Sergeant-at-Arms of the House of Representatives, for payment of a certain check forged in the name of a member of the House in August, 1883, \$165.

The amendment was agreed to.

The next amendment was, in the clause making appropriations for "the World's Industrial and Cotton Centennial Exposition," in line 2393, after the first word "For," to strike out "the purpose of aiding" and insert "final aid to;" so as to read:

For final aid to the World's Industrial and Cotton Centennial Exposition now being held in the city of New Orleans, in the State of Louisiana, &c.

The amendment was agreed to.

The next amendment was, in line 2396, before the words "hundred thousand," to strike out "three" and insert "four;" so as to read:

For final aid to the World's Industrial and Cotton Centennial Exposition now being held in the city of New Orleans, in the State of Louisiana, not to exceed the sum of \$400,000, to be immediately available, and to be used first in payment of the indebtedness now outstanding of said exposition, &c.

Mr. SHERMAN. This question is rather an embarrassing one to me. When an appropriation of \$300,000 was proposed, although I could see some considerations favoring it I had not fully made up my mind on the subject. I should like to have some further and satisfactory reason for increasing the amount from \$300,000 to \$400,000. I think the Senator from Iowa should be able to give the Senate a pretty full explanation of this matter. I regard it as a very unfortunate thing that this great exposition should have been convened, and that it is found without money, in bad credit. Perhaps circumstances might justify us in coming to its rescue, and it is now proposed to increase the amount of the appropriation made by the House. I think the Senator ought to state the ground for that proposition.

Mr. HARRISON. I suggest that the Senator from Iowa give us some reason for increasing the appropriation \$100,000 and for giving any more money to this exposition.

Mr. ALLISON. Mr. President, I presume every Senator understands, as well as the Committee on Appropriations understand, the situation of the New Orleans Exposition. Two or three years ago we passed a law on this subject, in which we expressly provided that the Government of the United States in no respect should be responsible for a single dollar, but that it should only lend its money to this exposition. I think that act was passed in 1882.

Mr. HARRISON. February 10, 1883, is the date of the act.

Mr. ALLISON. I did not remember the exact date. At that time it was expressly stated and understood that the Government of the

United States should in no sense take any control or have any responsibility respecting this New Orleans Exposition. The President of the United States, however, at that time was required by that act to invite foreign governments to participate in the exposition. Last year the management of the New Orleans Exposition came to Congress and asked Congress for a loan of \$1,000,000 in order to enable them to properly and respectfully conduct this exposition. It was represented then that this sum, if loaned by the Government of the United States, would be repaid; and representations were made to both Houses showing how easy it would be from the receipts of this exposition to reimburse the United States for the advance of \$1,000,000.

The law of last year, which I have not before me, was prepared with considerable care in the Committee on Appropriations, and a number of amendments were inserted on the floor of the Senate for the purpose and with the view of making it certain that the amount of money appropriated under that act should first be properly expended; and, secondly, that at some time the United States should be reimbursed. So the management went on, and this exposition, instead of being opened at the time fixed, did not open until about the middle of December or perhaps the 1st of January, and from that time up to certainly about the middle of February it was an absolutely losing performance. Although it was not stated to the Committee on Appropriations, I believe personally from the papers that the committee examined and the statements made that from this time forward the exposition will be practically a losing business; it will not be, to say the least, more than self-sustaining. The Government of the United States last year expressly provided, as it did two years ago, that under no circumstances whatever should we be called upon again for any further payment of money.

The situation, as I understand it, to-day is this: There are some thirty or forty foreign governments represented at the exposition, at least a large number, and they are respectfully represented. The exposition itself, so far as the exhibition is concerned, is a success. These governments are represented at the exposition. Of course they knew nothing of our internal arrangements here with reference to it. They did not know that these managers two years ago, when they secured the authority of the United States, expressly pledged themselves not to make any request to Congress for an appropriation. These foreign governments probably do not know that last year we expressly stipulated that only the million we gave should be required of the United States.

Now it is a question for the Senate, and every Senator can judge for himself, whether or not we should appropriate anything. If we appropriate nothing, in my judgment the exposition can not last a month. If we appropriate \$300,000, the probability is that it will survive to the middle of April or the first of May. If we appropriate \$400,000, in my judgment it will be able to get on until the 1st day of June.

That is all there is in this case. The Committee on Appropriations believe that if \$300,000 is appropriated now, at the next session we shall probably be called on for \$300,000 more. We hope that by the amendment which we have inserted here, this final appropriation of \$400,000 will finish up this exposition in a way at least not disgraceful to the United States.

Mr. SEWELL. I desire to ask the chairman of the Appropriations Committee to refer to the proviso of the act granting the loan of a million dollars. It expressly provides for a guarantee by a bond of \$300,000 for the faithful performance of the duty. What has become of that bond?

Mr. ALLISON. I do not know what has become of it, but I presume the bond was given and, of course, it can be enforced.

Mr. SEWELL. Allow me to read the provision.

Mr. JONAS. If the Senator will permit me, I will—

Mr. SEWELL. Allow me to read the provision. I read from the law:

Provided further, That no greater amount shall be expended or liability or indebtedness of any kind incurred upon buildings, grounds, and preparations than the aggregate sum that may be paid in, by the subscribers to the capital stock and by donations and the amount of the loan provided herein: *And provided further*, That in the distribution of the amounts that may remain in the treasury of the board of management after the payments of the current expenses of administration the amount of the appropriation heretofore made shall be paid in full into the Treasury of the United States before any dividend or percentage of profits or assets shall be paid to the holders of said stock or contributors: *Provided further*, That the Government of the United States shall not, under any circumstances, be liable for any debt or obligation created or incurred by the World's Industrial and Cotton Centennial Exposition, or its board of management, or for any sum whatever in addition to the amount appropriated by this act; and that adequate space to be determined by the President of the United States for such exhibits as the Government of the United States may see proper to make at said exposition shall be furnished free of all charge by said board: *Provided further*, That no sum shall be paid to the said board of management of said exposition until after the president, secretary, and a majority of the members of said board shall have executed a bond, with good and solvent security, to be approved by the Secretary of the Treasury, in the sum of \$200,000, to sufficiently secure the safe-keeping and the faithful disbursement of the sum hereby appropriated, and for the faithful observance of this act with regard to the limitation of expenditures and liabilities as fixed herein, and for the repayment to the Government of the United States of the surplus of proceeds of said exposition remaining after payment of the current expenses of administration.

On the passage of that bill, looking at it in a purely commercial point of view, I had the honor to use the following language on a motion

made to reduce the appropriation or the loan, as it was said to be, to \$500,000. I said:

Mr. President, I made the motion for the reduction of this amount, as I supposed that we should never get a cent of it back. Judging from my experience as a business man and a transportation man, in view of the location of this proposed exposition, I would give it as my judgment that none of this money will ever come back. If the exposition were to be located at a central point like Saint Louis, or Chicago, or Cincinnati, where the surrounding population is very dense and where the modes of communication are so frequent that large masses of people could be transported there, I would say that the money might come back, but at New Orleans it is almost an impossibility. The people that come from Mexico and other southern countries will be a very small drop in the bucket. It requires a large mass of population to make an exposition of this kind pay. Therefore I moved to reduce the amount, as I thought \$500,000 was enough for the Government to contribute to what is practically to be a local exposition.

At that time it was stated that \$700,000 had then been subscribed for this exposition. I have understood since from very good authority that not more than \$500,000 has been paid in unto this day and that the city of New Orleans, which reaps great benefit from it, paid \$100,000, while the exposition managers have spent \$130,000 upon permanent improvement of the park where it is located.

I do not think that the United States Congress has a right to squander the money of the people in this way. The appropriation of a million dollars, ostensibly obtained as a loan but really a gift from the pockets of the people of the country, ought to have been enough under prudent management, under a faithful performance of the contract entered into for which they gave a bond of \$300,000, to have carried it through.

I do not believe that three or four hundred thousand dollars now will make it a success. You will then have a deficiency, in my opinion, of half a million dollars afterward. I am opposed to the amendment of the committee, and I move to non-concur in it; and I give notice that I shall move to strike out the whole clause afterward.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on the amendment of the Committee on Appropriations.

Mr. PLUMB. I voted against the proposition of the Senator from New Jersey, when the original appropriation was before the Senate, believing that a million dollars was necessary in order that the exhibition might properly be carried on and that the people of the country could afford to lend to the exhibition, and if necessary give that amount, in order that there might be a reasonable degree of success attained at least. I have been very much disappointed at the result. I have no doubt there is an exposition that is in a manner creditable to the people of the United States at New Orleans; but I am not satisfied that the promise which were made in order to obtain the appropriation of \$1,000,000 have been kept, nor am I satisfied that they were made in good faith at the time they were made as an inducement to the appropriation of \$1,000,000 heretofore made.

I am now prepared to vote with the Senator from New Jersey to strike out the entire appropriation. I shall cast the vote with considerable regret, but I believe that the circumstances are such that that is due to the case as it is now presented, and I am led to believe from representations which have been made to me—and I am not permitted to doubt either the fact or their authenticity—that if a collapse should come to that exposition revelations will be made in regard to the expenditure of the million dollars we have already appropriated which will startle the people of the United States.

I, for one, plant myself upon the repeated declarations contained in the various statutes on this subject: First, that the United States were not to be responsible at all, and that in the next place it was not to be a responsibility beyond the million dollars appropriated; and believing as I do that the people of Louisiana and the people of New Orleans have not only not done what they ought to have done but that they have not kept faith with the United States in regard to the dealings between the United States and them in regard to the exposition, I am prepared to say that I believe it to be the duty of Congress to refuse to appropriate any further money for the purpose of carrying on this exposition; and I say that, as I remarked before, with great regret.

The State which I have the honor in part to represent on this floor has there an exhibition of the products of that State, which is in line with the exposition which that State has made at other places in the Union, and which is worthy of the State, and it has there a commissioner and assistants for the purpose of making that exposition what it ought to be. The people of the State of Kansas looked to that exposition with a great deal of interest and have attended it in large numbers; but their confidence, as well as the confidence of Congress, and of the people of the United States, in my judgment, has been forfeited by what has occurred in the expenditure of this million dollars and in the failure of the people of Louisiana and the people of New Orleans to keep faith with the Government in regard to their subscriptions and to do what they ought to have done, and what it was manifestly their duty to do, to make this exposition a financial success. Believing that, I shall vote to strike out this entire appropriation. I regret that the House committee and the Senate committee should have felt under constraint to appropriate one single dollar.

Mr. HARRISON. Mr. President, the information which the chairman of the Committee on Appropriations furnished to the Senate in reference to this matter was not satisfactory to me, for one.

Mr. ALLISON. I have been interrupted two or three times.

Mr. HARRISON. I will yield to the Senator now in a moment after indicating to him the direction in which I should like to have information. I notice that this amendment proposed by the Senate committee contains a proposition of this kind, that—

No part of the foregoing sum shall be paid until statements and exhibits in detail, satisfactory to the Secretary of the Treasury, are made of all expenditures under the appropriation made by act of July 7, 1885, and that said expenditures have been made for the purposes and in the manner provided for in said act.

I submit to the Senator from Iowa that that audit of the accounts of the New Orleans Exposition ought not to be referred to the Secretary of the Treasury to take place after we have appropriated \$400,000 more. It should have been made and submitted to the Congress of the United States, and I am in hopes that the Senator from Iowa and the committee will be able to furnish the Senate with some information as to what the expenditures have been in connection with this exposition, what they have been for, how much has been received from private sources, what the present debts of the association are, what its receipts and its expenditures are per day, and its salaries, in order that we may have some intelligent understanding of what we are doing here.

I should like to have the item of salaries especially, so as to see how many of these gentlemen have been supported out of this appropriation and at what rate per annum. I should like to know what the prospect is of winding the thing up and when it is intended to be wound up. The Senator intimates that \$300,000 may not keep it going thirty days or sixty days at least, and that \$400,000 may carry it to June. If we have become committed to this enterprise in such a way as to make the United States responsible for its debts, I think we ought to consider the question as to what is the best way out. Perhaps we had better wind it up, take an account of the assets, and pay the debts if we are liable for them.

It does seem to me that to ask an appropriation of \$400,000 in the face of the protestations and promises and repeated declarations of the managers and promoters of this exhibition that they would not ask as a gift one cent from the United States, that it was simply a loan of the credit of the United States, that the million dollars would be returned, and when we are now met with the statement that we are not to have one dollar of the million dollars returned to us, and if we are to follow that million with nearly half a million more, we ought to have from those who have represented this exposition a strict, detailed, and business-like statement of what they have done with the money. It should have been laid in printed form on the desk of every Senator and Member before this proposition was brought under discussion. It should not be asked to refer it to an executive officer of the Government to look into these things, lodging in him the discretion to send \$400,000 more after the million that has gone.

It seems to be conceded all around from statements on this floor by members of the Appropriations Committee who have looked into the subject, it seems to be conceded in the public press, that there has been the most gigantic and magnificent mismanagement of this exposition that ever characterized any public enterprise. I should like to have from the Senator from Iowa, if he has it, some statement of what this association have been doing with this money. I should like to know whether it is true that the city of New Orleans has given \$100,000 and that permanent improvements which will remain in her park for more than the sum she has donated have been taken out of this money.

For one I shall not vote for this, if at all, until there has been a full exposure of all these matters.

Mr. ALLISON. Mr. President, the Senator from Indiana says that this proposition should not have been presented here by the Committee on Appropriations until a full printed statement was presented with it of all the facts connected with the New Orleans Exposition. Why, Mr. President, does not the Senator from Indiana know that this bill itself did not reach the Committee on Appropriations until last Friday night at 10 o'clock? Does he expect the Committee on Appropriations to go through a hundred pages of a bill between Friday night at 10 o'clock and Sunday night at midnight, and then present here on the tables of Senators at 9 o'clock on the following morning full details of every item in this bill—does he expect that of the Committee on Appropriations?

Mr. HARRISON. I do not, and I was not referring to the Committee on Appropriations as to its being any part of their duty, but I say the promoters of this proposition who ask this additional \$400,000 should have furnished it.

Mr. ALLISON. So I agree.

Mr. HARRISON. I agree that the Committee on Appropriations of the Senate have not had time to deal with this bill as they ought, that it has come here so late that they must necessarily give it a hasty consideration. But if there has not been time to examine this matter thoroughly, then I can only blame the Committee on Appropriations for making any proposition to donate money at all. I think they should have said we have not time to go to the bottom of this, and until we do we decline to take any step.

Mr. ALLISON. The Committee on Appropriations take no responsibility in reference to this measure that is not taken by every Senator on this floor. We only have recommended in this amendment a statement that if we appropriate at all we ought to appropriate \$400,000.

Mr. MILLER, of California. I should like to ask the Senator why they have recommended the additional \$100,000?

Mr. ALLISON. I will state that before I take my seat. The Committee on Appropriations when this bill came before them made a request of the management who asked this appropriation for every item suggested by the Senator from Iowa. We asked them to send to us a detailed statement of the expenditure not only of the million dollars appropriated by the Government, but of all the money received by the management. We also asked them to show us in detail from what sources they received money in addition to the money received from the Government, and I have before me and have in these papers the response made by the management to the Committee on Appropriations.

The whole amount received by this management on account of this exposition, outside of the receipts at the gates, is \$1,630,968. Of that sum \$1,000,000 was appropriated in the act making a loan to the exposition; \$584,000 has been paid in by the State of Louisiana and by individual subscriptions in the city of New Orleans and by persons in Louisiana. Of subscriptions from other sources, one item is \$15,000, another \$20,000, and another \$11,800. These put together make a total sum of \$630,968.

I am giving now the statement sent to the committee by Mr. E. A. Burke, the director-general of this exposition and the responsible manager of it, so far as I know, in reference to its finances.

When we appropriated a million dollars last year or loaned it to this exposition we were told that there were \$800,000 of subscriptions in round numbers to the exposition in the city of New Orleans and in the State of Louisiana. We were told that these subscriptions were coming in, that every dollar of them would be paid, and when we came to insert that sum, as we did originally in the first draught of our appropriation, they said it would be impossible within the brief time to get it to the committee to collect the \$800,000 in full; but they said it would be collected, and we inserted the \$500,000 alluded to by the Senator from New Jersey.

I have stated the receipts. The expenses are also given in this paper in general, and the detailed expenses are in papers which I have before me. They state that for construction \$1,000,000 has been expended; for machinery, \$150,000; for grounds, grading, draining, fencing, &c., \$100,000; for distribution to States and Territories, \$235,000; for commercial department, \$50,000; educational department, \$50,000; woman's work, \$50,000; agricultural department, \$50,000.

Mr. CONGER. I ask the Senator if there is any expense for the Red Cross Association who have brought from foreign countries and all parts of the United States exhibits for the exposition?

Mr. ALLISON. That is not especially mentioned.

Mr. CONGER. I desire to say that individuals out of their own private means have paid the expenses which were to have been met by this management, and they have left ladies in charge of these associations with a good deal of expense out of their own purses, and have not as yet relieved and will not, if we vote \$400,000 more, relieve those private persons who have been engaged in making the exhibition of that kind both in Europe and the United States, but leave them to pay their own expenses.

Mr. ALLISON. Of course I can only give in a general way the statements of the managers.

Mr. CULLOM. Did the Senator state that several hundred thousand dollars were distributed to the States? Is there an itemized account showing the amount each State has received?

Mr. ALLISON. There is among these papers an itemized account. Of course the States and Territories had allotments made to them.

Mr. INGALLS. Was that allotment a loan or a gift?

Mr. ALLISON. I suppose it was a gift; that is to say, the managers allowed the State of Kansas, for instance, \$5,000.

Mr. INGALLS. Out of the Government loan?

Mr. ALLISON. Out of the general fund.

Mr. SEWELL. Will the Senator state whether it was given to the State or to individuals in the State? The State of New Jersey appropriated \$10,000.

Mr. ALLISON. It was given to the executive officers of the State in every instance, I believe, and applied or managed by the governor of the State.

Mr. CHACE. Does the Senator from Iowa say that these amounts were paid over in full to the States?

Mr. ALLISON. I am saying nothing. I repeat what I said before that the Committee on Appropriations could only take the statements of the management in reference to this matter. I do not know that one dollar was paid to any State or to any State agent. I am only stating what the management stated to us.

Mr. CULLOM. When the Senator gets to that point I should like to have him read the paper showing the amount that each State has received, if he has such a document in his possession.

Mr. ALLISON. If I can find it I will read it. This is the statement with reference to the expenditures for the original purposes of the exposition. It is claimed by the management—and I am only speaking with reference to their statement—that because of the general situation at New Orleans, because of the difficulty in the means of transportation, and because of the general delay, the increased cost of

the buildings for the opening of the exposition amounted in round numbers to \$370,000. They also submitted to us a statement of the indebtedness up to this time.

Mr. HARRISON. May I ask the Senator what the aggregate of the expenditures is?

Mr. ALLISON. The aggregate of the expenditures up to February 1, including, of course, the liabilities of the exposition—as shown by this statement—amounts to \$2,070,000, but the aggregate expense of the construction of buildings prior to the opening of the exhibition was \$1,709,000.

The detailed statement the Senator from Illinois asked for I have here now for each State and Territory.

The real trouble with this exposition is that it has been, with the exception of a few weeks, an absolute loss from the beginning, and in my belief it will be an absolute loss from now until the time it closes.

I have before me a statement of the daily receipts of the exhibition from its opening on the 15th of December down to and including February 13. The daily receipts ranged from \$466 one day, \$640 another, \$592, \$769; and so on, running up to \$2,235, and so on up to February, when the receipts increased from \$2,000 to \$3,000 per day. After the period known as Mardi Gras the receipts ran up for several days to \$10,000, \$8,000, \$7,000, \$6,000, \$5,000, and \$4,000. From the 1st day of February the receipts averaged over \$6,000. They now average, I believe, about \$2,500 per day, or nearly that sum.

Mr. HARRISON. Will the Senator allow me to ask him a question as he goes on? I notice from his statement that the total receipts have been \$1,630,000. That, I understand, was up to the 1st of February.

Mr. ALLISON. Yes, sir.

Mr. HARRISON. The expenditures up to the 1st of February were \$2,070,000.

Mr. ALLISON. Yes, sir.

Mr. HARRISON. In other words, there was an excess of expenditures over receipts of \$439,000.

Mr. ALLISON. Yes, sir.

Mr. HARRISON. Now I want to ask the Senator if that debt has been reduced since?

Mr. ALLISON. The debt has been reduced by the receipts during February.

Mr. HARRISON. Has the debt been actually reduced?

Mr. ALLISON. I will say to the Senator—but I trust the Senator will not expect the Committee on Appropriations to go into a detailed account of dollars and dimes with reference to this matter—that there has been a reduction, so that at this time the indebtedness of the establishment is \$383,071.

Mr. HARRISON. That was what I wanted to get at. Then nearly all this money, \$400,000, is to be applied to pay debts, and they will start with a balance of \$30,000 of this appropriation on the next experiment.

Mr. ALLISON. Very likely.

Mr. INGALLS. Is this indebtedness of \$380,000 exclusive of the million they owe to the United States Government?

Mr. ALLISON. Yes, sir.

Mr. INGALLS. Then they owe \$1,380,000.

Mr. ALLISON. One million three hundred and eighty-three thousand dollars; but it is hardly worth while to appropriate money to pay ourselves. During the month of January and perhaps in a portion of December the cost of managing this affair for each day amounted to an average of over \$3,000, probably an average of \$3,500; I do not remember the exact average.

Mr. HARRISON. May I ask the Senator whether in the statement as made of the reduction of the debt during the month of February, which I believe included the Mardi Gras celebration, the salary account for that month has been paid, or whether it is due on the 1st of March, so that it remains in doubt whether there has been any reduction?

Mr. ALLISON. I think very likely the suggestion of the Senator may be correct. I think it will be left very much in doubt on the 1st of March whether there has been any reduction, and I think when the 1st of April comes there will not only be no reduction but there will be a deficit of several thousand dollars even if we appropriate this \$400,000, unless this management can secure money from some other source than any known to the Committee on Appropriations or known to the managers themselves. It is a question whether the Congress of the United States, having reference to our obligations and to the invitations we have extended to other governments, shall give this sum of money to keep the exhibition going until the time prescribed in the law for its closing, or whether we shall abandon it now.

That is all the question. Therefore the Committee on Appropriations provided that this money should be expended by one of our own officers, that he should not expend it for this purpose until he was satisfied that every dollar that was appropriated as a loan last year had been faithfully and honestly expended not only for the purposes indicated in that law but in the manner indicated in that law.

Mr. HARRISON. The appropriation that the Senate provides for in this bill simply pays debts. It is probable when all the accounts are in, it is a close shave whether it will pay the existing debt.

Mr. ALLISON. I think it is.
Mr. HARRISON. How do we get any guarantee that it will run to May?

Mr. ALLISON. None whatever.
Mr. HARRISON. Then is it not likely that it will be compelled to stop at once, or that we shall have to follow this appropriation with two or three hundred thousand dollars more?

Mr. ALLISON. Very likely both.
Mr. HARRISON. If it runs to May the Senator thinks we must add to this appropriation two or three hundred thousand dollars more?
Mr. ALLISON. I think so, unless you make the \$100,000 additional appropriation we propose to that made by the House.

Mr. HARRISON. Even if you make that, it only pays the present debt.

Mr. ALLISON. The gentlemen who appeared before the committee stated that if the \$100,000 which we add to this bill should be appropriated they would be able to run this exposition until the 1st day of June. I have serious doubts about that.

Mr. HARRISON. Were those the same gentlemen who said the money would be repaid?

Mr. ALLISON. One of them. I have said all I care to say with reference to this exposition. I do not think it stands in a creditable way either to the management or to the United States, and it is a question what we shall do with it under the circumstances. The Committee on Appropriations, or at least a majority of them, believed that under the circumstances surrounding this case it was a wise thing for us in a guarded way to give final aid to this exposition to the extent named in this clause.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations.

Mr. MILLER, of California. I wish to ask the Senator in regard to this bill if any premiums have been paid or awarded to the States yet, and whether in the calculation of \$400,000 there has been taken into consideration what is awarded on premiums?

Mr. ALLISON. Certain premiums have been awarded; I do not remember the amount; I think \$17,000. Of course that constitutes one of the debts of the association.

Mr. MILLER, of California. This speaks of debts to foreigners or foreign nations. Will the Senator explain what those debts are; how this exposition became indebted to foreign nations, and what the amount is?

Mr. ALLISON. I think the amount is an unknown quantity, though it is not large. This management made certain arrangements with foreign governments to send their exhibits here and agreed to pay freights and some other things in connection with the foreign exhibits. A portion of those expenses have not been paid; premiums have been awarded to exhibitors from foreign countries which have not been paid. I do not think any statements I have before me give in detail the amount of these debts, but it is stated at \$17,000; but when the exposition is closed I believe it will amount to over \$60,000.

Mr. MILLER, of California. There is a difference between foreigners and foreign nations. I do not see how a foreign nation would bring itself to contemplate taking money of this association for freights on their own exhibits.

Mr. ALLISON. I do not think we owe any foreign nation anything on this account.

Mr. MILLER, of California. I hope not.

Mr. ALLISON. If we do we will try to pay it in some other appropriation bill.

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on Appropriations.

Mr. MITCHELL. I desire to say one word in favor of this amendment. A large number comparatively of the business men from the State of Pennsylvania, and principally of Philadelphia, have been in attendance on this exposition. I saw a party of them on their return a few days ago. They all gave a glowing account of the exposition in so far as the exhibits are concerned, and without exception they are men of judgment. Those whom I have conversed with, and those whom I have seen, say we ought to make this appropriation. I myself have given some attention to it, and I believe we ought to do it. If we have made a mistake in this matter we made it when we gave the loan in the first instance. As I regard it, the honor, the credit, the good name and fame of this nation are involved in this transaction, and it becomes us to consider that, Mr. President. I shall do it. I would vote very cheerfully even for more than is proposed by the amendment.

I have some knowledge myself in regard to matters of this kind. I was instrumental in a small way in the inauguration of the Centennial Exposition. I know what it costs to set such a work as that in operation and to carry it through. I think people in and about Philadelphia contributed about two millions and a half of dollars, the State of Pennsylvania contributed from its treasury a million dollars, the Government of the United States I believe a million and a half.

Mr. SEWELL. Loaned it.

Mr. MITCHELL. They should have given it, as I thought then and as I think now.

Mr. FRYE. Do not forget to state that the United States compelled

the repayment of every dollar of the appropriation made to the exhibition at Philadelphia, and my recollection is, with interest. ["No!"

Mr. MITCHELL. I should not have forgotten to state that. The managers of the exposition undertook to do it and they were able to do it because there was a great central point, a great patriotic object and feeling lying at the bottom of that exposition which is not present in this case to sustain this work.

The gentlemen who were here the other day said to me—and they were very familiar with the work done in Philadelphia—that the work now being done in New Orleans, in extent of buildings erected, of opportunity for exposition, and the exposition itself, is fully equal to that at Philadelphia, and the only thing seeming to be wanting is the gate-money to be received from visitors there; and I trust when the genial sun of spring shall come and enter into the hearts of the people of the North that they will go to New Orleans and make that exposition a success in that respect. In view of the figures presented by the chairman of the Committee on Appropriations I believe they will and I think they ought.

Mr. SEWELL. Will the Senator from Pennsylvania allow me to ask him does he know whether those persons had subscribed money and were desirous of getting it back?

Mr. MITCHELL. I do not know; but I think none of them were in that category. One of them, with whom I talked more particularly than with the others, is a prominent business man in Philadelphia and is a patriotic gentleman. He was engaged in the work of the Centennial Exposition. His heart was in that, and it is in this, and he feels precisely in regard to this matter as he did in regard to that, so far as the Government and its obligations are concerned.

Mr. BLAIR. Mr. President, I voted for this original appropriation, and I am very glad that I did so. I wish I had voted for a larger one and that more had been appropriated and more had been expended. Why, sir, we expended in the preparation of the Philadelphia Centennial Exposition, as I have been informed in the items given here to-day, over \$7,000,000 in making that exposition ready to be seen. Here is an exposition located in a portion of the country unaccustomed to making expensive demonstrations of this or perhaps of any other kind, without the necessary means and facilities for intercommunication, unused to this sort of thing, and yet the precise point of the whole country where an exposition was needed for its industrial and its educational effects, and with an amount of money less than \$2,000,000.

Whatever they may have done in the way of bad appropriation, whatever they may have done in the way of imprudent expenditure, whatever they may have done in the way of corrupt expenditure, which is hinted at darkly here, but of which there is no evidence in existence as far as I know, with an expenditure of less than \$2,000,000 they have prepared an exposition which in many and in important particulars surpasses that of the Centennial. I do not make this assertion wildly or blindly. At least one hundred of the most intelligent citizens of my own State, including the governor of the State, have recently visited the exposition, and I have talked with a great many of them.

The governor was familiar with the Centennial Exposition; so was his wife, a very intelligent woman, as capable of judging in regard to a matter of this kind as any lady almost in my acquaintance; and they and others of this party who went there to observe, and who did observe, as I believe, impartially, prominent men in both political parties, say to me that this exposition in its substance is superior to what they saw and were familiar with at Philadelphia, and this is in the preliminary stage. It has had no visitors of any great consequence as yet. Their facilities for reaching the point of exhibition from where most of the people are obliged to stay in the city, the four miles travel, are thus far very inferior indeed, and, of course, there has not been a great amount of travel to the exposition. The number of visitors has not as yet been large.

Our friends here talk about the United States collecting its money back again, but they did not get that million and a half dollars back again until the Centennial Exposition was over and until there had been a chance for receipts out of which the remuneration was to be made. Now we are holding our friends at the South responsible for accomplished results; we are holding them to, what I think it is very unjust to hold them to, the accomplishment of results at this comparatively early period. Of course it is to be understood that it has taken longer to make this ready, and the weather itself has been inhospitable and unfavorable. Everything has been done at a great disadvantage, and done by a class of people who are not accustomed to make expenditures of this description and who naturally might be somewhat tardy, who might be excused if they failed even without being charged with fraud and corruption, unless we have the evidence of it.

I believe that if this exposition is treated in a good-hearted way, with a national feeling, with a spirit of brotherhood such as we ought to begin to entertain toward all portions of our country, and if we give them three or four or five hundred thousand dollars more to help them along and to let this exposition last another year, it will be a magnificent success of which the American nation may well be proud; and even if it is not, as compared with what was done at the North nine years ago, I say that in my belief the educational effects upon the southern por-

tion of our country and upon the northern portion of our people who may see fit to visit that part of the nation, and the adjacent nations, will fully justify the million or the million and a half which we have given. I trust the committee will be sustained in making this amendment to the bill, and that if a larger amount is thought to be necessary even that may be voted.

Mr. JONAS. Mr. President—

Mr. HOAR. I understand that it is proposed to take a recess at 6 o'clock. That has been ordered, and I desire to ask the Senator from Louisiana whether or not he desires to have what he says broken into, or would he prefer to have the recess taken now?

Mr. JONAS. I should be glad to have it taken now.

Mr. HOAR. I move that the Senate proceed to the consideration of executive business.

Mr. SEWELL. Will the Senator withdraw the motion for a moment?

The PRESIDING OFFICER. The Chair will inform the Senator from Massachusetts that at 6 o'clock, by a resolution passed at an earlier hour, it is the duty of the Chair to announce a recess until 8 o'clock.

Mr. HOAR. I move that the Senate now take a recess until 8 o'clock.

Mr. SABIN. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The question is on the motion of the Senator from Minnesota.

The motion being put, there were on a division—ayes 25, noes 16.

Mr. VAN WYCK and Mr. BAYARD called for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 25, nays 19; as follows:

YEAS—25.

Aldrich,	Dolph,	Miller of Cal.,	Plumb,
Blair,	Harrison,	Miller of N. Y.,	Sabin,
Brown,	Hawley,	Mitchell,	Sawyer,
Butler,	Hill,	Morgan,	Sewell.
Cameron of Wis.,	McMillan,	Morrill,	
Chace,	Mahone,	Palmer,	
Conger,	Manderson,	Platt,	

NAYS—19.

Bayard,	George,	Lamar,	Vance,
Beck,	Gibson,	Pendleton,	Van Wyck,
Call,	Gorman,	Pugh,	Vest,
Cookrell,	Harris,	Ransom,	Walker.
Coke,	Jonas,	Saulsbury,	

ABSENT—32.

Allison,	Fair,	Ingalls,	Maxey,
Bowen,	Farley,	Jackson,	Pike,
Camden,	Frye,	Jones of Florida,	Riddleberger,
Cameron of Pa.,	Garland,	Jones of Nevada,	Sherman,
Colquitt,	Groome,	Kenna,	Slater,
Cullom,	Hale,	Lapham,	Voorhees,
Dawes,	Hampton,	Logan,	Williams,
Edmunds,	Hoar,	McPherson,	Wilson.

The PRESIDING OFFICER. The yeas have it, and the Senate decides in favor of an executive session; but the hour of 6 o'clock having arrived—

Mr. CONGER. Mr. President—

The PRESIDING OFFICER. Under a resolution of the Senate passed at an earlier hour of the day, the Senate now takes a recess from this time until 8 o'clock to-night.

Mr. CONGER. Which I move to reconsider. I move to reconsider the motion by which the Senate agreed to take a recess.

The PRESIDING OFFICER. In the execution of the order of the Senate the Chair has announced that the Senate has taken a recess from 6 to 8 o'clock.

Mr. CONGER. I addressed the Chair.

The PRESIDING OFFICER. The Chair decides that the Senator from Michigan made his motion too late, because the Chair had announced the execution of the order.

Mr. CONGER. Mr. President, I addressed the Chair two or three times.

The PRESIDING OFFICER. The Chair is quite aware of that fact.

Mr. CONGER. And the Chair refused to recognize me. ["Order!"]

The PRESIDING OFFICER. The Chair is quite aware of the fact that the Senator addressed the Chair when the Chair was announcing the order of the Senate previously made.

Mr. CONGER. And it was to prevent that announcement that I exercised my privilege of addressing the Chair.

The PRESIDING OFFICER. The Chair begs to state to the Senator from Michigan that the Chair understood it to be the duty of the Chair to execute the order of the Senate, and not to allow the order to be interfered with by the appeal of any single Senator. The Senate is in recess until 8 o'clock to-night.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

EXECUTIVE SESSION.

The PRESIDING OFFICER (Mr. HARRIS in the chair). In obedience to the order made just before the recess, the Chair directs the Ser-

geant-at-Arms to clear the galleries and close the doors in order that the Senate may proceed to the consideration of executive business.

Mr. ALLISON. Is it in order now for me to move that the doors be opened?

The PRESIDING OFFICER. Not until the order has been executed.

The doors having been closed, the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened.

REPORTS OF COMMITTEES.

Mr. BLAIR. I ask unanimous consent to submit two reports from the Committee on Pensions.

The PRESIDING OFFICER. The reports will be received if there be no objection.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 603) granting a pension to Rachel Nickell; and

A bill (H. R. 7907) granting a pension to Matilda Cody.

Mr. DAWES, from the Committee on Appropriations, to whom was referred the bill (H. R. 8279) making appropriations for fortifications and other works of defense, and for the armanent thereof, for the fiscal year ending June 30, 1886, and for other purposes, reported it with amendments.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask for the regular order.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

The PRESIDING OFFICER. The pending question is on the amendment recommended by the Committee on Appropriations, in line 2396, before the word "hundred," to strike out "three" and insert "four;" so as to read:

For final aid to the World's Industrial and Cotton Centennial Exposition, now being held in the city of New Orleans, in the State of Louisiana, not to exceed the sum of \$400,000.

Mr. JONAS. Mr. President, it would seem from the objections which are made to the amendment and the item of appropriation now under consideration as if Senators in the opposition considered that it only concerned the State of Louisiana and the people of New Orleans whom I in part represent. It is true that this great exposition is held in the city of New Orleans. It is not true that it is held particularly under the auspices of the people of that city or the people of Louisiana. The exposition is held in pursuance of an act of Congress approved February 10, 1883, not introduced either in the Senate or in the House by any representative from the State of Louisiana, and not emanating particularly from the people whom I represent. The preamble to that act sets forth:

Whereas it is desirable to encourage for celebration the one hundredth anniversary of the production, manufacture, and commerce of cotton, by holding, in the year 1864, in some city of the Union, to be selected by the executive committee of the National Cotton Planters' Association of America, an institution for the public welfare, incorporated under the laws of Mississippi, a world's industrial and cotton centennial exposition, to be held under the joint auspices of the United States, the said National Cotton Planters' Association of America, and of the city in which it may be located, and in which cotton in all its conditions of culture and manufacture will be the chief exhibit, but which is designed also to include all arts, manufactures, and products of the soil and mine; and

Whereas such an exhibition should be national and international in its character, in which the people of this country and other parts of the world who are interested in the subject should participate, it should have the sanction of the Congress of the United States.

That act was passed, and in pursuance of its authority the National Cotton Planters' Association selected the city of New Orleans as the city in which the exposition should be held, much, I may say *en passant*, against the wish of a large portion of the commercial community of that city who have since contributed to its success, and who at the time entertained honest doubts (desirous as they were that the exposition should be held) whether New Orleans occupied the proper geographical position in which to hold such an exposition.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON. I ask the Senator from Louisiana to yield to me for a moment that I may submit a conference report on the legislative appropriation bill.

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Iowa?

Mr. JONAS. Certainly.

Mr. ALLISON. I move that the Senate proceed to the consideration of the conference report on the legislative appropriation bill.

The PRESIDING OFFICER. It is a privileged report that the Senator has a right to make at any time.

Mr. ALLISON. I present the report and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 15, 16, 17, 18, 19, 20, 28, 42, 43, 44, 47, 63, 64, 65, 66, 67, 75, 79, 81, 82, 88, 89, 90, 91, 92, 102, 106, 107, 108, 113, 114, 121, 123, 128, 129, 130, 131, 133, 134, 137, 138, 139, 140, 141, 142, 143, 144, 145, 173, and 174.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 6, 8, 9, 10, 11, 12, 13, 14, 23, 24, 25, 27, 28, 30, 31, 32, 33, 35, 37, 40, 41, 45, 46, 51, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 68, 70, 71, 72, 73, 74, 77, 80, 83, 84, 85, 86, 87, 93, 94, 95, 96, 97, 99, 100, 104, 109, 110, 111, 112, 115, 117, 118, 119, 120, 125, 132, 136, 150, 151, 153, 155, 157, 160, 162, 163, 164, 165, 166, 167, 168, 169, 170, and 171, and agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$62,418.90;" and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twenty-seven;" and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted insert the following: "One fireman, \$1,000;" and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$147,801.80;" and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: On page 7 of the bill, in line 5, after the word "labor," insert the words "including \$5,000 for rent of Senate committee-rooms;" and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$390,849.10;" and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$9,161.65;" and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted insert the following: "For postage-stamps for the officers of the House of Representatives: For the Sergeant-at-Arms, \$50; the Clerk, \$50; the Doorkeeper, \$50; and the Postmaster, \$100; in all, \$250;" and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,500;" and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$10,000;" and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "\$5,000;" and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$130,000;" and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: Restore the number proposed to be stricken out by said amendment, and on page 31, in line 11 of the bill, after the word "each," insert: "six sorters of money-orders at \$940 each;" and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$306,000;" and the Senate agree to the same.

Amendment numbered 98: That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$7;" and the Senate agree to the same.

Amendment numbered 101: That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$50,000;" and the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,500;" and the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,000;" and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: On page 60, in line 4 of the bill, after the word "four," insert the following: "One of whom shall be employed on the general index;" and the Senate agree to the same.

Amendment numbered 123: That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$22,700;" and the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,000;" and the Senate agree to the same.

Amendment numbered 127: That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$18,120;" and the Senate agree to the same.

Amendment numbered 135: That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an

amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following:

"That a committee consisting of five members-elect to the House of Representatives of the Forty-ninth Congress, to be appointed by the Speaker of the House of Representatives of the Forty-eighth Congress, shall prior to the first Monday of December next inquire into and investigate the expenditure of appropriations for Indians under treaty for their support, for their education and otherwise, and whether any changes should be made in said appropriations or their expenditure. Said committee shall also inquire into the expenditure of public money for the Yellowstone Park and the administration of the laws applicable to said park, whether any change should be made in said laws or the boundary of the park, and what steps, if any, can be taken to make of practical benefit and utility that portion of the public domain. That said committee shall have power to appoint subcommittees and visit the places where appropriations mentioned herein are expended, and in doing so they are authorized to use Government conveyances and means of transportation. Said committee or any subcommittee thereof shall have power to send for persons and papers and to appoint a clerk, and the committee may report by bill or otherwise to the Forty-ninth Congress. A sum sufficient to pay the expenses of said committee hereby authorized and of witnesses that may be summoned before it is hereby appropriated out of any money in the Treasury not otherwise appropriated, which shall be immediately available, and payable on the draft of the chairman of said committee in sums not exceeding \$1,000 at any one time."

And the Senate agree to the same.

Amendment numbered 146: That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted insert "one skilled laborer, \$840;" and the Senate agree to the same.

Amendment numbered 147: That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$45,420;" and the Senate agree to the same.

Amendment numbered 148: That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,000;" and the Senate agree to the same.

Amendment numbered 149: That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,000;" and the Senate agree to the same.

Amendment numbered 152: That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: Strike out all that follows the word "dollars" on page 85, in line 20 of the bill, down to and including line 22, and in lieu thereof insert the following: "And the Secretary of the Interior shall, in submitting the estimates annually for the expenses of this bureau, give in detail the number and salaries of officers and employees therein;" and the Senate agree to the same.

Amendment numbered 154: That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$72,000;" and the Senate agree to the same.

Amendment numbered 156: That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: On page 92 of the bill, in line 2, after the word "dollars" where it first occurs, insert the following: "each; one female messenger, \$640;" and the Senate agree to the same.

Amendment numbered 158: That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$31,900;" and the Senate agree to the same.

Amendment numbered 159: That the House recede from its disagreement to the amendment of the Senate numbered 159, and agree to the same with an amendment as follows: In lieu of the number proposed insert "six;" and the Senate agree to the same.

Amendment numbered 161: That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$118,500;" and the Senate agree to the same.

Amendment numbered 172: That the House recede from its disagreement to the amendment of the Senate numbered 172, and agree to the same with an amendment as follows: On page 95 of the bill, after line 10, insert as a new paragraph the following:

"For the following for the additional buildings for the money-order and Sixth Auditor's offices, namely: For heating apparatus and fuel, \$1,300; gas, \$400; furniture for the money-order office, \$500; miscellaneous items, \$500; four watchmen, three laborers, and three charwomen at \$180 each; in all, \$8,100."

And the Senate agree to the same.

On the amendments of the Senate numbered 1 and 29 the committee of conference are unable to agree.

W. B. ALLISON,

H. L. DAWES,

F. M. COCKRELL,

Managers on the part of the Senate.

WM. S. HOLMAN,

JOHN HANCOCK,

J. G. CANNON,

Managers on the part of the House.

Mr. ALLISON. I desire to say that in the bill every item has been agreed to by the conference except the one item relating to clerks of Senators. There are two amendments involved in that question.

The PRESIDING OFFICER. Does the Senator desire the Senate to take any action in respect to the disagreeing votes?

Mr. ALLISON. I do not.

Mr. INGALLS. I should like to ask the Senator from Iowa, for the information of the Senate, whether all the provisions the House of Representatives asks for their force were agreed to by the Senate.

Mr. ALLISON. I will say in response to the Senator from Kansas that they were all agreed to so far as the House force is concerned.

The PRESIDING OFFICER. The question is on concurring in the report.

The report was concurred in.

POST-OFFICE APPROPRIATION BILL.

Mr. PLUMB submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 8138) making appropriations

for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes, having met after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 9.

That the House recede from its disagreement to the amendments of the Senate numbered 13 and 15, and agree to the same.

On the amendments of the Senate numbered 3, 4, 5, 6, 16, 17, 18, 19, and 20, they have been unable to agree.

P. B. PLUMB,
W. B. ALLISON,
JAS. B. BECK,
Managers on the part of the Senate.

R. W. TOWNSHEND,
WM. S. HOLMAN,
R. G. HERR,
Managers on the part of the House.

Mr. PLUMB. The points of difference between the two Houses were the proposition of the Senate to authorize the Postmaster-General to pay the rent of third-class post-offices, the proposition of the House that the Bureau of Engraving and Printing should enter into competition with private parties for the production of postage-stamps and stamped envelopes, the proposition of the Senate that to the Postmaster-General should be committed a discretion in regard to the payment of a proper sum for the carrying of foreign mails, the proposition of the House that a special 10-cent stamp should be provided, and that consequent upon that there should be a special delivery of letters in cities of a certain size, and also the amendment of the Senate to the proposition of the House in regard to the pay of railroads, the Senate having added to the sum proposed by the House \$490,000.

The conferees have agreed upon the settlement of all these differences except that in regard to the payment of the rent of third-class post-offices, the compensation for the carrying of foreign mails, and the 10-cent stamp or special delivery of letters. In the matter of the increase of the appropriation for the payment of railroads for the transportation of mails the Senate conferees agreed to recede. In regard to the proposition that the Bureau of Engraving and Printing should enter into competition with private parties for the manufacture of postage-stamps and stamped envelopes, the House conferees agreed to recede, leaving, as I have before stated, these three items in controversy still before the two Houses so far as the committee of conference is concerned.

I ask the Senate to concur in the report of the committee of conference.

The report was concurred in.

Mr. PLUMB. I move that the Senate further insist on its amendments to the Post-Office appropriation bill not so far agreed on by the two Houses, and ask of the House of Representatives a further conference on the disagreeing votes.

The motion was agreed to.

By unanimous consent, the presiding officer was authorized to appoint the conferees on the part of the Senate, and Mr. PLUMB, Mr. ALLISON, and Mr. BECK were appointed.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

The PRESIDING OFFICER. The pending question is on the amendment in line 2396, to strike out "three" and insert "four," so as to make the appropriation for the World's Industrial and Cotton Centennial Exposition \$400,000; on which the Senator from Louisiana [Mr. JONAS] is entitled to the floor.

Mr. JONAS. I was saying when interrupted that the act of Congress authorized the Cotton Planters' Association, who originated the exposition, and who are an important and respectable agricultural association of this country, to locate the exposition, which they did, at New Orleans. I take occasion here frankly to say that in my opinion it would have been better had they chosen Atlanta, or Nashville, or even Louisville, although that city is outside of the cotton belt. They are all greater centers of population, and I believe the exposition would have been a greater financial success if located in either of those cities. But it was located in New Orleans, and without any action or volition on the part of the people of that city.

The act also provided:

That the President of the United States may, upon the recommendation of the executive committee of the National Cotton Planters' Association of America, appoint six United States commissioners, and, upon the recommendation of the majority of subscribers to the enterprise in the city where it may be located, may appoint seven United States commissioners, who together shall constitute a board of management of said World's Industrial and Cotton Centennial Exposition.

Sec. 3. That the President of the United States may, on the recommendation of the governors of the various States and Territories of the Union, appoint one commissioner and one alternate commissioner for each State and Territory, whose functions shall be defined by the said board of management.

Under the above provisions the President appointed six commissioners, and he also appointed seven other commissioners, who were chosen by the subscribers, who subscribed some \$500,000 to the stock of this enterprise. These constituted the board of managers, appointed and commissioned by the President, with full faith and authority given to them by the President under the provisions of the act of Congress.

Here I take occasion to say that this board of management thus con-

stituted is chosen from the best, the most prominent, the most reliable, and the most successful business men of the city of New Orleans and its vicinity. They were appointed irrespective of politics, and most of them are men out of politics, but actually representing both political parties.

I take further occasion to say that the director-general of the enterprise, who has been held forth as its head and front, is not a member of this board of managers. He is an executive officer, and whatever power he possesses, whatever acts he has performed, or whatever disposition he has made of the moneys which were in his possession, has been under the control and by the direction and advice and the vote of this board of managers.

Some \$584,000 were subscribed to this enterprise by citizens of New Orleans and other persons interested in its success. The President in the mean time was authorized by another provision of the act, which I shall read, to issue invitations to foreign governments:

Sec. 2. That the President be requested to send, in the name of the United States, invitations to the governments of other nations to be represented and take part in said World's Industrial and Cotton Centennial Exposition, to be held in some city of the United States, to be hereafter selected as aforesaid.

He issued such a proclamation calling on the nations of the earth to send their exhibits to this great world's exhibition to be held in the city of New Orleans under the provisions of this act of Congress. The States all appointed commissioners who were commissioned by the President, and a like invitation was extended to the States and Territories of the Union to send their exhibits to this exhibition. It grew into such grand proportions, so much beyond the conception of its projectors, so large a space was asked for by the exhibitors, so generous a response came from all parts of the world from the nations of the earth who desired to participate, that it became evident that those who had originated the exhibition would not be able to carry it out. It originated with the poor; its managers were poor; the people of the section in which it was to be held were poor. They were utterly unable to meet its immense growth, which had passed beyond their most sanguine expectations, and they came in good faith to Congress to ask for a loan of \$1,000,000, which was accorded to them by the act approved May 21, 1884.

This million dollars has been expended. The exposition which was to have opened on the 1st of December opened on the 16th. It opened like all gigantic enterprises of the kind—behindhand, and wanting in detail and perfection. Very little could be done in the summer. The exhibitor sent forward their exhibits all at once. It was impossible to locate them and get them into position in time for the opening; and when the opening came, instead of the weather being as it usually is, mild, genial, and balmy, suitable not only for the prosecution of outdoor work for the completion of the exposition, but inviting to every one for recreation and enjoyment, for the first two months New Orleans was visited with such wintry weather as has never been known within the memory of the oldest inhabitant—constant rain, cold almost equal to that in this latitude, mud which rendered the roads impassable and which protracted the transportation of the machinery and heavy exhibits; in short, weather which kept off the crowd of visitors who were expected to be present and to pay by their attendance the expenses of the exposition. There were two months of almost absolute disappointment; almost two months of absolute loss of revenue; and it was not until the 27th day of January that the gate receipts began to pay the current running expenses of the exposition.

I believe that the managers of the exposition were acting in good faith when they came to Congress and asked for this loan.

Mr. HARRISON. Will the Senator from Louisiana allow me to ask him a question?

Mr. JONAS. Certainly.

Mr. HARRISON. What has he to say to the statement of the chairman of the Committee on Appropriations, that when they came before that committee asking the loan of \$1,000,000 they represented that they had *bona fide* and reliable subscriptions to the amount of \$800,000 when it appears they had but a little over \$500,000?

Mr. JONAS. I think that my friend, the chairman of the Committee on Appropriations, is mistaken. I think they represented to him that they expected and hoped to raise \$800,000; that they had over \$500,000 subscribed and they expected to increase it to \$800,000. The fact is they had over \$600,000 subscribed and \$584,000 have been actually paid.

I repeat, they were in good faith when they asked for this loan. I thought they were too sanguine. I never dreamed when I advocated the loan that they would be able to repay it to the Treasury. I believe they were in good faith in thinking that they could pay it, or some portion of it, anticipating as they did that the receipts would be large, and that the whole world would flock to visit the exposition. Situated as it is, at one of the extremities of the Union, almost as remote as if it were in a foreign country, with a sparse population in the adjoining States, and one ill prepared to bear traveling or other expenses, I never dreamed that it would be self-sustaining, but I thought that it would be honestly managed, that it would pay its current expenses, and that what was realized beyond the current expenses would go into the Treasury to the credit of the loan, and that the exposition

would be a great and beneficial enterprise which would repay a hundred-fold to the people of this country the paltry amount which was borrowed from the Treasury to carry it on and make it a success.

Mr. President, I wish for a moment to indulge in some comparisons between this exposition and the one held at Philadelphia. There are represented in this exposition forty-six States and Territories and twenty-one foreign governments. The total space occupied in Philadelphia by the State exhibitions was 21,711 square feet; in New Orleans it is 327,196 square feet. It will be observed from the above that the actual area of space for exhibits at New Orleans is more than fifteen times that of the Philadelphia Centennial Exposition. The area of the official buildings in Philadelphia was 2,505,789 square feet; in New Orleans it covers 2,726,305 square feet. The principal buildings at the international exhibition in New Orleans cover 2,370,855 square feet; in Philadelphia they covered 2,044,542 square feet; in London in 1862, 1,400,000 square feet; in Paris in 1878, 456,923 square feet; in Vienna in 1873, 430,500 square feet; and in the small but brilliant exposition in Atlanta in 1881, 107,520 square feet—less than one-twentieth that occupied by the New Orleans Exposition, and occupied and filled by actual exhibits. Now let me give a comparison of the cost of the various buildings erected by the management at New Orleans and Philadelphia. The buildings in Philadelphia cost \$5,242,295; in New Orleans \$989,211, or less than one-fifth of that amount.

Mr. President, much has been said about the improvements of the ground. My friend from New Jersey [Mr. SEWELL] called attention to a fact, stated also in argument in another place, that the city of New Orleans subscribed but \$100,000 to the exposition, and that \$140,803 had been expended in the improvement of the public park of that city, in which the exposition is being held, and he called attention to what he said was an injustice that New Orleans should receive back from the improvement of her public park a larger sum than she subscribed to the exposition. The improvement of the grounds upon which an exposition of this kind is to be held is as legitimate an expenditure as the erection of the necessary buildings. Let me call attention to the difference between the amount expended in the improvement of this unoccupied and waste space of ground called by courtesy a park, in which the exposition is held in New Orleans, and the immense amount expended on the beautiful Fairmount Park, opposite the city where the Senator resides and in sight of his home.

At New Orleans the cost of the park improvement was \$140,803; in Philadelphia, \$922,782.

Now, Mr. President, the city of New Orleans, he says, derives the benefit resulting from this improvement. Can it be taken away? This money is expended for grass plots, for gravel walks, for pavements, for grading, for cementing, for draining—all for the purpose of making this park beautiful and useful for this exposition. Can it be taken up and given to the Government? Do the Government needs require this park to be reduced to its original condition, that of a morass or wilderness, where all this work would be destroyed? Does the gentleman ask that, and was that done with Fairmount Park in 1876?

Again, a large portion of the expenditure for the improvement of this park was for a wharf. This park is on the Mississippi River. The most convenient mode of reaching the fair is by steamboat running from New Orleans some six miles up to the park. A great many of the exhibits have been carried that way. Boats coming down the river land their passengers and freight there. It was necessary for that purpose to build a wharf, and the expense of building that wharf forms part of the amount which has been expended in the improvement of the park.

Now, Mr. President, I will come to the whole cost of this exposition, and first I will ask my friend the Senator from Connecticut [Mr. HAWLEY], who was the president of the Philadelphia Centennial, what was the whole cost of that exposition?

Mr. HAWLEY. I am sure I can not say at this moment what the entire expenditure was. I have not looked at the figures for two or three years.

Mr. JONAS. Was it not in the neighborhood of seven or eight million dollars?

Mr. HAWLEY. I should say in general it was.

Mr. JONAS. It was in the neighborhood of seven or eight million dollars. This exposition is larger than that at Philadelphia, occupying more space, with larger exhibits, and, as it now stands almost fully completed—the greatest exposition that the world has ever seen, and I bring the testimony of gentlemen of Philadelphia to that effect, the distinguished editor of the Philadelphia Times, the mayor of Philadelphia, and others—has cost altogether, including the debts which they now ask Congress to pay, a little over \$2,000,000—\$630,000 subscribed, \$1,000,000 loaned by the Government, and a deficit of near \$400,000, making in all some \$2,000,000, as compared with seven or eight million dollars spent for the Philadelphia exposition. Does this show extravagance or mismanagement? Does it show waste or corruption? The buildings are there; the exhibits are there. The exhibition as a success is equal to if it does not excel the one at Philadelphia, and the expense is a little more than one-fourth of its cost, including the \$400,000 of debt, which we are now asked to pay.

The director-general, when he appeared before the Appropriations Committee and made his estimates for the exposition, estimated that it

would cost some \$1,700,000. Its cost, including large expenses which have been caused by the delay consequent upon the late opening and the extra expenses of transportation of freight owing to the weather, counting in all the expenses which had to be paid in consequence of these things, is some \$2,000,000, scarcely \$300,000 over the original estimate.

Is this an evidence, I ask again, of misappropriation of funds in an enterprise so great as this? Are there any people in this country so experienced in the creation and management of these great enterprises as to entitle them to be able to calculate to a dollar, or even within half a million of dollars, what shall be the necessary expense and outlays? Scarcely a gentleman builds a house but finds the outlay 10, 15, or 20 per cent. greater than his estimates made by a careful architect. And this great exposition, a novelty to us, with which every man concerned was entirely unacquainted, in which not one man engaged had one dollar's worth of interest except his subscription on which he expected no dividend or return, the director-general even without a salary, because he invested it in stock and gave that stock away to a charity—does this expenditure, I say, show on their part mismanagement or corruption? The Committee on Appropriations may not have had time thoroughly to examine all the papers referred to them, but what evidence is afforded that there has been any mismanagement on the part of the managers?

My friend, the Senator from Kansas [Mr. PLUMB], says that when the matter comes to be examined things will be developed that will startle the country. I will ask my friend where there is lurking in these expenditures anything which when discovered and exposed to the world (as it is provided by this bill it shall be before a single dollar is taken out of the Federal Treasury) will show any corruption? My friend, I am satisfied, makes this statement without consideration, and has no evidence on which to base the charge.

Mr. President, in these expenditures the managers have paid \$192,000 to the States. They gave \$5,000 to each State which made an exhibit. At the time this was done many of the State Legislatures had not provided by appropriation for their State exhibitions, and where they did provide an appropriation it was in many cases too small; and this money was taken and used in every case, and used effectively, by the various commissioners from the States in order to perfect and install their exhibits. The management paid \$265,000 for the Government building. At Philadelphia the Government erected and paid for the Government building. It was provided by law when the loan was made that the management should erect the Government building in a style suitable for the exhibition of the United States, and this was done at an expense of \$265,000.

In addition, over \$20,000 was paid for the installation of the Government exhibition and State exhibits, making a total of over \$480,000 paid out of this \$1,600,000 by the management for the installation of the United States and State exhibits.

Mr. President, this exposition finds itself in debt some \$400,000. This debt is for balance due on the buildings and their erection, it is for salaries, it is for freights, it is for costs of installation, it is for electric lights, portions due the States and Territories; it is, the managers say, all an honest indebtedness; and if it is not, they can not get one dollar of this appropriation which they now ask. They ask, or rather it is asked for them by the commissioners of the States and the committee of exhibitors, that the Government pay this \$400,000 in order to put this exposition in running order and enable it to maintain itself on its daily receipts.

The chairman of the Committee on Appropriations has expressed his belief in the ability of the exposition to maintain itself even if this relief is afforded. Mr. President, I differ with him. There is no doubt that it will be self-sustaining. Its running expenses have been reduced now to some \$2,500 a day, and they will not exceed, even if this appropriation is made, \$2,800 a day, which includes advertising, which has been temporarily suspended; and its receipts now average \$5,000 a day. They have been \$10,000. The receipts yesterday were \$5,300. During Lent, after the carnival is over, and with fine weather such as may be expected in March, April, and May, there is no reason to doubt that the receipts daily will be fully double the amount required to pay the current running expenses of the exposition. Of course whatever surplus there is goes to the Government. There are some additional expenses which will have to be paid in the shape of premiums not yet declared.

They find themselves crippled with this debt. Their daily receipts will not pay their indebtedness, or will not pay it as fast as is required. They have creditors who have been long waiting, who should have been paid in December, in January, or February. They can not wait the slow process of the collection of the amount by the daily receipts. They are pressing. They have it in their power to have a receiver appointed and to stop the exposition; they have it in their power to destroy it just as it is beginning to be profitable, just as it is beginning to be successful, and just as it is beginning to be such an exposition that the whole country and the whole world can be proud of. It is impossible for them to raise the money to discharge these debts, and the committee appointed by the commissioners from the different States and the committee appointed by the exhibitors come to Congress and ask for fur-

ther relief. They do it not because of any failure of the city of New Orleans; they ask it not on behalf of the city of New Orleans; they ask it not on behalf of the State of Louisiana; they ask it from no sympathy or consideration for the managers of this exhibition, and I am not here to defend them except as the figures defend them. They are, many of them, friends of mine; they are among the best of my constituents; I feel every sympathy for them; but I am not prepared to say that they have not made mistakes.

I am not prepared to say that they may not have spent more money than experts would spend under the same circumstances; I am not prepared to say that some of their contracts may not have been improvident and that some small portion of this money may not have been wasted; but suppose it has been, we are brought face to face with the fact that this exhibition is about to fail and that it has not the power or the means of helping itself. We are told by the commissioners of the different States and the exhibitors that the President of the United States under the authority of an act of Congress has invited them there, that their States have expended \$30,000 or \$40,000 apiece, that the exhibitors have gone to a heavy expense, that the foreign exhibitors have brought expensive and immense exhibits from all parts of the civilized world and from the far East, at a heavy expense to this exposition, on the faith of the Government and under the invitation of its President. They say to the Government, "You have no right to decree that the exposition shall perish." They say it not in the interest of the people of Louisiana, because the interest of the people of Louisiana forms but a small portion of this great and grand exposition.

This exposition brings to them but little of profit except they hope that it will advertise the manifold advantages of their soil and their climate, as they hope it will also draw attention to all their sister States of the South. They say they ask it for themselves, for the citizens of Minnesota, and Indiana, and Kansas, and Iowa, and New Hampshire, and Vermont, and Maine, and New Jersey. They ask it for your constituents, for your fellow-citizens who have sent their exhibits there under heavy expense and who are threatened with ruin unless the exposition can be carried on for three months longer. They tell you it can not last unless they have relief, and it can not stand up under its present burden of debt. These commissioners and exhibitors, intelligent men, whose report is before you, tell you that with this assistance it can not only pay its running expenses from day to day but can earn some money with which to pay back to the Government a portion of the money which it advanced.

The House of Representatives voted \$300,000 with a restriction. The list of debts shows that \$383,000 are due. Seventeen thousand dollars, not included in this, for which the Committee on Appropriations have the figures, bring up the amount to nearly \$400,000. These debts are honestly due; they are due to citizens of all parts of the country; they are due, many of them, for premiums; they are due for objects specifically set forth in a detailed account furnished to the Committee on Appropriations.

There is no reason why, if we pay one dollar, we should not pay all. There is no reason why \$400,000 should not be appropriated as well as \$300,000. There is no reason why Congress should say that the debts due to persons outside of the State of Louisiana are to be paid with this \$300,000 and that not a dollar is to be paid to honest creditors within the State of Louisiana. What sin have the people of Louisiana committed except that this great exposition and world's wonder is now being held on their soil and within their territory—what sin have these creditors living in Louisiana committed, who have given their time and their labor to the perfection of this great enterprise, that they should be denied payment when creditors in other portions of the Union are provided for?

The amendment of the Senate Committee on Appropriations simply proposes, if the theory is correct, if we are bound to pay these debts, if the national honor is involved, if we have made ourselves responsible morally if not legally that this exposition shall be carried on successfully until the last of May, as we told the nations of the earth it would be when we invited them to it—if there is a necessity in order to do that that this debt should be paid it should be paid in full, \$400,000 instead of \$300,000, and there should be no restriction preferring one creditor to another. I would say right here that the class of creditors who are to be excluded from any participation in this appropriation are that class of creditors who can do the exposition more harm, whose claims will be more urgent than those urged by any other class, as they are mostly mechanics and laborers, who under the law of Louisiana have a lien on the buildings, have a lien on everything on which they can place a hand, a lien which perhaps many of the foreign creditors have not under our system of laws.

I do not care to pursue this subject any further. The testimony of the whole world has pronounced this exposition a great success. It is not a financial success. It never will be; I never hoped it would be; and there never has been such an exposition held in the wide world which was a financial success, whether at Vienna or London or Paris, or even at Philadelphia. In Philadelphia the money loaned by the United States was paid back to the Government, but not a cent I believe was divided among the stockholders. The Government loan was paid and seven or eight million dollars were spent.

Mr. HAWLEY. Lest I might forget it, I beg to say here that 22½ per cent. was paid to the stockholders. It may have been a little more, but I think that was the percentage.

Mr. JONAS. Twenty-two and one-half per cent. was paid and 7½ per cent. was lost where the exposition was visited by 150,000 people a day for weeks together; there were over 100,000 visitors every day in this great center of population.

I have never hoped that this would be a financial success, but, as the Senator from New Hampshire has well said, it is, notwithstanding, a great success. It is an educator of the people. The country could well afford to pay for it five times as much as it has cost. Now, when we are at the fruition of our hopes, when this great exposition is complete, when it offers educational privileges such as have never been seen before in this country, we are threatened with a total destruction and loss because it is pressed down with \$400,000 of debt which is due.

Mr. BAYARD. Will the Senator from Louisiana yield to me for a moment?

Mr. JONAS. Certainly.

Mr. BAYARD. I remember very well in 1872 the Centennial Exposition at Philadelphia was first suggested to Congress, and by the express condition of that act the Government of the United States, while extending a national invitation to visitors, was expressly exempted from any contribution for the cost; but as time went on the collapse of 1873 occurred, and the States that were formerly willing and able to have made subscriptions to carry out the object of that exposition were unable to complete their engagements. Then the bill to appropriate one million and a half to aid that exposition came before the Senate, and it was urged that by the express terms of the act authorizing the Government to become the host of foreign guests and invite them here no dollar of the expense was to fall upon the Federal Treasury; but Congress realized that a public depression and that a great public distress had fallen upon the people of the country in the shape of a financial collapse, and that the States were not able to carry out the original design; and therefore, despite the fact that Congress had expressly excepted any obligation to pay at all in assistance of that exposition, the appropriation of one million and a half dollars was made.

In the present case it strikes me that much that is similar in fact has occurred. When this Cotton Exposition at New Orleans was first set on foot all was fair and entirely prosperous in our land. But to-day we all realize that there is great depression, there is great suffering. There is a large amount of idleness among those who are employed and there is great loss to those who employ them. The state of affairs, then, is quite similar and the cause is almost the same that induced the Congress of the United States in 1874 to make a contribution which it had expressly resolved against two years before, simply because a change of affairs had taken place all over the country.

I believe to-day that a large cause of the want of receipts at the New Orleans Exposition is the simple poverty of our people. Men who were well off two years ago do not feel themselves able to-day to meet the expense, and for that reason a great commercial project is in straits—an object that we are seeking to accomplish under the commercial power of the Constitution, and which has been repeated over and over again by the Government of the United States sending ships carrying freight free, with the contrivances of American skill and industry, to the exhibitions at Paris, at Vienna, and at London. If we could afford and could find power to contribute thus to the education of other nations and to expositions in foreign countries, surely that power must be given us when we are dealing with part of the United States themselves.

If there has been, as I submit, a change and a check—a temporary check I hope and believe in the prosperity of our affairs—we will recognize that fact to-day just as the Congress of 1874 recognized the fact then that the contributions which were expected then failed because of a public distress. The contributions which were expected from private sources are now withheld because of public distress, and there is no reason why Congress should not step forward now and for a great public end make as fair and liberal a contribution proportionately as it did ten years ago to the great exposition at the city of Philadelphia.

Mr. JONAS. I was going to say that the proviso which the Senate Committee on Appropriations has inserted provides that—

No part of the foregoing sum shall be paid until statements and exhibits in detail, satisfactory to the Secretary of the Treasury, are made of all expenditures under the appropriation made by act of July 7, 1864, and that said expenditures have been made for the purposes and in the manner provided for in said act.

I submit that if there has been any improvident or improper expenditure, it must all be accounted for satisfactorily before this money can be expended. Here I desire to state to my friend from Indiana, who asked a question of the chairman of the Committee on Appropriations to-day, that the exposition closes on the last day of May, and that it is necessary that the aid should be extended now if at all, and that at the next session of Congress this appropriation would come too late, the exposition would have fallen, would have passed into ruin, and it would be impossible to resuscitate it.

Mr. HARRISON. As the Senator has turned his attention to me, I should like to ask a question.

Mr. BROWN. I had risen to ask a question, but I will yield.

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Indiana?

Mr. HARRISON. The Senator from Louisiana addressed his remarks to me, and therefore I address him. I beg pardon of the Senator from Georgia. It appears from the statements which have been laid before the Senate that the entire amount of the \$400,000 suggested by the Committee on Appropriations of this body will be insufficient to pay the existing debts of the management.

Mr. JONAS. No, sir; I beg the Senator's pardon. It appears that it will be sufficient to pay the debts.

Mr. HARRISON. Well, suppose it be sufficient, as the Senator says; what has the Senator to say as to the future prospects of the exposition between now and May?

Mr. JONAS. I have said that the daily receipts now are double the amount of the expenditures, and there is every reason to expect that that will continue so to be until the close of the exposition.

Mr. HARRISON. The Senator has said now—

Mr. JONAS. The daily expenditures are \$2,500, and the daily receipts are over \$5,000.

Mr. HARRISON. Has that been true on every day during the Mardi Gras celebration at New Orleans?

Mr. JONAS. That has been true every day since Mardi Gras, during Lent, which is the duldest period of the year in New Orleans. The receipts on Saturday last were \$5,300.

Mr. BROWN. Some remarks have been made during the discussion in reference to the management of this fund. I desire to ask the Senator from Louisiana if the management disbursing these funds were not appointed by the President of the United States?

Mr. JONAS. I have so stated.

Mr. BROWN. And they disbursed no money except by resolution signed by their treasurer, and on check signed by the treasurer and auditor.

Mr. JONAS. They do not; they have a treasurer and auditor.

Mr. BROWN. But all their vouchers are presented to the Secretary of the Treasury; and do they not undergo the same scrutiny that is required in the case of all Government expenditures?

Mr. JONAS. I am so informed.

Mr. BROWN. Then how is it possible for a misappropriation of funds to have occurred?

Mr. JONAS. I believe the only way it could be insinuated that there has been mismanagement has been in extravagance in expenditures; perhaps they have made improvident contracts; perhaps they have paid more for buildings and more for materials than they should. There is no evidence of it, but I say that as the expenses are some \$400,000 more than the estimates, it is possible that there may have been some mistakes.

Mr. BROWN. Was there not as much done there for the \$2,000,000 as for the \$7,000,000 in Philadelphia?

Mr. JONAS. There has been, and I have argued that this proves that there could have been no mismanagement or improper expenditure.

Mr. BECK. Mr. President—

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON. I ask the Senator from Kentucky to yield to me for a moment. I desire to move, as I see the legislative appropriation bill is still on the table, that the Senate further insist on its amendments to that bill.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from Iowa moves that the Senate further insist on its amendments to the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

Mr. MORRILL. Do you not want to ask for a conference?

Mr. ALLISON. I do not ask for a conference.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8256) making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

Mr. BECK. I listened to all that has been said in regard to the necessity of the granting of an additional sum to the New Orleans Exposition. I confess I listened with some prejudice when the statements were first made; but after looking over the whole ground I was entirely convinced that we ought to give the \$300,000 that the House suggested, and then if we intend to do any good at all we ought to make the aid \$400,000, and there end our contribution to the exposition.

The chairman of the Committee on Appropriations has gone over the whole ground. He has stated all that any member of the committee can state as to our reasons for acting as we propose. I do not believe that any additional argument on my part can add anything to what he has said; and as we have only one more working day before this Congress dies, and as the deficiency bill and the fortification bill and the river and harbor bill and this bill, together with a number of other bills yet in conference, have to be disposed of, I hope and trust that we shall endeavor to close this debate, and vote one way or the other, and

let this bill get through, as it must be passed. If what has been said will not induce gentlemen to vote for the appropriation, nothing that I can say, or that any other member of the committee can say, I think, will change the mind of a single Senator. Time is extremely valuable, and I will not therefore venture to say more than to urge very prompt action in regard to this bill, or we are not going to get away on the 4th of March with our work well done.

Mr. WILLIAMS. I do not want to make a speech, but simply, as this is perhaps the last time I shall ever address the Senate, to express my amazement that the Senate of the United States has hesitated one moment in voting for this amendment of the Committee on Appropriations.

Now, what is this case? The House of Representatives have sent to us on this appropriation bill a clause appropriating \$300,000 in further aid to the exposition at New Orleans; and the Senate Committee on Appropriations propose to increase that by \$100,000; and a paltry \$100,000 is the sole subject of all this lengthy discussion.

What is the exposition? Is it the exposition of New Orleans? No, sir. Is it the exposition of Louisiana? No, sir. Of the South? No, sir; nor of the West; but of the whole country.

This exposition started with the intention first of being merely an exposition of cotton production and the manufactures thereof. It was widened to embrace all the agricultural interests of the South and West. Finally Congress took hold of it, and they said, "We will widen the basis of your operations, we will make the exposition national, we will make it international, we will give you a million dollars to make it the greatest exposition this country or the world has ever seen." It became by that solemn act of Congress a national concern. It is our exposition and not the exposition of Louisiana or of New Orleans. It was placed at New Orleans because that was the most convenient point for the South American and Central American republics, with whom it is our interest to cultivate the most intimate relations, and to extend our commerce and trade by every means in our power, and also for Mexico, the greatest of all our sister republics upon this continent.

The President of the United States was directed by an act of Congress to invite all the nations of the earth to participate in this grand international exposition to be held at New Orleans. He invited them, and they have come. New Orleans is merely the place where the exposition is located. It is the grand banquet hall, and we are the representatives of 55,000,000 people in entertaining all the nations of this earth. And yet we hesitate, we higgie about adding \$100,000 to the appropriation made by the House to prevent this exposition from failing.

Why, Mr. President, I have seen within two days five hundred people who have just returned from that exposition. Many of them have seen the great expositions in London, in Vienna, in Paris, and in Philadelphia, and they all concur in saying that this is the grandest one that has ever been had on the face of this earth. Mexico alone, our sister republic that lies along our borders for more than a thousand miles, occupies five acres of ground in the display of her products alone. There is not one republic of the whole Central or Southern American States that is not represented there to-day; nor is there a civilized nation in Europe or in Asia that has not its exhibition there to-day.

These are the commercial views, but there are moral and political and social views as well. It is a bringing of our people together from every section of this broad country; and the way to make its people love each other more is to make them know each other better. Whenever you bring them together and let them associate with each other, as these exhibitions have always done, the country is greatly benefited, prejudices go away, sectional prejudices drop from off them, and they fraternize at once. They are the occasions when all commune together, and they erect their altars upon which all the sections after their long estrangements may come and renew their vows of patriotism upon a common altar of a common country.

These are some of the advantages, and if the sum was \$5,000,000 instead of \$400,000 I should say it was money well expended, for we should have a return in time of \$500,000,000 for it. Since I have been in the Senate I have never been narrow or sectional in any of my views. I have always stood up for what I thought was the true interest not only of my section, but of the whole country. I have voted away millions and hundreds of millions, or aided in doing it, of the people's money for general purposes that were not confined to my section alone, and I do not believe it is possible that any Senator on either side of the House can have any such view in this matter. I have voted money for internal improvements, I have voted for all public purposes, for education, for pensions, and I voted the other day to put General Grant upon the retired-list. When a great man like Grant, the chief soldier of his age, twice President of the United States, and a man who had filled the largest place in the world's eye of any living mortal, is broken down in health and constitution and weighed down by years, I have felt it to be unjust not to place him on the list of the Army, and I voted for it and I am proud and glad that I did.

I can not believe that there is any Senator who on this question is actuated by a sectional motive. The interests of the Southern country, industrial, commercial, moral, and social, are all to be advanced by

this, and it is a paltry sum to be appropriated for such a grand purpose.

These are the reasons for which I shall vote for the amendment of the committee.

Mr. ALLISON. Mr. President, I ask unanimous consent that the debate upon this amendment and the other amendments to this bill may be confined to five minutes for each Senator under the usual five-minute rule.

Mr. VAN WYCK. Put it on this clause.

Mr. ALLISON. Well, for the present I will ask unanimous consent to confine debate to five minutes by each Senator on this amendment.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that debate on the pending amendment shall be confined to five minutes.

Mr. ALLISON. And on all amendments to this clause.

The PRESIDING OFFICER. Debate on all amendments to this clause of the bill. Is there objection?

Mr. HAWLEY. I am going to say a few words, but I will do my best to keep within the five minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa?

Mr. HAWLEY. I do not object.

The PRESIDING OFFICER. The Chair hears no objection, and it is so ordered.

Mr. HAWLEY. No doubt there were elements of weakness in this scheme from the beginning. One of them was obviously, as the Senator from Louisiana has admitted, placing the exposition at New Orleans with the Gulf on one side and a thinly settled country all around it. It was different at Philadelphia at least in this: that Philadelphia was the center of perhaps 4,000,000 people who could leave home in the morning, spend some hours, and get back at night; but it is quite useless to discuss that now.

The difficulty in the case is that the United States has made itself in a sense responsible to the world for the exposition; that it openly did so with the experience of the Centennial Exhibition before it. It authorized or directed the Secretary of State to invite foreign nations to come here and join in the exhibition, and loaned the enterprise a million of dollars. That gave a start, particularly to foreign exhibitors, and they came there. We knew the experience which had been had before. I feel under some sort of obligation to the foreign exhibitors. Some one says we have nothing to pay them. I can not help feeling that there is a little moral and equitable obligation at least. If there should happen to be awarded thirty, forty, or sixty thousand dollars to foreign exhibitors, and then the management at New Orleans should turn around and say, "We are quite unable to pay," and a foreign exhibitor writes to his minister at Washington and he says, "The Secretary of State for the United States gave a cordial invitation to our country to go there, and its citizens have gone from Belgium or France; they were cordially invited to come and they did come"—these are the things that trouble me.

I can criticize the management very easily. Any man of business experience can criticize the management of the exhibition to some extent. It was a mistake, I think, to make an offer of \$5,000 to each of the States and Territories to get their exhibits there, to get them to make exhibits. The business of a corporation of an exhibition is in the first place to prepare the ground, to put up buildings, and see that they are ready for exhibits; but it is not to undertake to prepare those exhibits, or to bring them down, or to put them in the building even. That is the business of the exhibitors.

The management should have left it to the patriotism and enterprise of the States to pay the expenses for going down, but they have paid out \$192,000 (and you might as well charge it out of the Government's million) to the States to bribe and stimulate them to go with their exhibits. I am not scolding about it, but I think it was an error in the management, an error in the general policy of such an exposition.

Again, I do not see why they should payout \$6,000 or \$7,000 for railways. I suppose they will say that they got into some controversy with the railway companies, and those corporations had not enterprise enough to lay their tracks to the buildings in the way they ought. At any rate the management felt absolutely compelled, in order to do anything in that direction, to spend \$6,000 or \$7,000 on branch railroads running to the exposition. That, whether a misfortune or otherwise of judgment, it is too late to inquire into. There it is as one of the expenditures.

Then they spent money on the Government building there. There were \$285,000 of the million that went toward governmental and State purposes. We ought not to find fault with them about that; we ought not to speak as if they had wasted the million dollars, for they have not done it. If their extraordinary figures, as published in the National Republican of Friday, the 27th, are correct, they have done remarkably well in some respects. I do not see how they have covered so many acres and have a construction account for buildings of only \$900,000. There certainly can not be much robbery in that feature. I do not know where the robbery can be discovered in it by my casual observation.

My friend from Louisiana—I am hurrying through as rapidly as I

can—made a comparison or two for the sake of praising the managers at New Orleans, which seemed slightly to reflect on the Philadelphia exhibition. Let me explain. He says that the buildings at Philadelphia cost \$5,242,000 against \$969,000 at New Orleans; but remember that the State of Pennsylvania put up a Memorial Hall there, at a cost of \$1,000,000, to be a permanent memorial of the celebration. We covered as much ground and found as much room by the expenditure of seventy-five or a hundred thousand dollars. We did not put that million in our actual account; we did not place that among our obligations, and did not put that into the stock at all. The State of Pennsylvania contributed a million-dollar building; but it was nothing to us. It goes into the \$5,000,000, however. So of the beautiful Horticultural Hall, which was a permanent decoration of the ground and is there now. It is the Horticultural Hall of the city of Philadelphia, part of its park. That accounts for the cost of our buildings.

The PRESIDING OFFICER. The Senator's five minutes have expired.

Mr. VAN WYCK. I hope unanimous consent will be given to the Senator to proceed.

Mr. HAWLEY. I will go on as rapidly as any other man and get through as soon as I can, and that briefly. Horticultural Hall is the permanent property of the city of Philadelphia, in that park.

Again, the Senator from Louisiana says the cost of preparing the grounds in Philadelphia, such as grading, draining, bridges, fences, &c., amounted to \$922,782. I had forgotten the figures. Perhaps that is correct. That is not large; but that was done by the city of Philadelphia as permanent improvements of the magnificent Fairmount Park, and there it is to show for itself to-day and it did not cost us a cent. He compares the \$922,000 with \$180,000 that the management have spent on the ground at New Orleans. The management have spent a part of the general fund and leave it for the city. The city of Philadelphia spent it for the exhibition, and there it is. So the Philadelphia exposition, instead of being \$700,000 behind the New Orleans, was \$130,000 ahead of it so far as the park business is concerned. I say that by the way lest I might seem to submit to some things that are possible reflections.

Remember in behalf of this enterprise that they were seeking to crowd the railroads at a time when all the fall crops were rushing there; remember the extraordinary season, the flood and rain, the difficulties in getting to the ground; remember the inevitable delay in opening because this affair was not done in season, the foreign exhibits were not ready quite in season; and the people who went there for the first three weeks sent home very unfavorable reports about all the matters of personal comfort, especially the ease of access to the grounds, &c. Those things were a great discouragement. Take the blocking of the railroads, for example. They had to bring in 10,000 tons of goods there, and they crowded up the roads and side-tracks for miles. The railroads were overwhelmed, and so were the exhibitors.

There is one error in the exhibition, let me say in passing, that has pressed upon every exhibition of the sort. I have been to many other places and seen them. It is the temptation of size. A man will come along there with ten pianos, with ten rakes, or ten reapers and mowers, and wants to make a grand exhibition, covering a space as large as this Chamber. You tell him one single mower and reaper is enough, you tell him one Steinway grand is as good as fifteen, and you condense the space to the size of a common bed-room and crowd him into it with his one piano. I mention that by way of illustration. Size is not necessary as the gauge of excellence.

I am not willing to believe from what has been said that this is not really an admirable exhibition. In one feature I am sure they have done better than was done in Philadelphia, and that is in getting fine collective exhibits from a larger number of States. The States exhibited a good deal in Philadelphia, but their exhibits were largely scattered, and they did not to a sufficient extent make agricultural and geological and mining collective exhibits, as Kansas did, to its great benefit without doubt. None of these exhibitions ever paid, none of them ever came near paying in any country in the world, in the ordinary acceptance of the term. They are supported by subscriptions of private stock and by the contributions of governments, and yet there has never been a good one held that was not worth ten dollars to the country for the one that was expended on it. There never has been one of these great international exhibitions held that did not to a large extent revolutionize the industry and the manufactures of the country in which it was held. It was eminently so as far as that of 1851, the famous Crystal Palace exhibition in London, was concerned. The history of every branch of art and manufacturing industry shows it was so with the Philadelphia Exposition, which had an enormous advantage over all others in being the centennial of a sacred event.

I am entirely willing to vote this appropriation. I regret the necessity of doing it; I wish the management could have avoided it. I do not see the evidence of the corruption charged. I think it will be worth what it has cost to the country. I think it is doing good with the extraordinary exhibit that it has brought there from Mexico, for that is remarkable, and so with Costa Rica and various South American and Central American countries that are there with exhibits.

Bad as these statements look to-day that there is no prospect of our

getting back any of our million dollars, it is going to be worth what it costs to the country, and the shortest way out of the woods is the daylight ahead instead of the darkness backward, in my opinion.

Mr. HARRISON. Mr. President, when this scheme was inaugurated—and I was one of those who voted for the act loaning a million dollars—we were advised by the Committee on Appropriations that they had by very stringent provisions in the bill protected the United States against any liability for any debt which might be incurred. The chairman of the Appropriations Committee then so advised us. He mentioned another caution or restriction which was contained in the bill which prohibited the management from incurring any debt. We were not only to be non-responsible for any debt, but the management in regard to the million dollars were put under prohibition by law at the time from creating any debt. Now we are confronted with a debt that I do not think any Senator will doubt to be less than half a million dollars on the statements that we have had here to-day. We are met with the statement from the chairman of the Committee on Appropriations, who has given careful attention to it, that this money will barely, if so much as, pay the present existing indebtedness, and that he anticipates that the receipts will fall behind the expenses from now until the close of the exhibition.

Mr. President, the question is how are we to deal with this question? The men who came here and represented to us that this could be managed in such a way as to return the million of dollars to the Government come now and tell us that our million is gone beyond hope, that they are a half million in debt, and they bring here a statement of accounts that to my mind is perfectly satisfactory as proving that the half million dollars will not more than set them on their feet to-day to enter upon another course of debt-making in the management of the exposition.

You talk about the value of this exposition. The value of an exposition is in the dissemination of knowledge which induces people to go and see it. There is little value in an exposition that is not able by reason of location or for any other reason to attract people there to see it. You disseminate knowledge of machinery and of textile fabrics, you disseminate knowledge of the fabrics and manufactures of other countries, by bringing in contact with them, so that they may have a sight of them, a multitude of people; and this object has failed entirely at New Orleans, and I predict to-night that if we pass this appropriation we shall be called upon at the next session of Congress to give a half million more to pay the debts of the New Orleans Exposition.

Will the Senator from Iowa tell me upon what principle it is that he says we will pay any debt this management owes to the citizen of any other State except Louisiana? Are the Senators from Louisiana going to support that proposition making a discrimination against their own citizens? How shall we answer a citizen of Louisiana, or any other citizen, if he comes here at the next Congress and says to us, "I have a debt against that management which is just as honest and valid a debt as the debt of the citizen of Pennsylvania that you have paid, and I want you to pay mine." I say, Mr. President, that though the Appropriations Committee have put in the beginning of this amendment again the expression "for final aid to the World's Industrial and Cotton Centennial Exposition," it will not be final. We have heretofore said we were not responsible for these debts. By this amendment we assume responsibility for them, and attempt to limit that responsibility to debts to non-residents of Louisiana. I say that discrimination can not be maintained in justice; and if this \$400,000 fails to pay off the debt existing now, or the debt that may be incurred, I want to know what answer any Senator will have to make next Congress when they come up and ask us to pay those debts. There is no answer. We are committed to the proposition to see this exposition through, cost what it will.

[Here the hammer fell.]

Mr. GIBSON. Mr. President, I will not detain the Senate by any general argument in favor of this amendment, but I desire to say that the chief difficulty which the management of this exposition have had to deal with is in the bad weather. It has already been shown by my colleague, in his able speech on this subject, how well the money has been used by the management of this exposition; how in comparison with the exposition at Philadelphia they have achieved much more with the money which they have expended at New Orleans than was accomplished in Philadelphia for the same amount.

The great difficulty, as I said, in New Orleans is that in the months of December and January we had heavy rainfalls. The whole earth became saturated; there was a perfect quarantine around this exposition, a mud quarantine, that absolutely cut off the exhibitors from getting their exhibits into the buildings. That condition of things not only prevented the completion of the exhibits, but indisposed people from visiting the exposition; and these two causes combined made it a failure for two months. But with the coming of good weather, with the increase of facilities for travel, with the completion of all the exhibits both of foreign nations and of the several States of our Union, I believe that the increase of receipts will be very large. In fact we already see that the increase of receipts has gone up within the last few days from one to three, four, and five thousand dollars a day. I say therefore to the Senator from Indiana that there will be no failure from

this time until the closing of the exposition. The same causes which have brought failure up to this time will no longer exist, and for one I am perfectly willing to give the Senator a guarantee that I will not vote for another appropriation at the next Congress for the exposition in New Orleans.

Mr. HARRISON. How can the Senator refuse to do it if he votes for this?

Mr. GIBSON. I can refuse to do it by answering "nay" when my name is called and by serving notice now that I will not vote for another appropriation; and I am willing to make that guarantee because I believe—

Mr. HARRISON. I do not want to take it out of the Senator's time, but I ask consent to put a question. The money is first to be applied to pay debts to individuals and corporations; then to pay the awards. Suppose there should not be enough to pay the awards, would the Senator vote for an appropriation to meet them?

Mr. GIBSON. You may suppose anything, and if I regarded this exposition with the same feeling that the Senator from Indiana does now I would have voted against the original loan of \$1,000,000, and I would vote to-day against this \$400,000 appropriation; but I believe that this is a worthy exposition; I believe that it is going to be successful and that the management will be able to pay off every dollar of expense incurred from this time on.

The Senator asked me if I was willing to vote for this amendment which makes a discrimination against the citizens of Louisiana who may be employed in this exposition, the laborer or mechanic. I will answer the Senator that I am willing to vote for this bill just as it stands. I am willing to make the discrimination. Why? Because I believe the exposition is going to be a success and that they will earn enough from their receipts to pay off the laborers and the mechanics; and more than that, I will state to the Senator that under the laws of Louisiana the laborer and mechanic have a lien upon the buildings of the exposition, which secures them amply. So then we are making no discrimination which will be effective against the laboring men who give their time and their services in New Orleans to this exposition. I do not believe that there is a Senator here who would be willing to make such a discrimination. They are amply protected.

All I desired to do was to give the assurance to the Senate that this board of management is composed of able, of conscientious, and of intelligent citizens of Louisiana, appointed by the President of the United States, who will handle these funds properly, and when the time comes to render their account I venture to prophesy that that account will be found exact in every respect.

[Here the hammer fell.]

Mr. BECK. The Senator from Louisiana has answered the question I rose to ask him, and has removed the difficulty suggested by the Senator from Indiana, when he has assured the Senate that the discrimination in this bill is right because in Louisiana mechanics by the law of that State have a lien, while others have not.

The PRESIDING OFFICER. The question is on the amendment recommended by the Committee on Appropriations.

Mr. HALE. Is it in order now to move to strike out the amendment?

The PRESIDING OFFICER. What amendment does the Senator refer to?

Mr. HALE. I have not been in. The question now is on agreeing to the amendment?

The PRESIDING OFFICER. On agreeing to the amendment reported by the Committee on Appropriations, which will be read.

The CHIEF CLERK. In line 2396 it is proposed to strike out "three" and insert "four;" so as to read:

Not to exceed the sum of \$400,000.

Mr. HALE. I have no objection to the vote being taken upon that; and whatever may be the result, then if I shall get the floor I shall move to strike out the whole clause.

Mr. SEWELL. I gave notice of a motion of that kind.

Mr. HALE. That I did not know. Of course I will not interfere with the Senator from New Jersey. I only want the question raised on that proposition.

Mr. HOAR. The Senate gave unanimous consent this morning that it should be in order for me to move an amendment which was sent to the desk. I suppose regularly I ought to wait until the bill is completed before moving that amendment, but it will be certainly much more convenient to the Senate to have me move it now, and if there be no objection I should like to modify that amendment somewhat. Perhaps the best way would be to make the amendment after the vote has been taken on this, but if the Senate think it should come out of the \$400,000, I can make it in that form in the Senate.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations.

Mr. HARRISON called for the yeas and nays, and they were ordered. The Secretary proceeded to call the roll.

Mr. PLUMB (when Mr. BUTLER's name was called). The Senator from South Carolina [Mr. BUTLER] and myself are paired on this question. If he were here, the Senator from South Carolina would vote "yea."

Mr. MAHONE (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN]. If he were here, he would vote "yea" and I should vote "nay."

Mr. PLUMB (when his name was called). On this subject I am paired with the Senator from South Carolina [Mr. BUTLER]. If he were present, I should vote "nay."

Mr. RANSOM (when his name was called). I have a general pair with the Senator from Illinois [Mr. LOGAN], but I observe that on this question his colleague votes "yea," and he consents that I should vote. I vote "yea."

The roll-call was concluded.

Mr. MANDERSON. I am paired on this question with the Senator from Florida [Mr. JONES].

The result was announced—yeas 40, nays 16; as follows:

YEAS—40.

Allison,	Pair,	Jones of Nevada,	Pendleton,
Bayard,	Garland,	Lamar,	Pugh,
Beck,	George,	Lapham,	Ransom,
Blair,	Gibson,	McMillan,	Sawyer,
Brown,	Groome,	McPherson,	Vance,
Call,	Hampton,	Maxey,	Van Wyck,
Cockrell,	Hawley,	Miller of N. Y.,	Vest,
Coke,	Hoar,	Mitchell,	Voorhees,
Conger,	Jackson,	Morgan,	Walker,
Culom,	Jonas,	Palmer,	Williams.

NAYS—16.

Aldrich,	Dolph,	Harris,	Platt,
Cameron of Wis.,	Edmunds,	Harrison,	Sewell,
Chace,	Frye,	Ingalls,	Sherman,
Dawes,	Hale,	Morrill,	Wilson.

ABSENT—20.

Bowen,	Farley,	Logan,	Plumb,
Butler,	Gorman,	Mahone,	Riddleberger,
Camden,	Hill,	Manderson,	Sabin,
Cameron of Pa.,	Jones of Florida,	Miller of Cal.,	Saulsbury,
Colquitt,	Kenna,	Pike,	Slater.

So the amendment was agreed to.

Mr. HOAR. I move to amend the bill, after the word "department," in line 2412, by inserting the words:

Also for the woman's department of the said exposition, \$15,000.

The PRESIDING OFFICER. The Chair will state to the Senator from Massachusetts that the order of the Senate was to proceed with the reading of the bill and the amendments of the Committee on Appropriations, and the point to which the amendment of the Senator is directed has not yet been reached in the reading. The last reading ended at line 2396 where "three" was stricken out and "four" was inserted. The Senator will withhold his amendment until the point to which it applies is reached. The reading will proceed.

The reading of the bill was resumed and continued to line 2412.

Mr. HOAR. I now make a motion—

The PRESIDING OFFICER. Is it a motion to amend the next amendment reported by the committee?

Mr. HOAR. No, sir. I had unanimous consent from the Senate to make this motion this morning.

The PRESIDING OFFICER. The Chair was not informed of that. Pursuant to consent, the Senator from Massachusetts may offer his amendment.

Mr. HOAR. After the word "department," in line 2412, I move to insert:

Also for the woman's department of the said exposition, \$15,000.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to add to the clause making appropriation for the "World's Industrial and Cotton Centennial Exposition," after the word "department," in line 2412, the following clause:

And no part of the foregoing sum shall be paid until statements and exhibits in detail, satisfactory to the Secretary of the Treasury, are made of all expenditures under the appropriation made by act of July 7, 1884, and that said expenditures have been made for the purposes and in the manner provided for in said act; and the Secretary of the Treasury shall report to Congress, at the beginning of the next session, all such detailed statements made to him of the expenditures under said appropriation and also under this appropriation; and the necessary expenses of these examinations shall be paid from this appropriation.

Mr. MAXEY. On account of the amendment of the Senator from Massachusetts, the word "sum," in line 2412, should be in the plural. It should be "sums."

Mr. HOAR. The best mode of reaching that would be to transfer my amendment to the end of the clause.

Mr. MAXEY. The word "sum" would refer to the last appropriation.

Mr. ALLISON. In this amendment the date of the act should be May 21, 1884, instead of July 7, 1884.

The PRESIDING OFFICER. The Senator from Iowa moves to amend the amendment of the committee by striking out "July 7" and inserting "May 21."

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the

Committee on Appropriations was, in the appropriations for "public printing and binding," after the words "two million," at the end of line 2435, to insert "five hundred thousand;" so as to read:

For the public printing, for the public binding, and for paper for the public printing, including cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court of the United States, the supreme court of the District of Columbia, the Court of Claims, the Library of Congress, and the Departments, including salaries or compensation of all necessary clerks and employes, for labor (by the day, piece, or contract), and for all the necessary materials which may be needed in the prosecution of the work, \$2,500,000; and from the said sum hereby appropriated printing and binding may be done by the Public Printer to the amounts following, respectively, &c.

The amendment was agreed to.

The next amendment was, in line 2441, to increase the appropriation "for printing and binding for Congress, including the proceedings and debates," from \$1,084,500 to \$1,350,625.

The amendment was agreed to.

The next amendment was, in line 2444, to increase the appropriation for printing and binding "for the State Department" from \$8,400 to \$10,500.

The amendment was agreed to.

Mr. HOAR. I desire to inquire of the Chair, before the Secretary proceeds further, whether an amendment was assented to which was suggested by the Senator from Texas, in line 2412, changing the word "sum" to "sums?"

The PRESIDING OFFICER. It was not.

Mr. HOAR. It was understood by several Senators that it was assented to. I ask unanimous consent then to return to that line and to change the word "sum" to "sums." Otherwise it would apply only to the \$15,000.

Mr. MAXEY. It ought to be amended.

The PRESIDING OFFICER. The Senator from Massachusetts and the Senator from Texas ask unanimous consent that in line 2412 the word "sum" be changed to the word "sums." Is there objection? The Chair hears none, and it is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in line 2446, to increase the appropriation for printing and binding "for the Treasury Department" from \$234,800 to \$293,500.

The amendment was agreed to.

The next amendment was, in line 2448, to increase the appropriation for printing and binding "for the War Department" from \$123,200 to \$154,000.

The amendment was agreed to.

The next amendment was, in line 2451, to increase the appropriation for printing and binding "for the Navy Department" from \$52,900 to \$66,125.

The amendment was agreed to.

The next amendment was, in line 2454, to increase the appropriation for printing and binding "for the Interior Department" from \$292,800 to \$366,000.

The amendment was agreed to.

The next amendment was, in line 2458, to increase the appropriation for printing and binding "for the Department of Justice" from \$6,300 to \$7,875.

The amendment was agreed to.

The next amendment was, in line 2460, to increase the appropriation for printing and binding "for the Post-Office Department" from \$150,500 to \$198,125.

The amendment was agreed to.

The next amendment was, in line 2463, to increase the appropriation for printing and binding "for the Agricultural Department" from \$15,700 to \$19,625.

The amendment was agreed to.

The next amendment was, in line 2465, to increase the appropriation for printing and binding "for the Supreme Court of the United States" from \$6,500 to \$8,125.

The amendment was agreed to.

The next amendment was, in line 2468, to increase the appropriation for printing and binding "for the supreme court of the District of Columbia" from \$800 to \$1,000.

The amendment was agreed to.

The next amendment was, in line 2469, to increase the appropriation for printing and binding "for the Court of Claims" from \$6,500 to \$13,125.

The amendment was agreed to.

The next amendment was, in line 2471, to increase the appropriation for printing and binding "for the Library of Congress" from \$9,100 to \$11,375.

The amendment was agreed to.

The next amendment was, after line 2479, to insert:

To enable the Public Printer to continue the operations under joint resolution approved February 6, 1884, for the removal and storage of certain property of the Government mentioned therein, \$3,000, to be immediately available.

The amendment was agreed to.

The next amendment was, after line 2485, to insert:

To enable the Joint Committee on Public Printing to complete the preparation

tion, proof-reading, indexing, and revising the classified, analytical, and descriptive catalogue of Government publications, and of publications of public interest purchased by the United States for use or distribution, \$800, or so much thereof as may be necessary for the final completion of the work, which may be expended as additional pay or compensation to any officer or employé of the United States, the same to be immediately available.

The amendment was agreed to.

The next amendment was to strike out the clause from line 2496 to line 2499, inclusive, as follows:

For payment to sixty-one printers regularly employed on the CONGRESSIONAL RECORD, \$60 each, for time unemployed during the present session, \$3,660.

Mr. VOORHEES. I rise to oppose that amendment, and say that in my judgment the Appropriations Committee of the Senate is wrong in proposing to strike out this clause.

In composing and preparing the CONGRESSIONAL RECORD it is necessary to employ and keep ready on hand a large number of printers. Now and then there are days when no work is necessary to be done. These men are then out of employment for a week or two at a time. Thus when we take a recess, when the per diem of our own employés of the Senate is going on, these men are docked for a loss of time. They are very ill able to afford such a deprivation on their part, and they are kept on expense and held to be in readiness to go to work on our motion. They were, in fact, so during the Christmas holidays. I certainly hope the Senate will not oppose the retention of what was ingrafted in the bill by the House.

I do not wish to detain the Senate upon the subject. I have looked over, however, the memorial of these compositors, and I am satisfied of the justice of their claim. I hope, therefore, the amendment proposed by the Committee on Appropriations will not be concurred in, but that the bill may be left to stand as it came from the House.

Mr. HARRIS. I should like to inquire of the Senator from Iowa, the chairman of the Committee on Appropriations, if these printers are paid higher wages than printers are ordinarily paid.

Mr. VOORHEES. I will answer. I presume they are, but they work all night. It is the hardest work known to the craft. There is nothing like it, and nobody but able-bodied men fit to go into the field can stand the work for any length of time. It is hard, long night-work, in which men break down to my certain personal knowledge, and we throw those men off pay whenever we take a recess for a few days, as we did at Christmas, while we make it necessary for them to be ready to resume work. This is an injustice which we do not practice with any other employés of the Government. They earn their pay, fully earn it.

In response to the Senator from Tennessee I say if they are paid a little more than others they are not paid enough in excess of others. I know what kind of work they have to do. I take it for granted they are paid more, though on that subject I have not very accurate knowledge whether they are paid in excess of other printers or not.

Mr. HARRISON. If my colleague will yield to me a moment, I will say to him that in conversation with one of these printers from my State employed on the RECORD, I asked of him the question which the Senator from Tennessee has just propounded, and he told me that they were not, that really they could not earn as much as men doing the same kind of night-work on a newspaper when they had regular work.

Mr. HARRIS. I will say that in consultation with one of these printers to-night I was informed that they were paid the usual wages of job printers. If that be so, I think there is absolute justice in retaining the House provision and paying them for the time that they are held on duty and yet not permitted to work.

Mr. ALLISON. Since the RECORD has been printed at the Public Printing Office the type-setters have been paid by the thousand ems. This is the first instance that I know of where they have asked Congress to give them additional compensation. There are a large number of them. I believe nearly all the printers in the Public Printing Office are paid in this way, and if we are to pay any portion of the printers in the Public Printing Office because for a day or two for some reason or other, or even for a week, there is no type-setting to do, we shall enter upon a system of extra compensation which will result in very large sums of money being paid from year to year.

Mr. BLAIR. I had occasion to inquire into this matter a little, and suggested to the printer who came to me with it the same view of the subject which the chairman of the committee has now presented to the Senate, why it was that for the first time they made this claim, because it seemed to me it would be setting a dangerous precedent, and that the Senate would hesitate to allow the bill to remain as it came from the House making this appropriation. He said to me that this was an exceptional year; that during those days from the 22d of last December to the 7th or 8th of January this year they had had no work whatever. Why it had been so he hardly knew, but always hitherto they had been allowed to work and had worked during the vacation; while others were enjoying their holidays they had work and they were paid, paid by the job; but this year, although they were kept there on duty and were losing their time while others were being paid, the Public Printer gave them no work at all. Hence they thought it was just that they should receive their compensation as usual. They were there in readiness to work and had every reason to suppose that they would

be employed as usual, but they failed to get work. They needed the work; others were having it when they were doing nothing, and they thought they should have pay for that time.

Mr. MAXEY. I had a conversation with a young man of intelligence employed upon the RECORD. I asked him in respect to the way they were paid. He informed me by the thousand ems, as he called it, or some expression of that kind; I do not know anything about the work.

During the recess no RECORD is published. Their work is night-work necessarily. That corps is organized, and organized to keep up the RECORD, which is the finest printing that is done, I venture to say, in America or anywhere else. When we are off taking a recess we draw our pay; and when we keep those men here there is no justice to my mind in requiring them to live off of what they have made by hard labor until we get ready to put them back to work.

I think the action of the House is precisely right, and that it is just and fair. We had as well stop our pay, and I think we ought to stop our pay when we take a recess and none of us are tired and there is no need for taking a vacation. We did not do that, and I do not see why these men should not get their rights.

Mr. CONGER. Almost all the other employés of the Government are paid one-twelfth of the time of the year for a leave of absence of thirty days in each year. These printers are required to excel in their profession, and the accuracy and promptness with which the RECORD is published shows perhaps that they are the best skilled printers in the world. That is said of them. In the short session they have but three months' service altogether here, or about that during the year, and it is absolutely necessary in order to carry on the business of printing for the Government that there should be kept here the best printers in the world during the time of the session of Congress, so that the work may be done promptly; and it has always required to be well paid. The work must be done at night, after 11 or 12 o'clock, to have the RECORD ready for the Senate at 8 or 9 o'clock in the morning. It leaves but a small portion, three months, with the recess which we have in the short term, for them to work, and they stay expecting continuous work. So some of these printers, a committee of them, told me that this year there has been, for some reason, a lack of work. They have no leave of absence. They are paid solely for the work they do.

I think it is no more than right, especially in the short session, that they should be paid some compensation for the time they are required to be here to be ready to carry on the printing of the Government.

If they receive but little if any more than they could receive for work in other cities, and I think the law requires them to be employed at what would be called the average wages in other large cities of the country, it seems to me just and right that these men, required to be here, required to excel in their labor, required to do night-work, required to keep up printing at whatever cost of labor and time, who are deprived of employment for some days in the winter, should receive this compensation, and I shall vote most cheerfully to keep the provision in the bill.

Mr. PLUMB. Mr. President, this thing is not very large, and I heartily indorse all that has been said about the character of the work that these men do; but I have never heard it suggested that they were not paid composition wages satisfactory to them. It has been frequently said to me that they are paid higher than is paid for similar composition by private parties. I am willing to admit that taking the scale of wages which the Government pays as compared with the wages paid for similar services by private parties we ought to pay these people more. I think that generally those who are employed in the Government Printing Office by the month or by the year are not paid any more or perhaps not as much as the Government pays in other departments.

There is no question, as I said, about the excellence of the work, but I ask Senators to consider that here is a character of work which has been done by the piece. I do not say whether wisely or not, but it has been done by the piece; that is to say, by the thousand ems. It is work which pertains to the session, and that session is always interrupted during the holidays. It is a necessary part of the understanding with which these people engage in the work when they undertake it that there will be a vacation during the holidays. As I understand, those who work upon the RECORD are specially allotted there to work, and when that fails of course they do not get other work.

Mr. BLAIR. Will the Senator allow me to say that I asked particularly as to that point, and I was informed by one of these men that during the vacation they have always hitherto received other work, so that they were kept employed upon books and other publications, and they were really drawing pay precisely as though they had been at work upon the RECORD; but this year they were obliged to remain, and for some reason, by no fault of theirs, the ordinary extra work furnished during vacation failed them.

Mr. PLUMB. I do not think that is quite true. Besides, I think it will be found that those who work this year do not work next year, and so on; that is, the force changes from time to time.

But I want to call the attention of the Senate to the fact that there is in the Government Printing Office a very considerable force of women and men, very largely women, engaged in what is known as piece-work, in the binding department, and in stitching and various kinds of work of that class. I know of my own personal knowledge that a very con-

siderable portion of that force is furloughed from time to time, a day or two days, a week or two weeks, during which no pay is allowed at all; and that is totally unexpected; that is to say, it comes at times that can not be anticipated. It is not like the ordinary interregnum that occurs in the publication of the RECORD every year and which is thoroughly understood, and yet these poor women, and men also, who work at this piece-work only get wages for the actual number of hours that they work, and some of them are now down almost to the starvation point by reason of the fact that there is not work enough. Some very hard cases have come under my observation, and I have sometimes thought that perhaps we ought to change the method of doing the work in the Government Printing Office and make it all time-work instead of piece-work.

It would not bother me a great deal to vote to pay these people so far as this case is concerned, if you regard this simply as a donation, or extra compensation, or whatever you may call it, to meet an unforeseen emergency; but I wish to call attention to the fact that there are other classes of people in the Government Printing Office and in the Government employ elsewhere who are equally meritorious, and who are doing a great deal of printing, as the Senator from Iowa says, where the work is carried on by the piece also; and if we are to establish the rule that when we get a person in our employ for one day, or for one month, or for two months, working by the piece, the moment the employment commences we are under some obligation to make it continuous, and to pay not what they earn but what they might have earned. If we attempt that it opens up a pretty wide door.

It seems to me that while in this particular case there is something to be said, that is not the strongest argument which has been presented to me. I have heard a very intelligent printer who presented this memorial, and the strongest part of the claim that he urged to me was that since the session opened there had not been as many speeches made as usual this year, and consequently the RECORD was "light," as he expressed it, all the way through. I think some guileless gentlemen like the Senator from New Hampshire, the Senator from Michigan, or the Senator from Indiana ought perhaps to feel some special responsibility in this matter, in that we have not padded the RECORD this year as much as usual, and therefore the very just anticipation was not realized, because I admit that a failure to realize on an investment of this kind would be one of that peculiar character of unforeseen emergencies to which the Government ought to respond.

No doubt the work during the winter has been, as these men say, "light." They have not realized the profit for their labor which they expected, and their labor has been, as everybody knows of course who sees the RECORD every day, as it always has been in fact since I have known anything about the RECORD, of a very conspicuous character; but it is a kind which the Government has paid for, and as to the price of it there has been heretofore no controversy.

As I said, I should not object to giving this extra pay if that was all there was of it, but it seems to me it is opening up a very wide door; and when I think of the pale-faced women I have seen there, who are eking out a miserable pittance, hovering between life and death, confronted almost by starvation, in almost nakedness, who are working by the piece, and who by reason of the frequent furloughs are not able to earn more than the money which is necessary, as I said, to barely keep their breath in their bodies, I feel as though there was even a stronger claim than this, and that perhaps we ought to reorganize this service in such a way as to have either a less force continuously employed, or to have some fair understanding in regard to the portion of time in which employment shall be given, so that claims of this kind may not arise.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment recommended by the Committee on Appropriations.

The question being put, there were on a division—ayes 14, noes 29.

Mr. ALLISON. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GEORGE (when his name was called). I am paired on this question with the Senator from Tennessee [Mr. HARRIS].

Mr. PLUMB (when his name was called). I am paired with the Senator from South Carolina [Mr. BUTLER].

The roll-call was concluded.

Mr. CALL. I desire to announce that my colleague [Mr. JONES, of Florida] is detained from the Senate by sickness. He is paired with the Senator from Nevada [Mr. JONES].

The result was announced—yeas 13, nays 34; as follows:

YEAS—13.			
Allison,	Colquitt,	Fair,	Vance.
Beck,	Dawes,	Morrill,	
Cameron of Wis.,	Dolph,	Sawyer,	
Chace,	Edmunds,	Sherman,	
NAYS—34.			
Bayard,	Hampton,	Manderson,	Sewell,
Blair,	Harrison,	Maxey,	Van Wyck,
Call,	Hawley,	Miller of Cal.,	Vest,
Conger,	Hoar,	Miller of N. Y.,	Voorhees,
Frye,	Ingalls,	Mitchell,	Walker,
Garland,	Jackson,	Palmer,	Williams,
Gibson,	Jones,	Pendleton,	Wilson.
Gorman,	Lapham,	Pugh,	
Groome,	Mahone,	Ransom,	

ABSENT—29.

Aldrich,	Cullom,	Kenna,	Plumb,
Bowen,	Farley,	Lamar,	Riddleberger,
Brown,	George,	Logan,	Sabin,
Butler,	Hale,	McMillan,	Saulsbury,
Camden,	Harris,	McPherson,	Blair.
Cameron of Pa.,	Hill,	Morgan,	
Cockrell,	Jones of Florida,	Pike,	
Coke,	Jones of Nevada,	Platt,	

So the amendment was rejected.

Mr. ALLISON. I will venture on behalf of the Committee on Appropriations to offer one more amendment, which is to supply an omission. In line 129, I move to strike out "\$5,000" and insert "\$7,500;" so as to read:

For court-house and post-office at Frankfort, Ky.: For paving, fences, and grading approaches, \$7,500.

The amendment was agreed to.

Mr. ALLISON. In line 130 I move to strike out "\$5,000" and insert "\$7,500;" so as to read:

And for retaining-wall of lot, \$7,500.

Mr. HARRISON. Are the amendments the Senator is proposing to the item for the public building at Frankfort suggested by the estimates, or what reason is there for changing the appropriation?

Mr. ALLISON. They are in the Book of Estimates and recommended by the Committee on Appropriations.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ALLISON. In line 131 I move to change the total by striking out "\$10,000" and inserting "\$15,000."

The amendment was agreed to.

Mr. ALLISON. The committee have instructed me to offer one more amendment, but I shall not offer it at this moment.

Mr. SHERMAN. I have two amendments reported from the Committee on the Library which have been twice passed upon favorably by the Senate on previous appropriation bills. I shall offer them again. First, at the end of line 2115, I move to insert as a new paragraph:

To enable the Joint Committee on the Library to purchase the portrait of General George H. Thomas, by Miss C. S. Ransom, \$10,000.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

Mr. MORRILL. I desire to ask the Senator from Ohio if he considers that a work of art worth the sum of \$10,000.

Mr. SHERMAN. This proposition has been debated very often and I believe has received the assent of the two Houses acting separately at different times. I believe it is a work of great merit. It has been debated and discussed here before, and I do not propose to debate it now. I think it is a work of very remarkable merit, a picture of very great value. The lady herself puts a higher value upon it. The Senate has twice agreed to pay her \$10,000 for it. Once the House agreed to pay her \$10,000, but it could not be acted upon in the Senate. I hope the portrait will be purchased, and I believe it will be if the Senate will now consent to the amendment.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The question being put, there were on a division—ayes 16, noes 21; no quorum voting.

Mr. SHERMAN. There is a quorum present, and I wish to state a little more fully about the picture. I do not care to enter into a debate at this late hour.

The PRESIDENT *pro tempore*. The Chair thinks a quorum is present, so the Senator may proceed, if there be no objection.

Mr. SHERMAN. This picture has been settled on by the Grand Army of the Republic, as evidenced by petitions signed by tens of thousands of soldiers which are on the files of the Senate Committee on the Library. The subject has been canvassed for some ten years, and these soldiers, who have taken great pride in the character and services of General Thomas, have selected this as a proper memorial of that great soldier. The work has been submitted time and again to the inspection of the most critical of all persons, and it has been agreed on all hands to be the best picture that has ever been made of General Thomas, it having been taken from life and representing a scene of actual war.

The picture was painted at great expense, the lady having occupied three or four years of her time in making it. It has been selected by the persons who honor the memory of General Thomas as the best possible memorial that could be made of him. It is a very large picture, representing besides the figure of General Thomas on horseback a scene at one of the great battles of the war.

I hope the Senate will not go back upon its action heretofore but will vote this appropriation. Although it is a large sum for a picture, yet it is one of those historical pictures which will ornament the Capitol and will be regarded with favor not only by the soldiers who wish to commemorate and give honor to the merits of General Thomas, but I believe will be regarded as a favorite picture in the Capitol. It is intended for one of the panels of the Capitol.

I know there is a quorum present, and I shall ask for the yeas and nays on the adoption of the amendment.

The yeas and nays were ordered.

Mr. WILLIAMS. I desire to ask the Senator from Ohio who painted the picture.

Mr. SHERMAN. Miss Ransom.

Mr. WILLIAMS. What is the price?

Mr. SHERMAN. Ten thousand dollars. It is a very large and a very costly picture.

Mr. VOORHEES. Mr. President—

Mr. SHERMAN. Before the Senator from Indiana proceeds, I wish to say that this matter has come to me partly by inheritance. This picture has been chosen by at least three or four different Joint Committees on the Library, and I believe by their unanimous vote.

Mr. VOORHEES. I simply desire to say that from the fact that I have been connected with the Committee on the Library ever since I have been a member of this body, I have a very considerable knowledge of this great painting. I desire to say further that I am satisfied this proposition represents the expressed wishes of more than half a million of survivors of the late war on the Union side. It is a great and powerful painting of a very great, strong soldier. The war was prolific of great men on both sides. The time will come when they will all be preserved. We are a great people, making a great history, and it is a part of our policy to preserve in a reasonable way the monuments, statues, and paintings of men who have distinguished themselves in American history.

But few men have made a stronger impression on the American mind than General George H. Thomas, and I should regret extremely if the Senate of the United States should reject the only worthy painting that has ever been presented of him. The Government owns no painting of General George H. Thomas, and there are those instances connected with his service which endear him to the public mind almost if not quite as much as any other Union general.

We make this one purchase; it is \$10,000. It is a small sum to perpetuate and hand down to posterity a faithful likeness of the general whom it represents.

I hope, after years of association with the subject, that the Senate will honor itself by accepting this painting. I only wish that every eye in this body could see it as I have seen it and as others have. It is on exhibition now in the Hall of the House of Representatives, and is a great and noble painting. While the sum sounds large for a portrait, yet it is not large. Estimated as other nations estimate and prize their paintings worthy of a government's possession, it is not a large price.

I could say more, but I hope I have said enough. I shall vote for the amendment with great pleasure, and in doing so I know that I vote to comply with the wishes which have been expressed here in the petitions. I think I do not exaggerate in saying, of more than half a million American citizens—over 500,000 people—because this is the picture desired and desired and petitioned for by the entire Grand Army of the Republic.

Mr. VEST. I should like to inquire of the chairman of the Committee on the Library, who has brought forward the amendment, if this is one of the pictures against the purchase of which the Academy of Fine Arts, Philadelphia, have made public protest?

Mr. SHERMAN. I do not know of any such protest by the Academy of Fine Arts. I know some gentleman, signing himself as a member of the Academy or Society of Fine Arts, has sent here criticisms of the picture; but I suppose there never was a picture of mortal man painted, including the famous and grand pictures of La Fayette and Washington in the Hall of the House of Representatives, that has not been equally criticised.

Who would take \$10,000 for either of those great portraits? The name, the association, and all the surroundings will make this picture more and more valuable and more and more historic. Who has not criticised the great paintings which surround the dome of the Capitol? Even John Randolph made one of those pictures ridiculous by his sharp and acute wit. Yet there is not a man in America who would wish the Government to sell the picture of the Declaration of Independence for \$100,000. I am told that Mr. Thackeray also pronounced it as outrageous. Mr. Randolph thought there were too many legs in it, and various criticisms of that kind have been made upon it.

I am not an artist; I am not even a judge of paintings. I should not consider my opinion as worth anything; but I place reliance upon the fact that so many men who loved Thomas, and with whom he is a hero, think that this is a great picture, and they have seen it and observed it, and many persons with whom I have conversed and whose opinion is certainly worth consideration speak of it as a grand picture, a picture that will be immortal, or one that will last at least as long as the canvas endures. I do not regard the criticism of a single person as of great weight, because there never was a painting which did not encounter that kind of criticism even from artists. Sometimes there are no people more uncharitable in regard to the work of other artists than artists themselves.

Mr. VEST. I am not placing myself on any pedestal as an artistic or esthetic critic. I never saw this picture, but I certainly would attach a good deal of weight to the opinion of the Academy of Fine Arts

of Philadelphia, because if there is any tribunal in this country competent to pass an opinion upon paintings it is that association of gentlemen.

Mr. VOORHEES. May I ask the Senator from Missouri whether the members of the Academy of Fine Arts in Philadelphia have seen this picture?

Mr. VEST. I do not pretend to say whether they have seen it or not. I saw the statement in a newspaper, published over the signatures of the members of that academy. I suppose they had seen it. They pronounced it a "daub;" I believe that is the language that was used. I have never seen the picture, and I simply speak of this statement because I take it that gentlemen of their position would not make a false public statement and risk their reputation upon it. It is not fair to assume that they did it from any hostility to this lady. As to General Thomas, it is perfectly useless to talk about bringing his character in question here, and to say it is a painting worthy of General Thomas. As a matter of course it might be some tribute to his memory, but it will not if it is a caricature, as those gentlemen say, in which case it would be an injustice to his memory to make the purchase.

As to the size of the painting, we are certainly not buying it by the square inch. In this Capitol to-day there are daubs, actual caricatures, almost acres of canvas. Right here in this Capitol is a painting in which absolutely there are six toes to the foot—a thing of which a charcoal sketcher would be ashamed. We have paid thousands of dollars for these paintings. I do not pretend to say that this is one of them, but I say that I shall not vote \$10,000 after the Academy of Fine Arts, or members of it, men of reputation, have pronounced it to be a painting which is not worthy to be purchased by the United States Senate. I shall defer to their opinion.

Mr. VOORHEES. I know that thousands of men who served with General Thomas and saw him daily in battle, on the march, and everywhere else, have risked their reputations in certifying in the strongest manner that this is a noble and faithful representation of him. I could enumerate names. I need not do so perhaps. I could commence, however, with General Sherman and go through the list of distinguished men who knew General Thomas and who recommend the purchase of this picture as a faithful and worthy representation of him to posterity. I had rather abide by their judgment than by the newspaper criticism of men representing themselves to belong to some academy of art.

There is not a work of art in this Capitol which has not been written down as a wretched failure by somebody or other, whether the person has ever seen it or not. I do not agree with the Senator from Missouri that the Capitol is disfigured with daubs. I do not know where they are. Is it the picture of Perry's battle on Lake Erie over yonder? Is it Chapultepec here? Is it the painting of the Yellowstone Cañon and the Colorado scenes? Are those daubs?

I say with the Senator from Missouri that I do not set myself up as an art critic, and yet I believe I have a loving eye for things that are beautiful, and I can see coarse and incongruous features in paintings when they are there. I have lingered by the panels which are adorned with paintings about this Capitol perhaps as much as any other gentleman, and have seen what it was good to see and what it was evil to see.

I confess that this wholesale sweeping denunciation of the works of art in the national Capitol never commended itself to me. I do not speak this of the Senator from Missouri; I am speaking now in more general terms of that iconoclastic spirit which moves around and seeks to destroy everything that everybody else has done—the destructive spirit which has criticised Houdon's statue of Washington and everything else that has been done here. Nothing is done right in the eyes of some people.

All I desired to say was that I placed my approval of this picture upon the testimony of those who are better capable of judging than the Academy of Art, or Science, or whatever it may be, over at Philadelphia. [Manifestations of applause in the galleries.]

The PRESIDENT *pro tempore*. The Sergeant-at-Arms will take into custody any person violating the rule of the Senate in making any symptoms of applause or disapproval of any of the proceedings of the Senate, and his officers will execute the order. The question is on agreeing to the amendment proposed by the Senator from Ohio, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 27, nays 22; as follows:

YEAS—27.

Aldrich,
Blair,
Chace,
Conger,
Cullom,
Dawes,
Delph,

Frye,
Gorman,
Harrison,
Hawley,
Hill,
Hoar,
Ingalls,

Jones of Nevada,
Lapham,
Mahone,
Manderson,
Miller of Cal.,
Miller of N. Y.,
Mitchell,

Palmer,
Platt,
Sherman,
Van Wyck,
Voorhees,
Wilson.

NAYS—22.

Bayard,
Brown,
Coke,
Colquitt,
Edmunds,
Fair,

Garland,
Gibson,
Groome,
Hampton,
Harris,
Jackson,

Jonas,
Kenna,
McPherson,
Morgan,
Pendleton,
Pugh,

Ransom,
Vance,
Vest,
Walker.

ABSENT—27.

Allison,	Cameron of Wis.,	Logan,	Sabin,
Beck,	Cockrell,	McMillan,	Saulsbury,
Bowen,	Farley,	Maxey,	Sawyer,
Butler,	George,	Morrill,	Sewell,
Call,	Hale,	Pike,	Slater,
Camden,	Jones of Florida,	Plumb,	Williams,
Cameron of Pa.,	Lamar,	Riddleberger,	

So the amendment was agreed to.

Mr. SHERMAN. On page 87, after the amendment just agreed to, I move to insert:

To enable the Joint Committee on the Library to purchase the painting of the Electoral Commission of 1877, by Mrs. C. Adele Fassett, \$15,000.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

Mr. SHERMAN. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 25, nays 31; as follows:

YEAS—25.

Allison,	Hawley,	Manderson,	Sewell,
Blair,	Hoar,	Miller of Cal.,	Sherman,
Cameron of Wis.,	Ingalls,	Miller of N. Y.,	Voorhees,
Conger,	Jones of Nevada,	Mitchell,	Wilson.
Dawes,	Lapham,	Palmer,	
Dolph,	McMillan,	Platt,	
Harrison,	Maione,	Sawyer,	

NAYS—31.

Aldrich,	Frye,	Jackson,	Plumb,
Bayard,	Gariand,	Jonas,	Fugh,
Brown,	George,	Kenna,	Vance,
Call,	Gibson,	McPherson,	Van Wyck,
Coke,	Gorman,	Maxey,	Vest,
Colquitt,	Groome,	Morgan,	Walker,
Cullom,	Hampton,	Morrill,	Williams,
Fair,	Harris,	Pendleton,	

ABSENT—20.

Beck,	Chace,	Hill,	Ransom,
Bowen,	Cockrell,	Jones of Florida,	Riddleberger,
Butler,	Edmunds,	Lamar,	Sabin,
Camden,	Farley,	Logan,	Saulsbury,
Cameron of Pa.,	Hale,	Pike,	Slater.

So the amendment was rejected.

Mr. HOAR. On page 87, after the amendment last adopted, I move to add the following paragraph:

For the purchase of five manuscript volumes, being the letter-books of William Vans Murray, formerly minister of the United States at the Hague and at Paris, \$2,500.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

Mr. HOAR. This comes from the Committee on the Library. These letters have been very carefully examined by the committee and by Mr. Spofford. They are historic documents of great importance in our documentary history. Mr. William Vans Murray was our minister at the Hague, and was one of the three commissioners sent to France in John Adams's time, in the time of the Directory and the early part of the French revolutionary period. Among other very interesting matters is the account of a visit to him by La Fayette when he left the prison at Olmutz.

I shall not detain the Senate by going into a full discussion of the matter, but these manuscripts are of great historic importance, and would be of great value to our library. The committee were of opinion that they are worth the price which we have fixed upon them. The owner thought he ought to receive a much higher price.

The PRESIDENT *pro tempore* (Mr. HARRIS in the chair). The question is on agreeing to the amendment proposed by the Senator from Massachusetts.

The amendment was agreed to; there being on a division—yeas 25, nays 18.

Mr. CULLOM. I ask the chairman of the Committee on Appropriations to consent to turn back to line 240, so that I may move to strike out three words.

The PRESIDENT *pro tempore*. The Chair will state to the Senator from Illinois that the whole bill is now as in Committee of the Whole and open to amendment.

Mr. CULLOM. The chairman of the committee will not object. In line 240, after the word "building," I move to strike out the words "under present limit;" so as to read:

For post-office and court-house at Quincy, Ill.: For completion of building, \$47,500.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Illinois.

The amendment was agreed to.

Mr. CULLOM. In line 209, after the word "building," I move to strike out the words "under present limit;" so as to read:

For post-office and court-house at Peoria, Ill.: For completion of building, \$75,000.

Mr. CAMERON, of Wisconsin. I will inquire what the present limit is?

Mr. CULLOM. The present limit is just what the bill appropriates, but the Senate has passed a bill appropriating an additional sum, which will probably pass the House; hence those words are not needed there. There can not be any objection to striking them out.

Mr. CAMERON, of Wisconsin. I object.

Mr. CULLOM. Then I move to strike them out, if the Senator does object.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Illinois.

Mr. HARRISON. The chairman of the Committee on Appropriations makes no objection to this amendment.

Mr. CULLOM. I so understand it.

Mr. CAMERON, of Wisconsin. It is not subject to a point of order.

Mr. HARRISON. I say the committee do not oppose it.

Mr. CULLOM. I understand the chairman of the committee has assented to striking out those words in both places.

The amendment was agreed to.

Mr. MAHONE. I offer an amendment which is in conformity with the action of the Senate in respect to the public building at Columbus, Ohio. The amendment I propose is recommended by the Committee on Public Buildings and Grounds re-enforced by the recommendation of the Secretary of the Treasury. After line 107 I move to insert:

For making the public building at Harrisonburg, Va., fire-proof, \$15,000.

Mr. ALLISON. Is that amendment in order?

The PRESIDENT *pro tempore*. The Senator from Virginia states that it is offered by the direction of the Committee on Public Buildings and Grounds.

Mr. MAHONE. It was before the Committee on Appropriations, and I understand it was left out simply because the committee had agreed not to report a number of amendments of this character.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment offered by the Senator from Virginia.

The amendment was agreed to.

Mr. MAHONE. I move to insert after the amendment just adopted:

For making the public building at Abingdon, Va., fire-proof, \$12,000.

The amendment was agreed to.

Mr. MAHONE. I move to insert after the amendment just adopted: For enlarging the plan of the public building at Lynchburg, Va., and making the same fire-proof, \$25,000.

Mr. ALLISON. Has this amendment been referred to the Committee on Appropriations?

Mr. MAHONE. It was referred to the Committee on Appropriations and it is recommended by the Secretary of the Treasury.

Mr. ALLISON. And by the Committee on Public Buildings and Grounds?

Mr. MAHONE. Yes, sir. It was referred to your committee, but was not reported because you concluded to report no amendment of that character. However, that rule was changed after the adoption of the amendment of a similar nature in respect to the public building at Columbus, Ohio.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Virginia.

The amendment was agreed to.

Mr. ALDRICH. After line 1214 I move to insert:

Naval training station, Coasters' Harbor Island, Rhode Island: For completing wharf and for the maintenance and repair of sea-wall, roads, and grounds, and the necessary labor and implements required for the proper preservation of the same, \$25,000.

Mr. ALLISON. I raise a point of order on the amendment.

Mr. ALDRICH. I think it is not subject to the point of order. On page 150 of the estimates submitted by the Secretary of the Treasury will be found estimates for this work, \$60,000.

Mr. ALLISON. Is the amendment reported from any committee, I will ask the Senator?

Mr. ALDRICH. It is not subject to the point of order, I think, under the last sentence of the first clause of the sixteenth rule.

The PRESIDENT *pro tempore*. The sixteenth rule provides that—

1. All general appropriation bills shall be referred to the Committee on Appropriations, except bills making appropriations for rivers and harbors, which shall be referred to the Committee on Commerce; and no amendments shall be received to any general appropriation bill, the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the Departments.

Mr. ALDRICH. I send to the Chair the estimates of the Department.

The PRESIDENT *pro tempore*. If it is in pursuance of an estimate, the Chair holds that the amendment is in order.

Mr. ALLISON. It is estimated for.

Mr. ALDRICH. The estimate is \$60,000. It is to continue work already in progress. I ask only for \$25,000.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GORMAN. After line 344 I move to insert:

For the establishment of range-lights at the new cut-off channel entrance to Baltimore, Md., \$25,000.

Mr. ALLISON. Is that estimated for?

Mr. GORMAN. It is. It is to be found in the Book of Estimates, page 146.

Mr. ALLISON. Then under the ruling of the Chair I suppose it is in order.

The PRESIDING OFFICER. If it appears in the estimates the Chair thinks it is in order. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PALMER. I move to amend the substitute I offered this morning by inserting after the word "Michigan," in line 11 of said substitute, the words "approved March 2, 1885."

The PRESIDING OFFICER. Does the Chair understand the Senator to move to amend a substitute which was adopted as in Committee of the Whole to-day?

Mr. PALMER. Yes, sir.

The PRESIDING OFFICER. The Senator's amendment will not be in order until the bill shall have been reported to the Senate.

Mr. PALMER. I shall reserve that amendment for a separate vote there.

Mr. VOORHEES. I am authorized by the Committee on the Library to move to insert at the end of line 2115, after the amendment agreed to on that page:

For the purchase of 1,000 copies of the work entitled Original Portraits of Washington, by Elizabeth Bryant Johnston, to be distributed to public libraries under the orders of the Senate, \$12,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. VOORHEES. This amendment is authorized by the Committee on the Library. For many years past this lady has been engaged in securing the authentic original portraits of Washington and in giving their history. The result is a volume which I hold in my hand, one of the most creditable volumes to industry and ability that I have known published in the last quarter of a century, throwing vast light upon the history of the most important character in American annals. In order to give a better idea than I could otherwise do, I shall take the liberty of reading a paragraph or two from the preface to the work. After some preceding remarks the author says:

The large number of portraits proven to have been original may provoke a smile in the reader, as they have amused the writer, and will suggest, to one who has given the matter only passing attention, an overproportion of personal vanity on the part of Washington. This is an unjust conclusion; for the truth is developed, that the American hero was made a martyr to the devotion of his friends at home and his admirers abroad. We have him presented as citizen, soldier, statesman, and patriarch. Artists followed him through campaigns, visited him at Mount Vernon, sketched him on parade, in the council-room, at dinner, drew his features in the church and in the theater. Washington was proverbially a bad sitter; and he became so restive under these increasing demands, that he was wont to declare, even in the earlier years of his military career, that each yielding to such requests should be the last; but he finally, not very gracefully it must be confessed, would submit to the inevitable. Old comrades naturally desired a counterpart of the face and form they had watched in many an hour of peril; women often asked the favor of a portrait of the leader of the armies in which their husbands and their sons fought; artists were sent by monarchs and nobles of Europe to secure an accurate rendering of the features of the citizen of the New World who commanded their veneration. In the history of man there is not to be found a parallel to the wide-reaching respect and admiration given personally to Washington; nor has a century subdued the world's ardor. In 1863, while ascending a mountain road near Lake Lugano, Italy, an American traveler entered a small pavilion, a wayside resting-place, wherein he found only a bust of Washington. It bore no inscription, but was in itself an eloquent tribute from some lover of liberty.

This book presents a correct, reliable history of every original picture known of Washington from the time when at 25 years of age he was sketched on ivory by Copley in Boston. The circumstances of that first picture which is known of Washington are as follows: After the fatal battle of Braddock's Field he was sent for to Boston to be inquired of there as to that campaign, and while there the handsome, splendid, young Virginia colonel, less than 25 years of age, was painted by that great artist Copley, and it is here and its history given. From that time until Washington was painted in his old age by Gilbert Stuart and various other eminent artists, embracing the Peales, father and son, and Rembrandt Peale, the authentic history of each original portrait is given here.

I feel that to the youth and to the aged also of American readers this would be one of the most instructive books that could be given to the public by the Congress of the United States. I do not know whether the love of the Father of his Country has waned or not. I do not think it. From what I have recently seen, I am inclined to regard this as a good year for Washington memorials, and in presenting this noble monument to history I feel that I am doing something worthy of the name of the man who is here commemorated.

I know how inadequately my remarks do justice to this subject, but I submit, after full consideration by the committee, that we have done what will commend itself to the public justice, and this book, being purchased, will be placed in the public libraries of the country, one of the handiwork, one of the noblest, and best executed works that ever was presented to Congress for adoption.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Indiana.

The question being put, there were, on a division—ayes 19, noes 27.

Mr. VOORHEES. Let us have the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 21, nays 32; as follows:

YEAS—21.

Beck,
Blair,
Cameron of Wis.,
Dawes,
Frye,
George,

Hill,
Hoar,
Ingalls,
Jones of Nevada,
Lapham,
McMillan,

Mahone,
Miller of Cal.,
Mitchell,
Palmer,
Sewell,
Sherman,

Voorhees,
Williams,
Wilson.

NAYS—32.

Allison,
Bayard,
Bulter,
Coke,
Colquitt,
Conger,
Dolph,
Edmunds,

Fair,
Garland,
Gibson,
Gorman,
Groome,
Hampton,
Harris,
Harrison,

Jackson,
Jonas,
Kenna,
McPherson,
Manderson,
Maxey,
Miller of N. Y.,
Morgan,

Pendleton,
Platt,
Plumb,
Fugh,
Sawyer,
Vance,
Van Wyck,
Vest.

ABSENT—23.

Aldrich,
Bowen,
Brown,
Call,
Camden,
Cameron of Pa.,

Chace,
Cockrell,
Cullom,
Farley,
Hale,
Hawley,

Jones of Florida,
Lamar,
Logan,
Morrill,
Pike,
Ransom,

Riddleberger,
Sabin,
Saulsbury,
Slater,
Walker,

So the amendment was rejected.

Mr. VEST. I am instructed by the Committee on Public Buildings and Grounds to offer an amendment, to come in after line 315.

Mr. VOORHEES. Will the Senator from Missouri allow me a moment? I desire to inquire whether I can renew my amendment again in the Senate.

The PRESIDING OFFICER. The bill is in Committee of the Whole.

Mr. VOORHEES. Then I give notice I will renew the amendment in the Senate.

The PRESIDING OFFICER. The amendment of the Senator from Missouri [Mr. VEST] will be read.

The CHIEF CLERK. On page 14, after line 315, it is proposed to add:

That the Secretary of the Treasury be, and he hereby is, authorized and directed to purchase a suitable site, and cause to be erected thereon, at Montpelier, in the State of Vermont, a substantial and commodious public building, with fire-proof vaults, for the use and accommodation of the post-office, court-house, and internal-revenue office. The site, and the building thereon, when completed according to plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed the cost of \$75,000; and the site purchased shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and for the purposes herein mentioned the sum of \$75,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, and the State of Vermont shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

The amendment was agreed to.

Mr. VAN WYCK. By direction of the Committee on Public Buildings and Grounds I submit the following amendment, to come in immediately after the amendment just adopted:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to procure a proper site, and cause to be erected thereon a suitable building, with fire-proof vaults, in Nebraska City, Nebr., for the accommodation of the United States district court, post-office, and other Government offices in said city, at a cost not to exceed \$75,000, including cost of site; and the said sum of \$75,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purpose herein mentioned: *Provided*, That no money shall be used or applied for the purpose mentioned until a valid title to the land for the site of such building shall be vested in the United States; and no expenditure or money shall be made on the building proposed to be erected on said site until the State of Nebraska shall duly release and relinquish to the United States the right to tax or in any way assess said site, or the property of the United States that may be thereon, and shall cede jurisdiction over the same during the time that the United States shall remain the owner thereof.

Mr. ALLISON. Is this amendment subject to a point of order?

The PRESIDING OFFICER. The Senator from Nebraska states that by direction of the Committee on Public Buildings and Grounds he offers the amendment. The Chair thinks the amendment is in order. The question is, will the Senate agree to it.

The amendment was agreed to.

Mr. BAYARD. I offer the following amendment, to come in after line 315.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation for the United States circuit and district courts, post-office, and other Government offices, at the city of Wilmington, in the State of Delaware. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed, for the site and building complete, the sum of \$150,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Delaware shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

Mr. ALLISON. I ask if that amendment is in order?

Mr. BAYARD. The amendment is a bill reported by the Committee

on Public Buildings and Grounds at the present Congress, which has already passed the Senate, is now pending before the House, and has been reported favorably there.

The PRESIDING OFFICER. If the Senate has passed the bill authorizing the completion of such a building, the Chair holds the amendment to be in order under Rule XVI. The question is: Will the Senate agree to the amendment proposed by the Senator from Delaware?

Mr. MILLER, of New York. Do I understand that the Committee on Public Buildings and Grounds propose to put upon this bill all the public buildings bills which have passed this body, and which have not yet passed the House of Representatives? If so, I see no objection to it; but if not so, I call upon the chairman of the Committee on Public Buildings and Grounds to report as an amendment to this bill a bill which passed here at the last session for a public building at Saratoga, N. Y. That bill has been reported favorably in the House of Representatives, but, owing to the condition of business there, it has not passed. If the Public Buildings Committee propose here to do this I call upon that committee to treat all public buildings on an equality and all Senators on the same footing in this matter. I ask for an answer from the chairman of the committee.

Mr. MAHONE. Mr. President, the Committee on Public Buildings and Grounds is not undertaking to do any such thing as the Senator understands. It does not propose to report as an amendment to this bill all the bills that have passed the Senate and failed in the House, but there are extraordinary cases—

Mr. MILLER, of New York. The Senator will pardon me for a moment.

Mr. MAHONE. Allow me to finish and then I will yield entirely. There are extraordinary cases; there are some of the States that have had no public buildings during this Congress, and there are others that have had two and some as high as three buildings, and the committee think in those cases, where no buildings have been allowed to a State by the passage of a bill through both bodies, it is but fair they should have an opportunity to put one building on this bill for such States. That is the state of the case.

Mr. MILLER, of New York. I simply desired to have a statement made by the chairman of the committee as to the grounds on which they make exceptions in those cases. I have noticed that two or three bills have been offered here as amendments, and when they have been presented the Senators presenting them stated they did so by instruction of the Committee on Public Buildings and Grounds, which made them in order. Now another amendment is offered for another public building, the bill for which has passed this body either at this session or the last, and upon that ground it is to be put upon this bill.

I think that the Committee on Public Buildings and Grounds should treat all these applications alike. I do not care for one to enter into any unseemly scramble for my State or my constituents. They have been fairly treated and I have no disposition to find any fault with any of these measures; but it does seem to me that if the Senate now put upon this bill amendments for public buildings such as have passed the Senate during this session or the past, but have failed in the House, the committee should take up all those bills and put all of them upon this measure as amendments. I submit to their own sense of fairness and propriety to do it. I do not propose, as I said, to enter into any scramble on this matter. I leave it to the committee to decide for itself what it will do.

Mr. MORRILL. Mr. President, it is but due that I should make a statement in relation to this matter. I understand that thus far there has been but one building put upon this bill that has passed the Senate heretofore. It was proposed by the Senator from Delaware to put one on that has passed the Senate, and the Committee on Public Buildings and Grounds have not moved as an amendment the bill proposed by the Senator from Delaware, which I think is a meritorious case and ought to go on. That proposition has not been before the Committee on Public Buildings and Grounds. The amendment reported by the Senator from Missouri for Vermont, I will say, is to supply the capital of the State. There has not been any money appropriated for the State of Vermont for public buildings in the last thirty years. Every other State in the Union, so far as I know, has had a public building erected at the capital of the State. This bill passed two years ago and it passed again this year, and it is recommended in the House by the Committee on Public Buildings and Grounds, and I do not suppose there is a member at this end of the Capitol or the other who would vote against it. So far as the Committee on Public Buildings and Grounds are concerned, they have done this more at their motion than my own.

Mr. MITCHELL. I should like to ask the Senator from Vermont a question. Do I understand him to say that the amendment now proposed has not passed the Senate and has not been considered by the Committee on Public Buildings and Grounds?

Mr. MORRILL. The bill has passed the Senate heretofore, but has not been referred to the committee to be considered on this appropriation bill.

Mr. MITCHELL. Has it passed the Senate during this session?

Mr. MORRILL. During this Congress.

The PRESIDING OFFICER. The Chair will state to the Senator from Pennsylvania that on the question of order which was raised by

the Senator from Iowa on the amendment of the Senator from Delaware it was held that as a bill authorizing the construction of this building had passed the Senate and was now pending in the House of Representatives, the amendment was in order. The question is, Will the Senate agree to the amendment of the Senator from Delaware?

The amendment was agreed to.

Mr. MILLER, of New York. I offer the following amendment, to be inserted after the amendment just agreed to:

For the purchase by the Secretary of the Treasury, from the present owners, the property in the town of Middletown, Richmond County, New York, known as the Seamen's Retreat, consisting of thirty acres, more or less, and buildings thereon, together with a water front of six hundred feet, more or less, the same to be used for the purpose of a marine hospital at the port of New York, \$250,000.

I will occupy the attention of the Senate but a moment on this question. The United States Government is now occupying this ground and building as a marine hospital. It has been occupying it for two years under a contract which expires on the 1st of May next, at which time if the premises should not be purchased by the United States Government the Government will be without any marine hospital at the port of New York. While we have a marine hospital at nearly every other important port in the country, the United States Government has never owned and maintained a marine hospital at the port of New York. Before it leased these premises it had been in the habit of farming out the sailors who needed treatment there to the various hospitals about the city. A short time ago it erected a temporary hospital on Bedloe's Island, but it has been compelled to abandon it on account of the erection of the Bartholdi statue. Two years ago it leased these premises, and the Secretary of the Treasury makes this recommendation:

The recommendations heretofore made for the establishment of a national snug harbor, or sailors' home, are also renewed.

The recommendation of the Surgeon-General for the purchase of the Seamen's Retreat property at Staten Island, New York, as recommended by my predecessor, which recommendation was subsequently adopted by the Committee on Commerce of the present Congress (Report No. 1039), is respectfully renewed, and early action on the part of Congress is suggested. Without action the service at New York will probably be without a hospital when the lease of the building terminates, in May next. A return to the old contract system, formerly in vogue at that port, would, in my judgment, be highly injurious to the service.

I have here also the report of the Surgeon-General of the Marine-Hospital Service, urging in the strongest manner the purchase of this property; and, as I have already said, it has been two years in the control of the Government, under a lease, with the privilege of purchasing it at the expiration of the lease. The lease expires in May of this year.

This hospital and grounds belong to a number of charitable institutions, the Marine Society and the Seaman's Aid Society, and it has been leased by them to the Government of the United States. They have no longer any use for it; and if not purchased by the Government the property will undoubtedly be broken up and subdivided, and thus the Government will be prevented from continuing the lease or purchasing the property at any future time. It is undoubtedly one of the most desirable points in the harbor of New York for a marine hospital, and certainly the Government ought to have a marine hospital at that port.

The price here fixed has been agreed on by an appraisal and is undoubtedly a fair price; it is not excessive in any way; and it has been recommended now by two successive Secretaries of the Treasury that the premises should be purchased, and, if purchased, the amount paid for them will be much less than the cost of any marine hospital now at any of our prominent ports. The marine hospital at Boston cost \$303,000; the one at Chicago has cost \$420,000; the one at San Francisco, an old one, which is now being rebuilt, cost \$231,000; the one at Detroit \$109,000; and the marine hospital at New Orleans cost over \$500,000.

This is entirely in the interest of the Marine-Hospital Service and in the interest of the Government.

Mr. MORRILL. May I ask the Senator from New York a question?

Mr. MILLER, of New York. Certainly.

Mr. MORRILL. Have not at the present session two bills passed for New York, one for Saratoga, and one for Troy? That is my recollection.

Mr. MILLER, of New York. I am not now talking about a building at Saratoga or any other place. My amendment is for a marine hospital at the port of New York.

Mr. MORRILL. A moment ago the Senator was talking about fair play to all the States.

Mr. MILLER, of New York. I was talking about fair play for all the States, and I still stand here to talk for fair play for all the States.

This is asked for by the Secretary of the Treasury and the Surgeon-General of the Marine-Hospital Service. It is not asked for by the people of the State of New York. It is not a public building to be used in the public service in the State of New York. It is a marine hospital for the care of the sailors of our marine. Quite likely some of them may come from the good State of Vermont and many of them from the States of Maine and Massachusetts, but certainly the Government ought to maintain a marine hospital in the port of New York.

A hospital tax has been levied upon the sailors of this country, and more than 15 per cent. of the entire sum heretofore collected has been collected at the port of New York, and yet during all these years it has been levied without any marine hospital at New York, and the sailors

have been fanned out to different hospitals scattered about the city and neighborhood, thus preventing any proper control or any proper management of the Marine-Hospital Service. This is undoubtedly a cheap property and should be bought. I submit the question.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from New York.

The amendment was agreed to.

Mr. MCPHERSON. I move to strike out from line 1173 to line 1176, as follows:

To pay in full the claim of the owners of the schooner Druid for damages occasioned by the collision of that vessel with the United States steamer Powhatan, in October, 1883, \$11,519.88.

And in lieu thereof to insert:

That the claim of the former owners of the schooner Druid for damages caused by the collision of said schooner with the United States steamer Powhatan be, and the same is hereby, referred to the Court of Claims, under the provisions of section 1055 of the Revised Statutes.

Mr. ALLISON. Is that amendment in order?

Mr. MCPHERSON. It is an amendment to the text of the bill. I am very much surprised that a provision has found its way into this bill for the Government to pay out the sum of \$11,519.88 for this vessel, when, taking the whole testimony presented in the case, it is shown conclusively that the Government is not liable at all. The libellants in a case of collision certainly have to prove that they are without fault themselves, and that the opposite party is in fault. In this case no such proof has ever been made. The Government should not pay a dollar of this claim until such time as the Court of Claims has adjudicated upon it and declared it to be valid.

The first board of inquiry that was organized to act upon this case declared that there was only a sum of about \$2,500 due for damages to the Druid. The captain of the Druid himself declared that he lost his head and ran his vessel against the Powhatan. The second board of inquiry were authorized only to investigate as to the value of the cargo and the value of the ship, without determining in any manner as to the liability of the Government. A claim for over \$11,000 has found its way into the bill from the House of Representatives when last year it was rejected both by the House and by the Senate for the very reason I am now stating. It is presented here again. The Government is not liable for certainly more than \$2,000 or \$2,500 at the outside, and the claim is to be paid for \$11,000. There certainly can be no hardship in permitting the libellants in this case to go to the Court of Claims and prove their case if they have a good one, but certainly the Congress of the United States should not make an appropriation to pay a sum of money which has no foundation in justice or right.

Let me say still further while on my feet that when the collision took place between these vessels it was in broad daylight. The vessels were nearing each other in opposite directions. The Druid had just as much opportunity of keeping out of the way of the Powhatan as the Powhatan had of keeping away from the Druid. The captain himself declared that he changed his helm and therefore threw his vessel against the Powhatan, seemingly for no purpose in the world except to wreck her, that he might make the Government pay for her. After the wreck the board of inquiry declared that the only damage the Druid had sustained was the loss of her spars and sails. Two Government officers from the Powhatan followed the vessel to port, and it was there discovered (contrary to what had been alleged by the owners of the Druid) that the vessel was not leaking. These two officers declared that she had not sprung a leak, that the cargo was not injured in the least. The second board of inquiry appointed by the Secretary of the Navy never saw the Druid at all, never had the opportunity of investigating the question as to whether she was damaged or not. I claim that the part of prudence and right in this matter would be to refer this whole case to the Court of Claims and let them decide whether the libellants have any claim or not.

The PRESIDENT *pro tempore*. The Chair thinks the amendment is in order. As a proposition to pay a private claim it would be indefensible; but being merely a proposition to amend a provision in the bill relative to a private claim, the Chair thinks the amendment is in order. The question is on agreeing to it.

The amendment was agreed to.

Mr. McMILLAN. I offer an amendment, which I send to the desk, to be inserted after the last appropriation for public buildings offered this evening. This is an amendment which has been recommended by the Committee on Public Buildings and Grounds; and a bill for the improvement has passed the Senate and has been reported favorably in the House also.

The PRESIDENT *pro tempore*. Has this amendment been referred to the Committee on Appropriations?

Mr. McMILLAN. The amendment has been referred to the Committee on Public Buildings and Grounds, reported favorably, and referred to the Committee on Appropriations by the Committee on Public Buildings and Grounds.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Minnesota will be read.

The SECRETARY. At the end of the amendments already adopted, after line 315, it is proposed to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected, a suitable building, with

fire-proof vaults therein, for the accommodation of the United States courts, post-office, and internal-revenue and other Government offices, at the city of Winona, Minn. The site, and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed the cost of \$100,000: *Provided*, That the site purchased shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than fifty feet, including streets and alleys; and that no money appropriated for his purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Minnesota shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal law of said State and the service of any civil process therein.

That the sum of \$20,000 be, and the same is hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to be used and expended in the purchase of said site and toward the construction of said building.

The amendment was agreed to.

Mr. GROOME. Mr. President, I offer the following amendment, to come in after the one just adopted:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the post-office, custom-house, and other Government offices, at the city of Annapolis, Md. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of \$100,000: *Provided*, That the site purchased shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than fifty feet, including streets and alleys; and for the purposes herein mentioned the sum of \$100,000 is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury: *Provided further*, That no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Maryland shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

Mr. ALLISON. I make the point of order on this amendment.

Mr. GROOME. I will state that this measure has already passed the Senate unanimously as a bill, and hence I do not think it subject to the point of order.

The PRESIDENT *pro tempore*. Has it been reported from a committee and referred to the Committee on Appropriations?

Mr. GROOME. It has not been referred to the Committee on Appropriations as an amendment to this bill.

The PRESIDENT *pro tempore*. The Chair thinks then it is not in order.

Mr. GROOME. But I think the case is exactly like that of the State capital of Vermont. Certain it is this is a building for a State capital. It is for the only State capital I think in the Union for which steps have not been already taken to provide a public building. I hope, therefore, that the point of order will not be pressed if the amendment is amenable to the point.

The PRESIDENT *pro tempore*. The Chair thinks if it has not been reported from the Committee on Public Buildings, and referred to the Committee on Appropriations, it is not in order under the decision of the Senate this morning on the yeas and nays after discussion as to the meaning of the words "carrying out an existing law" or "a bill or resolution previously passed by the Senate during that session."

Mr. GORMAN. A moment ago, in a case precisely similar at Montpelier, Vt., where the bill had passed the Senate at the last session and been reported from the Committee on Public Buildings and Grounds, the Chair held that under the rule that was in order, and it was inserted on this bill within the last half hour.

The PRESIDENT *pro tempore*. The present occupant of the chair was not present at that time.

Mr. GROOME. It was on the strength of that decision that I have moved the amendment.

The PRESIDENT *pro tempore*. The Chair bases his opinion on the distinctive decision of the Senate this morning after discussion and upon the yeas and nays as to the meaning of the words of the rule.

Mr. CAMERON, of Wisconsin. In the Vermont case the amendment had been introduced and referred to the Committee on Public Buildings and Grounds, reported back favorably from that committee, and referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. That makes quite a different question.

Mr. CAMERON, of Wisconsin. Quite a different case. So that was clearly in order under the rule.

The PRESIDENT *pro tempore*. The Chair, unless the point of order is withdrawn, feels bound to hold that the amendment is not in order.

Mr. MILLER, of California. I offer an amendment which has been reported from the Committee on Foreign Relations, and referred to the Committee on Appropriations.

The CHIEF CLERK. After line 30, on page 2, it is proposed to insert:

To enable the President to bestow testimonials, as recommended in his message of January 27, 1885, upon those officers and subjects of the Russian Government who extended aid and comfort to the survivors of the Jeannette Arctic exploring expedition and assistance to the parties dispatched by the Government of the United States to relieve and succor the said survivors, and to convey to the Government and people of Russia an expression of the high appreciation in which the Government and people of the United States hold the humane services so rendered, the sum of \$15,000 or so much thereof as may be necessary, the same to be immediately available.

Mr. MILLER, of California. That is recommended by the President to reward those people who aided the Jeannette, the list of which is given in the report made by the committee and which is contained in the President's message. I presume there will be no objection to the amendment.

Mr. ALLISON. Is this amendment from the Committee on Foreign Relations?

Mr. MILLER, of California. Yes, sir; and was referred to the Committee on Appropriations and overlooked in some way.

Mr. ALLISON. Not overlooked.

The PRESIDENT *pro tempore*. The Chair understands the Senator from California, the chairman of the Committee on Foreign Relations, to state that this amendment has been reported from the Committee on Foreign Relations and referred to the Committee on Appropriations in time.

Mr. ALLISON. I did not hear the reading of the amendment, being occupied at the moment.

The PRESIDENT *pro tempore*. The amendment will be again read.

Mr. ALLISON. I do not ask it.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from California.

The amendment was agreed to.

Mr. MILLER, of California. I have another amendment of the same character. This amendment was reported from the Committee on Foreign Relations and referred to the Committee on Appropriations. I move to insert it immediately after the amendment just adopted:

To enable the President of the United States to send a delegate to represent the Government of the United States at the jubilee to be held by the Statistical Society in London in the month of June, 1885, the sum of \$2,000, or so much thereof as may be necessary, to be immediately available.

That society meets in London, and the Secretary of State has recommended that a delegate be sent, and one ought to be sent.

Mr. ALLISON. That proposition was also referred, I believe.

Mr. MILLER, of California. It was.

Mr. VOORHEES. I did not hear distinctly what this was.

Mr. MILLER, of California. A meeting of the Statistical Society at London in grand convention.

Mr. VOORHEES. Why is it called a jubilee?

Mr. MILLER, of California. I do not know.

Mr. HOAR. Are other nations represented as nations, or are these societies represented?

Mr. MILLER, of California. The societies.

Mr. HOAR. Why should this Government be represented at an association of societies?

Mr. MILLER, of California. Because other governments are represented by sending delegates. It is recommended by the Secretary of State.

Mr. BUTLER. I should like very much to see a statistical jubilee.

Mr. VOORHEES. May I inquire of the Senator from California whether it is recommended to us by the Secretary of State as a jubilee?

Mr. MILLER, of California. Yes; it is.

Mr. VOORHEES. It is his designation?

Mr. MILLER, of California. Yes, sir.

Mr. BUTLER. A statistical jubilee?

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from California.

The amendment was rejected.

Mr. BUTLER. I offer the following amendment, to come in after line 268, on page 12:

For court-house and post-office at Greenville, S. C.: For purchase of site and commencing erection of public building, \$50,000.

Mr. ALLISON. I make the point of order on that.

The PRESIDENT *pro tempore*. Has the amendment been reported from a committee?

Mr. BUTLER. It has not been reported from a committee, but a bill has passed the Senate making an appropriation of \$50,000 for that building on two occasions.

The PRESIDENT *pro tempore*. The Chair thinks it is not in order.

Mr. BUTLER. I submit, of course.

Mr. MILLER, of New York. I offer the following amendment, to come in after the last amendment adopted—

The PRESIDENT *pro tempore*. The last amendment adopted was that on the motion of the Senator from California, on page 2.

The CHIEF CLERK. On page 14, after the amendments already agreed to, it is proposed to insert:

That the Secretary of the Treasury be, and is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults, for the accommodation of the United States court, post-office, and other Government offices, at Saratoga Springs, State of New York. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of \$100,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for said building shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of New York shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

That the sum of \$50,000 is hereby appropriated for the purchase of a site and commencement of work.

Mr. ALLISON. I make the point of order on that.

The PRESIDENT *pro tempore*. Is the amendment reported from a committee?

Mr. MILLER, of New York. What is the point of order?

Mr. ALLISON. It is not reported from any committee.

Mr. MILLER, of New York. The bill from which this amendment is copied was reported from the Committee on Public Buildings and Grounds, and passed this body in the last Congress.

The PRESIDENT *pro tempore*. Has it been reported as an amendment from any committee and referred to the Committee on Appropriations.

Mr. MILLER, of New York. I think not.

The PRESIDENT *pro tempore*. The Chair thinks it is not in order.

Mr. MILLER, of New York. The decision of the Chair heretofore has been the other way, as I have understood it.

The PRESIDENT *pro tempore*. The present occupant of the chair was not present when any other decision was made. In the case referred to the Senator from Wisconsin stated that the amendment was reported by a committee and referred to the Committee on Appropriations.

Mr. MILLER, of New York. I am unfortunate, then, in not getting in my amendment earlier in the evening.

The PRESIDENT *pro tempore*. The Chair thinks it is not in order.

Mr. MAHONEY. I am instructed by the Committee on Public Buildings and Grounds to offer an amendment, to be inserted between lines 288 and 289. This amendment comprehends the full text of a bill that was passed by the Senate a few days ago for the purchase of square 406 in this city. It passed the Senate unanimously, and has been reported by the House committee, but no action has been taken on it in the House. The necessity for the purchase of this square comes from the pressing demand for a city post-office in Washington; in addition to which it is conceded that sooner or later, and none too soon, the Government must acquire this piece of property for the enlargement of the Post-Office Department building, already largely insufficient for the proper and convenient conduct of the business of that Department.

This piece of property embraces 86,000 square feet when you take in the street, measuring 25,000 square feet, which the Government may take in after the acquirement of this square. The square now brings in a rental of \$43,500, or 7 per cent. upon the price it is proposed to pay for the property. In addition to all this the Post-Office Department is now paying \$14,500 rent for buildings in part upon this very square and for a city post-office, of all of which the Government may be relieved upon the acquisition of this piece of property, since there are buildings upon the square that will fully and conveniently serve the purposes of the city post-office until you are ready to proceed with the construction of a suitable building.

That is the state of the case, Mr. President, and this amendment is now before the Senate coming from the Committee on Public Buildings and Grounds duly referred to the Committee on Appropriations, and, as I said, is the full text of a bill that passed the Senate but a few days ago.

Mr. ALLISON. It seems to me that it is not quite enough to have had this referred to the Committee on Appropriations. It seems to me to be legislation for the purchase of property. If I can make that point on it I shall be glad to do so.

The PRESIDENT *pro tempore*. The Chair does not think it falls within the rule of general legislation.

Mr. ALLISON. Then I make no point.

Mr. MORRILL. I desire to say that this has been recommended since the passage of the bill by the Senate by the Committee on Public Buildings to the Committee on Appropriations, and it is not any singular way of doing business. The National Museum was reported by that committee in the same way and put onto a sundry civil appropriation bill.

Mr. ALLISON. I make no point of order.

Mr. MORRILL. So was the Bureau of Engraving and Printing, and so was the Agricultural Department. In fact there is hardly any other way you can get a building for this city through Congress except upon an appropriation bill.

I wish to say that there is a very urgent necessity that this building should be erected, and erected promptly. If this ground is taken with the buildings upon it, the Le Droit building alone will furnish better accommodations than we now have in the present building that is rented by the Government for a city post-office, and there are several other buildings that are now rented by the Government for the Post-Office Department. There is a building in this square that is rented by the Government, and also a building on Ninth street, all for the Post-Office Department.

This is obviously an economical thing for us to do. There is not a shadow of doubt but what the property, if it can be purchased at the price these parties have agreed to sell it for, would be a good bargain for the Government.

Mr. MAXEY. I would ask the Senator from Vermont, as a member of the Committee on Public Buildings and Grounds, whether or

not, after making ample provision on that plot of ground for the city post-office, there is not enough ground to be used for the use and benefit of the Post-Office Department?

Mr. MORRILL. Very much; and buildings that would be occupied by the Department. If the city post-office was put up on Ninth street, between E and F, there would be other buildings which could be used that would save the Government a large sum of money; but the main building, with the exception of the city post-office, might be delayed for some years.

Mr. MAXEY. It is more convenient to the Post-Office Department than any other plot of ground which can be obtained.

Mr. MORRILL. Undoubtedly.

Mr. PLUMB. I do not know very much about property in this city, but I do know that there is a very widespread impression based on apparently good foundation that the price proposed to be paid for this property is at least \$150,000 too great, and that the Government in making this purchase is really bullying the real-estate market in the city of Washington. It does not signify to us that if we buy this property and do certain other things we shall save a little money on the basis of a 4 per cent. or a 3 per cent. investment; the question at the bottom of it all is, can this property be purchased at a suitable price, such as it is worth in the real-estate market and as private parties would have to pay for it? Taking the information that I have, my judgment is—a judgment not very securely founded, I admit, but still it is the judgment on which I am bound to act, and which I should act upon as a private individual—that this private property is put at a very much higher price than its value. If I may allude to what has taken place elsewhere, I may say that the Senate in one of its amiable moods, and with that consideration which it always has for a very large sum of money—for I believe it will let through any bill at any time for a half million dollars, while it will higggle with parsimonious persistency over a bill appropriating fifty or sixty dollars for somebody—but in that mood in which it finds itself occasionally the Senate passed this bill; it went to another body which I am not authorized to mention, but like the man who, when approached on a horse-trade, said he could not trade on Sunday, because it was against his religion, but if it was not Sunday he would say that he would pay \$20 to boot; and so I can say in reference to this other place, or if it was not that other place I would say that the committee of that body—

The PRESIDENT *pro tempore*. The Chair thinks the Senator is not in order. He is alluding to a report in another body.

Mr. PLUMB. If on reflection the presiding officer thinks that is against the rule I will withdraw the remark; but I will say that a body of men—not the House of Representatives, but a body of men charged with the duty of investigating this subject—say upon their responsibility that \$500,000 is an ample price for this property; and now the Senate is proposing to take a short cut to get around that opinion, and in the closing hours of this session, by means of a committee of conference, to avoid the collision and the wreck that would apparently follow from that collision with another portion of this legislative body, and complete the purchase of this property in defiance, as I believe, of what is just, of what is right, of what is fair, of what is prudent, and of what is due to this body and to all other legislative bodies having to deal with the public money. I do not think that is the proper way of conducting legislation.

Mr. MAHONEY. Mr. President, I think if the Senator from Kansas had given a little more attention to the subject rather than been content to state some impression which he has formed from floating statements, he would have had no such opinion as that to which he has given expression.

I hold in my hand letters from nine respectable, responsible real-estate owners in the city of Washington. I do not know a single one of these gentlemen; I never saw one of them; but they have addressed letters to the committee, and I have read them all. They all agree that the price proposed to be paid for this property, which is by agreement to the extent of the whole square save about four little pieces involving \$100,000, is quite fair. We shall see who they are in a moment. They all agree that the price proposed to be paid is below the value of the property saving one, who thinks it is a little above the value.

Now, let us see who they are. I shall not look inside the letters, but give the names from the outside of the envelopes. Hufty & Dyer, real estate, insurance, stock, and note brokers. The most of these gentlemen—indeed all of them—disclaim any connection or any interest whatever in the sale of this property, but they have been called upon—

Mr. PLUMB. Mr. President—

The PRESIDENT *pro tempore*. Will the Senator yield to the Senator from Kansas?

Mr. MAHONEY. In a moment. They have been called upon by some of the citizens here who seem to be interested in the procurement of this most suitable site for the post-office, and have given expression to their judgment.

John Sherman & Co., real estate and loans; Duvall & Marr, real estate and insurance; Parker & Townsend, real estate and brokers; B. H. Warner; George Truesdell; F. H. Smith & Son; Fitch, Fox, and Brown; Thomas J. Fisher & Co., real-estate agents. These are the

parties from whom the letters come. If the Senator from Kansas would like to be better informed, he can take the letters.

Mr. PLUMB. I am glad to have those names go on record, as they will add to the circulation of the paper in which they appear. What the Senator says confirms me in two things, one of which I am very sorry to be confirmed in, and that is that the Senator from Virginia does not seem to understand how people are influenced. Did you ever hear of a real-estate agent who did not, like Paul, magnify his office? Is it not the line of business of all these gentlemen to enhance by representations the value of all property in Washington? They do not have this particular site for sale, but they have other property for sale, the price of which will largely be based on the price the Government pays for this property in the city of Washington if it purchases it.

The one thing these gentlemen are interested in is to establish the fact that property in Washington is greater in value than the price being offered, in order that they may get thereby more business to do; and if they can get the Government into this laudable enterprise of bullying the real-estate market as I said, thereby they will get more percentage and their customers will get greater gains. I may not know as much about this ground as the members of the Committee on Public Buildings and Grounds, but I do believe that if the Government were to-day to invite real competition for a site it could save \$100,000. That is not much I know, the present impression being that the great burden we are laboring under now is how to get rid of the money we have in the Treasury; and of course under that idea the larger the appropriation the more beneficial it is.

The Senator from Maine [Mr. FRYE] says we are getting rid of the surplus fast enough to-night. I think that is so myself, and if we shall sit here until morning, and the Committee on Public Buildings and Grounds have the floor, and a few more enterprises of this kind shall be brought into the bill, the surplus will be less to-morrow morning than it was yesterday morning certainly.

Mr. President, I think in regard to this matter that it has not had proper consideration. I do not believe this is the way to buy property either in Washington or elsewhere, and I especially think in regard to this purchase there ought to be some competition, so as to bring the price down to that level which would naturally prevail in dealing between private individuals. We have had some experience of that kind heretofore; at least we have had some observation of the result of this method of buying property. If we were to go around anywhere in the city of Washington and ask owners what they would sell their property for in the absence of competition, we may be certain that the price they offer would be a very large percentage above what they themselves actually believe its value to be.

I am willing, as far as I am concerned, to build a post-office in Washington, although the business I have with it does not seem to impress me with the need of that institution very much. I do not think there is very great want for it, but still I am willing to have it, willing to take the steps necessary for the purpose of getting it; but I want to do it on some basis which shall be just and open, in which we shall seem to be applying the ordinary rules of private business to the transaction of public business.

Mr. BUTLER. Then why not authorize a commission to purchase a site for a post-office?

Mr. PLUMB. I would go in for something of that kind. I honestly believe that \$150,000 less, certainly \$100,000 less, would buy this block if we in the mean time, by our proposition to buy it, do not enhance its value in the minds of those who have it to sell.

Mr. President, there will be, as there always is properly under proper circumstances, more or less competition in regard to the location of public buildings. I have in my mind the capital of a State where property was needed for a Government building. The people owning adjoining property bid for the location of the United States building, and they paid large sums for the property in order to get the location in a certain place. They knew its value to them. It brought them business. They were willing to pay for it. Competition of that kind is proper and fair. I do not say it could be instituted in this particular case, but I do say that when we come to buy this property, in view of all the circumstances surrounding the transaction of public business here and the general extravagance which prevails and which we are all the time cultivating by the money we are paying out and by the salaries we are paying, we ought to secure fair and free competition. In regard to public buildings, about which there is no perishing interest at the present moment, if we can not wait, if we must go ahead *volens volens*, at least we ought to go ahead with some decent regard for the practices which obtain in transacting private business.

I therefore hope this amendment will not be put on. It is going to be put on now in the expectation that it will escape the final judgment of the other branch of the Legislature. That is what it means. It is absolutely known, I think, that the House of Representatives will not agree, as an independent proposition, to this purchase in the terms proposed by the Committee on Public Buildings and Grounds. It is, therefore, sought to get around that judgment which has been substantially expressed, and in this way by means of a conference committee and the consent, grudging or otherwise, given by these men in the expiring

hours of the session and under the fear of an extra session if the concession is not made, that this will be done which otherwise would not be done.

Mr. MORRILL. I do not like to have this measure "whistled down the wind" in this kind of style. The Committee on Public Buildings and Grounds have had this subject under consideration for at least half a dozen years. They have investigated various sites throughout the city. I have no doubt that we could go out beyond the boundary and get competition and get for a small sum a site that would not be appropriate or at all suitable for the post-office building; but to get a site where it will be proper to locate such a building we shall have to pay for it. And when we are investigating this subject it is well that we should have some forecast and look out for the future. We not only need a post-office for the city accommodation, but we need such a building largely for doubling the accommodations of the General Post-Office. There is no question but what the General Post-Office must have accommodations double their present amount, and that in a very short time. This site is adjoining the General Post-Office; that building can be extended on to Eighth and Ninth streets to very great advantage, and there will be ample room to accommodate the General Post-Office and the city post-office. So far as the price is concerned I have examined it with some particularity, and there is but one piece of property that I think is overvalued, and that the Government had the option of taking for a year or two at \$80,000. The present holders of it have raised their price to \$115,000, which I think is extravagant, and I should be glad to have that appraised by a jury appointed by the court; but beyond that I venture the prediction that the Government will not only buy this specific piece of property as the only one that can accommodate the General Post-Office and the city post-office, but that they will buy it and pay more than 25 per cent. more for it than what has been proposed and what the Senate has heretofore agreed to.

Mr. BUTLER. May I ask the Senator from Vermont how the Committee on Public Buildings and Grounds arrived at the value of this property?

Mr. MORRILL. They arrived at it in the first place by looking at the assessment and then by having an agent go around and see each one of the parties and obtain the lowest terms. We informed them in the first place that \$500,000 was all we would give for the whole square, and we squeezed the major part of them to a very low price; and there is only one piece of property that the Government had the option of for two or three years which I think is held at an extravagant price.

Mr. VORHEES. May I ask the Senator from Vermont whether it is designed to close Eighth street, between E and F?

Mr. MORRILL. It is designed to cover the whole space from F to E street.

Mr. VORHEES. And to close Eighth street?

Mr. MORRILL. To close Eighth street so as to make the General Post-Office a building of the same size as the Patent Office, to match that in point of distance from one end to the other.

Mr. HARRIS. From Seventh to Ninth streets.

Mr. PLUMB. If this purchase be effected I hope it will be effected before the RECORD comes out to-morrow, because I have no doubt —

Mr. MORRILL. Let me say one word. Some gentlemen contend for this without any expectation that it is going to carry, with the potential influence of the Senator from Kansas and with the tired, jaded look of my friend the chairman of the Committee on Appropriations; and I have no doubt they will fling out all our amendments without a single tear in either eye.

Mr. PLUMB. I do not happen to be on the conference on the sundry civil bill; but the reference to me is somewhat gratuitous. I was going to say that if we are to buy this property for the sum proposed we ought to buy it to-morrow, because after what the Senator from Vermont has said it is plain to be seen that these property-holders have the Government in a hole. We can not have a post-office that is a post-office which will be what a post-office ought to be, unless we have it on this particular spot of ground; and after the very lurid statement of his in regard to the value of that property I shall do justice to the modesty of the ordinary real-estate owner of the city of Washington when I say that I think he will find some way, particularly after the RECORD is published to-morrow and comes under his observation, to raise the price of the property 25 per cent., especially after the Senator from Vermont has stated the manner in which they applied the screws to some of the property-owners to get them down in order that the balance might get up, just as one part of a feather-bed rises when you put down any other part. So I think that the moment we attempt to establish the average, the general average after that statement will rise to the highest peak of price established by any owner in any part of the square. I think this debate has perhaps—and I may say that I fear I have contributed to that—enabled these people to put on the screws so that this property will cost even a great deal more than is now proposed.

But, seriously, it seems to me that this is not the way for the Government to purchase property in the city of Washington or elsewhere. I know that it does not purchase it that way out West; it does not purchase it that way anywhere, so far as I know, except in the city of Washington. In the desire to beautify the capital of the nation, and to spend public money for the benefit of this community, all considerations of

propriety, of justice to the tax-payer, of business principles that ought to govern the just transaction of the Government business like that of private individuals, seem to be lost sight of.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on certain amendments of the Senate to the bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, further insisted upon its disagreement to the amendments of the Senate numbered 1 and 29 to said bill, and asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILLIAM S. HOLMAN of Indiana, Mr. JOHN HANCOCK of Texas, and Mr. J. G. CANNON of Illinois managers at the conference on its part.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 8256) to provide for the sale of the Sac and Fox and Iowa Indian reservations, in the States of Nebraska and Kansas, and for other purposes; and it was thereupon signed by the President *pro tempore* of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Virginia [Mr. MAHONE].

Mr. VEST. I simply wish to say in regard to the remarks of the Senator from Kansas that the Committee on Public Buildings and Grounds—and I say it without personal reference to myself—have done the very best they could in regard to this matter. For two years past, anticipating the very thing to which the Senator from Kansas has alluded, that when we had concluded that this block opposite the General Post-Office building was the most eligible site its price would rise, had a paper drawn up and signed by nearly all the property-holders pledging themselves not to charge over a certain price for their property. It is true that after this paper was signed by the large property-owners a few others stood off. That is always the case and is inevitable. Every lawyer who has had experience in regard to the adjustment of estates in bankruptcy or the settlement of failing firms knows that invariably there are a few, generally small, creditors, who will stand out from any arrangement in the hope that they will be paid in full; and so in this instance five or six of the small property-owners in the block refused to sign the paper as soon as they ascertained that the Government wanted the property, but all the large property-owners agreed to reasonable terms, and some of them put their property in under the appraised value. I beg to say, after serving on the Committee on Public Buildings and Grounds for six years, that this is the fairest transaction that I have ever known where the Government was a party to a proposed purchase of property for a Government building.

Now I want to call the attention of the Senator from Kansas to one fact, because he has not examined this matter as the committee has that has had it in charge. The Government, for 35,000 feet of ground on the site of the old city post-office where it is now, were asked \$400,000. For sixty thousand and more feet in a much more favorable locality near the General Post-Office we are asked \$640,000, and that is in a portion of the city where property is advancing in value, on F street, one of the best squares in the entire city, and I think is by far the best site for the location of the post-office.

These are the facts. In my judgment it is the best bargain the United States can obtain. The large property in this block can not go back in value. The property is advancing in that locality, and in the course of twelve months if we want this same block we shall be compelled to pay, in my judgment, 25 per cent. more in order to obtain it.

Mr. PLUMB. It seems to me that if the committee have been at this about six years they ought to have found a way of getting a bill through both Houses without coming in at this moment and asking to put it on an appropriation bill, not for the purpose but still with the effect of getting around the adverse action of the House, and therefore preventing it practically from receiving concurrence.

Mr. MORRILL. I will say to the Senator that the bill has been reported in the House, but the chairman of the committee informed me yesterday that he feared he would not be able to get any action upon it. It has been reported, and reported favorably.

Mr. PLUMB. For \$500,000, a hundred thousand dollars less than is here proposed.

The PRESIDENT *pro tempore*. It is not in order to refer to proceedings of the other House.

Mr. VEST. I want to state to my friend that the Senate Committee on Public Buildings and Grounds have done everything that could be done by mortal men in regard to this matter. The chairman of that committee and myself took a carriage and went in bad weather and looked at each one of these sites. On three separate occasions I have

been over them. We have attempted to guard the interests of the Government in every possible way; we have shut out all lobbyists; we took this agreement from these property-owners in order to prevent the advance of property as soon as they found the Government wanted it. As I said, five or six of the small property-owners held out. The gentlemen who were the large owners told us they thought the entire property could be obtained for \$500,000, and I will do them the justice to say—the chairman of the committee has the papers—that those gentlemen acted fairly, and reduced their price in order to bring it within the \$500,000; but I believe there were six of the smaller property-owners who nearly doubled the valuation.

If any others can do this business any better, I hope they will take it in charge. For myself I am tired of it. We have done everything we could, and because this bill has not passed, and because we have acted as faithfully as possible, we are told now, "Do not put it on an appropriation bill."

Mr. PLUMB. It seems to be confessed that this ground is to be sold to the Government at a great value, because while certain large property-owners would not ask beyond the real value—and I do not know anybody who would sell for less than real value to the Government—certain others wanted more. That brings it back to the point I started with. Here is \$140,000 to be given more than this property is really worth.

Mr. MAXEY. My judgment about it is that the sooner the Government gets possession of this property the better. It is the only block of ground that can be purchased which is adapted, first, to the city post-office, and, second, to the extension of the Post-Office Department. You can not combine both purposes in any block of ground except this. Years ago, when the city post-office was in the Post-Office Department building, the Department building was then large enough to accommodate all the business of the Post-Office Department and the city post-office. The country has been rapidly increasing. They have had to take out the city post-office; and not only have they had to do that, but the Government has had to rent another piece of ground, for which we pay about \$14,000 a year, to carry on the business of the Post-Office Department. This country is rapidly increasing in population, and as it increases in population every one connected with the post-office business knows that the postal business increases with the population of this country.

Now you have a chance to get a piece of ground, which added to the present Post-Office Department, will answer for years and years to come; and it is a most unwise thing, in my judgment, for this Government to let the proposition pass by.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MITCHELL. In line 276 I move to strike out the words "under present limit" and insert "and for the purchase of additional ground one hundred and," so as to read:

For court-house and post-office at Williamsport, Pa.: For completion of building and for purchase of additional ground, \$125,000.

Mr. ALLISON. I raise the point of order on that amendment.

Mr. MITCHELL. I hope the Senator will not raise the point of order in this case. If it is made, at all events I have here a recommendation of the Architect of the Treasury Department, who says that this appropriation is necessary. That work has been suspended now for a year and a half. A portion of the ground which is desired for the building is condemned and waiting the action of Congress. That condemnation is now interfered with by an application to the court to set it aside. The case was recently postponed until after the 4th of March, in hopes that Congress would make an appropriation for this public building.

This is one of the most important towns in Pennsylvania as respects the question of public buildings. The United States courts are held there, and have been for a great many years. Twenty counties of the State do their legal business at that place so far as they do it in the United States courts. The internal revenue collected at the town is very large, amounting to about a quarter of a million dollars a year. The receipts of the post-office during the last year were \$31,991. There are over half a million people who are concerned in the business of the United States court held at that point.

The town of Williamsport manufactures between 3,000,000 and 4,000,000 feet of lumber every year. There is the largest manufactory at that point of lumber in the United States east of Michigan. The internal-revenue offices are also there. The Government has to pay, I think, a thousand dollars a year for rent of the post-office, and of course it has to pay rent for all the other offices of the United States.

An appropriation of \$100,000 was made. It was found that no lot in that city could be purchased at any eligible point for less than \$40,000. I know that seems to be a large sum, but the surroundings of the place are such that it was impossible to get an eligible site for less than that amount. The work itself was delayed for about two years in order to get a lot even as cheap as that. Three judges of the common pleas court adjoining that county were appointed, and finally selected a place which was to cost \$60,000. That the Secretary of the Treasury would not purchase under the appropriation which was made. Afterward they secured a portion of the square for a little less than

\$20,000, I believe, and the rest of that square has been condemned, and it cost \$20,500 according to the condemnation. That is now pending. So it will cost \$40,000 to secure the land for the building, and the recommendation of the Architect of the Treasury, which I hold in my hand, is that the appropriation here desired is absolutely necessary in order to construct a proper building in that place. A bill is pending in the House of Representatives and has been favorably reported by the committee there.

The PRESIDENT *pro tempore*. It is not in order to refer to reports in the House of Representatives or proceedings there, as affecting the action of the Senate.

Mr. MITCHELL. I perhaps may be allowed to state that the gentlemen representing the Committee on Public Buildings of that body have recommended that this amount be inserted in this bill. I hold in my hand a paper signed by them to that effect.

I trust the point of order will not be made and that the Senate will adopt this amendment. I do not know how I can very well go home through the city of Williamsport in my old Congressional district, which I represented in the House of Representatives for four years, or I shall have to go some other way, unless the Senate will do me the kindness to put this amendment in the bill. It is an appropriation which I think must and will be made. The work is suspended; the Government is at a considerable cost to take care of the property, and the Architect of the Treasury wishes to have the appropriation made now.

The PRESIDENT *pro tempore*. Is the amendment reported from the Committee on Appropriations?

Mr. ALLISON. It is not.

Mr. MITCHELL. Let me say further that, as I understand, in two or three instances the Senate has agreed to do precisely what I desire shall be done in this case. It has done so in the case of the amendment which was inserted on the suggestion of the Senator from Missouri. On page 7 the bill as reported from the committee reads:

For post-office at Hannibal, Mo.: For completion of building under present limit, \$37,500.

That has been increased to \$52,500, an increase of \$25,000, and the words "under present limit" have been stricken out.

I understand that to be in effect precisely what I propose here. I think the same thing has been done in other instances.

I did all I possibly could in this case. I introduced the amendment as intended to be proposed to this bill and had it referred to the Committee on Appropriations, but that committee, obeying, as I suppose they thought they were doing, the rule of this body, declined to insert any of these propositions. I understood that if any of them were to be inserted this one would be. I hazard the statement there has been no case presented to this body which deserves its recognition so strongly or at least more strongly than this.

The PRESIDENT *pro tempore*. Is the amendment reported from a committee?

Mr. MITCHELL. Unfortunately it is not reported from the committee. That is what I desired, but the committee declined to report it, as they declined in other cases, I understand.

The PRESIDENT *pro tempore*. Was it reported from any other committee and referred to the Committee on Appropriations?

Mr. MITCHELL. I think that committee has not reported it.

The PRESIDENT *pro tempore*. Then the amendment is not in order.

Mr. MITCHELL. I am sorry for it.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives further insisting upon its disagreement to the first and twenty-ninth amendments of the Senate to the bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, insisted upon by the Senate, and asking a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ALLISON. I move that the Senate still further insist upon its amendments and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. ALLISON, Mr. DAWES, and Mr. COCKRELL were appointed.

AMENDMENTS TO APPROPRIATION BILL.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, reported an amendment intended to be proposed to the deficiency appropriation bill; which was referred to the Committee on Appropriations.

Mr. McMILLAN submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was referred to the Committee on Appropriations.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 2577) to authorize the printing of the eulogies delivered in Congress upon the late Henry B. Anthony; and

A bill (S. 2868) to provide for the printing of the report and proceed-

ings of the commission to provide suitable ceremonies for the dedication of the Washington Monument.

The message also announced that the House had agreed to the resolution of the Senate for the printing of the annual volumes of Astronomical and Meteorological Observations of the Naval Observatory for the years 1881 and 1882.

The message further announced that the House had agreed to the resolution of the Senate for the printing of the report of the Commissioner of Fish and Fisheries for the year 1885.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. CONGER. I give notice that as early in the morning, after the Senate meets, as possible I shall call up the river and harbor appropriation bill and ask its consideration by the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

Mr. ALLISON. I move to insert after line 21:

Subject to the deduction provided for in the tenth article of the convention between France and the United States, concluded on the 15th day of January, A. D. 1880.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

Mr. CONGER. How would it read? What is it about?

The PRESIDENT *pro tempore*. It is a deduction provided for in the treaty with France for French claims from the sum to be paid for the expenses. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MILLER, of California. I offer an amendment which was submitted and referred to the Committee on Appropriations, and which is estimated for in the Book of Estimates. After line 1634 I move to insert:

For reclaiming eighteen and three-quarter acres of marsh land of the Benicia arsenal grounds, \$10,000.

This is estimated for in the Book of Estimates, Public Works, page 155. It is a much-needed improvement. It is estimated at \$35,000. I only put in \$10,000 in my amendment.

Mr. ALLISON. I make the point of order that the amendment is not reported from any committee.

Mr. MILLER, of California. Under the sixteenth rule I think it is in order. It was estimated for.

The PRESIDENT *pro tempore*. The Chair thinks it is estimated for in the sense in which the construction usually has been put upon it. It is a submitted estimate, and it has been the practice of the Senate to treat such estimates as being within the rule. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MITCHELL. In line 276, I move to strike out the words "under present limit twenty-five," and to insert in lieu thereof "seventy-five." This would be an increase of \$50,000 for the public building at Williamsport. The Architect of the Treasury Department in a letter which I hold in my hand recommends an increase of \$100,000. As I have stated, unless something is done there now, nothing can be done in relation to this matter. I trust the Senator from Iowa will find that there is no occasion for any objection at this point in view of what has been done in other instances precisely like it without objection coming from that source. I appeal to him to read industriously the items in the appropriation bill to which I refer while this amendment is being adopted.

Mr. ALLISON. The amendment is in order to strike out "under present limit." I do not make a point of order on that.

The PRESIDENT *pro tempore*. Does the Senator from Iowa make the point of order?

Mr. ALLISON. I make the point of order on the increase of appropriation. I do not make the point on the first part of the amendment.

The PRESIDENT *pro tempore*. The Chair feels bound to sustain the point of order. It increases the amount.

Mr. MITCHELL. The amendment I proposed was to strike out the words "under present limit," and to increase the appropriation from \$25,000 to \$75,000. I can see no object in striking out the words "under present limit," as the appropriation which remains in the bill is not in excess of the limit already fixed by existing law.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Pennsylvania to offer an amendment increasing the sum from \$25,000 to \$75,000?

Mr. MITCHELL. Yes, sir; that would be the effect of the amendment.

The PRESIDENT *pro tempore*. That the Chair thinks is not in order. It increases an item in the appropriation bill, and that is against the rule.

Mr. MITCHELL. It ought to be in order after what has taken place.

The PRESIDENT *pro tempore*. The rule positively prohibits it.

Mr. BECK. I only rose to say before the Chair ruled—I do not

know that I desire to say it now—that the motion which would seem to be more in order than any other is a motion that the Senate does not intend to pass a sundry civil appropriation bill.

Mr. DOLPH. In the item in regard to the New Orleans Exposition, I move to strike out all from and including the word "for," in line 2393, down to and including the word "published," in line 2405, and to insert:

For the purpose of paying the indebtedness now outstanding of said exposition which is due to foreigners and foreign nations, and all premiums heretofore awarded or which may be hereafter awarded by said exposition to foreign exhibitors in accordance with the lists of awards heretofore published, the sum of \$50,000, or so much thereof as may be necessary.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Oregon.

Mr. DOLPH. I do not propose at this late hour to make a speech. Some Senators who spoke upon the amendments proposed by the committee to this appropriation suggested that the United States by reason of having invited foreign nations were under some sort of moral obligation to foreign exhibitors and to foreign nations as to debts which were owing by the exposition to foreign exhibitors and foreign nations, and as to premiums which had been awarded or should be awarded. I have been told by the chairman of the Committee on Appropriations that probably the indebtedness to foreigners would not exceed \$30,000 or \$25,000. The amendment offered by me proposes an appropriation of \$50,000, or so much thereof as may be necessary, for the payment, first, of all the indebtedness of the exposition to foreign exhibitors or foreigners, and next, to the premiums which have been awarded or shall be awarded. I suppose it will meet the views of those Senators who think we are under some obligation to foreigners.

The PRESIDING OFFICER (Mr. INGALLS in the chair). The question is on agreeing to the amendment proposed by the Senator from Oregon.

The amendment was rejected.

Mr. DOLPH. I offer still another amendment. I move to strike out all from the word "due," in line 2390, to and including the word "published," in line 2405, and to insert:

To foreigners and foreign nations; secondly, in payment of all premiums heretofore awarded or which shall be hereafter awarded by said exposition to foreign exhibitors; thirdly, in the payment of the indebtedness now outstanding of said exposition which is due to persons, firms, or corporations other than foreigners and foreign nations; fourthly, in payment of all premiums heretofore awarded or which shall be hereafter awarded by said exposition to other than foreign exhibitors in accordance with the lists of awards heretofore published.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Oregon.

Mr. DOLPH. This proposed amendment does not increase the amount of the appropriation, but it provides for its application, first, to the debt due to foreigners and to foreign nations; second, to premiums which have been or shall be awarded to foreign exhibitors; third, to debts due to others than foreigners; and, lastly, to the payment of premiums to others than foreign exhibitors. The object of the amendment is to get rid of our supposed obligation to foreign nations and to foreigners, so that when at the next session an application is made for another appropriation of half a million dollars we shall not have our obligation to foreigners used as an argument for making the appropriation.

The amendment was rejected.

Mr. VAN WYCK. In lines 2014, 2015, and 2016 I move to strike out the appropriation of \$5,000 to the widow of Surgeon-General Barnes. I fail to perceive any reason for this appropriation. I remember that when it was proposed to raise the pension of Mrs. Barnes from \$30 to \$50 a month one of the arguments used in the Senate was on account of the meritorious services performed by her husband in waiting upon General Garfield during his sickness. Why a proposition now comes to pay her \$5,000 for those services, I am at a loss to know. In 1882, \$57,000 was appropriated for payment for the medical attendance and expense of attending upon General Garfield's sickness and burial. I think \$37,500 was assigned for medical attendance, and a board was provided in that act to determine and designate how the division of the \$37,500 should be made. That I supposed was the end of the matter, and ample provision made; but now at this late day, after the widow has been compensated by the highest rate of pension on the ground of the services of her husband, we are asked to appropriate in bulk \$5,000 for what? That is a proper inquiry, for what? It is to be given to the widow of Surgeon-General Barnes, and then the question arises again, for what? I move that it be stricken out.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Nebraska.

The question being put, it was declared that the yeas appeared to prevail.

Mr. VAN WYCK. I call for a division.

There were on a division—yeas 2, noes 25; no quorum voting.

Mr. EDMUNDS. There is no quorum; let us have the yeas and nays. That is the shortest way.

Mr. ALLISON. I trust the Senator from Nebraska will withdraw his demand for a division.

Mr. VAN WYCK. If it is any accommodation to the Senator, I will withdraw it.

Mr. ALLISON. It is no accommodation to me. It is only a question as to whether the bill shall pass before the 4th day of March or not.

Mr. VEST. Let us have another division.

Mr. CULLOM. I think there is a quorum in the Chamber.

The PRESIDING OFFICER. The Chair is satisfied that there is a quorum, and if there is no objection the demand for a division will be regarded as withdrawn, and the motion to amend will be regarded as rejected.

Mr. ALLISON. I offer an amendment from the Committee on Appropriations. After line 110 I move to insert:

For continuation of the public building at Council Bluffs, Iowa, \$50,000.

Mr. CONGER. I should like to hear that amendment read.

The Chief Clerk read the amendment.

Mr. VAN WYCK. Let it be read again, please. What is the State? The amendment was again read.

Mr. VAN WYCK. May I ask where that amendment comes from? Not knowing, I will raise the point of order, and then I will obtain the information.

Mr. ALLISON. It comes from the Committee on Appropriations.

Mr. VAN WYCK. Is it just reported?

Mr. ALLISON. I have authority to report it. I will state to the Senator and to the Senate that for two days last week I was obliged to be out of the Chamber. There were some eight or ten public-building bills voted on in the Senate, all of them passing. I not being in the Chamber on account of the business of the Committee on Appropriations, the Council Bluffs bill was not called up. It was called up, I believe, this morning, if this is still Monday, and passed. The Committee on Appropriations authorized me to move to insert this provision in the pending bill. I state the facts. If any Senator desires to raise the point of order upon the amendment, he can do so, and if the point is sustained I shall have discharged my duty as chairman of the Committee on Appropriations and as one of the Senators from my State.

Mr. BECK. The Committee on Appropriations in view of all the facts gave unanimous consent that this amendment should be moved, whatever that is worth.

Mr. FRYE. The bill authorizing the expenditure has passed the Senate.

Mr. CAMERON, of Wisconsin. It passed the Senate to-day, so that the amendment is not subject to a point of order.

Mr. FRYE. The amendment is in order.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ALLISON. In line 2473, I move to change the word "sum" to "sums;" so as to read:

And no more than an allotment of one-half of the sums hereby appropriated shall be expended in the two first quarters of the fiscal year.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. HARRISON. I desire to reserve a separate vote in the Senate on the amendment as to the Montana penitentiary building.

Mr. SEWELL. I desire to reserve the paragraph in relation to the Cotton Centennial Exposition for a separate vote. I gave notice that I should move to strike out that section in the Senate.

Mr. HARRIS. I call the attention of the Senator from Michigan [Mr. PALMER] to the fact that in Committee of the Whole an amendment which he moved and which was agreed to be subsequently desired to amend, and he must move his amendment before the amendment is concurred in.

Mr. PALMER. I desire to offer an amendment to the amendment.

Mr. ALLISON. I ask that the amendments not reserved may be considered together.

The PRESIDING OFFICER. If there be no other amendment reserved the question will be taken upon concurring in all the other amendments made as in Committee of the Whole.

The amendments were concurred in.

Mr. PALMER. My amendment to the amendment made as in Committee of the Whole is, after the word "Michigan," in line 11 of the substitute for lines 119, 120, and 121, to insert "approved March 2, 1885."

The PRESIDING OFFICER. If there be no objection, that amendment will be made and the amendment will be concurred in as amended. The next reserved amendment will be read.

The CHIEF CLERK. Page 91, beginning at line 2233, the Senate, as in Committee of the Whole, agreed to strike out the following paragraph:

Penitentiary for Montana Territory: For completion of the penitentiary for Montana Territory, \$25,000.

Mr. HARRISON. The Senate has voted to-night, I do not know how many hundreds of thousands, up into the millions, perhaps, for the construction of public buildings where the buildings provided for have been a mere matter of convenience to those having business with the Government. I believe that the completion of the penitentiary in Montana is more than a matter of convenience; it is a question of the humane treatment and the safe-keeping of prisoners in that Territory.

It does seem to me that the Senate ought to consent to make the appropriation provided for in the bill as it came to us from the House.

Mr. BECK. After the debate this afternoon I examined all the past appropriation acts, and I could find only \$4,000 appropriated before, and that with the \$15,000 makes only \$19,000. I am inclined to think that the Senator from Indiana is right, and that we have not given enough for that building. I for one shall vote to non-concur. I thought we had given a good deal more before.

The PRESIDING OFFICER. Will the Senate concur in the amendment made as in Committee of the Whole?

The amendment was non-concurred in.

The PRESIDING OFFICER. The Secretary will report the next reserved amendment. Does the Chair understand the Senator from New Jersey to move to strike out?

Mr. SEWELL. I move to strike out the whole paragraph relating to the World's Industrial and Cotton Centennial Exposition.

The SECRETARY. It is proposed to strike out, beginning at line 2391, down to and including line 2423, as follows—

Mr. HOAR. I ask unanimous consent that the words be not read. The paragraph is very long.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent to dispense with the reading of the paragraph. The Chair hears no objection.

Mr. SEWELL. I ask for the yeas and nays on my motion to strike out.

The yeas and nays were ordered.

Mr. BECK. There is some misapprehension about the meaning of the vote. Will the Chair please state the question?

The PRESIDING OFFICER. The Senator from New Jersey moves to strike out the provision contained in lines 2391 to 2423, inclusive, relating to the Centennial Cotton Exposition.

Mr. BAYARD. There seems to be some misapprehension in regard to it. A vote in the affirmative will destroy the appropriation.

The PRESIDING OFFICER. It strikes out the entire provision relative to the Centennial Cotton Exposition.

Mr. BAYARD. Then it amounts to a clear issue for or against the appropriation.

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the motion of the Senator from New Jersey to strike out the paragraph.

The Secretary called the roll.

Mr. CAMERON, of Wisconsin (after having voted in the affirmative). I am paired with the Senator from Georgia [Mr. BROWN]. I had authority, however, to vote if it were necessary to make a quorum; but as there is a quorum without my vote, I shall withdraw it.

Mr. PENDLETON. I am paired on this question with my colleague [Mr. SHERMAN]. I should vote "nay" if I were not paired.

Mr. MANDERSON. I am paired with the Senator from Florida [Mr. JONES]. If he were present, I should vote "yea."

The result was announced—yeas 10, nays 35; as follows:

YEAS—10.

Chace,	Hale,	Mahone,	Wilson.
Dolph,	Harris,	Plumb,	
Frye,	Harrison,	Sewell,	

NAYS—35.

Allison,	Conger,	Jonas,	Palmer,
Bayard,	Cullom,	Jones of Nevada,	Sabin,
Beck,	Dawes,	Lamar,	Sawyer,
Blair,	George,	McMillan,	Vance,
Bowen,	Gibson,	McPherson,	Van Wyck,
Butler,	Gorman,	Maxey,	Vest,
Call,	Hawley,	Miller of Cal.,	Voorhees,
Cockrell,	Hoar,	Mitchell,	Williams,
Coke,	Ingalls,	Morgan,	

ABSENT—31.

Aldrich,	Farley,	Lapham,	Pugh,
Brown,	Garland,	Logan,	Ransom,
Camden,	Groome,	Manderson,	Riddleberger,
Cameron of Pa.,	Hampton,	Miller of N. Y.,	Saulsbury,
Cameron of Wis.,	Hill,	Morrill,	Sherman,
Colquitt,	Jackson,	Pendleton,	Slater,
Edmunds,	Jones of Florida,	Pike,	Walker,
Fair,	Kenna,	Platt,	

So the motion to amend was not agreed to.

Mr. PLUMB. By the authority of the Committee on Public Buildings and Grounds I move, after line 277, to insert:

For court-house and post-office at Fort Scott, Kans.: For purchase of site and erection of building thereon, \$50,000.

The amendment was agreed to.

Mr. BLAIR. By authority of the Committee on Public Buildings and Grounds I move, after line 315, to insert:

That the Secretary of the Treasury be, and he hereby is, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with commodious fire-proof vaults, for the accommodation of the post-office, pension office, the United States courts, internal-revenue office, and other Government offices, at the city of Manchester, in the State of New Hampshire. The site, and the building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed the cost of \$200,000: Provided, That no money to be appropriated for this purpose shall be available until a valid title to the site shall be vested in the United States, and the State of New Hampshire shall have ceded her jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein: Provided, That the site shall leave

the building unexposed to danger from fire in adjacent buildings by an open space of not less than fifty feet, including streets and alleys. That the sum of \$100,000 be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be used and expended for the purpose provided in this act.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from New Hampshire. [Putting the question.] The yeas appear to have it. The yeas have it. The amendment is not agreed to.

Mr. BLAIR. Mr. President, I desire to say a word. There was a bill introduced, for the purpose of the construction of this building, at the last session, which passed the Senate, appropriating \$300,000, the estimate having been made by the Treasury Department.

Mr. BUTLER. May I inquire what the question is before the Senate?

The PRESIDING OFFICER. The bill is still open to amendment in the Senate. The Senator from New Hampshire has the floor.

Mr. ALLISON. From the statement made by the Senator from New Hampshire the amendment is liable to a point of order, which I make.

The PRESIDING OFFICER. The amendment has been rejected by a vote of the Senate.

Mr. BLAIR. I do not understand that it is subject to the point of order.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire has the floor.

Mr. BLAIR. I wish to have it understood by the Senate, as the proposition is to be voted upon on its merits, that at the last session a bill was introduced for the construction of a public building at Manchester, N. H.

Mr. ALLISON. I inquire what amendment is pending?

The PRESIDING OFFICER. The bill is still before the Senate and open to amendment. The Chair supposes that the Senator from New Hampshire desires to offer an amendment. He is entitled to the floor.

Mr. BLAIR. I have offered an amendment, which I understand to be pending.

The PRESIDING OFFICER. It has been rejected by a vote of the Senate.

Mr. BLAIR. I do not understand how that can be, Mr. President. I addressed the Chair before the vote was announced, and I desired to be heard upon it.

The PRESIDING OFFICER. The Chair did not so understand the Senator from New Hampshire.

Mr. BLAIR. It was a misapprehension of the presiding officer, then.

The PRESIDING OFFICER. The Chair regrets it.

Mr. BLAIR. May I be heard?

The PRESIDING OFFICER. The Senator from New Hampshire has the floor.

Mr. BLAIR. I do not wish to move another amendment. I desire to be heard upon the amendment which I have offered.

The PRESIDING OFFICER. That amendment has been rejected by a vote of the Senate.

Mr. BLAIR. I ask unanimous consent that the vote by which the amendment was rejected may be reconsidered.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent that the vote—

Mr. BUTLER. I object, Mr. President.

The PRESIDING OFFICER. Objection is made. Are there further amendments to be proposed to the bill?

Mr. BLAIR. I wish to say before I sit down, having the floor, that during the short period I have been in the Senate I have never known a presiding officer to decline to allow a question to be put when a Senator rose and declared that he addressed the Chair with the hope of being heard upon the merits of the proposition, as I now state, although technically there may have been a declaration of the decision of the Senate.

The PRESIDING OFFICER. Are there further amendments to the bill in the Senate? If there are none, the question is on ordering the amendments to be engrossed and the bill to be read a third time.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. ALLISON. I submit the following statements for publication in the RECORD:

SUNDAY CIVIL APPROPRIATION BILL, 1886.

Amount of estimates for 1886.....	\$32,336,402 32
Amount of House bill.....	22,201,077 22
Increase made by the Senate committee.....	3,519,099 32
Amount as reported to the Senate.....	25,720,176 55
Amount of appropriations for 1886.....	22,299,434 30
The bill as reported is, less than estimates.....	6,606,225 67
The bill as reported exceeds the appropriations for 1886.....	3,420,742 25
The changes in the amounts of House bill made by the committee are as follows:	
Increase:	
For Botanic Garden.....	2,800 00
For payment of French claims.....	625,586 35
For survey of Mexican boundary.....	234,356 75

For the following public buildings:

Abingdon, Va.....	25,000 00
Alaska.....	13,000 00
Boston, Mass.....	15,000 00
Calro, Ill.....	27,000 00
Concord, N. H.....	100,000 00
Detroit, Mich.....	100,000 00
Des Moines, Iowa.....	45,000 00
Dubuque, Iowa.....	8,000 00
Galveston, Tex.....	37,500 00
Greensborough, N. C.....	2,500 00
Jackson, Tenn.....	5,000 00
Harrisonburg, Va.....	7,500 00
Kansas City, Mo.....	5,000 00
Karquette, Mich.....	50,000 00
Kookuk, Iowa.....	100,000 00
Macon, Ga.....	75,000 00
New York city.....	85,000 00
Oxford, Miss.....	7,500 00
Peoria, Ill.....	25,000 00
Reading, Pa.....	80,000 00
Richmond, Va.....	50,000 00
Sacramento, Cal.....	100,000 00
Troy, N. Y.....	100,000 00
Tyler, Tex.....	50,000 00
Wichita, Kans.....	50,000 00
Treasury building, Washington, D. C.....	14,000 00
Repairs and preservation of public buildings under Treasury Department.....	25,000 00

Total increase of public buildings..... 1,152,000 00

Light-houses, as follows:

At Romer Shoal, New York.....	5,000 00
At Bush's Bluff, Virginia.....	5,000 00
At Hunting Island, South Carolina.....	5,000 00
At Mosquito Inlet, Florida.....	40,000 00
At Anclote Keys, Florida.....	5,000 00
At Hell Gate, New York.....	10,000 00
At Northwest Passage, Florida.....	200 00
At Pipe Island, Michigan.....	\$10,000 00
At Northwest Seal Rock, California.....	45,000 00
At Angel Island, California.....	4,500 00
At Saint Mary's River, Michigan.....	12,000 00
At Destruction Island, Washington Territory.....	15,000 00
Life-Saving Service (net).....	5,000 00
Keepers of light-houses.....	10,000 00
Light-house vessels.....	10,000 00
Buoyage expenses.....	5,000 00
Fog-signals.....	20,000 00
Coast Survey.....	4,000 00
National currency expenses.....	20,000 00
Distinctive paper, United States securities.....	10,000 00
Transportation of silver coin.....	100,000 00
Smithsonian Institution repairs.....	5,000 00
Furniture and repairs, public buildings.....	20,000 00
National Board of Health.....	15,000 00
Payment of W. P. Wood.....	1,500 00
Navy-yard, Mare Island, California.....	190,000 00
Coasters' Harbor Island.....	12,000 00
Assistant Secretary of the Interior.....	4,500 00
Interior Department building repairs.....	166,000 00
Cleaning walls of Capitol.....	3,000 00
Capitol terraces.....	\$28,500 00
Hot Springs Hospital improvement.....	30,000 00
Surveying public lands.....	46,000 00
Insane Hospital improvements, &c.....	16,300 00
Howard University.....	8,500 00
Freedmen's Hospital.....	2,900 00
National Museum.....	5,000 00
Rock Island arsenal.....	29,000 00
Washington Monument.....	35,000 00
Yorktown monument.....	2,500 00
Army and Navy hospital.....	5,000 00
Signal Service.....	18,852 00
Fort Leavenworth military reservation.....	12,000 00
Quartermaster and commissary depot at Saint Paul.....	30,000 00
Purchase of hospital records.....	5,000 00
Sea-wall at Governor's Island.....	40,000 00
Statue of La Fayette.....	1,800 00
Reform School building, repairs.....	1,000 00
Publishing opinions of the Attorney-General.....	25,000 00
Fees of United States commissioners.....	785 00
House of Representatives.....	8,125 00
Washington city post-office, rent.....	100,000 00
New Orleans Exposition.....	500,000 00
Public printing.....	3,800 00
Building for storage, &c., Public Printer.....	3,900 75
Reimbursement of ex-President R. B. Hayes.....	4,072,835 32

Total increase..... 4,072,835 32

Public buildings:

Total increase public buildings.....	1,152,000 00
Total reduction public buildings.....	390,000 00

Net increase..... 762,000 00

Reduction on public buildings:

Columbus, Ohio.....	60,000 00
Dallas, Tex.....	10,000 00
Fort Wayne, Ind.....	50,000 00
Galveston, Tex.....	10,000 00
Jefferson City, Mo.....	22,000 00
Saint Joseph, Mo.....	50,000 00
Minneapolis, Minn.....	110,000 00
Poughkeepsie, N. Y.....	20,000 00
Syracuse, N. Y.....	58,000 00

Total reduction on public buildings..... 390,000 00

New England Transportation Company.....	75 50
Fort Brown reservation, purchase of.....	85,000 00
Penitentiary in Utah.....	60,000 00
Penitentiary in Montana.....	25,000 00
Office of Public Printer.....	3,600 00

Total reduction..... 253,726 50

Net increase made by Senate committee in House bill..... 8,819,056 32

INDIAN APPROPRIATION BILL.

Mr. HARRIS obtained the floor.

Mr. DAWES. I wish to submit a conference report.

The PRESIDING OFFICER. The report will be received, being privileged.

Mr. HARRIS. I yield to the Senator from Massachusetts for that purpose.

The PRESIDING OFFICER. The report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House 7970, making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the fiscal year ending June 30, 1886, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, 7, 8, 20, 25, 37, 55, 58, 59, 60, 61, 62, 66, 67, 72, 80, 81, 83, 99, 100, 101, and 104.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 6, 7, 13, 19, 21, 22, 24, 29, 30, 32, 33, 34, 35, 39, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 56, 63, 64, 65, 71, 73, 79, 85, 86, 87, 88, 89, 90, 91, 92, 96, 97, 98, 102, 103, 105, 107, 108, 109, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In line 3 of the matter proposed to be inserted by said amendment, after the word "of," where it first occurs, insert the word "five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$11,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$87,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In line 5 of said amendment strike out the name of "Tonasket" and in lieu thereof insert "Tonasket;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: After the word "the" in line 22, on page 2 of the bill, insert the following: "Amount due and unpaid and including the;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the paragraph proposed to be inserted by said amendment restore the matter proposed to be stricken out, adding thereto the following: "That the claim of certain individual members of the Pottawatomie Nation of Indians, their heirs or legal representatives, for depredations committed by others upon their stock, timber, or other property, reported to Congress under the tenth article of the treaty of August 7, 1866, be, and the same are hereby, referred to the Court of Claims for adjudication; and said court shall, in determining said cause, ascertain the amounts due and to whom due by reason of actual damage sustained. And said cause shall be tried without delay as hereinbefore provided;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,250,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,597,300;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the number proposed insert "seven hundred and fifty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the number proposed insert "seventy-nine;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$63,400;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following: "That jurisdiction is hereby conferred upon the Court of Claims to hear and determine any claim which may be set up by Belva A. Lockwood against the Eastern Band of Cherokee Indians for alleged professional services rendered to said Eastern Band;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$530,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$595,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: At the end of the matter proposed to be inserted by said amendment insert the following: "And provided further, That the Secretary of the Interior shall report annually, on or before the first Monday of December of each year, in what manner and for what purposes the general educational fund for the preceding fiscal year has been expended; and said report shall embrace number and kind of school-houses erected and their cost, as well as cost of repairs, name of every teacher employed and compensation allowed, the location of each school and the average attendance at each school; and the first said annual report shall give a like full and detailed statement of all such expenditures heretofore made;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: On page 49, in line 17 of the bill, strike out the words "five thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$46,500;" and the Senate agree to the same.

On the amendments of the Senate numbered 9, 12, 13, 14, 26, 27, 28, 35, 41, 42, 74, 75, 76, 110, 111, 112, and 113, they have been unable to agree.

H. L. DAWES,

F. B. PLUMB,

M. W. RANSOM,

Managers on the part of the Senate.

E. JOHN ELLIS,

W. S. HOLMAN,

THOMAS RYAN,

Managers on the part of the House.

The report was concurred in.

Mr. DAWES. There are several disagreements, the result of the conference, which will cause some discussion. It is suggested that the question upon the disposition of the amendments still pending be postponed until after an adjournment. I have no objection to that course; but I will go on with a discussion at this time if the Senate prefer.

Mr. HARRISON. I wish to ask the Senator from Massachusetts if he will yield to a suggestion. There are quite a number of pension bills reported favorably from the Committee on Pensions the consideration of which I understand the chairman of the Committee on Pensions desires to move. He does not intend to call up any contested cases, but only those bills which are reported favorably. They must be acted upon to-night in order that they may be properly enrolled. If the Senator will allow the Indian appropriation bill to lie over, I will suggest that we take up those pension bills. I think we can dispose of them in a very few minutes.

The PRESIDING OFFICER. The Chair will state that the Senator from Tennessee [Mr. HARRIS] had been recognized and was upon the floor, and yielded to the Senator from Massachusetts to make a conference report.

Mr. DAWES. If it is agreeable I will let this matter lie over informally to be taken up when the Senate again convenes.

Mr. PLUMB. Has the report been concurred in?

The PRESIDING OFFICER. The report has been concurred in, but it does not dispose of all the amendments to the Indian appropriation bill.

Mr. DAWES. Does this leave it the unfinished business to come up when the Senate again meets?

The PRESIDING OFFICER. The Chair understands that it being a conference report it will be privileged, and can be moved at any time.

Mr. DAWES. The conference report has been adopted, but there are disagreeing votes. In what manner will they come before the Senate if we take a recess at this time?

The PRESIDING OFFICER. On a motion to recede or a motion to insist and ask for a further conference.

Mr. DAWES. I should like to have an understanding that this matter be laid aside informally to be called up when we meet again.

Several SENATORS. Ask for unanimous consent.

Mr. DAWES. I will ask for unanimous consent to that arrangement.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent that the further consideration of the report of the conference committee be informally laid aside to be resumed at the next meeting of the Senate. Is there objection? The Chair hears none.

BRANNIN, SUMMERS & CO.

Mr. HARRIS. I ask unanimous consent to proceed to the consideration of the bill (H. R. 652) for the relief of Brannin, Summers & Co. It is a bill that has had six reports, I think, in its favor and not one against it.

Mr. MITCHELL. I desire, if it is the wish of the Senate to continue further in session, to take up the pension bills on the Calendar.

The PRESIDING OFFICER. The Senator from Tennessee has been recognized by the Chair, and asks unanimous consent for the consideration of a House bill.

Mr. MITCHELL. I was not aware of that.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill indicated by the Senator from Tennessee?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 652) for the relief of Brannin, Summers & Co. It directs the Secretary of the Treasury to pay Brannin, Summers & Co., of Louisville, Ky., \$9,588.62, in full for duties paid by them in certain proceedings in rem brought by the United States against certain sugars, in the United States court for the district of Kentucky, alleged to have been fraudulently imported through the custom-house at New Orleans.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORT ON THE PRECIOUS METALS.

Mr. MANDERSON. I ask unanimous consent to make several reports from the Committee on Printing, which seem to be important. I am directed by the Committee on Printing, to whom was referred the following concurrent resolution, to report it without amendment:

Resolved by the House of Representatives (the Senate concurring). That the report of the Director of the Mint on the production of the precious metals in the United States for the year 1884 be printed, and that 9,000 extra copies be printed; 4,000 copies for the use of the House of Representatives, 2,000 copies for the use of the Senate, and 3,000 copies for the use of the Director of the Mint.

I ask for the present consideration of the resolution.

The resolution was considered by unanimous consent, and agreed to.

REPORT OF BUREAU OF ANIMAL INDUSTRY.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. Res. 341) to authorize the printing of 50,000 copies of the second annual report of the Bureau of Animal Industry for the year 1885, to report it without amendment, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDINGS.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Buildings and Grounds be directed to compile a statement showing the number of public buildings constructed and authorized to be constructed under existing laws for each State, the amount expended or authorized for each such building from the first public building constructed to the 4th of March, 1885, and to report such statement to the Senate in December next; and for such purpose the said committee be authorized to employ a clerk at the usual compensation until the 1st of December next; to be paid from the contingent fund of the Senate.

COMMITTEE ON RULES.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Rules be, and is hereby, continued and authorized to sit during the recess of Congress, and that the necessary expenses thereof be paid out of the "miscellaneous items" of the contingent fund of the Senate.

MISSISSIPPI RIVER IMPROVEMENTS.

Mr. JONES, of Nevada. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, to report it without amendment; and I ask for its present consideration:

Resolved, That the Committee on the Improvement of the Mississippi River be directed to prepare a detailed statement of the expenses of the improvements of the Mississippi River and its tributaries with a view to ascertain the amounts expended for purpose of commerce, the amount expended to protect the lands adjoining from the ravages of the rivers, to report the same to the Senate at the December session of Congress, and be authorized for that purpose to employ a clerk at the usual compensation until December 1, 1885, to be paid from the contingent fund of the Senate.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. HARRISON. Would it not be cheaper to put these clerks on the annual roll?

The PRESIDING OFFICER. The Chair thinks it would. The question is on agreeing to the resolution.

The resolution was agreed to.

TOWN LOTS IN PERU, IOWA.

Mr. PLUMB. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 449) to provide for the appraisal and sale of lots in the town of Peru, Dubuque County, Iowa. It is a bill which has passed the Senate twice heretofore, and has now come to us from the House. It will take but a moment.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRICT TAX SALES.

Mr. INGALLS. I ask for the present consideration of the bill (H. R. 8236) relating to sales for taxes in the District of Columbia. It is a bill which was previously under discussion, and I believe all objections have been withdrawn.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Is there objection to the present consideration of the bill?

Mr. MORGAN. I object.

The PRESIDING OFFICER. The Senator from Alabama objects.

OUTERBRIDGE HORSEY.

Mr. GORMAN. I ask unanimous consent for the consideration of the bill (H. R. 4089) to empower the commissioners of the District of Columbia to examine the claim of, and providing for the payment of, Outerbridge Horsey, assignee.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the commissioners of the District of Columbia to examine the claims of Outerbridge Horsey, assignee of T. B. Winter, for medicines furnished the poor of the sixth council district in the District, and ascertain forthwith what, if any, sum be due and unpaid thereon.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. HARRISON. I ask the unanimous consent of the Senate to proceed now to the consideration of House pension bills on the Calendar reported favorably.

Mr. CULLOM. That is exactly what I was going to ask myself.

Mr. HARRISON. There are quite a number of them, and it is only proposed to take up the unobjected cases. They are House bills, and unless they are considered to-night it will be impossible to enroll them.

Mr. BUTLER. Before the Senate proceeds with the consideration of the bills to which the Senator from Indiana calls attention, I ask him to allow me to call up House bill 1401.

Mr. HARRISON. I would gladly consent to let the Senator from South Carolina call that bill up, but I am pressed by Senators about me to yield in the same direction. I hope the Senator will let us go on with this other order now. We shall have time for that bill to-morrow. There are several other bills in which I have friends who are interested, that I should like to have considered now if it were not for the necessity of considering the pension bills.

Mr. VEST. Let me ask the Senator from Indiana what objection there can be to taking up the House bills on the Calendar in their order?

Mr. HARRISON. These are House pension bills that I propose to have considered.

Mr. VEST. Why not take up all House bills? I have a bill here in which I or my constituents have no more individual interest, only as much as the constituents of other Senators, which I have been trying to get up—a bill entirely in the interest of valuable property and human life.

Mr. CULLOM. If the Senator will allow me to suggest one reason why I think the order ought to be carried out—there is quite a large number of these pension bills and they can be passed more quickly than any other class of bills, and go to the enrolling clerk so as to give him time to get the work up.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Indiana to proceed to the consideration of House pension bills reported favorably from the Committee on Pensions?

Mr. BUTLER. I object.

The PRESIDING OFFICER. There is objection.

Mr. HARRISON. Let me appeal to my friend from South Carolina not to make that objection.

Mr. BUTLER. I shall insist on it.

Mr. HARRISON. Here are perhaps seventy-five or eighty of these pension applicants whose bills have passed the House.

The PRESIDING OFFICER. The Senator from Indiana may proceed by consent; otherwise he is out of order.

Mr. VEST. Now I ask the Senator—

Mr. HARRISON. I have not yielded the floor. I desire to move, then, if we are to be met with this sort of resistance, that the Senate proceed to the consideration of the first one of the House pension bills on the Calendar.

Mr. CULLOM. It is House bill 7718, Order of Business 1357.

The PRESIDING OFFICER. The Chief Clerk will report the title of the bill referred to by the Senator from Indiana.

Mr. BUTLER. I object.

The PRESIDING OFFICER. The Chief Clerk will report the title of the bill. The Senator from Indiana moves, as he has a right to move, that the Senate proceed to its consideration.

The CHIEF CLERK. "A bill (H. R. 7718) restoring John Snyder to the pension-roll."

The PRESIDING OFFICER. The Senator from Indiana moves that the Senate proceed to the consideration of the bill. [Putting the question.] The "ayes" appear to have it.

Mr. BUTLER. I ask for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. PENDLETON. I am paired with my colleague [Mr. SHERMAN], but inasmuch as there is no quorum voting I shall vote. I vote "yea."

The result was announced—yeas 31, nays 5; as follows:

YEAS—31.			
Allison,	Frye,	McMillan,	Pendleton,
Beck,	Gorman,	Mahone,	Plumb,
Blair,	Hale,	Manderson,	Sabin,
Bowen,	Harris,	Marey,	Sawyer,
Conger,	Harrison,	Miller of Cal.,	Vest,
Cullom,	Hawley,	Mitchell,	Williams,
Dawes,	Jones of Nevada,	Morgan,	Wilson.
Edmunds,	Lamar,	Palmer,	
NAYS—5.			
Bayard,	Call,	Coke,	Vance.
Butler,			
ABSENT—40.			
Aldrich,	Farley,	Jones of Fla.,	Pugh,
Brown,	Garland,	Kenna,	Ransom,
Camden,	George,	Lapham,	Riddleberger,
Cameron of Pa.,	Gibson,	Logan,	Saulsbury,
Cameron of Wis.,	Groome,	McPherson,	Sewell,
Chace,	Hampton,	Miller of N. Y.,	Sherman,
Cockrell,	Hill,	Morrill,	Slater,
Colquitt,	Hoar,	Pike,	Van Wyck,
Dolph,	Ingalls,	Platt,	Voorhees,
Fair,	Jackson,		Walker.

The PRESIDING OFFICER. No quorum having voted, it is the duty of the Chair to order a call of the roll. The Secretary will call the roll of the Senate.

The Secretary called the roll, and 34 Senators answered to their names.

The PRESIDENT *pro tempore*. Thirty-four Senators have answered to their names—not a quorum.

Mr. ALLISON. I move that the Senate take a recess from now until 9 o'clock this morning.

The motion was agreed to; and (at 2 o'clock and 30 minutes a. m., Tuesday, March 3, 1885) the Senate took a recess until 9 o'clock a. m.

MORNING SESSION.

The PRESIDENT *pro tempore* (at 9 o'clock and 15 minutes a. m., Tuesday, March 3). The time of the recess has expired. At the time the recess was taken there was no quorum present, and there seems to be no quorum present at this time.

Mr. DAWES. I move a call of the Senate.

The PRESIDENT *pro tempore*. The roll of the Senate will be called. The Secretary called the roll, and 21 Senators responded to their names.

The PRESIDENT *pro tempore*. Only twenty-one Senators have answered to their names. There is no quorum present. Several Senators entered the Chamber.

Mr. ALLISON (at 9 o'clock and 45 minutes a. m.). Is there a quorum present, Mr. President?

The PRESIDENT *pro tempore*. There is not. Thirty-seven Senators are now present.

Mr. FRYE and Mr. MAXEY entered the Chamber.

The PRESIDENT *pro tempore*. A quorum of Senators has now appeared. The Senate proceeds to the consideration of the motion to take up the bill (H. R. 7718) restoring John Snyder to the pension-roll.

Mr. CONGER. Mr. President—

Mr. DAWES. I ask the Senator to give way.

Mr. CONGER. Let that bill be passed and I will give way. I have been waiting all winter to pass that bill.

Mr. DAWES. I have been waiting all winter to pass the Indian appropriation bill.

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. HARRISON. If I may be allowed to make a suggestion, I ask unanimous consent now that we proceed to the consideration of the pension bills reported favorably, and when that consent is obtained, if it is, then of course I will give way to the Senator from Massachusetts.

Mr. DAWES. I should be very glad to do that, but it is perfectly apparent that if the Indian appropriation bill can not go to the House now—

Mr. HARRISON. I am going to give way as soon as I get unanimous consent.

Mr. DAWES. Why do you want to get consent of the Senate and then not use it?

Mr. HARRISON. I intend to use it; but it simply gives the conference committee report a chance to get in.

The PRESIDENT *pro tempore*. The Chair would suggest to the Senator from Indiana that he ask unanimous consent to take up pension bills after the Indian appropriation bill is disposed of.

Mr. HARRISON. That is exactly what I propose to do.

The PRESIDENT *pro tempore*. The Senator from Indiana asks unanimous consent that the report of the conferees on the Indian appropriation bill be now considered, and that immediately after the disposition of that the Senate take up the House pension bills.

Mr. HARRISON. Reported favorably.

The PRESIDENT *pro tempore*. House pension bills reported favorably. Is there objection? The Chair hears none.

INDIAN APPROPRIATION BILL.

Mr. DAWES. I beg pardon of the Senate for taking any considerable portion of their time this morning. I wish to state the condition of this bill and the final disposition of it by the two bodies.

The Senate and the House have now come together upon everything in this bill that pertains to an Indian appropriation bill. It has been some time since this bill passed the Senate, and perhaps it is proper that I should state the condition of it in the beginning, and that will show the condition of it at this time.

It came over from the House with the ordinary appropriations for the Indian service loaded with a large amount of what are called depredation claims and burdened with a large amount also of general legislation upon important matters. The Senate at that time sustained the Committee on Appropriations in stripping the bill of everything except what pertained to the appropriations. It went back to the other branch with the Senate rejecting by way of amendment the entire body of depredation claims and substituting in their place a provision which seemed so wise that the conferees on the part of the House have agreed to it, looking to safeguards and clearer light upon the subject of depredation claims, and also with all the independent legislation stricken out of it.

The conferees have agreed on all matters in the bill pertaining to appropriations, and it comes back to the two Houses to say whether it shall be an appropriation bill, or shall be an appropriation bill and a private claims bill and also a bill to carry general legislation.

As the Senate sustained the Committee on Appropriations in striking out all the independent legislation, I have to say that this was the first bill I believe in which the committee's determination that they were instructed by the Senate came before this body and the Senate sustained the committee in every respect and struck out every particle of that legislation. Since then the course of the Senate in reference to other

matters, while the committee have been compelled to adhere to the resolution and rule of the Senate, has somewhat weakened the conference committee, and this conference committee have resolved to submit the question to the Senate, and the conferees on the part of the House to the House.

The conferees on the part of the Senate have been severely criticised publicly and in this body for resisting the introduction of legislation into this bill which of itself the public have come to consider very important. It was. It was in vain that the committee at the time it was considered pointed out defects in this legislation, admitting its general purpose to be wise and that if in independent bills where it could be perfected it would be eminently proper to consider it. It seems to have been in vain for them to try to make others understand outside of this body, and even the body itself, that under the rules we could not perfect this proposed legislation.

I have felt that it is necessary to ask a vote of the Senate upon some of these propositions, at the same time voting to adhere to the rule of the Senate, and to point out what are the defects in these measures that render it improper that in their present shape they should go on the statute-book; and for that purpose I would, if it were proper, if there were any such motion known to parliamentary law as receding from our amendment with an amendment, make that proposition; but there is no such motion known to parliamentary law. There are but two motions that can be made in reference to this independent legislation. One is to insist upon our amendment striking it out, and the other is to recede from it. The only way it seems to me that we can make known to those who demand that we yield this legislation what is the matter with it beside the rule, is to propose an amendment here and let it go into the RECORD, and that will show what if this were in a place where under the rules we could adopt it in our opinion it ought to be; and therefore I desire to call attention to one or two of these provisions.

The first to which I desire to call attention is that one which seems to have attracted attention in the other body and throughout the country as one of vital importance. It is what is called the crimes act, for the first time proposing to punish Indians like white men, in the same courts for the commission of crimes—a very important provision and one which the demands of the Indian service are very urgent for; and yet the provision, which is section 11 of this House bill, proposes in the first place—unfortunately in its phraseology, not in its intent—to take away from State courts, whether there be a reservation in the State or not, in Massachusetts or Connecticut, as well as any other State where there is a reservation, jurisdiction over the commission of an offense if either party to it be an Indian, and transfer it bodily to the United States courts. If any Indian should come from Nebraska to Massachusetts and there fall into a quarrel with any white man there or an Indian there the State courts of Massachusetts, if this were a valid provision, would lose all control over that offense, and it would be taken into the United States courts. It is sufficient to say that the Constitution would not permit that, and therefore if this provision were taken, as we are obliged to take it as it stands or strike it out, it would be well in this respect.

It then goes on further and attempts to establish the civil jurisdiction of the United States courts among the five civilized tribes where they have their own courts, and where we have solemnly by treaty covenant declared that they shall have them exclusively, and where we have no right to interfere. Therefore I would propose, and I should like to have it go upon the record so that people may not say we are against this provision—I would propose if it were in order that instead of this provision the following be adopted; but it is impossible under our rules that it can be done:

That immediately upon and after the date of the passage of this act all Indians committing against the person or property of another Indian or other person any of the following crimes, namely, murder, manslaughter, rape, assault with intent to kill, arson, burglary, and larceny within any Territory of the United States, and either within or without an Indian reservation, shall be subject therefor to the laws of such Territory relating to said crimes, and shall be tried therefor in the same courts and in the same manner and shall be subject to the same penalties as are all other persons charged with the commission of said crimes, respectively; and the said courts are hereby given jurisdiction in all such cases; and all Indians committing any of the above crimes against the person or property of another Indian or other person within the boundaries of any State of the United States, and within any Indian reservation, shall be subject to the same laws, tried in the same courts and in the same manner, and subject to the same penalties as are all other persons committing any of the above crimes within the exclusive jurisdiction of the United States.

Now, in order to ascertain whether the Senate are willing to recede from the amendment which strikes out the defective provision which I have pointed out, I move that the Senate recede from their amendment striking out the defective provision, and I say that I shall vote against the motion myself; and I only make the motion to ascertain by a yea-and-nay vote of the Senate what is the sentiment of the Senate upon the subject. If it were in our power I would propose to offer the amendment which I have just read.

The PRESIDING OFFICER (Mr. HARRISON in the chair). Will the Senator from Massachusetts indicate the number of the amendment to which he refers?

Mr. DAWES. It is numbered 113.

The PRESIDING OFFICER. The Senator from Massachusetts

moves that the Senate recede from its amendment numbered 113, which will be read.

The CHIEF CLERK. Amendment numbered 113 is to strike out section 11, in the following words:

SEC. 11. That immediately upon and after the date of the passage of this act all Indians within the provisions of this act committing against the person or property of another Indian or other person any of the following crimes, namely, murder, manslaughter, rape, assault with intent to kill, arson, burglary, and larceny within any Territory of the United States, and either within or without an Indian reservation, shall be subject therefor to the laws of such Territory relating to said crimes, and shall be tried therefor in the same courts and in the same manner and shall be subject to the same penalties as are all other persons charged with the commission of said crimes, respectively; and the said courts are hereby given jurisdiction in all such cases; and all such Indians committing any of the above crimes against the person or property of another Indian or other person within the boundaries of any State of the United States, and either within or without an Indian reservation, shall be subject to the same laws, tried in the same courts and in the same manner, and subject to the same penalties as are all other persons committing any of the above crimes within the exclusive jurisdiction of the United States: *And provided further*, That from and after the passage of this act any Indian or Indians may hereafter prosecute in any court any civil action at law or equity in like manner as others are permitted to do; and in all actions in said courts Indians shall not be rejected as witnesses on account of their race or nation: *Provided further*, This act shall not be so construed as to confer jurisdiction upon either the State or Federal courts to execute the laws of any of the five civilized tribes in the Indian country: *Provided further*, That the district court of the United States for the western district of Arkansas shall have civil jurisdiction over the five civilized tribes and white people of the Indian Territory in cases of debt on contract or torts committed upon the personal property of any person either in or out of said Indian Territory.

Mr. FRYE. I should like to inquire, if the Senator can with propriety reply to the inquiry, whether or not the amendment which he proposes has been submitted by the Senate conferees to the consideration of the conference committee?

Mr. DAWES. If there is no impropriety in answering the question, I will state that I have reason to believe that that would be adopted by the conference if the Senate should insist upon its amendment. If the Senate recedes, following my motion, against which I shall vote myself, it puts into the law the defective measure which I have pointed out.

Mr. FRYE. And if the Senate insists, probably the modified amendment will be inserted?

Mr. DAWES. Yes, sir. If it were in order I would move to recede with an amendment substituting that for the present section, but it is only because it is not in order and there is no way that the Senate can reach it except by insisting and indicating in this way what the Senate would like—

Mr. SHERMAN. I would a great deal rather hear the Senator make the motion to insist upon the amendment.

Mr. DAWES. The only reason I move to recede and then vote against it is because there is a feeling elsewhere that we prevent the Senate by our course from receding and taking these provisions; and I want it to be understood that I submit this plainly to the Senate, whether they will recede or not.

Mr. SHERMAN. The old rule—I have stated it two or three times and am almost ashamed to repeat it again—is that where a legislative provision is proposed by either House and readily accepted by the other it is all right; but where it is objected to by the other body the House proposing it has no right to insist on it under parliamentary custom.

Mr. DAWES. We have preached that doctrine the last three or four weeks so long and so ineffectually to other ears than our own that we are utterly helpless. Now, I do not propose to ask a ye-a-and-nay vote on the formal motion to insist. I know the law is just what the Senator says.

Mr. SHERMAN. I beg pardon of the Senator. The Committee on Appropriations have not put their conduct on the right position. I do not want to find fault with them, because they are doing the very best they can; but I say there never was a rule of the Senate that forbade legislation to be put upon an appropriation bill. It has been done time out of mind. The ground is that when we propose legislation that the House object to we must at once abandon it. When they propose legislation, as they have a right to do, the rule is the same; but we have no right to say that they can not put legislation on an appropriation bill, and therefore it is out of order for us to complain of the House of Representatives for putting legislation on appropriation bills. We have no business with that. They have the right to make their rules, and they can put all the legislation of Congress, repeal all the statutes of the United States, on an appropriation bill, and we have no right to complain if they do it in any way they choose, either by unanimous consent or by their rules. But when they do anything in that respect which we do not like we can simply say, "No; we will not agree to that; first, because it is wrong, and next, because we do not want it on an appropriation bill;" and in that event, whenever that disagreement occurs, the House proposing the legislation is bound to recede according to parliamentary law, and they will do it always. If they insist and insist they have a right to do so, but they have no right under parliamentary laws; they have the power to do it, but they have no right to insist ultimately upon independent legislation on any appropriation bill to which the other House objects.

Mr. INGALLS. Suppose they do insist?

Mr. SHERMAN. Then the Senate would be perfectly right in adhering to its disagreement, and instead of making a motion to recede

I would simply say, "Upon that amendment we adhere." Then I would stand upon that until the crack of doom!

Mr. DAWES. No Committee on Appropriations that ever I served on in this body ever took the ground that the House had not, under its rules, the right to put independent legislation on an appropriation bill. We have not gone before a conference on any such weak ground as that. We have admitted that they had the right under their rules to put it there; but we have submitted to them that it was unwise to put it there. We have told them that under our rules we were bound hand and foot and could not perfect their independent legislation, and there was another reason why they should not force us into that position; and another one was the reason assigned by the Senator from Ohio—and that reason has never been set aside by any committee of conference in which I have been—namely, that when either House proposes independent legislation in an appropriation bill and insists upon it and the other House resists it, the proposing House must yield in order to let the appropriation bill go through. That is sound, and that is an argument in a committee of conference that has always been urged; but the others have not been lost sight of.

Now, Mr. President, the reason why I desire to have a ye-a-and-nay vote upon the motion to recede is so that if I go into another conference I can meet the committee of conference on the part of the House by saying that I have presented their question precisely as they wanted it submitted. They have sent up this defective legislation, and up to this time they are insisting upon it. I come back and say if the Senate is willing to take such defective legislation the responsibility is off the shoulders of the conferees; I submit it fairly to the Senate. I submit it in such a form that it will give them the best opportunity of acting, and the responsibility shall be upon the Senate.

It will take no longer to take a ye-a-and-nay vote on a motion to recede than it will on a motion to insist. Nobody will ask a ye-a-and-nay vote on the formal motion after this is acted on, and so I hope the Senator from Ohio will see the wisdom of the Senate presenting this question fairly, so that the House will have no occasion to complain that we refuse to take the sense of the Senate on this matter, and I hope there will be a ye-a-and-nay vote on the motion to recede.

The PRESIDENT *pro tempore*. On this question the yeas and nays are called for.

The yeas and nays were ordered.

Mr. PLUMB. Mr. President, this question has assumed very considerable proportions by reason of the contention between the two Houses on this very important proposition, and also by reason of the fact that we are in the very closing hours of the session confronted with the possibility, to say nothing more, of an extra session of Congress growing out of this contention. The subject has never assumed any very great importance to my mind heretofore; but the events of this session have impressed upon me more strongly than I ever expected I could have been impressed in that way with the utter unwisdom and legislative unsoundness of the position of the House of Representatives in assuming to legislate upon important matters on appropriation bills; and that is true, as it seems to me, from every possible standpoint from which it can be viewed.

Take, for instance, the legislation which is on the Indian bill and which is now under consideration on the motion of the Senator from Massachusetts. As it came to us it had not received practically the consideration of the House of Representatives, it had not received the consideration of the Appropriations Committee even, and if it had the subject was not germane to the jurisdiction of that committee, and it was a subject which that committee, in the multitude of its other business, could not properly consider anyhow. In point of fact it was put on in the House, and when we come to consider it we find that it not only violates solemn treaty obligations of the nation, but it is absolutely unconstitutional.

Now what shall we do? That is a very grave question. The House people say, "Amend it; we will consider this thing on its merits, and if you will show us wherein we are wrong we will amend it." The answer to that is twofold: In the first place our rules do not permit us to do that. We have got to take the chances of a unanimous agreement upon the modification of an important measure, and which in the shape it comes to us from the House is pregnant with the great consequences which may grow out of any measure which violates a treaty and is also unconstitutional. In answer to that the House conferees say, "That is your fault and not ours; it is your rules, therefore, that are obstructing this matter, and not our rules." My answer to that is this: Take the Senator from Massachusetts, who I am willing to follow as a lawyer and as the chairman of the Committee on Indian Affairs, and as a Senator versed in all the intricacies of the law on this very important question; but is he himself willing to accept a snap-judgment such as he may form in the hurried hours of conference on this question? I say he is not, because he has said so himself.

In the next place, this measure ought to be discussed in the Senate; and no man can say with reference to a proposition of this kind thus hurriedly fixed up that if it were submitted to the mature judgment of the Senate it would not receive important modifications in the discussion which must necessarily ensue if it came forward as an independent proposition.

But there is another important objection, and that is this: We have had a great deal of discussion as to the relative powers of the two Houses of Congress in regard to the origination of appropriation bills. The Senate has yielded in effect to the demand of the House that it, and it alone, has the power to originate appropriation bills. But this is going a step further. It is yielding to the demand of the House that they shall originate not only appropriation bills but by the means of appropriation bills they shall originate all other substantive legislation to be passed upon by Congress. It is even stronger than that. Taking into account what has occurred within the last few days, it is a proposition that the Appropriations Committee of the House shall originate all the legislation to be passed upon by both branches of Congress, because that committee has so managed its affairs, or has been so managed, that it has been impossible that legislation should pass the House that did not come from that committee, whether it were in the shape of measures originating in the House or in the shape of measures which originated in the Senate and passed the Senate and had gone to the House and were on the Speaker's table.

But it is even more than that. It is not only the Appropriations Committee, but it has been in the power, as has been amply demonstrated in the last few days, of a single individual member of the House and of that committee, to do all the things I have mentioned in the nature of coercion in regard to that legislation, and in the absorption not only of the functions of the House but the functions of the Senate as well. We have seen how near the magnificent will-power of one man could bring Congress to the danger of an extra session of Congress, pregnant as I believe that event would be with the gravest consequences to the people of the United States.

Mr. President, all these reasons conspire to make me immovable, as an individual member of this body, upon this question of yielding upon these propositions, so far as they involve at least important legislation.

Mr. BECK. I desire to ask the Senator from Kansas for his views in regard to an argument we often hear. Five of the most important appropriation bills that have come over to us have come laden down, some of them, with legislation, within the last week of the session. We come at once to look at them; we can not examine them without sitting up all night, as our Committee on Appropriations has had to do for a week past. Might there not be some joint rule, some arrangement, something requiring that the bills should come to the Senate within a reasonable time, or that we should take some step ourselves to lay such bills before the Senate, because under the present system we can not really consider them at all, as they are held back so long that it is an impossibility to do it? And why ought not some modification be made, so that we can at least see them and consider them, by originating them ourselves if they are not presented within sixty days, or do something; for at present we can hardly do anything else than take what is sent to us?

Mr. PLUMB. That is a question which can be discussed incidentally here. The propriety of the course intimated can be suggested, and perhaps it ought to be done; but that is a question which relates to the practice of the other House of Congress. It is something which they ought to do themselves in some effective way. The mere question of method amounts to nothing. If they are to preserve their own control of legislation, I can conceive of no more gross confession of legislative incompetency than has been manifested within a stone's throw of where we are now during the last thirty days, and, in fact, during this entire session of Congress. The absolute helpless condition of things existing has impelled the sending to the Senate of one appropriation bill, involving an appropriation of \$22,000,000, without the consideration of any item in it with one single exception, and that one not germane to the carrying on of the operations of the Government; and another bill, the deficiency bill, was passed in the same way without any opportunity to debate, and under the whip and spur of an apparent necessity to do it in that way in order to avoid the graver consequences of an extra session.

Mr. INGALLS. Has the deficiency bill yet been reported from the Senate committee?

Mr. PLUMB. The deficiency bill is now in the hands of the committee of the Senate, and will be reported to-day.

Mr. PLUMB. The bills thus passed receiving no consideration at the hands of the House, subjected to no scrutiny there, submitted to no debate and no amendment, coming here in the way they did, imposed upon the Appropriations Committee of the Senate a double responsibility. We are in the habit, as all of us are, of being enlightened from time to time when bills are on their passage with the arguments for or against not only the bills themselves, but the several items which they contain as found in the speeches reported in the RECORD every morning; and although not permitted to give it any very great weight directly, we are in the habit of giving great consideration to matters which, having been subjected to discussion in the other branch of Congress, have received its final judgment in the shape of a vote following such discussion.

But, Mr. President, bills have come to us this year without any such aid to their enlightened consideration here; and, in addition to that, they have come here with legislation of an important character, which I have spoken of; and the Senate has been characterized during the last

week or ten days as deliberately designing to bring about an extra session of Congress because, forsooth, it insisted that it would not take legislation of that kind upon appropriation bills. And though we have been ready here at all times to consider these measures promptly as they came over, to give them ample consideration if time were allowed us, the endeavor is made to put us in the wrong in this very important matter.

The sundry civil bill which passed last night received the consideration of every single moment of time of the subcommittee and of the full Committee on Appropriations of the Senate that elapsed from the moment it was received from the House until it was reported to this body; and so with the deficiency bill; and the Senate committee was obliged to do in two days what the House required three months to do. The deficiency bill, as the Senator from Massachusetts reminds me, has been subjected to the same process, the committee taking it the moment it came over and sitting night and day in its consideration in order that they might in some decent way discharge their duty to this body before presenting it here.

Mr. President, this is a grave question with reference not only to the condition by which we are confronted now, but with reference to our future relations to the legislation of this country. If it is suggested that this legislation ought to come in the shape of separate bills, we are confronted with the statement that under the rules of the House no legislation can be put through there unless it is put through under the whip and spur of an appropriation bill; and there we land at last in that final confession of legislative incompetency which has borne the fruits which I have brought to the attention of the Senate, not only in the passage of two bills, among the largest appropriation bills for carrying on the Government, under a suspension of the rules and without the consideration of any but one single item in both of them put together, and in the final passage of a river and harbor bill giving a lump sum of \$5,000,000 to be expended pro rata upon public works named in the preceding year's bill, which is not only a similar confession of incompetency but is a criminal expenditure of the public money because, as every man knows who voted for it and as every other man knows who has given it any consideration whatever, three-fourths of that money must necessarily be wastefully and wickedly expended, substantially without any returning result to the Government.

Mr. INGALLS. By a Democratic Secretary of War.

Mr. PLUMB. I do not know how much or how little that might aggravate the case, nor do I speak now to characterize this with reference to the political complexion of either House of Congress. I had occasion to say some disagreeable things once about the House of Representatives of a Congress that happened to have a majority of my political faith.

I think if this difficulty is not inherent in the system, at any rate it is incured by time, and nothing but some drastic remedy can ever be effectively applied to relieve us from similar straits to that which we are now in and from the grave consequences with which we are confronted.

Mr. President, if there is to be an extra session of Congress, if we shall go hour by hour steadily and resistlessly up to the time when by the Constitution the session of both Houses is to cease, it will not be because this body in all its parts has not done its duty in regard to appropriation bills. It will be because of the fact that crude and undigested measures have been sent to us here, and sent to us in the closing hours of the session, with a demand that we should bolt them entire, take them as they came, abandon our own prerogatives as Senators, give up the co-ordinate position of this body, and simply record the will of the House of Representatives, which has practically sought, whether intentionally or not, to drag the Senate at its heels; and not only that, but in doing so to give to the country legislation which its own conferees admit is in violation of treaties, in violation of the Constitution, subversive of private right, crude, ill-digested, and unworthy of the name of legislation.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a joint resolution (H. Res. 346) authorizing the immediate payment of the officers and employees of the Senate and of the House for the month of March, 1885; in which it requested the concurrence of the Senate.

The message also announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SAMUEL J. RANDALL of Pennsylvania, Mr. WILLIAM H. FORNEY of Alabama, and Mr. THOMAS RYAN of Kansas managers at the conference on its part.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. DAWES. I ask unanimous consent to take up the message from the House of Representatives accompanying the civil sundry bill.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 8256) making appropriations for sundry civil

expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. DAWES. I move that the Senate insist on its amendments and accede to the request of the House for a conference.

Mr. HOAR. I do not desire at this time of the session to detain the Senate by a discussion—

The PRESIDENT *pro tempore*. The Senator will pardon the Chair. Does he desire to discuss the motion of his colleague on the sundry civil bill?

Mr. HOAR. No, sir; I desire to discuss the subject which the Senator from Kansas was discussing.

The PRESIDENT *pro tempore*. The sundry civil bill is before the Senate, and the question is: Will the Senate agree to the motion of the Senator from Massachusetts [Mr. DAWES]?

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. ALLISON, Mr. HALE, and Mr. BECK were appointed.

INDIAN APPROPRIATION BILL.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes.

Mr. HOAR. Mr. President, I do not expect to discuss at this time of the session the very interesting and important matters which the Senator from Kansas [Mr. PLUMB] has touched, but I think it proper after what he has said to remark that while his criticism upon the condition of affairs presented at the present Congress by the conduct of the two branches is undoubtedly sound, and while the Senate could have and would have dealt carefully, prudently, at any rate considerably with all the great matters of legislation if they had been presented to us for our consideration from the other branch as they might have been, yet the evils of which he complains can never be corrected without a change in the time of the assembling of the two Houses of Congress for legislative purposes.

There is no reason why the habits which were formed when the country contained a population of five, ten, or fifteen millions should be maintained by the Legislature of a country containing fifty or sixty millions with its large commercial and other business interests. Now there is no reason why the time of stimulating and pleasant weather in this climate from the 1st of October to the 1st of December should not be spent in legislation, especially in the session which ends under our arrangement on the 4th of March. I hold that it will be the duty of Congress at a very early day to provide by law for the assembling of Congress at a day as early as the 1st of October, certainly in the year when the session ends on the 4th of March.

Mr. HALE. Does the Senator believe that it would be possible on the year of the Presidential election, which occurs in November, for any great public business to be attended to and well done at any time previous to that election, or perhaps immediately succeeding it, unless an interval of a few weeks elapsed?

Mr. HOAR. A vacation of two weeks could be had, if it were necessary, consistently with the general plan which I have stated; but if it could not, it certainly is of more importance to the country that the great legislative subjects should be dealt with conscientiously and considerably than it is that the particular gentlemen who belong to this or the other branch of Congress should take part in the campaign. It is certainly more important that legislation should be dealt with than that we or they should be attending to the interests of our own election or re-election.

Mr. HALE. I agree fully with the Senator from Massachusetts that there should be some equalization in some way of the two sessions of Congress; but it has occurred to me always in thinking of it that the direction was more favorable toward utilizing the spring months, March and April, in the alternate year, so that we should have the benefit of a lengthened session that might be ended before the summer heats set in, and give us at least five months for the shorter session. I agree fully with the Senator that we can not remedy this almost intolerable evil until something is done in that direction.

Mr. HOAR. As I said, I did not rise to enter into a discussion of the details of this difficulty in our legislative processes and habits. We have practically every other year a session of Congress of ten weeks, deducting the ordinary time taken for the Christmas holidays. The particular time of meeting or separating of course will be adjusted at a time when that can be considered; but I think it proper to state to the Senate and the country my own conviction that this change is a change which we must enter upon the consideration of when we assemble again next winter.

Mr. DAWES. Now I hope we may have a vote, and I hope the Senate will understand that the vote upon receding will be the judgment of the Senate whether they desire this defective legislation in the bill or not.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Massachusetts [Mr. DAWES] that the Senate recede from its amendment numbered 113 to the Indian appropriation bill, and on this question the yeas and nays have been ordered.

Mr. INGALLS. Do I understand that the Senator from Massachusetts invites the Senate to assent to a violation of its rules by the adoption of general legislation on an appropriation bill?

Mr. DAWES. I am sorry the Senator has not been listening so that he could better understand the Senator from Massachusetts.

Mr. INGALLS. I have unfortunately been absent from the Chamber.

Mr. DAWES. I beg the Senator's pardon for the remark I made. The Senator from Massachusetts stated that he made this motion with the intention of voting against it himself in order to get the judgment of the Senate.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion that the Senate recede from this amendment, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 4, nays 47; as follows:

YEAS—4.			
Butler,	Coke,	George,	Maxcy.
NAYS—47.			
Aldrich,	Edmunds,	Jonas,	Platt,
Bayard,	Fair,	Lapham,	Plumb,
Beck,	Frye,	McMillan,	Ransom,
Blair,	Garland,	Manderson,	Saulsbury,
Brown,	Hale,	Miller of Cal.	Sewell,
Camden,	Hampton,	Miller of N. Y.,	Sherman,
Cameron of Wis.,	Harris,	Mitchell,	Vance,
Cockrell,	Harrison,	Morgan,	Van Wyck,
Conger,	Hawley,	Morrill,	Vest,
Cullom,	Hoar,	Palmer,	Voorhees,
Dawes,	Ingalls,	Pendleton,	Wilson.
Dolph,	Jackson,	Pike,	
ABSENT—25.			
Allison,	Gibson,	Lamar,	Sawyer,
Bowen,	Gorman,	Logan,	Slater,
Call,	Groome,	McPherson,	Walker,
Cameron of Pa.,	Hill,	Mahone,	Williams,
Chace,	Jones of Florida,	Pugh,	
Colquitt,	Jones of Nevada,	Riddleberger,	
Farley,	Kenna,	Sabin,	

So the motion was not agreed to.

Mr. DAWES. I will not ask for the yeas and nays on any other of these amendments. I will indicate what the difficulty is with them and put upon record the amendments that would be satisfactory to the committee of conference.

The one hundred and eleventh amendment is to strike out a proposition to try to prevent the selling of intoxicating liquors to Indians, a very proper provision if properly worded and a measure which is greatly demanded, and which has attracted great attention among all those who have had anything to do with Indians. It is a very desirable thing, but the way in which it is put forth in this provision, section 9, is such that the committee if it were in an independent bill would not feel at liberty to support it without modifications. It starts out in this way:

No ardent spirits shall be introduced, under any pretense, into the Indian country.

It then goes on to provide how it may be done. The committee would propose this simple provision in the place of it; if it were in their power under the rules of the Senate they would offer this as a substitute for it:

That every person who sells, exchanges, gives, barter, or disposes of any spirituous liquors, beer, wine, or any intoxicating beverage to any Indian under the charge of an Indian superintendent or agent, shall be punishable by imprisonment for not less than six months nor more than two years, and by a fine of not less than \$50 nor more than \$1,000.

That takes and gathers together in what we suppose to be a proper form for a criminal act all the elements which are contained in this section, and other elements.

Mr. BUTLER. May I inquire of the Senator from Massachusetts if he does not consider that general legislation on an appropriation bill?

Mr. DAWES. Most certainly, and under the rules I say I can not offer it.

Mr. President, there is a provision here designed to authorize the President of the United States to disarm Indians. There is a condition of things on some of the reservations perfectly alarming so that it is necessary to take the arms, Winchester rifles, away from the Indians; but the provision is of such a character as instead of producing peace and safety among the Indians will only irritate them and thwart the very purpose in view. It ought to be amended so that when a Winchester rifle is taken from an Indian, at the same time he will have offered to him the full pay for his rifle; and that is the objection to this as independent legislation.

There is one other matter that I desire to call the attention of the Senate to which has been discussed here a good many times and which it is desirable that the Senate should have some positive position upon; and that is in relation to Oklahoma. There is a provision, section 10, in this bill which I ask the Secretary to read.

The Chief Clerk read as follows:

Sec. 10. That the President is hereby authorized to open negotiations with the Creeks, Seminoles, and Cherokees for the purpose of opening to settlement under the homestead laws the unassigned lands in said Indian Territory ceded by them respectively to the United States by the several treaties of August 11, 1866, March 21, 1866, and July 19, 1866; and for that purpose the sum of \$5,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated; his action hereunder to be reported to Congress.

Mr. DAWES. It so happens that the Senate on several occasions have expressed a desire to accomplish the very purpose indicated in that section, but they have all along accompanied it with a declaration that until that negotiation shall have brought forth some result those who are now defying the laws of the country and declaring that they will go upon that land, lawfully or unlawfully, shall be kept off. The President of the United States has on two occasions called upon Congress to clothe him with power, to amend an existing statute of the United States which only imposes a fine upon those who willfully commit trespass upon Indian reservations.

The whole trouble in Oklahoma has grown out of that fact. The man at the head of these bands has from time to time led innocent and deluded people into that country; he has then been arrested and fined, and taken the poor-debtor's oath, and the next day snapping his fingers in the face of the officers of the law, gone and gathered a new band. The Senate of the United States has passed a bill amending that law, simply imposing in addition to the fine, or instead of the fine, in the discretion of the court, a short term of imprisonment. That bill has twice passed the Senate, but for some inscrutable reason it has failed to reach the form of law.

Now while the committee are willing and desirous to open negotiations for that property, it is the opinion of some of the committee at least that opening negotiations in the form here proposed is an invitation to all those who can go with impunity upon that land to hurry there, gathering as they are now under some mysterious impression that on the 5th of March they will be at liberty to go there whether the law be regarded or the law be violated.

I propose if that provision is adopted in any way to add to it that section of the bill which has already passed the Senate for the very purpose, simply adding to the existing penalty a short imprisonment, so that if those who demand to have that country opened are honest and really desire to have it opened for honest homesteaders, they will agree to join us in providing that until it is opened law-breakers shall not go down there and possess the land in advance of the honest homesteader. That is the purpose of the amendment, and if it were in order I should offer as a substitute for that section what I send to the desk.

Mr. CULLOM. I inquire of the Senator if the amendment he proposes is the same bill that we passed here a few days ago?

Mr. DAWES. Yes; the same bill in substance.

Mr. CONGER rose.

Mr. DAWES. I will answer the Senator from Illinois before I yield to the Senator from Michigan. It is a provision in the bill authorizing negotiations, with the second section of the bill passed the other day added to it, and that second section is the existing statute with the additional penalty.

Mr. CULLOM. As I understand it, the section that was read as having come from the House is one of the sections of the bill that was passed here the other day.

Mr. DAWES. It is in substance, with some change of phraseology. The second section of the bill we passed the other day I would propose to add to that if it were in order.

Mr. CULLOM. I only desire to say that I hope the section that is in the bill, if nothing else gets in there on the subject, will be left there, but I have no objection to the addition of what the Senator has sent to the Chair to be read.

Mr. DAWES. In reply to that I would say that I would as a Senator have no objection to that section if I did not think that, left alone, instead of producing peace it would increase the difficulty by inviting lawless people, proclaiming to them, "This is about to be opened; first come first served;" and the bands now gathering for an incursion into that territory will be stimulated in my opinion to be there in advance of the honest settler. That is my only objection to it as it stands.

HOUR OF MEETING.

Mr. CONGER. Mr. President, in order that the legislative Journal and Record may be kept right to-day, I move that when the Senate adjourn to-day it adjourn to meet at 12 o'clock meridian.

Mr. ALLISON. I would suggest to the Senator from Michigan that he make that 1 o'clock.

Mr. CONGER. Very well; I so modify the motion.

The PRESIDENT *pro tempore*. The motion is not debatable. The Senator from Michigan moves that when the Senate adjourn to-day it be to meet at 1 o'clock on the 3d day of March. The question is on that motion. [Putting the question.] The yeas have it.

Mr. CONGER called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. GEORGE. Mr. President—

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. GEORGE. I understand it is proposed to adjourn until 1 o'clock to-morrow.

The PRESIDENT *pro tempore*. This is the 2d of March in the legislative session of the Senate.

Mr. GEORGE. Then it is proposed to meet at 1 o'clock to-morrow.

The PRESIDENT *pro tempore*. One o'clock of the 3d of March is the time proposed for meeting.

The Secretary proceeded to call the roll; and Mr. ALDRICH and Mr. BAYARD responded to their names.

Mr. SHERMAN. I should like to make a statement of about two or three minutes in regard to a matter rather in the nature of privilege.

The PRESIDENT *pro tempore*. The roll-call has commenced on the motion of the Senator from Michigan, and two Senators have answered. The Chair has only waited for order to be restored to have the call proceed.

The roll-call was resumed and concluded, and resulted—yeas 33, nays 15; as follows:

YEAS—33.

Aldrich,	Garland,	Mitchell,	Sewell,
Beck,	Hampton,	Morgan,	Sherman,
Brown,	Harris,	Morrill,	Slater,
Butler,	Harrison,	Palmer,	Vance,
Call,	Hawley,	Pendleton,	Vest,
Camden,	Jackson,	Pike,	Walker,
Coke,	Jones,	Pugh,	
Colquitt,	McMillan,	Ransom,	
Conger,	Maxey,	Saulsbury,	

NAYS—15.

Allison,	Cullom,	Lapham,	Plumb,
Bayard,	Dawes,	Manderson,	Van Wyck,
Blair,	Edmunds,	Miller of N. Y.,	Wilson.
Cameron of Wis.,	Ingalls,	Platt,	

ABSENT—28.

Bowen,	Frye,	Hoar,	Mahone,
Cameron of Pa.,	George,	Jones of Florida,	Miller of Cal.,
Chace,	Gibson,	Jones of Nevada,	Riddleberger,
Cockrell,	Gorman,	Kenna,	Sabin,
Dolph,	Groome,	Lamar,	Sawyer,
Fair,	Hale,	Logan,	Voorhees,
Farley,	Hill,	McPherson,	Williams.

So the motion was agreed to.

INDIAN APPROPRIATION BILL.

Mr. DAWES. I do not care to have the amendment read if it may go into the RECORD.

The PRESIDENT *pro tempore*. It will be printed in the RECORD, if there be no objection.

The amendment is as follows:

Sec. 10. That the President is hereby authorized to open negotiations with the Creeks, Seminoles, and Cherokees for the purpose of opening to settlement under the homestead laws the unassigned lands in said Indian Territory ceded by them respectively to the United States by the several treaties of August 11, 1866, March 21, 1866, and July 19, 1866; and for that purpose the sum of \$5,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated; his action hereunder to be reported to Congress. And every person who, without authority of law, enters and shall be found upon the lands described in the first section of this act, with intent to occupy any such lands or reservation, or any part thereof, shall for the first offense, upon conviction thereof, pay a fine of not more than \$500, or be imprisoned at hard labor for not more than one year, or both, in the discretion of the court, and for every subsequent offense shall, upon conviction thereof, pay a fine of not more than \$1,000 and be imprisoned at hard labor for not more than two years; and the wagons, teams, and outfit of such person or persons so offending shall be seized and delivered to the proper United States officer, and be proceeded against by libel in the proper court and forfeited, one-half to the informer and the other half to the United States.

Mr. DAWES. I also send up an amendment as a substitute for section 8, which I ask may be printed in the RECORD.

The PRESIDENT *pro tempore*. That will also be printed in the RECORD, if there be no objection.

The proposed amendment is as follows:

Sec. 8. That whoever shall furnish to any Indian, by barter, sale, gift, or exchange, any gun, rifle, pistol, or ammunition or munitions of war, shall, upon conviction thereof, be fined not less than one hundred nor more than one thousand dollars, and be imprisoned not less than six months nor more than two years; *Provided*, That this provision shall not apply to the five civilized tribes of the Indian Territory; and that the Secretary of the Interior may issue such permits to Indians for the purchase of arms and ammunition for sporting purposes as he may deem proper: *And provided further*, That the President of the United States may, in his discretion, disarm such Indians as in his judgment may seem best to preserve peace and prevent depredations. All arms thus taken shall at the time they are taken be appraised and the value of such appraisement be at once paid to the Indians entitled thereto, and said arms shall be sold and the proceeds thereof paid into the Treasury. The Secretary of War shall make all needful regulations for carrying out this section and report his doings thereunder to Congress, and the money necessary to carry into effect the provisions of this section is hereby appropriated.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. 2577) to authorize the printing of the eulogies delivered in Congress upon the late Henry B. Anthony; and

A bill (S. 2666) to provide for the printing of the report and proceedings of the commission to provide suitable ceremonies for the dedication of the Washington Monument.

INAUGURATION CEREMONIES.

Mr. SHERMAN. I ask the attention of the Senate for a minute or two to a matter personal to the Senate I may say, and personal perhaps to myself and to other members of the committee on inauguration arrangements. I notice in the newspapers and in other places that an impression prevails that the committee on arrangements appointed by the Senate to take charge of the inauguration ceremonies have departed from the established rules in respect to the conduct of the ceremonies. I wish now to correct that impression, and to say that in all respects the rules adopted now and published in the programme laid upon the tables of Senators conform to all the precedents of the past except some changes which have been made in favor of the House of Representatives.

It is complained that the committee of arrangements is composed only of representatives of the Senate and not of the House. We have had the precedents examined, and find that that has been the case always, for the simple reason that the Senate being a permanent body it is the only body in existence after 12 o'clock on the 4th of March. Therefore a committee of three members of the Senate has uniformly regulated the ceremonies.

It has also been complained that a discrimination has been made against the members of the House of Representatives. So far from that being the case the programme is much more considerate as to the members of the House of Representatives than any programme ever before adopted.

I have had all the programmes hunted up. The one issued at the time Mr. Buchanan was inaugurated was the first that I witnessed after I was a member of either House of Congress. We went back to the inauguration ceremonies at the time of Mr. Polk's inauguration, and have followed since in that line. I shall read an extract from these proceedings showing where the changes have been made in favor of the House of Representatives and in no respect whatever discriminating against them.

At the inauguration of President Polk, for example, on the 4th of March, 1845, the privilege of the floor of the Senate Chamber was given to "Senators and others who, by the rules of the Senate, and the arrangement of the committee, are entitled to admission, as follows: The President-elect, the ex-Presidents, the Chief-Justice and associate justices of the Supreme Court, the diplomatic corps, district judges of the United States, heads of Departments and bureaus at the seat of Government, officers who by name have received the thanks of Congress for their gallantry and good conduct in the service of their country or who have received medals by a vote of Congress, and any persons entitled to a seat on the floor of the Senate, including the governor for the time being of any State or Territory of the Union, the ex-governors of the several States, such gentlemen as have been heads of Departments or members of either branches of Congress."

No other mention was made of gentlemen who had been members of the House of Representatives which had just expired by limitation. Nor was any mention made of the members-elect of the new House, yet to be organized.

In the order of procession from the Senate Chamber to the eastern portico the Supreme Court led the way, followed by the President-elect, the ex-Presidents, the Senate, the diplomatic corps, the mayors of Washington, Georgetown, and Alexandria, and then—"the other persons before admitted on the floor of the Senate."

"On reaching the front of the portico," the programme goes on to state, "the President-elect and Chief-Justice will take the seats provided for them. The ex-Presidents, the committee of arrangements, and associate justices of the Supreme Court will occupy a position several feet in the rear of the President-elect. The Vice-President, Secretary, and members of the Senate will occupy parallel lines next in rear. The diplomatic corps will occupy the next position, and the space immediately in their rear is assigned to the late Speaker, Clerk, and ex-members of the Senate and House of Representatives."

It will be seen that according to the old formula the House of Representatives was not recognized in the proceedings as an existing body, it having expired before the ceremonies commenced, but they were recognized as persons who had been members of Congress. There has been a gradual change in favor of a more marked recognition of the House of Representatives, and now we have adopted a still more marked change in favor of the House. Here is the order in which the procession is to be formed on the 4th of March:

Members of the Senate.

The diplomatic corps.

Heads of Departments.

The retired General of the Army, the Lieutenant-General of the Army, the Admiral of the Navy, and the officers of the Army and Navy who, by name, have received the thanks of Congress.

Members of the House of Representatives elect, governors and ex-governors of States.

It will be seen that in the programme forty years ago the heads of Departments, all the heads of bureaus and various executive offices that were then in existence, together with the governors and the ex-governors of the States preceded the House of Representatives. But this has been gradually changed, and the House of Representatives is recognized as a constituent body although it has ceased to exist.

I hope, therefore, if anybody in either House of Congress or any one

among the people of this country thinks that the Senate of the United States have sought in any way to make any discrimination or cast any disparagement on the House of Representatives, either past or present, he will be disabused by this correction of the record.

My friend from Connecticut [Mr. HAWLEY] has hunted up all the precedents since the time of which I spoke, and it is found that in every case there has been a marked discrimination in favor of the House of Representatives by the programme now laid upon the table.

I am not at liberty to refer to what occurred in the other House, but I am told that some complaint has been made that the members of the House of Representatives come in here and take their seats in the rear of the Senate. The truth is Senators concentrate themselves in as small a space as possible and give the members of the House of Representatives two-thirds of all the room of the Senate. That has been done during the eight times I have witnessed these ceremonies. Consequently there has been no discrimination made in that respect. I should be very sorry indeed if some of the sensitive gentlemen of the House of Representatives or of the Senate should think that any discourtesy whatever of the slightest shade has been cast upon the House or its members. Certainly no man in this body, or I think in Congress, has a more profound respect for the House of Representatives than I have and I would stand by their rights and their privileges and by the utmost courtesy which has ever been given to them from the beginning of the Government to this time.

I make this statement merely to disabuse the minds of gentlemen who may have been misled by remarks made in the heat of passion probably, or without a consideration or examination of the subject.

Mr. HAWLEY. As a member of the committee of arrangements, the Senate will pardon me if I put upon record, now that the matter has been referred to, one or two references to other occasions than the one spoken of by my colleague on the committee.

I have in my hands a copy of the programme for the inauguration of President Buchanan. I will read from it only that which describes the march from the Senate Chamber. It was the old Senate Chamber then.

The Marshal of the District of Columbia.

The Supreme Court of the United States.

The Sergeant-at-Arms of the Senate.

The committee of arrangements.

The President of the United States and the President-elect.

The Vice-President and the Secretary of the Senate.

The members of the Senate.

The diplomatic corps.

Heads of Departments, governors of States and Territories, the mayors of Washington and Georgetown, and other persons who shall have been admitted into the Senate Chamber.

On reaching the front of the portico, the President-elect will take the seat provided for him on the front of the platform.

The ex-President and the committee of arrangements will occupy a position in the rear of the President-elect.

Next, in the rear of these, the Chief-Justice and the associate justices of the Supreme Court will occupy those seats on the left; and the Vice-President, Secretary, and members of the Senate, those on the right.

The diplomatic corps will occupy the seats next in the rear of the Supreme Court; heads of Departments, governors and ex-governors of States and Territories, and ex-members of the Senate, ex-members and members-elect of the House of Representatives in the rear of the members of the Senate.

Representatives were mentioned lastly, and as individuals, not as a House, perhaps because one House has just expired and the new one had not been organized. I will admit that there was an apparent discourtesy at that time in that merely incidental reference to members and members-elect of the House of Representatives.

Mr. FRYE. Is this proceeding by unanimous consent?

The PRESIDING OFFICER (Mr. INGALLS in the chair). So the Chair understands.

Mr. FRYE. I give notice that when the Senator from Connecticut is through I shall object.

Mr. HAWLEY. I shall have no objection to the objection at that time.

I desire to put on record a similar statement in regard to the inauguration on the 4th of March, 1865. Substantially the same method was followed in all respects, ex-members and members-elect of the House of Representatives in the rear of members of the Senate.

I wish to put upon record also the programme of the 4th of March, 1881, in which was substantially the same thing, and where the diplomatic corps, heads of Departments, members of the House of Representatives and members-elect, governors and ex-governors of States, &c., are so designated and not otherwise.

In the programme adopted at this time, modeled upon that, there is scarcely a change worth mentioning. I think it just as well that this should be put on record because of criticisms which have been made elsewhere.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 449) to provide for the appraisement and sale of lots in the town of Pera, Dubuque County, Iowa;

A bill (H. R. 652) for the relief of Brannin, Summers & Co.; and

A bill (H. R. 4089) to empower the commissioners of the District of

Columbia to examine the claim of and providing for the payment of Outerbridge Horsey, assignee.

INDIAN APPROPRIATION BILL.

The PRESIDING OFFICER (Mr. INGALLS in the chair). The Chair understands the Senator from Massachusetts [Mr. DAWES] to have the floor upon the disputed amendments to the Indian appropriation bill.

Mr. DAWES. The Senator from Kansas [Mr. PLUMB] desires to take the floor. I have nothing further to submit at present.

Mr. PLUMB. I have detained the Senate a good deal on this question already, but I wish to call the attention of the Senate to the difference between this and an ordinary legislative proposition contained in a bill which has been the subject of dissent on the part of the Senate. We have been in the habit of giving to the President of the United States and to the heads of Departments, &c., authority, and, in fact, requiring them, during the vacation of the Senate to do certain things which we think are necessary for our information in regard to legislation which is likely to come before us at a succeeding term.

In the fortification appropriation bill, which will be before the Senate in a few minutes, provision is made for a board to examine the seacoast of the United States, and ascertain and recommend to Congress where fortifications should be built; and so in all appropriation bills. In the legislative appropriation bill which passed a provision was stricken out by the Senate, on which I find our conferees yielded, on authorizing a commission to visit the Yellowstone Park; and so with commissions to visit Indian schools and things of that kind for the purpose of more thoroughly informing the legislative mind than it otherwise would be informed in regard to the subject.

This provision, however, has assumed the proportions of a national question in which there is great danger, as I think, of some untoward result happening very soon. I feel that while this is far from what I should like to have, if it is even half a loaf, still, whether half a loaf or an ounce, it is better than no bread, as I think. This being the only thing which can be done, it seems to me that the Senate ought not to stickle on the question of legislation which is simply of that character which is the inevitable accompaniment of an appropriation bill. It seems to me I may say this without subjecting myself to that criticism which the Senator from Massachusetts has been so quick to visit upon me, that I am here doing those things which are disturbing the public peace. I assure him that conscientiously I believe that the passage of this provision in the bill will tend to prevent a rupture and conserve the public peace.

Mr. DAWES. I should not like to have that statement, the last part of the sentence, go on the record. The Senator is the last man that I would intimate would disturb the public peace. I believe the Senator conscientiously thinks that this is the only way to preserve it.

Mr. PLUMB. The Senator said the other day in debate just such remarks as I made led to all the trouble. While I acquit him of any design to reflect upon me, at the same time he can not resist the opportunity, as he never can, of hitting somebody under the fifth rib. But I appeal to him, notwithstanding that disposition of his, to give to this matter the consideration of his well-formed judgment and of that conscience which he brings to the discharge of his duties here, and let this matter, simply a negotiation, be conducted, which the President of the United States might feel a constraint about otherwise, to go on during the recess of Congress. I believe it will have a sedative effect. I believe the moment we manifest a disposition to do something in this direction it will have the effect of largely preventing the flocking of people to that quarter.

As I said, this is not what I wanted. I have earnestly contended here for affirmative legislation which I believe Congress ought to pass in regard to this land settlement. It seems to me if Congress believes, as it apparently does by the votes it has given, that something of this kind must be done, then to say so in this emphatic and affirmative way will have of itself a very considerable effect in restraining from doing that which the judgment of Congress says can not be legally done.

Mr. MANDERSON. Will the Senator from Kansas yield for a question?

Mr. PLUMB. Yes, sir.

Mr. MANDERSON. I desire to ask the Senator whether the so-called Oklahoma clause in the bill suits him as it was passed by the House, or if he proposes to amend that.

Mr. PLUMB. It does not suit me in any way, but at the same time I am advised by parliamentary authority to which I always bow that it has to be taken exactly as it is or not at all. It being a House proposition, it can not be amended by the Senate, and is therefore beyond our jurisdiction even in committee of conference, as I think it has been stated to us in an authoritative way by the presiding officer of this body; but certainly it can not be amended here. If it were our proposition we could amend it, and being a House proposition the House can amend it, but we can not touch it. We have got to take it as it is, legislation and all, without any change.

Mr. DAWES. If the Senator will permit me, I suppose it is perfectly competent for the committee of conference to modify it in any way. I now ask that the Senate insist upon its disagreeing votes and ask for a new committee of conference.

Mr. MANDERSON. I ask that a separate vote be taken on the amendments numbered 27 and 28. I think that the Senator from Massachusetts will not object to that.

Mr. DAWES. Very well; and let the Senate now insist on all the rest.

The PRESIDING OFFICER. The Secretary will report the amendment reserved by the Senator from Nebraska.

The CHIEF CLERK. Amendment numbered 28: Page 20, line 27, strike out all down to and including the word "act," in line 10, on page 21, as follows:

The Secretary of the Interior is hereby authorized to make such extension of time for the payment of the purchase-money under the sale made under an act entitled "An act to provide for the sale of the remainder of the reservation of the Confederate Otee and Missouri tribes of Indians, in the States of Nebraska and Kansas, and for other purposes," as he may deem advantageous to said Indians and settlers: *Provided*, That the interest shall be paid at the rate as now provided by said act; but the time for the payment of the whole of said purchase-money shall not be extended more than two years from the time the said purchase-money became due according to the original terms of sale under said act.

Mr. MANDERSON. The other amendment to which I referred is that which makes the same extension of time to those who purchased the Omaha lands. I think it is the amendment immediately preceding.

The PRESIDING OFFICER. What motion does the Senator from Nebraska desire to submit in regard to the amendment?

Mr. MANDERSON. I am willing to submit them both, by unanimous consent, to a vote of the Senate, because they both involve the same principle.

Mr. DAWES. Let us insist as far as we can, and then take the vote on the other amendments.

Mr. PLUMB. I ask that the vote be reserved on what is called the Oklahoma provision of the bill.

The PRESIDING OFFICER. The Secretary will report the amendment desired to be reserved by the Senator from Kansas.

Mr. DAWES. The Senator from Nebraska wishes a separate vote on amendments numbered 27 and 28, and the Senator from Kansas on amendment numbered 112.

The PRESIDING OFFICER. The motion of the Senator from Massachusetts is that the Senate insist upon the other amendments?

Mr. DAWES. Yes, sir.

The PRESIDING OFFICER. Are there any other amendments to be reserved?

Mr. MILLER, of California. I wish to have amendment numbered 35 reserved, the Hogan claim.

The PRESIDING OFFICER. The clerks will make a memorandum of it. If there is no objection the amendments other than those reserved will be considered as insisted upon. The question now recurs whether the Senate will further insist upon its amendments numbered 27 and 28.

Mr. MANDERSON. I desire simply to call the attention of the Senate to the character of those two amendments.

Mr. DAWES. The Senator will reach what he is after if he moves to recede. That takes precedence of a motion to insist.

Mr. MANDERSON. I move that the Senate recede from its amendments numbered 27 and 28. The different provisions of the bill upon which the Senate insists I understand are those which are objectionable in themselves as the bill came from the House. The Senator from Massachusetts, the chairman of the Committee on Indian Affairs, has suggested to the Senate what there is objectionable in the clause which provides for the jurisdiction of courts over offenses committed by Indians off their reservations. He has given his suggestions as to the objections to the clause which provides punishment for the sale of liquor to Indians, and he mentioned the amendment that he would propose to the clause regarding the purchase of arms, and the amendment also to the Oklahoma provision, which is yet to be considered.

But I do not understand that the Committee on Indian Affairs has any objection whatever to the extension of the time for the payment of the remaining purchase-price of the lands sold by the Omaha and Otee Indians.

This extension of time has been recommended by the Secretary of the Interior, and it would be certainly a great hardship to those people if it was not extended. The extension is properly guarded. The consent of the Indians must be obtained. When this matter was under discussion before I heard no one in the Senate make any objection to it whatever on the ground of merit, but it was conceded to be most righteous and just legislation. I hope the Senate will recede from the two amendments I have indicated.

The PRESIDING OFFICER. The Senator from Nebraska moves first that the Senate recede from its amendment numbered 27.

The question being put, there were on a division—ayes 7, noes 40.

Mr. VAN WYCK. I shall ask for the yeas and nays, and I desire to say a word on the subject. This is one of the cases where the rules are a stumbling-block in the way of accomplishing something which receives the unanimous consent of both Houses. We are instructed as to the meaning and extent of the rule. I think possibly an hour was spent this morning, several hours are spent every day, as to the meaning of the rule which requires that no general legislation or new legislation shall be placed upon an appropriation bill. It would be well if the rules were first made and then construed, so that legislation

which commends itself to the judgment of every man should be placed upon an appropriation bill.

The Senate have no trouble while wrangling with the House about their rules as to the power which the House exercised in this matter. They have no difficulty in concurring with the House in a matter of doubtful legislation, and even placing legislation upon an appropriation bill which is of a doubtful character. Only a few days ago, on an appropriation bill from which the House itself had stricken the legislation recommended by its own committee, when the House was placing itself in accord with the rules of the Senate by refusing legislation upon an appropriation bill when the Committee on Appropriations of this body refused to place it in the bill as a recommendation from them, the Senate interposed and placed legislation upon the bill against the recommendation of the Committee on Appropriations of this body and against the position of the House of Representatives. I refer to the legislation which placed a subsidy for steamships upon an appropriation bill. The Senate did it in defiance of our rules; it did it in defiance of the action of the House of Representatives, and the Senate insisted that that legislation should go upon an appropriation bill, and it was done.

Here is an innocent measure. The Committee on Indian Affairs recommend it unanimously, and no one in this body or out of it ever knew the Committee on Indian Affairs to recommend anything wrong. The Committee on Indian Affairs in the other House were in favor of it, and yet a proposition to benefit the Indians and to benefit the white man, unanimously approved, causes the stern virtue of this body to rise in indignation and declare that one of its rules is about to be put in peril.

We seek to do justice to the white settlers, and that is where the trouble is. We seek to do justice to the five hundred families of white settlers upon the Omaha and Otoe lands who by reason of adverse circumstances are not able to make the Senate hear them. They are not entitled to consideration, while John Roach, Jay Gould, and C. P. Huntington can stand at the entrance of the other end of this Capitol and have their lobbies at your doorways and demand that the American Senate shall violate its own rules.

That is the explanation. It is understood in this body. It is understood by the country at large. If any suggestion could be made that there was any possible injustice in the proposition, then it would be well to stop to consider it for a moment. But there is nothing of that kind. The Indians have been benefited by the large price paid for this land. It was assessed honestly; liberally, at a large price. We buy the Indian lands in the Indian Territory; we drive them off of the land and pay them 30 cents an acre. These lands in the Omaha and Otoe reservation brought from \$7 to \$15 per acre, and were bought by honest purchasers, settlers who benefit the nation, and they are paying 6 per cent. interest to the Indians.

By reason of adverse circumstances, the low price of grain, and the high rate of transportation, they are unable to meet the payment due. Unfortunately they are in a country where it is really cheaper to buy corn for fuel than to buy coal. Those are the men who are stretching forth their hands in their poverty and adverse circumstances and asking the American Congress to do no wrong to anybody, not to harm the Indian, but to benefit him.

The Senate will remember that when this money is paid by the white man it does not go into the pocket of the Indian himself, but it is paid to the General Government and the General Government invests it for him and pays him a certain rate of interest upon it. The money today is drawing 6 per cent. interest, and if it remains unpaid a year longer at 6 per cent. interest the Indian is benefited. If it is paid to the Government of the United States the Indian gets less interest. I know not how much interest he will get, but not to exceed 5 per cent. By and by I suppose the Government will only want to pay the Indian 3 per cent. interest, because that is the rate of interest that it is desired to apply to the immense indebtedness of the subsidized railroads.

Of course Senators and other gentlemen feel as friendly to the Indian as the Committee on Indian Affairs in this body, who insist that the Government should pay no more interest to the Indian than it receives on its own debt from wealthy corporations presided over by the Goulds and Huntingtons of this country. The result would be an actual injury to the Indian, because in a little while he would receive only 3 per cent. upon his money. Now from the settler and purchaser he obtains 6 per cent.

Those are the facts of the case. It is but justice to the Indian. This proposition requires his assent. We only ask now that the bill shall retain the legislation which the House put on it, and let the settler and the purchaser understand that the Indian is to be protected while he injures no one.

It may be that because this proposition is so plain and so equitable, so just and so honest, the Senate adheres stubbornly to its rule. Certainly it is strange in these last hours of the session that this matter which commenced nearly on the first day of the session continues to the last. But the rules are in the way. What do they mean? They are a very convenient resort when Senators desire certain things not to appear upon an appropriation bill; then they are used as a stumbling-block; but when other legislation is required and desired, then there is not a word of objection raised on account of the rules.

Now, Mr. President, I hope—

Mr. DAWES. You hope we shall have a vote.

Mr. VAN WYCK. Yes; I hope we shall have a vote, and I hope we shall have a vote that will be a little in the interest of justice and equity, and in the interest of the class of men who are not able to send lobbies here at great expense, who are not able to employ the most learned intellect, who have not the power to go into your large cities or into either branch of Congress and lay their hands upon the legal talent which may be there and ask that they shall rise up and defend their claims. There is nothing of that kind. All they can rely upon is the petition which they send here to plead for the recognition of a few of the principles of justice. That is all they can ask in this case.

Mr. MILLER, of New York. The Indians do not get any of this money.

Mr. VAN WYCK. I have been standing here talking to the Senator from New York, who was right within the sound of my voice, and who I am pleased to see paid attention to what I was saying, but he now rises up and says that the Indians do not get any of this money. That is just what I was trying to tell the Senator, that the Indians do not get this money. In no way do the Indians get this money. They obtain only the interest on the money. I was trying to show my friend the Senator from New York that it was in the interest of the Indians that the interest should be paid to them.

I shall not say anything more on this question. I have got the Senator from Massachusetts I think calm and quiet and not so nervous. I will therefore ask that we may have a vote upon this matter. I should like to have a vote which would be in consonance with the views of the Committee on Indian Affairs of this body, and that is to retain this legislation upon the bill. Therefore, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HARRIS. Is the motion to further insist?

The PRESIDING OFFICER. The question is on the motion to recede from the amendment numbered 27. As the Senate acted on the bill by striking out the paragraph, the Senator from Nebraska [Mr. MANDERSON] moves that the Senate recede from its amendment, which would leave the paragraph standing in the bill.

The Secretary proceeded to call the roll.

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN].

The roll-call having been concluded, the result was announced—yeas 13, nays 33; as follows:

YEAS—13.			
Blair,	George,	Palmer,	Wilson.
Bowen,	Manderson,	Sewell,	
Cameron of Wis.,	Maxey,	Van Wyck,	
Cullom,	Miller of Cal.,	Vest,	
NAYS—33.			
Aldrich,	Dawes,	Jackson,	Pike,
Allison,	Dolph,	Jonas,	Platt,
Bayard,	Edmunds,	Jones of Florida,	Pugh,
Beck,	Garland,	McMillan,	Saulsbury,
Butler,	Hale,	Miller of N. Y.,	Vance,
Camden,	Hampton,	Mitchell,	Walker.
Chace,	Harris,	Morgan,	
Coke,	Hawley,	Morrill,	
Conger,	Ingalls,	Pendleton,	
ABSENT—30.			
Brown,	Gibson,	Lamar,	Sabin,
Call,	Gorman,	Lapham,	Sawyer,
Cameron of Pa.,	Groome,	Logan,	Sherman,
Cockrell,	Harrison,	McPherson,	Slater,
Colquitt,	Hill,	Mahone,	Voorhees,
Fair,	Hear,	Plumb,	Williams.
Farley,	Jones of Nevada,	Ransom,	
Frye,	Kenna,	Riddleberger,	

So the motion to recede was not agreed to.

The PRESIDENT *pro tempore*. Amendment numbered 28 is not yet disposed of.

Mr. MANDERSON. I do not care about pressing a vote upon that. I withdraw my motion to recede from it.

Mr. DAWES. I move that the Senate insist upon the amendments numbered 27 and 28.

The PRESIDENT *pro tempore*. The Senator from Nebraska withdraws his demand for a separate vote on amendment numbered 28. The Senator from Massachusetts moves that the Senate insist upon its amendments numbered 27 and 28.

The motion was agreed to.

The PRESIDENT *pro tempore*. Amendment numbered 35 was reserved on the request of the Senator from California [Mr. MILLER].

Mr. DAWES. I wish to say in reference to that amendment that it is one of the depredation claims. I think it is the best of them all, but they all ought to go together. If any one of them is admitted they ought all to be admitted; but, on the other hand, they all ought to be referred for examination.

Mr. MILLER, of California. I move that the Senate recede from its disagreement on that amendment, and I wish to take the sense of the Senate upon my motion.

The PRESIDENT *pro tempore*. The Senator from California moves that the Senate recede from the amendment numbered 35, the nature of which has been stated.

Mr. INGALLS. Let it be read.

The PRESIDENT *pro tempore*. It will be read.

The CHIEF CLERK. Amendment numbered 35 is to strike out lines 959 to 965, in the following words:

For the payment by the Secretary of the Interior to J. M. Hogan, of Stockton, Cal., the sum of \$6,000, out of the funds herein appropriated for the Shoshone Indians, the same being a claim for damages caused by depredations of said Indians, and examined, and approved, allowed, and reported to Congress by the Department of the Interior, \$6,000.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from California that the Senate recede from the amendment just read.

Mr. COCKRELL. Is it in order to move that the Senate adhere to its action in striking out?

The PRESIDENT *pro tempore*. The motion to recede has precedence.

Mr. COCKRELL. I hope the Senate will not recede.

Mr. MILLER, of California. I hope it will.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion to recede.

The motion was not agreed to.

The PRESIDENT *pro tempore*. The next is amendment numbered 112, which will be read.

The CHIEF CLERK. Amendment numbered 112 is to strike out section 10, as follows:

SEC. 10. That the President is hereby authorized to open negotiations with the Creeks, Seminoles, and Cherokees for the purpose of opening to settlement under the homestead laws the unassigned lands in said Indian Territory ceded by them respectively to the United States by the several treaties of August 11, 1866, March 21, 1866, and July 19, 1866; and for that purpose the sum of \$5,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated; his action hereunder to be reported to Congress.

Mr. VEST. I sincerely hope that the Senate will accede to the provision inserted by the House. We are now in the last hours of this Congress. Since this matter was up for discussion in the Senate I have received a pamphlet published by the leader of these so-called Oklahoma boomers, in which a plausible argument is made, obviously prepared by a man of ability, taking the position that the Indians have no title whatever to these lands and that they are open to settlement by citizens of the United States.

Unless this legislation is had now we must expect that we shall inevitably have a condition of affairs in that Territory which will be dangerous, to say the least, to the peace of the entire southwestern portion of this country. We ought to make no mistake about this matter. The men who are there, hovering upon the borders of that Territory, intend to occupy it unless the Congress of the United States forbids it.

So far as the rule is concerned I was really in hopes that after the performance of yesterday and last night it would not seriously be invoked here again. Last night we placed upon the sundry civil bill pages of new legislation by the unanimous vote of the Senate, and today when an emergency comes upon us which involves the peace of an entire section of this country and brings us face to face with a most serious crisis, we are told that the rule must stop this legislation.

If there is a single Senator in this body who will say now that in his opinion the legal position which the House and Senate have both assumed in regard to the rights of these Indians is not correct, I shall have nothing more to say upon this subject. I have yet to hear a single Senator say that Congress is not right in saying that its honor, that justice, that the public peace, all require that negotiations should be opened with these Indian tribes, and that their title, whatever it may be, should be extinguished.

Mr. DAWES. If nobody disputes that proposition I should like to have the Senator answer a question. He has stated that the persons hovering upon the borders of that Territory propose to go in there unless Congress prohibits them. I ask him if he has any objection to adding to this section a prohibition to their going in until it is settled?

Mr. VEST. I voted for the bill which contained that clause and it had my full concurrence, as the Senator from Massachusetts very well knows.

Mr. DAWES. There would not be anybody objecting to this proposition if it had that added to it.

Mr. VEST. If such a clause should be added to the section now it would absolutely destroy it. The House would agree to no such legislation. I am not here to discuss that, however.

This provision does not go as far as I would have it go; but it is all that we can get here now, in the very last moments of the session. To put on the clause which is urged by my friend from Massachusetts, and to which I heartily assent, would be simply to destroy what little of value there is in sight at this time.

Mr. PLUMB. It can not be put on now.

Mr. VEST. It can not be put on now, as the Senator from Kansas says. I am no skilled parliamentarian, but I understand it is amenable to a point of order. I have not raised that; but I sincerely hope that the Senate will do all that can be done now at this point of time and agree to the legislation proposed by the House of Representatives.

The PRESIDENT *pro tempore*. Does the Chair understand the Senator from Missouri to make any motion?

Mr. VEST. No, sir.

The PRESIDENT *pro tempore*. There is no motion pending before the Senate.

Mr. DAWES. I move that the Senate insist upon its amendment numbered 112.

Mr. VEST. I will move that the Senate recede from the amendment.

The PRESIDENT *pro tempore*. Pending the motion of the Senator from Massachusetts that the Senate insist upon the amendment, the Senator from Missouri moves that the Senate recede, which latter motion has precedence.

The question being put, there were on a division—ayes 24, noes 14; no quorum voting.

Mr. ALLISON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. INGALLS. Mr. President, I am disposed to think that the significance of this vote is not fairly understood by the Senate. If I am correct, if the Senate recedes the proposition will be left in the bill as it came from the House of Representatives. Am I correct?

Mr. ALLISON. You are.

Mr. INGALLS. The chairman of the Committee on Appropriations informs me that I am correct, and when he says that I am correct, I have a double assurance.

I have no doubt that within forty-eight hours from this time 20,000 people by concerted action will move upon what are known as the Oklahoma lands with the intention of forcibly occupying them, and that they will be prepared to maintain that occupancy by a resort to arms if need be. I do not think that any graver complication will confront the administration that is just dawning upon us, whose crepuscular light we already see in the eastern sky, than that which will devolve upon it in consequence of the movement of what are known as the boomers upon Oklahoma.

President Arthur felt called upon in pursuance of treaties made with the five civilized tribes of Indians, and under the laws of the United States, to direct that a colony as he believed illegally settled upon those lands should be removed by force of arms, and a small army of the United States, or a small portion of the small army of the United States, under the command of an eminent general, was directed to proceed to that territory for the purpose of expelling some four hundred or five hundred men who had intrenched themselves in that locality. The first manifestation of force made against them was not sufficient to overawe them. They successfully resisted the force which was sent against them, and it was not until re-enforcements had been sent that at last they finally yielded, "folded their tents like the Arabs and silently stole away;" but with the express declaration that upon the 5th of March they should rendezvous upon the southern limits of the State of Kansas in such numbers as they could assemble for the purpose of repeating their assault upon the authorities, and with the further assurance, in some way obtained, that this movement would be with the concurrence and approbation of the incoming administration.

Mr. CULLOM. Will the Senator allow me to interrupt him simply for the purpose of saying that I have had several letters from men who were engaged in this movement stating that over 2,000 would start on the 5th of March for the country the Senator is speaking of?

Mr. DAWES. Why on the 5th of March?

Mr. CULLOM. I am not able to answer that question, but I suppose it is on account of what the Senator from Kansas has suggested.

Mr. INGALLS. Whether that is an instance of *post hoc* or *propter hoc*, whether it is cause and effect or whether it is coincidence, this deponent sayeth not. But there will be a great many times two thousand men ready, in my judgment, on the 5th of March to take up their line toward the Oklahoma region. To reach that they must pass over territory which it is admitted they are forbidden by law to traverse. It is alleged that there are some eight or ten million acres of land there held by the United States Government as public lands of the United States within the limits of the Indian Territory.

Mr. VEST. Fourteen million acres.

Mr. INGALLS. Fourteen million acres, the Senator from Missouri tells me, circumscribed, a sort of Mediterranean region that is included, a *mare clausum*, surrounded on all sides by territory over which confessedly no white man has a right to pass.

Mr. BUTLER. May I ask the Senator from Kansas whether the commanding officer of the United States troops has not been ordered to prevent such an invasion of that Territory?

Mr. DAWES. Certainly he has.

Mr. INGALLS. Certainly he has. I understand that orders have been issued by the President of the United States directing the military force of the Government to assemble upon the frontier for the purpose of preventing this threatened invasion; but, sir, the star of that eminent commander is about to set. Within a very brief space of time the command of that majestic body of men known as the Army of the United States will have passed from the great general who now has control of it to the still greater general who will shortly be its commander-in-chief. What course he will see fit to take of course is yet in the womb of the future; but it is undoubtedly true that these men assume that in some mysterious way or other the policy of the Government is to be changed, and that after the 5th day of March (and the Senator

from Massachusetts is as able to answer his conundrum as I am) the military force is to be withdrawn, and the avenues are to be widely opened through which those men may proceed to occupy that territory.

There are no public lands of the United States within the limits of what are commonly known as the Oklahoma lands. They were ceded to the United States for a specific purpose, well defined in the treaty of contract by which the contracting parties agreed, and that was that they should be used for occupation by other friendly Indian nations or by the freedmen of the civilized tribes who had formerly owned and occupied them.

There have been many injurious statements sedulously made public in connection with those lands. Among other things, it has been said that the Senate of the United States was preventing the occupation of the lands by homestead settlers in the interest of the great cattle corporations which it was alleged had grazing leases thereon, and that we were standing here as an impassable and insuperable barrier to the occupation of that territory by the homestead settlers of the United States. I feel called upon to say that having been for a considerable space of time a member of the Committee on Indian Affairs of the Senate, which has had under consideration by order of the Senate the question as to the propriety and the legality of the grazing leases which have been hitherto made by Indian tribes to various citizens in different portions of the Republic, there is not a grazing lease that covers one single rood of that country.

There is not upon all the area that is known and recognized and described upon the map as the Oklahoma region a single hoof of stock that is grazed by any white man under any contract, assumed or direct, permitted or not permitted by any authority whatever, either by the Indians or by the United States Government. It is as absolutely free from all occupation as was the Garden of Eden before our first parents were placed therein, and it is surrounded by a territory upon every square foot of which stands the angel of the law with the flaming sword of a statutory prohibition declaring that under penalty no man shall be permitted to go thereon.

Sir, I take occasion to say further, because many of my own constituents have been stigmatized in connection with this matter as being lawless, violent, disorderly citizens, who were in some way or other stimulating this movement, engaged in hostile demonstrations against the peaceable Indians in that Territory, that to the best of my knowledge and belief this movement has neither the sympathy nor the support of any considerable number of the inhabitants of the State of Kansas. By its propinquity, by its neighborhood, by its being a continuous region, it has so happened that those lawless adventurers, these people who have not the fear of the law before their eyes, these men who are homeless and who always want to go wherever they are forbidden to go, have made the State of Kansas the rendezvous, the stamping-ground upon which they have assembled for the purpose of organizing their colonies and carrying on their attempted operations for the occupation of this territory; but the people of Kansas, in my judgment, do not desire that there shall be any unlawful occupation of that region, for they know just as well as I know, just as well as every Senator who hears me knows, that if the amendment which is proposed by the Senator from Massachusetts to the bill shall be agreed to, it means not only the occupation of the Oklahoma lands properly so called, but it means the absolute subversion and destruction and overthrow of the autonomy of the entire Indian country.

We are not without lessons; we are not without experience in these matters. It is in the memory of many of those who now sit around me that but a few years since the Sioux occupied what is known as the Black Hill region, the Deadwood country. It was held by the sanction of a treaty as consecrated, as binding as that which now controls this land in the Indian Territory; and I say that the Cherokee Nation there have a parchment title to 19,000,000 acres under the sign and seal and superscription of the President of the United States guaranteeing them in the possession of that land by a title as indisputable, as irrefragable, that is as binding in law as that by which any Senator here holds the title to the home which he occupies.

This movement that is being made upon the Oklahoma region simply means that all that autonomy shall be overthrown; that that whole area which we now describe as the Indian Territory shall be given up to white occupation upon such terms as the white occupants who may unlawfully go there shall see fit to prescribe.

Mr. President, this matter should give us pause. It is a very grave situation. It may be that before the sun shall have twice risen upon this Capitol there will be an armed conflict upon the territory of the United States between misguided and misinformed citizens and the Army of the United States under orders from its Commander-in-Chief. I know that such a controversy can have but one issue. I should regret more than words can express to have the blood of American citizens shed in an effort, whether it may be well intentioned or whether it may be in deliberate violation of law, to obtain for themselves homes upon what they believe to be the public lands of the United States.

Sir, there is but one way to avoid it, and that is for the Senate of the United States this day not to invite those men to go there by a promise that there is to be a negotiation entered upon for the purpose of quieting title, not to invite them to go there by telling them that in twelve

months from this time it will be lawful for them to be there, but to say that the treaties of the United States are to be respected, that the force of the United States is to be employed until the Indian title to the land is extinguished to prevent any occupation of that territory under any pretext whatever.

I have been astonished—and the Senator from Massachusetts frequently astonishes me—to hear the Senator from Massachusetts deliberately advocate a policy here which he has been, I believe, among the foremost hitherto to resist, by asking the Senate to recede from its amendments, practically for the purpose of enabling the committee of conference to agree to amendments which he says will be satisfactory to the Senate conferees if it can be accepted by the House. I hope I do not misunderstand the Senator; I do not desire to do so; but I gather from his statement that he wishes the Senate to depart from its rule and practice; and he has given notice of an amendment which he says would be satisfactory to him, and which he would offer in the Senate if the rules of this body permitted him so to do.

The Senator from Massachusetts knows that I speak in entire kindness to him, not with any desire, in a hostile spirit, to criticize him, but in view of the emergency which is before us, dangerous, violent, whose ends can not be foreseen, I say that I am surprised that the Senator from Massachusetts should say that he will ask the Senate conferees to agree to the amendment he has proposed, and which if I understand the rules of the Senate is not admissible and could not be retained under the practice we have adhered to thus far this session. I wish the Senator would state to me if I misapprehend him. I do not desire to do so.

Mr. DAWES. The Senator has, I do not know that I ought to say strangely, but he has greatly misunderstood me. The Senator first has misunderstood me in the fact that he thinks I want the Senate to recede from its amendment when I distinctly stated that I wanted the Senate to insist upon it. It is the Senator's colleague who asked the Senate to recede. The Senator misunderstands me further if he understands me to be in favor of any infraction of the treaties of the United States, which I agree with him in saying have made the title of the Indians to that land perfect.

Mr. INGALLS. May I interrupt the Senator? Was I mistaken in supposing that the Senator from Massachusetts tendered an amendment to the provision of the House which he said would be satisfactory to the conferees, and that he would offer it in the Senate if the rules permitted him to do so?

Mr. DAWES. No; fortunately the amendment which I propose is not satisfactory to any other conferee but myself. All the other conferees, I am sorry to say, are for taking that provision of the bill just as it is. I have insisted upon it that I would not agree to that proposition unless there was annexed to it the provision that until the arrangement was made it should be a penal offense for men to go down into that Territory without authority of law. I was for accomplishing just exactly what the Senator from Kansas says. I stand here to vindicate the incoming administration from any aspersion thrown upon it in advance by the statements of the Senator from Missouri and both the Senators from Kansas. I do not believe that those who are gathering on the border of Kansas have the slightest intimation from any one authorized to speak for the incoming administration that it will finch one hair's breadth from an honest, honorable, steady, and firm administration of the law. I vindicate it from the aspersion thrown upon it. I do not know that anybody will thank me for any words of defense in reference to the administration, but I do not for a moment believe that the executive power of this Government has been intrusted to any hands that will for an instant consider the question whether they will maintain the law or not.

But, sir, I look at this question in the future. That country must be opened to settlement. My desire is that it shall be opened according to law and upon just and fair terms. My desire is that the incoming administration shall be authorized to negotiate with these Indians for this vast tract of country that they can not occupy, but which is theirs to dispose of.

They will part with it at some time, *volens volens*; whether they will or not, they will part with it; and it is my desire, in vindication of the rights of the Indians as well as of the law of the United States, that when they part with it they shall part with it upon fair and just terms agreed to by themselves. But while the negotiation is going on I want the arm of the United States strengthened in an effort to keep lawless trespassers from that land. I do not want the negotiation to go on while the land has been taken possession of by trespassers and law-breakers, such as those described by the Senator from Kansas.

If there is any difference between him and me it is only this: I say that that land must some time or other be opened to the homesteader. I want it paid for, and I want the honest homesteader to have it after it is paid for. That is the only difference. Therefore it is that I want the amendment which I have offered added to that provision authorizing negotiations, if that provision passes at all.

I am not here to advocate or countenance the violation of the sacred treaties with those Indians. I am here to vindicate them and preserve them, and preserve their rights.

Mr. VEST. Mr. President, the Senator from Kansas is right when

he states that there is not a single hoof of cattle upon what is properly denominated Oklahoma; but the Senator must understand that the men who are lending this lawless immigration into the Indian Territory claim that the Oklahoma country does not comprise 1,200,000 acres of land in the center of the Indian Territory, but 14,000,000 acres of land, being one-half of the western half of the entire Territory, and upon that land there are thousands of head of cattle to-day.

Mr. INGALLS. Not on the Oklahoma land.

Mr. VEST. I say not upon Oklahoma proper, but Mr. Couch in the pamphlet which he has distributed all over the West, and a copy of which I have, claims that Oklahoma means the western half of the whole Indian Territory, the land purchased from the Cherokees, from the Creeks, from the Choctaws and Seminoles, altogether amounting to 14,000,000 acres.

Mr. INGALLS. He may say that, but he knows better.

Mr. VEST. I am speaking of the effect of that pamphlet, plausibly and ingeniously written, made for the purpose as an appeal to ignorant persons in order to induce them to join him in this incursion in violation, as I hold, of the law of the land and the rights of the Indian tribes.

So far as the declaration of Mr. Couch and the leaders of this immigration is concerned, in which it is said or intimated that the incoming administration will protect them in violating the laws of the United States, it is unfair, unjust to the administration of Mr. Cleveland, about to go into existence, and it is particularly unfair to the members of the Democratic party in the two Houses of Congress.

The legislation which the House of Representatives, a Democratic body, proposes, and which we are now considering, is in direct opposition to the position assumed by these boomers under the leadership of Mr. Couch. The pamphlet to which I have alluded assumes that the Indians have no title whatever to a single foot of this land, but that it is public domain and therefore these people have the right to go upon it for homestead or pre-emption. The Senate of the United States and the House of Representatives of the United States have both declared in their respective provisions that the Indians have a title, and that that title should be secured by negotiation by the Chief Executive.

The proposition to negotiate, and which recognizes the title of the Indians, was twice proposed on this floor by a Democratic Senator. The provision which recognizes the same thing comes from a Democratic House of Representatives, and the assumption, or intimation, or suspicion that the administration of Mr. Cleveland is in sympathy, directly or indirectly, with any violation of the law and intends to violate any treaty made with these Indian tribes, springs alone from the desperation of the adventurers who are attempting to violate the law, and not from the constituted authorities of the Democratic party in this body or in the other.

The PRESIDING OFFICER (Mr. GARLAND in the chair). The question is on the motion of the Senator from Massachusetts [Mr. DAWES] that the Senate recede from its amendment numbered 112, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. PLATT (when Mr. HAWLEY's name was called). My colleague [Mr. HAWLEY] is detained on business connected with the Senate. I do not know whether he is paired or not.

The roll-call having been concluded, the result was announced—yeas 18, nays 24; as follows:

YEAS—18.			
Candeen,	George,	Maxey,	Vest,
Cockrell,	Hampton,	Pugh,	Walker,
Colke,	Jones of Florida,	Saulsbury,	Williams,
Calcutt,	McPherson,	Slater,	
Garland,	Manderson,	Van Wyck,	
NAYS—24.			
Aldrich,	Dawes,	Hoar,	Pike,
Allison,	Edmonds,	Ingalls,	Platt,
Blair,	Groome,	Jones of Nevada,	Sewell,
Butler,	Hale,	Lapham,	Vance,
Chace,	Harris,	Mahone,	Voorhees,
Conger,	Harrison,	Morrill,	Wilson.
ABSENT—34.			
Bayard,	Fair,	Kenna,	Pendleton,
Beck,	Farley,	Lamar,	Plumb,
Bowen,	Prye,	Logan,	Ransom,
Brown,	Gibson,	McMillan,	Riddleberger,
Call,	Gorman,	Miller of Cal.,	Sabin,
Cameron of Pa.,	Hawley,	Miller of N. Y.,	Sawyer,
Cameron of Wis.,	Illili,	Mitchell,	Sherman.
Cullom,	Jackson,	Morgan,	
Delph,	Jonas,	Palmer,	

So the Senate refused to recede.

Mr. DAWES. I now move that the Senate insist upon its disagreeing vote.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the Senate insist on its amendment numbered 112.

The motion was agreed to.

Mr. DAWES. Now I move that a committee of conference be asked.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the Senate request of the House of Representatives a conference on the disagreeing votes of the two Houses on the several amendments still open on this bill.

The motion was agreed to.

By unanimous consent, the conferees on the part of the Senate were authorized to be appointed by the President *pro tempore*; and Mr. DAWES, Mr. PLUMB, and Mr. RANSOM were appointed.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the enrolled joint resolution (H. Res. 341) to authorize the printing of 50,000 copies of the second annual report of the Bureau of Animal Industry for the year 1885; and it was thereupon signed by the President *pro tempore*.

PENSION BILLS.

The PRESIDENT *pro tempore*. It is the duty of the Chair now to lay before the Senate the first pension bill, according to the unanimous order of the Senate, being the bill (H. R. 7718) restoring John Snyder to the pension-roll.

Mr. BLAIR. I wish to remind the Chair that unanimous consent was given that the unobjected pension cases should be immediately disposed of as soon as the Indian appropriation bill was out of the way, and that time having come, I ask that under that unanimous consent we proceed now to dispose of the unobjected pension cases.

The PRESIDENT *pro tempore*. The Chair was under the impression that this was the first bill moved by the Senator from Indiana yesterday.

Mr. BLAIR. That is the first case; but I wish it understood that it comes up under unanimous consent to dispose of all like it.

The PRESIDENT *pro tempore*. That was precisely what the Chair stated, that it was his duty under the unanimous order of the Senate to lay this bill before the Senate as the first on the list. The bill is before the Senate as in Committee of the Whole.

Mr. WILSON. I ask unanimous consent to make two favorable reports from the Committee on Pensions in order that they may be considered.

The PRESIDENT *pro tempore*. Is there objection to receiving the reports? The Chair hears none.

Mr. GARLAND, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

- A bill (H. R. 8155) granting a pension to Addie L. Moore; and
- A bill (H. R. 8237) granting a pension to Mary J. Dickson.

W. H. MURDAUGH.

Mr. GARLAND. I wish to ask the Senator from New Hampshire if he will allow me to make a report from the Judiciary Committee.

Mr. BLAIR. Certainly.

Mr. GARLAND. The Committee on the Judiciary, to whom was referred the bill (H. R. 8183) to remove the political disabilities of W. H. Murdaugh, of Virginia, have directed me to report it without amendment. I wish to ask the Senate, under the instruction of the committee, to have the bill put on its passage. It is a disability bill, which will excite no debate, and it is the last one of the lot.

Mr. BLAIR. I can not assent to the request of the Senator. I think it justice that we proceed with the pension bills. There are some ninety of them, and I think we ought to insist on their being now heard.

Mr. ALLISON. I rise to make a privileged report.

The PRESIDENT *pro tempore*. The Chair understands the Senator from New Hampshire to object to the request of the Senator from Arkansas, and the bill reported by him will be placed on the Calendar. Pending the bill now before the Senate, the Senator from Iowa is recognized.

PENSION APPROPRIATION BILL.

Mr. ALLISON. I present the report of the conference committee on the pension appropriation bill.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7785) "making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1886, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11, and agree to the same.

W. B. ALLISON,

H. L. DAWES,

WILKINSON CALL,

Managers on the part of the Senate.

JOHN HANCOCK,

JOHN F. FOLLETT,

W. D. WASHBURN,

Managers on the part of the House.

Mr. ALLISON. I move that the Senate agree to the report.

The report was concurred in.

The PRESIDENT *pro tempore*. Does that complete the bill?

Mr. ALLISON. That completes the bill.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The bill before the Senate will be read.

Mr. HALE. The Senate has proceeded with such unexampled dispatch in the transaction of public business for the last three hours that

I have some hesitation in asking it now to proceed to consider the deficiency appropriation bill. It is a long bill of ninety-odd pages, and it ought to be sent to the House of Representatives as soon as possible. There are now but twenty-three hours and one-fourth left in which all the business needed to be done can be transacted, and, therefore, I ask unanimous consent that the Senate proceed to consider the deficiency appropriation bill. I am ready to report it.

Mr. BLAIR. Here are nearly one hundred of these pension bills, and they all come from the House. It is necessary that they be acted upon almost immediately or they must fail, and I have no doubt that they can be disposed of inside of an hour. I hope the Senator from Maine will not press for unanimous consent under the circumstances, for it would force me to do what I should very much dislike to do, object, at least for a little while.

Mr. HALE. I report from the Committee on Appropriations the regular annual deficiency bill with amendments.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent for leave to make a report from the Committee on Appropriations at this time. Is there objection?

Mr. BLAIR. I do not object to the report unless it displaces the existing order.

The PRESIDENT *pro tempore*. The report does not displace it. If there be no objection, the report will be received.

The Senator from Maine, from the Committee on Appropriations, to whom was referred the bill (H. R. 8255) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1885, and for prior years, and for other purposes, reports it with amendments.

Mr. HALE. I move that the Senate proceed to consider the bill.

The PRESIDENT *pro tempore*. Is there objection?

Mr. BLAIR. I must object.

The PRESIDENT *pro tempore*. Objection is made.

Mr. BLAIR. I think there ought to be no collision between these pension bills and that very important measure. It can not take over an hour, probably not over three-quarters of an hour, to dispose of all the pension business.

Mr. HALE. The Senator must take the responsibility if he thinks there is anything now of more importance than this great appropriation bill. If it is put through, everybody knows that the pension bills will surely go through. I have done my duty in reporting it and in exhausting my parliamentary right in seeking to get this bill up. I shall not trouble the Senate again about it until it is entirely ready to go on; and if the Senator chooses to object of course I can not hinder him.

Mr. BLAIR. I would like to inquire of the Senator in charge of this bill if he can give any intimation as to the probable length of time it will consume in consideration?

Mr. HALE. I do not think it will be a long bill. I do not think there are matters upon it that will raise any issue requiring debate. I presume it will pass as fast as the Secretary can read it.

Mr. BLAIR. I ask unanimous consent that this bill reported by the Senator being taken up, the pension bills may be considered immediately after it is disposed of.

Mr. HALE. Would not that follow as a matter of course?

Mr. ALLISON. I will say to the Senator from New Hampshire that there is still another appropriation bill that ought to be disposed of, and I presume it will not take much time, but there are some differences between the two Houses which ought to be submitted.

Mr. BLAIR. I ask the unanimous consent indicated; that is, that upon the disposition of the bill reported by the Senator from Maine, the deficiency bill, and the fortification bill, the pension bills on the Calendar may then be immediately considered.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks unanimous consent that the deficiency bill being taken up and disposed of, and the fortification bill, the Senate will then take up and dispose of the House pension bills favorably reported. Is there objection?

Mr. CONGER. If there be no objection, that would imply that the Senate agrees to take up the fortification bill and the deficiency bill first. There is before the Senate the river and harbor bill, which has in point of time of report precedence, and I shall take, as I gave notice last night, the earliest opportunity to call the attention of the Senate to that bill. I object to this proposition, because it implies that the other two bills mentioned shall have some precedence of the river and harbor bill.

The PRESIDENT *pro tempore*. Objection is made.

Mr. HARRISON. I do not think it implies what the Senator from Michigan says. It is simply as to what shall be done after these two appropriation bills are disposed of. It does not imply, I think, that he may not get precedence over these two bills with the river and harbor bill.

Mr. CONGER. It was tacitly understood, in fact unanimous consent was given, that when the Indian appropriation bill was disposed of, except on consent about pension bills, the river and harbor bill should be taken up. Notice was given to that effect the first thing this morning, and I must insist on that bill coming in before either of the other appropriation bills, or at least after the deficiency bill.

Mr. ALLISON. I desire to say to the Senator from Michigan that I was present and heard him give that notice. I did not think it was at all necessary for me or for any member of the Committee on Appropriations to give notice that we would insist on taking up the regular appropriation bills when they were presented. I supposed that that was thoroughly understood in the Senate and agreed to by every Senator on this floor. So there was no unanimous consent, I submit to the Senator from Michigan, that the river and harbor bill should be taken up.

Mr. CONGER. No; the Senator misunderstood me. I said that I agreed to unanimous consent being given to take up pension bills, and I gave notice that as early as possible, and not to interfere with that unanimous consent, I would call up the river and harbor bill, and I intend to carry out that notice.

Mr. ALLISON. Very well.

The PRESIDENT *pro tempore*. Pending the consideration of the present order of the Senate, the request of the Senator from New Hampshire having been objected to, the Senator from Maine asks unanimous consent that the pending order be informally laid aside and that the Senate proceed to consider the deficiency appropriation bill. Is there objection?

Mr. CONGER. I object.

The PRESIDENT *pro tempore*. Objection is made.

Mr. HALE. Is it in order now to move—

The PRESIDENT *pro tempore*. It is not in order.

Mr. HALE. When will be the time that that can be done?

The PRESIDENT *pro tempore*. The Senate will be obliged either to rescind or execute the order it has made that the House pension bills favorably reported be considered and disposed of in order.

Mr. HALE. Let me say that I have had great doubt about the possibility in the little time remaining of getting through all the mass of business required to be done. This has added almost immeasurably to that danger. The Committee on Appropriations certainly has done its duty; it has worked day and night; it has spent its days and nights upon these bills; it has pushed them before the Senate whenever opportunity has offered. It has now done its best to get this great appropriation bill before the Senate in order that it may be passed and sent to the House and become finally, through the processes of parliamentary law, a statute upon the law-books of the land. That is all the Committee on Appropriations can do; and the Senate must of course take the responsibility of the situation that will from now until 12 o'clock to-morrow be upon it.

Mr. BLAIR. I desire it to be observed that the failure of the motion of the Senator from Maine depends upon the objection of the Senator from Michigan rather than the Senator from New Hampshire.

Mr. HALE. I understand that the Senator from Michigan antagonizes a possible or conjectural river and harbor bill with the likelihood of getting through other business in order that we may complete it during this session.

Mr. BLAIR. I wish further to say that when the moment comes—I do not know just when it is—when the Senator from Maine can make his motion under the rules of the Senate, I will not further oppose it.

Mr. COCKRELL. Mr. President, unfortunately under the rules of the Senate this deficiency bill can only be considered now by unanimous consent. It was only reported to-day and one objection kills it. I desire Senators to know the exact weight of responsibility that rests upon them when they refuse to permit this bill to be considered now.

Mr. BLAIR. Will the Senator permit me to ask him upon what Senator the responsibility of this objection rests?

Mr. COCKRELL. I do not know, but upon whatever Senator refuses unanimous consent of the Senate to the consideration of the bill. I hope that unanimous consent will be given in order that we may dispose of it. We have worked in the Appropriations Committee as faithfully as men could work Saturday night, Sunday, Sunday night, and all the time. We have gotten the bills here at the earliest possible day, and now we are ready to dispose of them. There is only this bill and the fortifications bill, a very small bill, only three pages and a half, besides the bills that are in conference. Some of us who are attending to this bill ought now to be in conference; and, unless we get prompt action upon this bill, we can not give attention to the other bills which are now in conference and get them disposed of at this session, and the passage of some of those bills is an absolute necessity to prevent an extra session of Congress.

Mr. CONGER. I do not bear very lightly the reflections of the Senator from Missouri. I do not know by what authority the Committee on Appropriations can come here and talk about their arduous labors and their precedence here over any other committee. There is a committee in this body charged with a general appropriation bill, and as rapidly as it was possible after that bill came from the House Friday night, as soon as they could take it up Saturday the Committee on Commerce took up that bill and considered it as carefully as they had time to do, and ordered it to be reported to the Senate as it was yesterday in calendar time and to-day in legislative time. It has the precedence, and the only point about it is that one objection before adjournment would carry the bill over, as it would the deficiency bill or any other bill reported to-day.

I made the motion early in the day that the Senate adjourn by 1

o'clock so that we could close the legislative day, and I now move that the Senate adjourn, the order having already been entered, as I understand, that when we meet again it be at 1 o'clock.

The PRESIDENT *pro tempore*. The Senator from Michigan moves that the Senate do now adjourn.

Mr. HALE. Will the Senator withdraw his motion for a moment?

Mr. BLAIR. The pension bills are the unfinished business.

The PRESIDENT *pro tempore*. The motion is not debatable. The question is on the motion of the Senator from Michigan.

Mr. HALE. The Senator will withdraw his motion for a moment.

Mr. CONGER. But I do not yield the floor.

Mr. HALE. I only wish to make a suggestion. If the Senate adjourns and we begin a new day at precisely 1 o'clock, we have got to go through with all the formal proceedings required on beginning every new day. Certain motions can not be made for an hour after we begin that day, and the Journal must be read unless there is unanimous consent to dispense with it.

Mr. CONGER. The motion is not debatable. I have not yielded for debate. I insist on the motion.

Mr. HALE. I only wish to say—

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. HALE. If we do not adjourn we can go right on.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Michigan that the Senate do now adjourn. [Putting the question.] The yeas seem to prevail.

Mr. CONGER. I desire the yeas and nays.

The PRESIDENT *pro tempore*. All this debate is proceeding by unanimous consent. The Senator from Michigan calls for the yeas and nays.

Mr. CONGER. As I stated, one objection—

The PRESIDENT *pro tempore*. Debate is not in order. The yeas and nays are called for on the motion to adjourn.

The yeas and nays were ordered; and being taken, resulted—yeas 41, nays 19; as follows:

YEAS—41.

Aldrich,	Colquitt,	Jonas,	Saulsbury,
Allison,	Conger,	Jones of Florida,	Sewell,
Bayard,	Dolph,	Kenna,	Sherman,
Beck,	Garland,	Lamar,	Slater,
Brown,	George,	McPherson,	Vance,
Butler,	Groome,	Maxey,	Vest,
Call,	Hampton,	Mitchell,	Walker,
Camden,	Harris,	Morgan,	Williams,
Chace,	Harrison,	Platt,	
Cockrell,	Hawley,	Pugh,	
Coke,	Jackson,	Ransom,	

NAYS—19.

Cameron of Pa.,	Frye,	Miller of Cal.,	Plumb,
Cameron of Wis.,	Hale,	Miller of N. Y.,	Sawyer,
Cullom,	Hoar,	Morrill,	Voorhees,
Dawes,	Ingalls,	Pendleton,	Wilson.
Edmunds,	Manderson,	Pike,	

ABSENT—16.

Blair,	Gibson,	Lapham,	Palmer,
Brewer,	Gorman,	Logan,	Riddleberger,
Fair,	Hill,	McMillan,	Sabin,
Forsyth,	Jones of Nevada,	Mahone,	Van Wyck.

So the motion was agreed to.

The PRESIDENT *pro tempore* (at 1 o'clock p. m., March 3). The Senate stands adjourned until March 3, at 1 o'clock p. m.

HOUSE OF REPRESENTATIVES.

MONDAY, March 2, 1885.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. J. S. LINDSAY, D. D.

The Journal of the proceedings of Saturday was read and approved.

Mr. RANDALL. I ask for the regular order.

FRENCH SPOILATION CLAIMS.

Mr. BRATTON, from the Committee on Printing, submitted the following report:

The Committee on Printing, to which was referred the resolution of the Senate of January 24, 1885, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,000 copies of the communication of the Secretary of State, containing a list of claims against France by reason of spoliation prior to the 31st of July, 1801, of which 1,000 copies shall be for the use of the Senate and 2,000 for the use of the House of Representatives.

having duly considered the same, recommend that the House concur therein.

The motion was agreed to.

Mr. BRATTON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RETURN OF A SENATE RESOLUTION.

The SPEAKER. The Chair lays before the House the following resolution, which is rendered necessary in order to correct a mistake which has been made in the transmission of a resolution to the Senate.

The Clerk read as follows:

Resolved, That the Clerk of the House be directed to request the Senate to return to the House of Representatives the concurrent resolution of February 27, 1885, providing for the printing of the first and second volumes of decisions relating to the public lands, which was by mistake communicated to the Senate as having passed the House.

The resolution was adopted.

NAVAL APPROPRIATION BILL.

Mr. RANDALL. Mr. Speaker, under instructions from the Committee on Appropriations I report back the bill (H. R. 8239) making appropriations for the naval service of the United States for the fiscal year ending June 30, 1886, and for other purposes, with the Senate amendments thereto, and ask unanimous consent to consider the same immediately in the House as in Committee of the Whole on the state of the Union under the five-minute rule.

There was no objection.

The SPEAKER. The Senate amendments will be reported.

Mr. RANDALL. I ask that these amendments be read, and I will then state after each has been reported to the House the recommendations of the committee in regard to the same.

Mr. HISCOCK. I think these amendments should be considered in the House as in Committee of the Whole.

Mr. TALBOTT. I was just going to make that suggestion.

Mr. RANDALL. That is the effect of my motion, unless some gentleman objects to it.

Mr. HISCOCK. There will be no objection to their consideration in the House as in Committee of the Whole with the understanding, of course, that they are to be considered under the five-minute rule.

The SPEAKER. That of course will be the order of the House. The Clerk will report the first amendment.

The Clerk read as follows:

On page 1, line 13 of the printed bill, strike out "one."

Mr. RANDALL. That is a mere clerical error, this word being printed twice in succession. The committee recommend concurrence. I must request, Mr. Speaker, that there be order upon the floor, as it is almost impossible to proceed in the prevailing confusion.

The SPEAKER. The Chair will state that at this stage of the session it is very important to transact business as rapidly as possible; and but little progress can be made unless order is preserved upon the floor. The Chair hopes gentlemen will preserve order.

Mr. RANDALL. In this first amendment, as I have said, the committee recommend concurrence.

The motion was agreed to.

The second amendment was read, as follows:

In line 21 of the printed bill strike out "nine" and insert "ten;" so that it will read "ten naval constructors," &c.

Mr. RANDALL. The committee recommend concurrence in the second Senate amendment, as also in the third amendment, as they bear relation to each other.

The amendment of the Senate is in obedience to the requirement of existing law.

The amendment was concurred in.

Amendment numbered 3 was read, as follows:

In line 22, strike out "ten" and insert "nine."

Mr. RANDALL. As I have just said, the committee recommend also concurrence in this amendment.

The amendment was concurred in.

Amendment numbered 4 was read, as follows:

On page 74 of the printed bill, line 75, strike out after the word "pilots," the words "bringing home the bodies of naval officers who have died or may hereafter die abroad while on duty."

Mr. RANDALL. Mr. Speaker, the House inserted that provision because we believe that where a naval officer died while on duty abroad his remains should be brought home at the expense of the Government. It is a question that appeals to our good feelings, and what I deem to be a case of humanity. I have nothing further to say except that the committee recommend non-concurrence.

Mr. TOWNSHEND. Will the gentleman allow me a moment?

Mr. RANDALL. There is no disposition to concur.

Mr. TOWNSHEND. I only desire to say that I fully indorse what the gentleman says. I have a case now in my own hands where a young naval officer died abroad while on service at Nagasaki, Japan, and his remains are there without an effort to bring them home.

Mr. THOMAS. I think it would be inhuman to strike this out. It ought to be adhered to.

Mr. RANDALL. The committee recommend non-concurrence in the amendment.

The motion to non-concur was agreed to.

Amendment numbered 5 was read, as follows:

On page 4, line 76, strike out "valuable" and insert "valuables."

Mr. RANDALL. That is the correction of an error of engrossment. The committee recommend concurrence.

The amendment was concurred in.

Amendment numbered 6 was read, as follows:

In lines 112 and 113, page 6, under the heading "Bureau of Navigation," strike out "\$87,500" and insert "\$100,000."

Mr. RANDALL. This amendment relates to the amount appropriated for the Bureau of Navigation. The committee recommend non-concurrence. I have no doubt when it comes into conference a settlement will be quickly reached.

The amendment was non-concurred in.

Amendment numbered 7 was read, as follows:

After line 113 insert as follows:

"For special ocean surveys and the publication thereof, \$10,000."

Mr. RANDALL. The committee recommend non-concurrence; but I desire to say that there is an inclination on the part of the committee to favor this proposition. We propose, however, that it shall be non-concurred in in connection with another matter. The two questions may be adjusted together.

Mr. BLOUNT. What is the other matter?

Mr. RANDALL. The next item.

The amendment was non-concurred in.

Amendment numbered 8 was read, as follows:

After the seventh amendment insert as follows:

"For publication of professional papers, \$10,000."

Mr. RANDALL. The committee recommend non-concurrence.

The amendment was non-concurred in.

Amendment numbered 9 was read, as follows:

After line 133 insert the following:

"For the purchase or manufacture of steel guns of small caliber for ships now in service, and for testing the same at the naval ordnance proving-ground, \$31,000."

Mr. RANDALL. We recommend non-concurrence.

Mr. REED, of Maine. I hope the gentleman from Pennsylvania will give us some reason for non-concurring.

Mr. RANDALL. This is an item which relates to the purchase or manufacture of small steel guns costing from \$2,000 to \$4,000 each. The committee considered this proposition before sending the bill to the Senate and thought it was unnecessary. But the Senate has inserted it and the committee desire non-concurrence with a view to having further light, if there be any, from the Department in connection with the subject. The Committee on Appropriations originally were as a whole opposed to the purchase or manufacture of these guns by the Government.

The question being taken on non-concurring, the Speaker stated that in the judgment of the Chair the "noes" had it.

Mr. RANDALL. I call for a division.

The House divided; and there were—ayes 81, noes 25.

So (further count not being called for) the amendment was non-concurred in.

Amendment numbered 10 was read, as follows:

Page 7, line 138, after the words "completion and," insert the word "public;" so that it will read:

"For the completion and public test of two breech-loading rifle cannon of the larger calibers now in course of construction for the Navy, with carriages and ammunition for both, \$80,000."

Mr. RANDALL. We recommend concurrence.

The amendment was concurred in.

Amendment numbered 11 was read, as follows:

Strike out all after the word "dollars," in line 141 on page 7, down to and including line 153 on page 7, namely, the following:

"Provided, That the test shall be conducted as follows: With battering charges for two hours, and under the most rapid continuous rate of firing, as near as may be like the conditions of a hotly contested battle; then with the service charge not less than five hours. Permission, with ample notice to be present, shall be given to all persons who indicate a desire to examine the preliminary preparation and witness the firing. Expenditures of public money on all other naval cannon of and above said caliber shall cease until this public test has terminated. And all the facts and incidents of the test shall be reported to Congress by the Chief of the Bureau of Ordnance as soon thereafter as possible."

Mr. RANDALL. The committee recommend non-concurrence.

Mr. THOMAS. I would like to ask the gentleman from Pennsylvania whether this amendment does not stop the construction of the guns which are almost completed now for the new cruisers.

Mr. RANDALL. It has no connection whatever with any armament incident to the new cruisers. I will state for the information of the House to what it relates.

There are now in course of construction at the Washington navy-yard two 10-inch guns. We in this bill give sufficient money for their completion, to wit, \$80,000. The House thought it prudent to add the character of test which should be given to these guns prior to their being placed in use on board ship. The Senate has seen fit to strike that out. The House considered that the severest test should be applied to these 10-inch breech-loading steel guns, because probably in the event of their proving a success they will become the type of that sized gun, and because we are admonished by the history of the late civil war that the severest test should be applied to this character of gun. We remember that even guns of smaller caliber than these, the guns, for instance, at Fort Fisher, were more dangerous to us than they were to the confederates in that struggle. There were said to have been eleven of the confederates injured, while forty-odd of the Federals were injured by the bursting of our own cannon.

It is rather surprising that there should be any disinclination on the part of the Department to have a full test as to these guns. It does not indicate to me that confidence in their manufacture which they ought

to have, and that is the reason why the committee insist upon this character of test as necessary.

Mr. THOMAS. Mr. Speaker, I quite agree with the gentleman from Pennsylvania, the chairman of the Committee on Appropriations [Mr. RANDALL], that the greatest test should be given to these guns, and I think it ought to be a public test.

Mr. RANDALL. That is provided for in the bill.

Mr. THOMAS. I do not object to non-concurrence. I simply rose for the purpose of asking whether this prevents the completion of the 6-inch and 8-inch guns which are being built at the Washington navy-yard in addition to the 10-inch gun, but I see by reading the amendment that the language is this: "Expenditure of public money on all other naval cannon of and above said caliber shall cease until this public test has terminated." So it will be seen that this does not affect the 6-inch and 8-inch guns which are building, but is intended to apply only to the two 10-inch guns, and I think that is right.

The amendment was non-concurred in.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had passed bills of the following titles:

A bill (H. R. 2268) for the relief of John F. Severance; and

A bill (H. R. 44) for the completion of a public building at Council Bluffs, Iowa.

The message also announced that the Senate had agreed to the report of the committee of conference upon the bill (S. 84) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and to provide for the payment thereof.

NAVAL APPROPRIATION BILL.

Amendment numbered 12 was read, as follows:

Strike out "three" and insert "four."

Mr. RANDALL. Mr. Speaker, that relates to the amount of the appropriation, and the committee recommend that the House non-concur, with the view of reaching an agreement.

The amendment was non-concurred in.

Amendment numbered 13 was read, as follows:

After the word "hundred" insert "and twenty-five;" so that it will read, as the total appropriation for the Bureau of Equipment and Recruiting, "eight hundred and twenty-five thousand dollars."

Mr. RANDALL. The committee recommend non-concurrence in that amendment.

The amendment was non-concurred in.

Amendment numbered 14 was read, as follows:

Strike out the words "car-tickets."

Mr. RANDALL. The Senate desires to cut off the supply of car-tickets to employes of the Department, and the committee recommend concurrence.

The amendment was concurred in.

Amendment numbered 15 was read, as follows:

After the word "hundred" insert "and fifty;" so that it will read "£20,000" as the total appropriation for the Bureau of Yards and Docks.

Mr. RANDALL. That also relates to the amount of the appropriation, and the committee recommend non-concurrence.

The amendment was non-concurred in.

Amendment numbered 16 was read, as follows:

Strike out the words: "And if the Secretary of the Navy shall not be able to maintain properly the whole number of naval hospitals now kept open on the amounts hereby appropriated for the maintenance of a civil establishment at naval hospitals, he shall close those which are least necessary to the service, and provide for the patients now cared for therein at such other naval hospitals as may be most convenient."

Mr. RANDALL. That clause was originally placed in the bill at the first session of the Forty-seventh Congress. The Committee on Appropriations deem it a wise provision because it prevents a deficiency; and if sufficient money should not be appropriated for the maintenance of all these hospitals, then the provision is that such of them as can be safely closed shall be closed by order of the Surgeon-General.

Mr. THOMAS. Mr. Speaker, the enactment of this provision has been three times recommended by the Secretary of the Navy—

Mr. RANDALL. And it has been inserted in the law.

Mr. THOMAS. I say it has been recommended three times by the Secretary of the Navy, and it meets the unanimous concurrence of the Committee on Naval Affairs. I will not take time to state them, but there are other reasons than those given by the chairman of the Committee on Appropriations why this amendment should be non-concurred in.

Mr. RANDALL. I am obliged to the gentleman.

The amendment was non-concurred in.

Amendment numbered 17 was read, as follows:

Strike out the words "and car-tickets."

Mr. RANDALL. That amendment, like number 14, relates to the use of car-tickets by employes.

Mr. KEIFER. Mr. Speaker, I wish to say in regard to this amendment, as well as in relation to the one numbered 14, under the head of

Bureau of Equipment, that while I am willing that the amendment shall be concurred in, it seems to me that we are simply prohibiting the supply of car-tickets and leaving persons who may have to be transported to various points on the business that they are engaged in to ride in carriages at a much greater cost to the Government.

Mr. RANDALL. I do not know where there is any appropriation made in any of these bills for carriage-hire.

Mr. KEIFER. But there is plenty of money to be used for carriage-hire made under the head of "incidental expenditures."

The amendment was concurred in.

Amendment numbered 18 was read, as follows:

Page 10, line 3, strike out "ten" and insert "fifteen;" so as to make the appropriation for necessary repairs of naval laboratory, naval hospitals, &c., \$15,000.

Mr. RANDALL. This amendment relates to the amount of the appropriation. The committee recommend non-concurrence.

The amendment was non-concurred in.

Amendment numbered 19 was read, as follows:

Page 10, line 13, strike out "eighty-five" and insert "one hundred;" so as to make the appropriation for provisions of seamen and marines, &c., \$100,000.

Mr. RANDALL. This amendment also relates to the amount appropriated. The committee recommend non-concurrence, with a view to reaching an amicable adjustment in conference.

The amendment was non-concurred in.

Amendment numbered 20 was read, as follows:

Page 10, line 21, strike out "car-tickets."

Mr. RANDALL. I move to concur in this amendment.

The amendment was concurred in.

Amendment numbered 21 was read, as follows:

Page 11, line 18, strike out "30" and insert "30;" so as to make the proviso read:

"Provided, That no part of this sum shall be applied to the repairs of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 30 per cent. of the estimated cost, appraised in like manner, of a new ship of the same size and like material."

Mr. RANDALL. Mr. Speaker, upon the recommendation of the committee in this case, which is to concur in the amendment of the Senate, I am not a proper spokesman for the committee. I will yield to some other member—the gentleman from Massachusetts [Mr. LONG] or the gentleman from Ohio [Mr. KEIFER]—and after an explanation on that side of the question I shall take the liberty to give the views of the minority of the committee on this matter.

Mr. LONG. I move that the House concur in this amendment of the Senate.

Mr. RANDALL. That is the recommendation of the committee.

Mr. LONG. That is the recommendation of the majority of the committee. This is the same question which has been discussed and settled two or three times heretofore. For two or three years we have been proceeding under the policy embraced in the amendment of the Senate—that no repairs of wooden ships of war shall exceed 20 per cent. of the estimated cost of a new ship of the same size and like material. The figures show that the great extravagance in our naval establishment has arisen from repairs made upon our wooden ships, which in some cases have amounted to two, three, or four times the original cost of the vessel. Unless we are to go back to the era of wooden ships, we should concur in the Senate amendment.

All the more necessary is this in view of the fact that our Navy consists of old wooden vessels; and unless we continue the present policy of restricting repairs to 20 per cent. we shall be spending all our money in repairs of vessels which when repaired will be of no value.

I move that the House concur.

Mr. RANDALL. Mr. Speaker, a minority of the committee would have preferred that this point might go to the committee of conference. The real question involved is how soon we shall get rid of the wooden vessels in the Navy. This naturally depends upon how fast we construct steel vessels to take their place. The minority of the committee thought we should not be too rapid in dispensing with our wooden vessels until we are assured of their substitution by steel vessels; and that until the purpose of Congress in this particular is manifest, the limit of repairs might properly be placed at 30 per cent. For the current year under the two six-month bills and for the prior year the limit has been 30 per cent. This is about what is involved in the amendment. There are some gentlemen so zealous in behalf of steel vessels that I fear they think the taking away of wooden vessels now in the Navy will increase the rapidity with which a new navy may be constructed.

Mr. COX, of New York. Mr. Speaker, when the other day the question came up about finishing the New York, I dropped a remark which I think will apply to this business of wooden ships. As in an army we may need artillery, infantry, and cavalry—all three—so in our Navy we may need wooden ships, iron ships, and steel ships. There is not a very great difference between 20 per cent. and 30 per cent., and we need not take up much time upon it. I would be willing that the House non-concur, and let the question be settled in conference. We must have some wooden vessels. We cannot improvise all at once a steel navy. We have here propositions for steel cruisers which I hope will be concurred in; and, at the same time, I hope we shall non-

concur in the amendment as to the finishing of the wooden vessel, the New York. I think it would be well to give the committee of conference a little leeway that they may adjust or, if you please, "trade" on this business, in order that the bill may provide for these various arms of our service.

Mr. KEIFER. Mr. Speaker, in answer to the remarks made by the distinguished gentleman from New York [Mr. COX], I desire to say that while it may be possible we ought to have various kinds of vessels in our Navy, yet at the same time we have no vessels that rise to the dignity of war vessels. Our vessels are all wooden vessels now; and we do not wish that all the money Congress sees fit to expend for the building up of a navy shall be spent in repairing old obsolete wooden ships.

I desire to understand exactly what this proposition is, because the same form of amendment will be found further along in this bill. The amendment of the Senate proposes that no part of the sum appropriated shall be applied to the repairs of any wooden ship when the estimated cost of such repairs shall exceed 20 per cent. of the estimated cost of a new ship of the same size and like material. If we agree to the limitation of 20 per cent.—that is, one-fifth of the cost of a new ship of the same size and like material—we shall have enough wooden ships of that kind, I think, to answer all the purposes that the gentleman from New York expects to be served by wooden ships. The limitation of 30 per cent. allows nearly one-third of the original cost to be spent in repairing a wooden vessel which we have no use for when constructed. These vessels are all upon old models—all obsolete. If we keep up such a policy we can spend from year to year on these old vessels more than enough to make a good navy.

Mr. COX, of New York. Will the gentleman from Ohio yield to me?

Mr. KEIFER. Certainly.

Mr. COX, of New York. Suppose we compromise this matter at 25 per cent.

Mr. ELLIS. No.

Mr. KEIFER. If the gentleman chooses to make that amendment it can be submitted to the House. I wish to say there is some present promise that we are going to have finished the best cruisers which we have commenced constructing; we are going to finish the monitors; we are proposing to do something also in the way of building the best ship that floats on the waters according to the best and most approved model. We have now this in prospect, but we shall limit ourselves a little on these old obsolete tubs. That is the position I take, that we will spend money enough, that we will keep enough of this class of vessels, if we are allowed to spend up to 25 per cent. of the value of a new ship of the same size and model.

Mr. O'NEILL, of Pennsylvania, rose.

Mr. RANDALL. I understand, Mr. Speaker, that the gentleman from Ohio has not suggested any amendment.

Mr. KEIFER. No; I have not moved any amendment.

Mr. COX, of New York. I move to concur with the amendment.

The SPEAKER. The gentleman will state his amendment.

Mr. COX, of New York. I move to insert 25 instead of 20, so it will provide that it shall not exceed 25 per cent. instead of 20 per cent.

The SPEAKER. Does the gentleman from New York wish to be heard on his amendment?

Mr. COX, of New York. For a moment only. All I have to say is this in response to what has fallen from the gentleman from Ohio [Mr. KEIFER], that many of these wooden vessels are not obsolete tubs. They are made of good timber. The New York when completed will be built of perfectly good timber, and the new engines to be placed in these vessels will be of the most recent origin. So the remark of the gentleman does not altogether apply to the wooden vessels, and I hope we may have some of these old wooden vessels which may serve admirably in the uses of the Navy. Therefore, I say 20 per cent. will apply to the repair of more vessels than 30, and a fair compromise between the two I think would be 25 per cent., which amendment I have proposed.

Mr. HEWITT, of New York. I should like to ask my colleague where these new engines are to come from.

Mr. COX, of New York. I suppose they will come from the future.

Mr. HEWITT, of New York. Out of what fund—how are they going to be paid for?

Mr. COX, of New York. Is there nothing in the bill as to that object?

Mr. HEWITT, of New York. My colleague says they will put improved engines upon these vessels of the Navy.

Mr. COX, of New York. Evidently they would, or they would not be made hereafter.

Mr. HEWITT, of New York. Why, they have to be made, and out of what fund is it to be done?

Mr. COX, of New York. That will be attended to hereafter; if not this year, why, then, the next.

Mr. RANDALL. It will come out of the fund for steam-engineering, \$950,000.

Mr. O'NEILL, of Pennsylvania. Now, Mr. Speaker, I desire to reply to a remark made by the gentleman from Ohio [Mr. KEIFER] a moment or two ago in reference to the models of our ships, he deprecate-

ing the use of the models of the old tube, as he calls them, which were designed years ago. I say, sir, in the interest of the Navy it is to be regretted that the old models have not been adhered to in building ships, both iron and wooden. I will state this fact, which may be information to the gentleman from Ohio, that the old frigates *United States* and *Constellation*, wooden ships, built in this century, have never been surpassed in speed. Those are the models which ought to be adhered to. The frigate *United States* was the fastest sailing vessel in the United States Navy in her day, and the fastest sailing naval vessel in the world. The *Constellation* came just after her in speed, and the old *Constitution* not much behind.

I am speaking, Mr. Speaker, in the interest of the old models, and I assert it here that there never has been any improvement since those days in building naval vessels for speed. I do not deprecate the idea, therefore, that we shall adhere to those old models if we want quick sailing vessels.

Mr. KEIFER. Then had we not better build new ships than repair old ones?

Mr. O'NEILL, of Pennsylvania. The ships were built with great care; they were built in the navy-yards of the country. Every piece of wood or other material used in their construction was properly inspected before being allowed to go into their construction. The ship-builders of those days produced vessels which could sail away, if necessary, from the greater fleets of England during the war of 1812. I consider the naval architecture since, as a general thing, to be comparatively a failure in regard to speed.

One vessel I will refer to which gentlemen will recall, and that is the *Princeton*, which was built under the auspices of a Democratic administration. Everything was allowed to be put in here. She was constructed in accordance with the ideas of Commodore Stockton of that day, who supervised the construction of that vessel. She was a failure. So it has been with vessels since then. Hence, I say, do not let us deprecate the older ship-builders of the country, those who produced ships that could sail away from the hostile fleet if that fleet was stronger than one of our naval vessels.

[Here the hammer fell.]

The SPEAKER. The gentleman from New York has three minutes of his time left. Does he claim it?

Mr. COX, of New York. Yes; and I will yield to the gentleman from Massachusetts [Mr. LONG].

Mr. LONG. Mr. Speaker, with regard to the amendment of the gentleman from New York [Mr. Cox], I believe it is hardly worth while—it is simply making two bites of a cherry. The Senate have determined on 20 per cent. The question with the House is whether we will amend by making it 30 per cent. This is not permanent legislation. It applies merely to the present year. It is carrying out the policy of the last two years. Our Navy is in a transition state. All our wooden vessels are very old, and most of them if repaired at all would exceed the limit.

Experience has shown that the great expense connected with the Navy arises from the repair of these old wooden vessels. It will reduce that expense and the extravagance which has heretofore applied to their repairs to keep that limit down, as proposed by the Senate amendment. Let us, therefore, during this transition state, keep it down to the lowest point. When we have reached another period, and when our Navy rests upon a basis of iron or steel vessels, we can then afford to change this limit, but not now.

I will yield the remainder of any time that remains to the gentleman from Louisiana [Mr. ELLIS].

Mr. ELLIS. Mr. Speaker, I trust that this House will restrict repairs upon these wooden ships as much as it possibly can. In the first place, sir, they are all of a type that is passing away. Wood in naval construction is a thing of the past. So far as ship-building is concerned its day is over, and the enormous repairs that have been put upon our ships in the past has been the graveyard of our Navy. Year after year we have been repairing these old wooden vessels at a cost which would have given us a modern navy. Let us take the *Tennessee*, the best vessel of our Navy, and the only one which ranks as a first-class vessel, and I quote with reference to that from a speech of my honorable and distinguished friend from New York [Mr. HEWITT], every word of which is verified by the official reports. His description of the *Tennessee* is complete and conclusive. He shows that the repairs to the hull of this vessel and other incidental repairs, during the Robeson administration of the Navy Department, was \$1,434,500. That is the *Tennessee*, our best vessel afloat, which was built in 1844, and the only vessel upon our register which ranks as a first-class ship of war. The reports, as I have said, show that the statement of the gentleman from New York is verified, and that during that administration the expense of the repairs of this ship reached nearly a million and a half of dollars. That would have been ample to have built a modern cruiser—

[Here the hammer fell.]

The SPEAKER. Debate is exhausted upon this amendment.

Mr. ELLIS. I have not exhausted five minutes, certainly.

The SPEAKER. The gentleman has exhausted the remainder of the time of the gentleman from Massachusetts.

Mr. HUTCHINS. I move to make the limit twenty-six.

Mr. ELLIS. I move to strike out the last word.

The SPEAKER. The gentleman from New York moves an amendment which is in order. He moves to amend the amendment by striking out twenty-five and inserting twenty-six.

Mr. HUTCHINS. Mr. Speaker, it seems to me the question for the House to consider now is not whether we are to have a navy of wooden ships, but whether we are to have any navy at all after the expiration of two years.

Now, Admiral Porter recommended that this limit should be fixed at 40 per cent.; and for one I prefer to take his judgment as head of the Navy Department to risking my own in a question of this kind. But the Bureau of Construction and Repair recommend that we fix the limit at 33½ or 33, I believe, and the committee after considering the question have decided to fix it at 30, in which form it passed the House and went to the Senate, where it was reduced to 20.

Now, Mr. Speaker, we have in our Navy Department at the present time thirty-one vessels of war available; that is to say, one of the first class, eleven of the second class, and nineteen of the third class. Under the limit proposed by the committee at the expiration of one year from this time eleven, or more than one-third of the available fleet of to-day, will be stricken from the rolls of the Navy; and if we pass this amendment at 20 or 25 per cent. at the expiration of two, or at most three, years we will not have a ship left. Now, the only proposition is to extend the Navy by improving the modern ships or repairing them, making them available for some time for service, until we have devised some plan for the permanent increase of the Navy. As yet no plan has been devised.

There is no certainty whatever that within a year or two we shall have another steel cruiser, and certainly it does not seem to be the part of wisdom or policy on the part of the legislators of this country to deprive the nation of any navy at all, even if it be a wooden navy, until we have something to take its place. It is like a man burning the house in which he lives before he has completed a new one into which he can move. All that gentlemen say of the expense in connection with the wooden vessels is true, but do not let us discard them, in the face of the recommendation of the Navy and the Bureau of Construction and Repair, until we have something to replace them with.

Let us keep the limit of their repair down to 30 per cent. I hope it will be the will of the House to reject the motion to concur in the Senate amendment, and let the matter at least go to a conference committee, where, after a full consideration of the subject, we can doubtless arrive at some arrangement or conclusion that may be satisfactory both to the Senate and to the House.

Mr. ELLIS. Now, Mr. Speaker, to resume where I left off. I desire again to call the attention of the House to the cost of this only first-class vessel, the *Tennessee*. This vessel has a speed of fourteen knots per hour.

Mr. HUTCHINS. You speak of the *Tennessee*?

Mr. ELLIS. Yes, sir.

Mr. HUTCHINS. She goes off under this amendment in a year.

Mr. ELLIS. Ah! she is rated as a first-class vessel, the best in your Navy and of a type you want to keep up.

Mr. HUTCHINS. She would not come in under this limit.

Mr. ELLIS. I do not yield. I trust the gentleman from New York will possess his soul in patience. As a coal-consumer she consumes now 2.95 pounds per hour of horse-power; while your modern engine consumes one and one-third pounds per hour of horse-power. She is an enormous coal-consumer. She is too slow for any purpose. And yet the gentleman would have this Government enact a law which would permit this vessel to be absolutely built over, when she would be of no use in war or in peace.

Mr. HUTCHINS. I desire to correct the gentleman.

Mr. ELLIS. I decline to yield. I know the views of the gentleman from New York, and so does the House.

Now, what does the Secretary of the Navy tell us? He gives you a long catalogue of vessels that have not been repaired but have been absolutely built over; more having been expended on their repairs under that enormously wasteful system than the vessels originally cost; enough to have made modern vessels in the place of every one of them.

The gentleman from New York knows we have no vessels; this matter of repairs amounts absolutely to the building of the vessel or the rebuilding it over, and thus perpetuating in the Navy of the United States a type and class and character of vessels that are insufficient in war and no credit in peace.

Now, how long is the country to be subjected to this wasteful and extravagant process? How long are you to keep this open grave for our hopes for a navy? For as long as we have a few old rotten, obsolete hulks on the sea, just strong enough to bear the flag and not strong enough to defend it, I am persuaded the views of certain gentlemen will prevail and that we will not embark in the work of building a navy. I say let these old vessels pass away. I would not spend a dollar in repairing them; but when they become totally unfit I would sell them and get rid of them. Let the people know we have not a navy, and then they will fill this Hall with Representatives up to their throat, up to their wealth, up to their ideas of national power and glory, who will compel the building of a modern navy.

Mr. HUTCHINS. I withdraw my amendment and move to amend by making it 27 per cent.

I am sure the gentleman from Louisiana means to treat this question fairly. He has selected the Tennessee, and he founds all his argument on the condition of that ship as a reason why no money, not a dollar, should be expended on the repairs of the present Navy.

If the gentleman from Louisiana had read the report of the Secretary of the Navy he would have seen he was dealing unfairly with this subject. The Secretary says at page 14 of his report:

The available cruising sea vessels of the Navy are the following: One first-rate, the Tennessee, of 4,840 tons displacement.

He means by that first class, not that it is in the best repair; because on the same page he says:

Of the above list it is reported that the following will be condemned when surveyed, as they can not be repaired under the law: Tennessee, Lackawanna, Powhatan, and Wachusett.

Now, the gentleman from Louisiana has been talking here about the Tennessee, which the Secretary of the Navy tells us under the law, as it stands, of the 30 per cent. clause, can not be repaired. He says that we propose to appropriate a sum of money here to rebuild that vessel. My answer is, under that law that vessel can not be repaired. It is only those in good condition which can be repaired; and it is only for a temporary purpose, that the American flag may be seen at some mast-head until we can agree among ourselves to provide for the construction of such navy as this Government ought to have.

I withdraw the amendment, and hope that the 30 per cent. limit will be adopted.

Mr. HISCOCK. I move to amend by striking out "25" and inserting "26."

Mr. Speaker, this is the old contest which we have had before in the House, striving to support the navy-yards; and every one who has a navy-yard in his neighborhood is in favor of the 30 per cent. limit.

Mr. HEWITT, of New York. Does the gentleman seriously mean to make that statement? I have a navy-yard in my immediate neighborhood and I am not in favor of that limit.

Mr. LONG. And I am not.

Mr. HISCOCK. I will not undertake to say that there are not some exceptions.

Mr. HUTCHINS. Will the gentleman answer me a question?

Mr. HISCOCK. There may be some exceptions, and I will except gentlemen from the State of New York.

Mr. HUTCHINS. That is not the point of my question.

The SPEAKER. Does the gentleman from New York [Mr. HISCOCK] yield?

Mr. HISCOCK. I do not yield further.

I have before me a statement of the expenditures upon these old ships. The investigation of that subject in the past resulted in the establishment of this limitation of 20 per cent. Twenty per cent., I believe, is the law to-day.

Mr. LONG. And has been for two years.

Mr. HISCOCK. And has been for two years, and I am not sure but it has been for three years. Now, as a matter of course, when you carry the limit up to 30 per cent. you increase the employment in the navy-yards.

Now I do not say that my colleague from New York, Mr. HEWITT, or my other colleague from New York, Mr. HUTCHINS, is influenced by that, but it is wooden ships that are to be repaired, and the moment you carry the expenditure up to 30 per cent. you increase the amount of work in these navy-yards, and the interests of locations, the interest perhaps of Brooklyn, the interest of League Island, the interest of all the navy-yards and of the communities in the vicinity of those navy-yards, is in favor of the highest amount.

Mr. KELLEY. Mr. Speaker, I beg leave to say, as representing one of the League Island districts, that I am in favor of the smallest limitation. I want to get rid of these wooden hulks.

Mr. HISCOCK. The gentleman from Pennsylvania [Mr. KELLEY] has always occupied that position, but I believe that his colleague, Mr. O'NEILL, who is always looking after his navy-yard with great industry and great intelligence, always antagonizes the gentleman from Pennsylvania [Mr. KELLEY] upon that subject. Now, sir, I will call the attention of the House and of my friend from New York [Mr. HUTCHINS] to the remarkable statement which was sent to us at the beginning of this Congress in regard to the ships now borne upon the register. Upon those vessels since they have been borne upon the register we have expended for repairs \$41,200,000, and those vessels cost only \$40,000,000. Therefore it appears that we have expended upon them for repairs since they have been borne on the register more than they originally cost. Are we to continue this policy? I say, sir, that if we are to have a new navy, an iron and steel navy, we can do for a while with a less number of these old ships, and save this money and devote it to the construction of new cruisers, and I believe that will be a much better use to make of it. I yield now to the gentleman from Pennsylvania [Mr. BAYNE].

Mr. BAYNE. I have only a word to say. The proposition is made to expend 30 per cent. upon the repairs of these ships. I am informed

by the gentleman from Maine [Mr. DINGLEY], who is thoroughly well posted in all naval matters, that these vessels were constructed during the war and soon after the war, when the cost of building ships was very high. Unseasoned timber was used in their construction; they were not enduring; and if this appropriation be made on the basis of 30 per cent. of the original cost, it will amount now to 50 per cent. on the estimated present cost of such vessels. If we appropriate even 20 per cent. now, it will be perhaps equivalent to 50 per cent. of the real value of the vessels, so that in two years the appropriation will reach what would be the full par value of these vessels if constructed in times like these. I can not imagine what business principles enter into a proposition of that kind, and I am surprised that such a proposition should come from this economical Committee on Appropriations.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, I desire to say a word in reply to the gentleman from New York [Mr. HISCOCK]. I am here, sir, as an advocate of building ships in the navy-yards of the country. I do not hold, however, that there should be no ships built by contract, but *pari passu* with the building of naval vessels in the navy-yards I would like to see contractors build ships in their private ship-yards. I stand here, sir, as I have always stood, as an advocate of the League Island navy-yard, and to assert that for the purposes of building vessels of war it is not equaled by any navy-yard in the country; and in this connection I desire to bring to the recollection of the House the fact that one of the gentlemen who in a former Congress was foremost in advocating the closing of that yard by legislation was my friend from New York [Mr. HISCOCK].

The League Island navy-yard is in the neighborhood of the city a part of which I represent upon this floor. In that city there are mechanics unsurpassed in their skill in ship-building, either iron ships or wooden ships, either building a new vessel from the keel up or repairing an old one; and such vessels as have been built or repaired at the League Island navy-yard, the Quinnebaug and the Ossipee, for instance, have had less money expended upon them in comparison with the amount of work necessary to be done than any vessels which have been repaired at any other navy-yard in the country. I say this in respect of the mechanics and ship-builders in the city of Philadelphia, that they possess the highest skill, developed by long experience, in the construction of ships and in the production of models of naval architecture, and I predict that before long Congress will have to re-establish the League Island navy-yard, for it is the only place in this country where iron naval architecture can be profitably carried on.

Mr. POTTER obtained the floor.

Mr. RANDALL. After the gentleman from New York [Mr. POTTER] has spoken I shall move to close debate upon this paragraph.

The SPEAKER. On the Senate amendment and the amendments thereto?

Mr. RANDALL. Yes.

Mr. HISCOCK withdrew his formal amendment.

Mr. POTTER. I renew the amendment. I quite agree, Mr. Speaker, that this nation should have a navy equal to its great wants and its great duties. We should not be behind any of the other nations of the world in this respect. But, sir, there is unanswerable force in the suggestion of the honorable member, my colleague, from New York [Mr. HISCOCK], that it is of higher importance than any question of 5 or 10 or 15 per cent. that the flag of our country be kept aloft until we shall introduce and produce vessels of iron that shall supplement those that we now have to bear our flag. For one, sir, I am willing that the naval authorities who have recommended that this limit shall be kept at 30 per cent., or as near that as possible, shall have their way. I desire that the flag of my country, if it can not float upon iron ships, shall at least, until we have such ships, float wherever possible upon the best ships that we have.

Mr. RANDALL. I now move to close debate on this amendment of the Senate.

The motion was agreed to.

The SPEAKER. The first question is upon the amendment of the gentleman from New York, Mr. POTTER, to the amendment of the gentleman from New York, Mr. COX.

Mr. POTTER. I withdraw it.

The SPEAKER. The question is now upon the amendment of the gentleman from New York, Mr. COX, to strike out "twenty" and insert "twenty-five."

The amendment was not agreed to; there being—ayes 12, noes not counted.

The question being then taken upon the motion of Mr. LONG to concur in the amendment of the Senate, there were—ayes 61, noes 83.

Mr. LONG. I call for the yeas and nays.

The yeas and nays were ordered, 53 voting in favor thereof.

SURVEY OF NAPA RIVER, CALIFORNIA.

The SPEAKER. Before the vote is taken, the Chair, if there be no objection, will lay before the House several executive communications and personal requests.

There was no objection.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers of a survey of

Napa River, California; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

SURVEY OF CASHIE RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers of a survey of Cashie River, from its mouth to Windsor, N. C.; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

SURVEY OF DARIEN HARBOR, GEORGIA.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers of a survey of Darien Harbor, Georgia; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

WASHINGTON AND GEORGETOWN RAILROAD.

The SPEAKER also laid before the House a letter from the president of the Washington and Georgetown Railroad Company, transmitting the annual report of that company; which was referred to the Committee on the District of Columbia.

J. R. SANTOS.

The SPEAKER also laid before the House a letter from the Secretary of State, transmitting a dispatch from the consul-general of Guayaquil relative to the citizenship of J. R. Santos; which was referred to the Committee on Foreign Affairs, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. YORK, for Tuesday and Wednesday next, on account of sickness.

To Mr. MILLER, of Pennsylvania, until Tuesday next, on account of serious illness in his family.

To Mr. JOHNSON, from attendance in the evenings for the remainder of the session, on account of sickness.

LEAVE TO PRINT.

By unanimous consent, leave to print remarks in the RECORD was granted as follows:

To Mr. BUDD, on the fortification appropriation bill.

To Mr. STOCKSLAGER, on the bill (H. R. 7523) defining the duties of the Supervising Architect, and for other purposes.

WITHDRAWAL OF PAPERS.

Mr. STEELE, by unanimous consent, obtained leave to withdraw from the files of the House papers in the case of George W. Osborn without leaving copies, there having been no adverse report.

ENROLLED BILLS AND JOINT RESOLUTION.

Mr. SNYDER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 577) to donate a cemetery site on the public lands to the city of Kirwin, Kans.;

A bill (H. R. 1266) for the relief of Alexander D. Schenck;

A bill (H. R. 2158) for the benefit of John C. Herndon;

A bill (H. R. 3058) to amend section 1899 of chapter 1, title 23 of Revised Statutes of the United States, relative to general incorporation acts of Territories;

A bill (H. R. 4280) to increase the pension of Mrs. Martha C. Breese;

A bill (H. R. 4382) for the relief of William H. Davis;

A bill (H. R. 5713) to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States;

A bill (H. R. 6940) granting a pension to Sarah M. Bissell;

A bill (H. R. 8030) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1886, and for other purposes;

A bill (H. R. 8120) making appropriations for the support of the Army for the fiscal year ending June 30, 1886, and for other purposes; and

Joint resolution (H. Res. 124) authorizing the collector at the port of New York to deliver, free of duty, a silver cup won by Sergt. A. B. Van Heusen as a member of the American Rifle Team, at Wimbledon, in July, 1883.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced the return, in compliance with the request of the House, of concurrent resolution of the House of February 27, 1885, providing for the printing of the first and second volumes of decisions relating to the public lands.

NAVAL APPROPRIATION BILL.

The SPEAKER. The question recurs on concurrence in the twenty-first amendment of the Senate, on which the yeas and nays have been ordered.

The question was taken; and it was decided in the negative—yeas 115, nays 151, not voting 58; as follows:

YEAS—115.

Adams, G. E.	Dingley,	Kean,	Rockwell,
Adams, J. J.	Dixon,	Keifer,	Rowell,
Aiken,	Dunham,	Kelley,	Russell,
Anderson,	Ellis,	Ketcham,	Ryan,
Arnot,	Ellwood,	Lacey,	Small,
Atkinson,	Evans,	Lawrence,	Smith, A. Her,
Barksdale,	Everhart,	Libbey,	Smith, H. Y.
Barr,	Findlay,	Long,	Spooner,
Bayne,	Finerty,	Lyman,	Steele,
Bisbee,	George,	McCoid,	Stephenson,
Blanchard,	Guenther,	McComas,	Stewart, J. W.
Boutelle,	Hanback,	McCormick,	Stone,
Bowen,	Hancock,	Millard,	Strait,
Breitung,	Hart,	Money,	Talbot,
Brewer, F. B.	Hatch, H. H.	Morrill,	Taylor, J. D.
Brewer, J. H.	Henderson, D. B.	Nelson,	Thomas,
Brown, W. W.	Hepburn,	Ochiltree,	Valentine,
Browne, T. M.	Hewitt, A. S.	O'Hara,	Wait,
Brumm,	Hewitt, G. W.	Parker,	Wakefield,
Burleigh,	Hiscock,	Payne,	Washburn,
Campbell, J. M.	Hitt,	Payson,	Weaver,
Cannon,	Holmes,	Perkins,	Wemple,
Caseidy,	Holton,	Peters,	White, J. D.
Craig,	Horr,	Pettibone,	Whiting,
Culbertson, W. W.	Houk,	Poland,	Wilson, James
Curtin,	Howey,	Post,	Woodward,
Cutecheon,	Jeffords,	Price,	Worthington,
Davis, G. R.	Johnson,	Ranney,	York,
Davis, R. T.	Jones, B. W.	Riggs,	

NAYS—151.

Alexander,	Dorsheimer,	Jones, J. H.	Rogers, W. F.
Bagley,	Dowd,	Jones, J. K.	Seney,
Ballentine,	Dunn,	Jordan,	Seymour,
Beach,	Eaton,	Lanham,	Shively,
Belmont,	Eldredge,	Le Pevre,	Singleton,
Bennett,	Elliott,	Lewis,	Skinner, T. G.
Bingham,	English,	Lore,	Slocum,
Bland,	Ermentrout,	Lowry,	Spriggs,
Bount,	Ferrell,	McAdoo,	Springer,
Boyle,	Fiedler,	McMillin,	Stevens,
Breckinridge,	Follett,	Matson,	Stewart, Charles
Broadhead,	Foran,	Maybury,	Stockslager,
Buchanan,	Forney,	Miller, J. F.	Storm,
Buckner,	Fyan,	Mills,	Sumner, C. A.
Budd,	Garrison,	Mitchell,	Swope,
Burnes,	Geddes,	Moulton,	Taylor, J. M.
Cabell,	Gibson,	Muldrow,	Thompson,
Caldwell,	Glascock,	Muller,	Tillman,
Candler,	Graves,	Murphy,	Townshend,
Carleton,	Green,	Mutcher,	Tucker,
Clardy,	Greenleaf,	Nichols,	Tully,
Clay,	Halsell,	Oates,	Turner, H. G.
Clements,	Hammond,	O'Ferrall,	Turner, Oscar
Cobb,	Hardeman,	O'Neill, Charles	Van Alstyne,
Connolly,	Hardy,	Paige,	Vance,
Converse,	Harmer,	Patton,	Van Eaton,
Cook,	Hatch, W. H.	Peel,	Wallace,
Cosgrove,	Hemphill,	Pierce,	Ward,
Covington,	Henley,	Potter,	Warner, A. J.
Cox, S. S.	Herbert,	Pryor,	Warner, Richard
Cox, W. R.	Hill,	Pusey,	Willis,
Crisp,	Hoblitzell,	Randall,	Wilson, W. L.
Culbertson, D. B.	Holman,	Reagan,	Winans, E. B.
Davidson,	Hopkins,	Reid, J. W.	Wolford,
Davis, L. H.	Houseman,	Reese,	Wood,
Deuster,	Hunt,	Robertson,	Yaple,
Dibrell,	Hurd,	Robinson, W. E.	Young,
Dockery,	Hutchins,	Rogers, J. H.	

NOT VOTING—53.

Barbour,	Henderson, T. J.	Murray,	Struble,
Belford,	Hooper,	Neece,	Sumner, D. H.
Blackburn,	James,	Nutting,	Taylor, E. B.
Brainerd,	Jones, J. T.	O'Neill, J. J.	Throckmorton,
Bratton,	Kellogg,	Phelps,	Wadsworth,
Campbell, Felix	King,	Rankin,	Wellborn,
Campbell, J. E.	Kleiner,	Ray, G. W.	Weller,
Chalmers,	Laird,	Ray, Osmian	White, Milo
Collins,	Lamb,	Reed, T. B.	Wilkins,
Cullen,	Lovering,	Rice,	Williams,
Dargan,	Miller, S. H.	Robinson, J. S.	Winans, John
Dibble,	Milliken,	Rosecrans,	Wise, G. D.
Funston,	Morgan,	Shaw,	Wise, J. S.
Goff,	Morrison,	Skiinner, C. R.	
Haynes,	Morse,	Snyder,	

So the amendment was non-concurred in.

During the roll-call,

Mr. RANDALL moved that the reading of the names be dispensed with by unanimous consent.

There was no objection, and it was ordered accordingly.

The following pairs were then announced:

On all political questions until further notice:

Mr. MORRISON with Mr. JOHN S. WISE.

Mr. SHAW with Mr. LAIRD.

Mr. THROCKMORTON with Mr. EZRA B. TAYLOR.

Mr. RANKIN with Mr. RICE.

Mr. NEECE with Mr. CHALMERS.

For this day:

Mr. KELLOGG with Mr. BLANCHARD.

Mr. JONES, of Alabama, with Mr. STRUBLE.

Mr. O'NEILL, of Missouri, with Mr. HENDERSON, of Illinois.

On this vote:

Mr. CAMPBELL, of Ohio, with Mr. HAYNES.

Mr. DIBBLE with Mr. BELFORD.

Mr. SNYDER with Mr. GOFF.

The vote was then announced as above recorded.

Mr. RANDALL moved to reconsider the vote by which the Senate amendment was non-concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 2268) for the relief of John F. Severance; and

A bill (H. R. 441) for the completion of a public building at Council Bluffs, Iowa.

REPORT OF CAPT. M. A. HEALY, UNITED STATES REVENUE MARINE.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting the report of Capt. M. A. Healy, U. S. R. M., on the cruise of the revenue-marine steamer Corwin in the Arctic Ocean; which was referred to the Committee on Printing.

Mr. HISCOCK. I move that the question of printing extra copies of that valuable report be referred under the rule to the Committee on Printing.

The SPEAKER. That question will be referred to the Committee on Printing, when it will then become a privileged matter.

Mr. HISCOCK. So I suppose, and that is what I desire.

NAVAL APPROPRIATION BILL.

The SPEAKER. The Clerk will read the next amendment of the Senate.

Amendment numbered 22 was read, as follows:

Strike out the following: "For the completion of the New York, \$400,000."

Mr. RANDALL. The Committee on Appropriations recommend non-concurrence; and as this subject was very fully discussed when the bill was under consideration some days ago, I feel justified in demanding the previous question.

Mr. HISCOCK. It seems to me we should have some discussion on this question of concurrence or non-concurrence in the amendments of the Senate in striking out this paragraph.

Mr. REED, of Maine. I think we are entitled to a discussion under the order of the House.

The SPEAKER. Under the order of the House there will be discussion for five minutes on each side.

Mr. RANDALL. Very well; let each side state the case.

Mr. KEIFER. I move to concur in the Senate amendment.

The SPEAKER. Of course the question will be on concurrence.

Mr. RANDALL. The Committee on Appropriations recommend non-concurrence.

Mr. KEIFER. Mr. Speaker, I have a very bright hope that the House will so vote, looking at the provisions of this bill for the support of the Navy, that it shall be something more than a mere nominal navy, and in that view I ask the amendment of the Senate striking out this appropriation of \$400,000 be concurred in. As we all agree, I believe, this money is to be expended upon an old frame of a ship of an obsolete model, and which when finished at this vast cost will be of no possible use or value to the country in time of war.

As has been already said here on this floor in debate on this bill, this is a vessel without speed in comparison with the naval vessels of the world of to-day. It would have a speed of about twelve knots an hour, perhaps not even so much as that, and it would be incapable of catching a vessel on the high seas that it could whip; and what is still worse, it could not run away from anything on the high seas, and everything could whip it that could catch it. It would be of no value in coast defense. It would be of no value at sea in time of war. It is well known that this is a mere frame-work of a ship called the New York, on the stocks in the Brooklyn navy-yard. It has some wooden ribs, and has some of the skeleton of a great ship; but it has been standing now for a full score of years in that unfinished condition, and no Congress up to this time has deemed it worth while to expend any money toward its completion. All of a sudden, however, it occurs to the House of Representatives of the United States to expend \$400,000 in trying to put the ship in a condition that it can be launched upon the waters.

But nobody pretends that it will be of any value except my distinguished friend from New York [Mr. COX] who I see before me, and another distinguished friend from Maine [Mr. DINGLEY] on this side of the House, both of whom agreed in the course of debate some days ago that it would be valuable, possibly, in case we should need another ship to keep a naval school in, tied up somewhere in some harbor of the United States. This is the best and the sole purpose to which the vessel could be applied in case the vessel was ever finished. We have, as my friend from Massachusetts [Mr. RANNEY] suggests to me, sufficient of these old wooden ships well fitted for the business of teaching a naval

school in at some point along the coast, without the necessity of embarking in the construction of others for that purpose. This vessel, therefore, is not needed for that.

It is beyond comprehension that we should be able to find a body of men insisting upon completing it. The amount to be expended upon it if completed would build some sort of a vessel valuable at least for coast defense; but this expenditure, in addition to what has been already expended on this vessel, is an absolutely useless expenditure and waste of the public money, and ought not to receive the sanction of this House. It would be simply money thrown away, and resolves itself into a mere matter of squandering the public funds.

Mr. RANDALL. Mr. Speaker, this provision was recommended by the Committee on Appropriations, and was adopted by the House after a full debate. The Senate has non-concurred, and the Committee on Appropriations again recommend non-concurrence in their amendment. I do not think any further debate is necessary; but I will yield two minutes to the gentleman from New York, Mr. COX, and two minutes to the gentleman from New York, Mr. POTTER.

Mr. COX, of New York. Mr. Speaker, my friend from Ohio [Mr. KEIFER] has taken occasion, as he did some time ago in the debate on this subject, to indulge in a spirit of ridicule toward the construction of this ship by calling it an old, obsolete type, or tub, or something of that sort. I wish to say to the House, and to the gentleman from Ohio, that it is nothing of the kind. In the Forty-seventh Congress a report was made by a committee on this very subject; and they reported as to the New York that it should be built. They show that the vessel was commenced in 1865; that it is a vessel of twenty-one guns, with 2,490 tonnage and 4,070 displacement; and as to its present condition and location, it is shown by the tabulated statement accompanying the report as a partly completed vessel or frame on the stocks in New York, built of live-oak, and worthy of being finished. That report, the substance of which I have merely alluded to, was made to the Forty-seventh Congress by that very committee, and I call the attention of the gentleman from Ohio to the fact, that recommended the construction of the steel cruisers for our navy of the future.

And now to show that this is not a matter brought up in a hurry, without debate and without proper consideration or proper examination, I hold in my hand another report, which was quoted by myself the other day in reference to this New York, a report made from the Bureau of Construction and Repair to the Secretary of the Navy for the year ending June 30, 1884, in which it will be found, and I will have it printed, but will now only say to my friend from Ohio that this report by Naval Constructor Wilson strongly recommends the completion of this ship. He says, to quote his own language:

The bureau strongly recommends the completion of the frigate New York at the Brooklyn navy-yard. This vessel has been on the stocks in one of the ship-houses since 1865; and from the fact that she was in frame before work was suspended on her, and was neither ceiled nor planked, the air has freely circulated through her timbers, and to-day they are as hard as bone and probably in better condition than any frame timbers ever put in a ship. If completed with materials that have been preserved by the Thilmany process for preserving ship timber, she would make a useful and most efficient ship of her class for twenty years. Although designed in 1865, she is an exceedingly fine model, and if finished will give us a first-class flag-ship. She can carry a battery as heavy and equally as well arranged for head and stern fire as the new cruiser Chicago has. Her length on the mean load line is 315 feet, extreme breadth of beam 47 feet, depth from lower edge of rabbet of keel to lower port sill on gun deck 25 feet 11 inches. She is designed to have a ship's rig, having 24,000 square feet of sail surface in her ten principal sails. Her displacement at a draught of 18 feet 9 inches forward, and 21 feet 5 inches aft, would be equal to 4,627 tons, and her lowest port sill on the gun deck would be 8 feet above water. The plans for finishing this vessel are in such a condition that they could be completed in a very short time, and the work on her, if authorized, could be pushed to completion and the vessel put afloat within six months from the time it is resumed. To permit of doing this work without having to draw so heavily upon the regular appropriations for construction and repair, the bureau has estimated for \$400,000, which it is thought will be sufficient to complete her.

All I have to say, then, is that inasmuch as the skeleton of this vessel is in a first-class condition, and as it has been recommended for completion by competent naval authorities, I hope the good work will go on, and we will furnish machinery in the future by which she may be made useful, if not upon the sea as a belligerent in time of war, at least for other purposes in connection with our naval service.

[Here the hammer fell.]

Mr. POTTER. Mr. Chairman, I have only time to say that in my judgment this ship should be completed. We have won nearly all we have won by our Navy in the past in wooden ships; and to whatever extent the construction of iron ships will be carried there will be always ample room and ample demand for the use of ships like this. She has cost already many hundreds of thousands of dollars, all of which is either to be thrown away or else we must make this appropriation to complete her. She is a new ship and will be one of the best of her kind in the Navy when completed; and, as I have said, there will be always places in the naval service where ships of this character will be needed, both in time of war and in peace.

In war we need transport ships; in war we shall always need ships under circumstances where this ship will serve better than the iron ship. I hope the House will stand by the committee and insist upon the completion of this ship.

Mr. THOMAS. I move to amend by striking out "\$400,000" and inserting "\$200,000."

Mr. RANDALL. I give notice that after the gentleman from Illinois has been heard I shall move to close debate.

Mr. THOMAS. I offer this amendment in order that I may reply to the statement made by the gentleman from New York [Mr. Cox], the chairman of the Committee on Naval Affairs, with reference to the recommendation for the rebuilding of this vessel. I happened to be a member of the Naval Committee at the time this recommendation was made and before it was certainly known we could furnish the materials and build steel vessels in this country. Since then it has been shown we can not only manufacture the steel, but we can manufacture the ships, as the new vessels which will soon be completed demonstrate.

I desire to call the attention of the House to a letter I have received from the Admiral of the Navy. And however little or however much the members of this House may know about naval architecture and ships of war it is safe to say that David D. Porter, Admiral of the Navy, knows something. He has written to me in reference to this vessel, and he says:

An item is introduced appropriating \$400,000 to finish a wooden ship—

The New York—

whose hull was modeled twenty years ago, and which will cost \$1,000,000 before she is finished.

Why, two shells from this little gunboat would set her on fire and completely destroy her.

I have given the experience of fifty-five years to the naval service.

If Congress thinks proper to go to work and build a wooden vessel upon plans that were prepared twenty years ago, and which, when finished, will scarcely have speed enough to get out of her own way, and will be but a duplicate of the Tennessee, with a vulnerability greater than ships had at the time she was planned, owing to the increase in the size of guns and shell, well and good.

It is said the reason for building her is because we must have something to represent us abroad until iron or steel ships are built, but that would be a poor representation of a nation's progressiveness which would offer a ship to the eyes of the European world that was twenty years behind the time and built of a material that no naval power on the earth would think of using for a fighting ship.

Even the Chinese deride the old wooden ships that we send abroad. Of course, Europeans know how useless they are. What we want for immediate use is something to defend our coasts.

These are the words of wisdom which have fallen from the lips and pen of the Admiral of the Navy, and they meet the concurrence of every man who has looked into this question of the construction of the Navy. These wooden ships have passed out of date. They are no longer useful. Take, for instance, the Michigan, to which I referred on another occasion. She was built forty years ago. She cost about \$500,000; and in the forty years she has been afloat she has cost less to keep her in repair than any wooden vessel now afloat has cost for the same purpose in five years; while the Kearsarge, the Powhatan, the Lancaster, and any number of wooden vessels I might mention, and to which the attention of Congress has been called by an executive document frequently read here, have cost for repairs twice, ay, three times as much, as their original cost. To-day if this bill becomes a law they will be stricken from the Navy Register, because even 30 per cent. will not keep them afloat and make them efficient even for surveying vessels.

I hope the amendment of the Senate will be agreed to.

Mr. RANDALL. I hope the House will sustain the recommendation of the committee. I move to close debate on the amendment of the Senate and the pending amendment.

The motion was agreed to.

Mr. THOMAS. I withdraw the amendment.

The SPEAKER. The question is on the motion of the gentleman from Ohio [Mr. KEIFER] to concur in the Senate amendment striking out the lines which have been read.

Mr. KEIFER. I think we may as well have the yeas and nays.

On the question of ordering the yeas and nays there were yeas 48—not one-fifth of the last vote.

Mr. KEIFER. I call for tellers.

Tellers were ordered, 40 members voting therefor.

Mr. RANDALL. I perceive that the demand for yeas and nays can not be beaten, and therefore to save time I am willing that they shall be ordered by consent.

There was no objection.

The question was taken; and there were—yeas 100, nays 151, not voting 73; as follows:

YEAS—100.

Adams, G. E.	Craig,	Hatch, H. H.	Lacey,
Adams, J. J.	Culbertson, W. W.	Haynes,	Laird,
Alken,	Cullen,	Henderson, D. B.	Lawrence,
Anderson,	Curtin,	Henderson, T. J.	Libbey,
Arnott,	Cutcheon,	Hewitt, A. S.	Long,
Barr,	Davis, G. R.	Hiscock,	Lyman,
Bayne,	Davis, R. T.	Hitt,	McCoid,
Biaboe,	Dixon,	Holmes,	McComick,
Boutelle,	Dunham,	Holton,	Millard,
Brainerd,	Ellwood,	Horr,	Morrill,
Bretting,	Evans,	Houk,	Nutting,
Brewer, F. B.	Findlay,	Howey,	Ochiltree,
Brewer, J. H.	Finerty,	James,	O'Hara,
Browne, T. M.	Guenther,	Jeffords,	Parker,
Brumm,	Hanback,	Jones, B. W.	Payne,
Campbell, J. M.	Hancock,	Kenn,	Payson,
Cannon,	Harmer,	Keifer,	Perkins,
Cassidy,	Hart,	Kelley,	Peters,

Pettibone,
Poland,
Raney,
Reed, T. B.
Rockwell,
Russell,

Skinner, C. R.
Smith,
Spoonor,
Steele,
Stephenson,
Stewart, J. W.

Stone,
Strait,
Taylor, J. D.
Thomas,
Valentine,
Wait,
Washburn,

Weaver,
White, J. D.
White, M. O.
Whiting,
Wilson, James
Wise, J. S.
York.

NAYS—151.

Alexander,
Bagley,
Ballentine,
Barbour,
Barksdale,
Beach,
Belmont,
Bennett,
Blount,
Boyle,
Bratton,
Breckinridge,
Buchanan,
Buckner,
Burnes,
Cabell,
Caldwell,
Campbell, Felix
Campbell, J. E.
Carleton,
Clay,
Clements,
Collins,
Connolly,
Converse,
Cook,
Covington,
Cox, S. S.
Cox, W. R.
Crisp,
Culbertson, D. B.
Davidson,
Davis, L. H.
Deuster,
Dibrell,
Dockery,

Dorsheimer,
Dowd,
Dunn,
Eaton,
Eldredge,
Elliott,
English,
Ermentrout,
Everhart,
Ferrell,
Fiedler,
Follett,
Formey,
Fyan,
Garrison,
Geddes,
Glascock,
Graves,
Green,
Greenleaf,
Haisell,
Hammond,
Hardeman,
Hardy,
Hatch, W. H.
Herbert,
Hewitt, G. W.
Hill,
Hoblitzell,
Holman,
Hopkins,
Houseman,
Hunt,
Hard,
Hutchins,
Jones, J. H.
Jordan,
King,

Kleiner,
Lanham,
Le Fevre,
Lewis,
Lovering,
Lowry,
McAdoo,
McMillin,
Maybury,
Miller, J. F.
Mills,
Mitchell,
Muldrow,
Murphy,
Mutchler,
Nece,
Nicholls,
Oates,
O'Ferrall,
O'Neill, Charles
O'Neill, J. J.
Paige,
Pattou,
Peel,
Phelps,
Pierce,
Potter,
Pryor,
Randall,
Reagan,
Reid, J. W.
Reese,
Robertson,
Rogers, J. H.
Rogers, W. F.
Seney,
Seymour,
Shively,

Singleton,
Skinner, T. G.
Slocum,
Spriggs,
Springer,
Stevens,
Stewart, Charles
Stocksager,
Storm,
Sumner, D. H.
Swope,
Talbot,
Taylor, J. M.
Tillman,
Thompson,
Tully,
Turner, H. G.
Turner, Oscar
Van Alstyne,
Vance,
Van Eaton,
Wallace,
Ward,
Warner, A. J.
Warner, Richard
Wellborn,
Wilkins,
Willis,
Wilson, W. L.
Winans, E. E.
Winans, John
Wise, G. D.
Wolford,
Wood,
Woodward,
Worthington,
Yaple.

NOT VOTING—73.

Atkinson,
Belford,
Bingham,
Blackburn,
Blanchard,
Bland,
Bowen,
Broadhead,
Brown, W. W.
Budd,
Burleigh,
Chalmers,
Clardy,
Cobb,
Dargan,
Dibble,
Dingley,
Ellis,
Foran,

Funston,
George,
Gibson,
Goff,
Hemphill,
Henley,
Hepburn,
Hooper,
Johnson,
Jones, J. K.
Jones, J. T.
Kellogg,
Ketcham,
Lamb,
Lore,
McComas,
Matson,
Miller, S. H.
Milliken,

Money,
Morgan,
Morrison,
Morse,
Moulton,
Muller,
Murray,
Nelson,
Post,
Price,
Pusey,
Rankin,
Ray, G. W.
Ray, Ossian
Rice,
Riggs,
Robinson, J. S.
Robinson, W. E.
Rosecrans,

Ryan,
Shaw,
Smith, H. Y.
Snyder,
Struble,
Sumner, C. A.
Taylor, E. B.
Throckmorton,
Townshend,
Tucker,
Wadsworth,
Wakefield,
Weller,
Wemple,
Williams,
Young.

So the amendment was non-concurred in.

On motion of Mr. RANDALL the reading of the names was dispensed with.

The following additional pairs were announced from the Clerk's desk:

Mr. JONES, of Arkansas, with Mr. HOOPER, for the remainder of the day.

Mr. RIGGS with Mr. JOHNSON, on this vote.

Mr. DIBBLE with Mr. MILLER, of Pennsylvania, on this vote.

Mr. SNYDER with Mr. GOFF, on this vote.

Mr. BUDD with Mr. GEORGE, on this vote.

Mr. CLARDY with Mr. BELFORD, on this vote.

Mr. FORAN with Mr. CHALMERS, on this vote.

Mr. BLACKBURN with Mr. BINGHAM, on this vote.

The result of the vote was then announced as above stated.

Mr. RANDALL moved to reconsider the vote by which the amendment was non-concurred in; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Amendment numbered 23 was read, as follows:

Strike out the word "thirty" and insert the word "twenty;" so that, if amended, the proviso will read:

"That no part of said sum shall be applied to the repair of engines and machinery of wooden ships where the estimated cost of such repair shall exceed 20 per cent. of the estimated cost." &c.

Mr. RANDALL. The committee recommend concurrence, but there has been an indicative vote of the House this morning in the other direction.

Mr. KEIFER. There is no objection to taking the judgment of the House.

Mr. RANDALL. In obedience to the instructions of the committee I make the motion that the House concur, but I express an individual hope that the House will vote that down.

Mr. LONG. I suggest that that amendment and the next one be taken together.

Mr. KEIFER. Make the motion to non-concur in the twenty-third and twenty-fourth amendments.

Mr. RANDALL. That would be in harmony with the action of the House this morning.

The SPEAKER. If there be no objection, the House will non-concur in these two amendments.

There was no objection; so the amendments were non-concurred in. Amendment numbered 25 was read, as follows:

Strike out "warves" and insert "wharves."

The amendment was concurred in.

Amendment numbered 26 was read, as follows:

Strike out "car-tickets, \$200."

The amendment was concurred in.

Mr. KEIFER. Mr. Speaker, I wish to make a suggestion. I think the Committee on Appropriations were unanimous in agreeing that the remainder of the amendments of the Senate should be non-concurred in. I do not mean that all the members of the committee were in favor of non-concurrence in each of these amendments, but they were agreed that that was the best policy.

Mr. RANDALL. In accordance with the suggestion of the gentleman from Ohio [Mr. KEIFER], for which I am indebted to him, I move that the House non-concur in the remaining amendments of the Senate.

The SPEAKER. If there be no objection, the remainder of the Senate amendments to this bill will be non-concurred in.

Mr. COX, of New York, and Mr. TALBOTT. There is objection.

The SPEAKER. Objection is made.

Mr. TALBOTT. I make no objection except as to amendment 28.

Mr. RANDALL. The Committee on Appropriations, as stated by the gentleman from Ohio [Mr. KEIFER], reached a unanimous conclusion as to the remainder of the Senate amendments to this bill, that they should be non-concurred in. The subjects all relate to each other; the amendments are interwoven, as it were, one with another, and the committee have also, in some degree, discussed the position to be taken by the conferees. I hope the suggestion of the gentleman from Ohio [Mr. KEIFER] will be assented to.

Mr. KEIFER. I want it understood that we do not necessarily disagree with the substance of all these amendments, but we do agree that it is a wise policy to go into conference upon them.

Mr. RANDALL. We all agree as to the increase of the navy, and as to the propriety of making the Secretary of the Navy and the heads of bureaus the responsible parties in the construction of these vessels.

The SPEAKER. If there be no objection—

Mr. COX, of New York. Objection has been made.

The SPEAKER. The Chair understood that objection was made only to non-concurrence in the twenty-eighth amendment.

Mr. COX, of New York. I understood the gentleman from Pennsylvania [Mr. RANDALL] to say that he proposed to non-concur in all the rest of the Senate amendments.

Mr. RANDALL. Yes.

Mr. COX, of New York. Now I should think that gentlemen on both sides might be willing to take the sentiment of the House in relation to these things. Let them make the motion to non-concur and let the House act upon it.

Mr. RANDALL. We do move to non-concur.

Mr. COX, of New York. The amendments are quite different in character. Here is a motion to strike out what the House has already inserted and insert something else.

Mr. RANDALL. That is the Senate amendment, and we propose to non-concur.

Mr. COX, of New York. Then, further along, in another amendment, come the monitors. Now, some gentlemen here do not want to vote for the monitors.

Mr. RANDALL. Well, you are not voting for them by non-concurrence.

Mr. COX, of New York. I know I am not, but I may want to vote for some of these other propositions.

Mr. RANDALL. Well, if you want to you can vote for the cruisers.

The SPEAKER. The amendments must be acted upon separately unless unanimous consent is given to act upon them all together. Objection is made, and the Clerk will read the next amendment.

Amendment numbered 27 was read, as follows:

Strike out the words "To complete the construction of the steel cruiser of not less than 5,000 nor more than 6,000 tons displacement, and the armament therefor, authorized by act of Congress August 5, 1882, \$1,780,000, or so much thereof as may be necessary: *Provided*, The Secretary of the Navy shall approve of the construction of said vessel."

Mr. RANDALL. I move the previous question on the motion to non-concur in that amendment.

The amendment was non-concurred in.

Amendment numbered 28 was read, as follows:

Insert:

"To enable the President to strengthen the naval establishment of the United States by additional vessels of the best and most modern design, having the highest attainable speed, the sum of \$1,895,000 is hereby appropriated, to be expended as follows and under the following limitations:

"For the construction of two cruisers of not less than 3,000 nor more than 5,000 tons displacement, costing, exclusive of armament, not more than \$1,100,000 each;

one heavily armed gunboat of about 1,600 tons displacement, costing, exclusive of armament, not more than \$520,000; and one light gunboat of about 800 tons displacement, costing, exclusive of armament, not more than \$275,000; and authority is hereby given for the construction of said four vessels, at not exceeding the total cost for each above specified, in accordance with such final plan as may be determined upon, after a revision and reconsideration of all designs which have been heretofore made, and in the manner and conformity to the conditions and limitations provided for the construction of the new cruisers in the acts of August 5, 1882, and of March 3, 1883."

Mr. RANDALL. Under instruction of the Committee on Appropriations—I believe without dissent—I move non-concurrence.

Mr. TALBOTT. I move to concur with an amendment to insert the word "steel" between "two" and "cruisers;" so as to read "two steel cruisers."

Mr. RANDALL. I ask the previous question on my motion and on the amendment.

Mr. COX, of New York. Mr. Speaker, with the permission of my friend from Pennsylvania [Mr. RANDALL], I desire to state that the Committee on Naval Affairs, of which I am chairman, favor, I believe almost unanimously, some attempt of this kind to increase our navy. We are not wedded to wooden vessels, although I voted for one of them. We are perfectly content with the increase of steel cruisers of the description embraced in this amendment of the Senate. I should think, as I have already said, that my friend from Pennsylvania and the gentleman who may be on the conference committee would be glad to have an expression of the opinion of the House upon this matter.

Mr. RANDALL. Both sides of the House, as represented upon the Committee on Appropriations, favor an increase of the navy, and have joined in recommending non-concurrence, with a view to reaching a conclusion which will give us an increase of the navy.

Mr. COX, of New York. Is not the gentleman from Pennsylvania opposed to this 20 per cent. amendment?

Mr. RANDALL. I am not opposed to the object of the Senate amendment—the increase of the navy, but I think that the Committee on Appropriations, after a full discussion of this subject, will indicate a way in which it can be better and more expeditiously done and place the responsibility for the construction of the ships upon the Secretary of the Navy and the heads of the respective bureaus.

Mr. COX, of New York. That is not included in this amendment.

Mr. RANDALL. Well, we are going to try to reach it by non-concurrence.

Mr. COX, of New York. By a conference?

Mr. RANDALL. Yes, sir. I think I have stated fairly the position of gentlemen on both sides of the House.

Mr. KEIFER. As I have already stated, while we favor non-concurrence, we are in favor of this proposition to construct new cruisers.

Mr. RANDALL. I think I have stated the position of the other side of the House on this question as fairly and fully as that of gentlemen on this side.

Mr. TALBOTT. Mr. Speaker, have I any time for debate at all on this question?

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] moves to close debate.

Mr. RANDALL. I want to test the wish of the House as to ordering the previous question.

Mr. TALBOTT. I think we may reach an agreement here among ourselves in the House without losing time by a vote.

The SPEAKER. The question is upon the motion of the gentleman from Pennsylvania to close debate.

The motion was agreed to.

Mr. RANDALL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. COX, of New York. After the statement made by the distinguished chairman of the Committee on Appropriations, I trust that my friend from Maryland [Mr. TALBOTT] will withdraw his amendment and let the conference committee do all they can to initiate this movement.

Mr. RANDALL. That is what we are all striving for on both sides of the House.

Mr. TALBOTT. Well, Mr. Speaker, I desire to say one word. The Committee on Naval Affairs, who ought properly to have charge of such matters, believe that this is good legislation contained in this amendment.

Mr. RANDALL. Very well; the recommendation of the Committee on Naval Affairs shall have full consideration in the conference.

The SPEAKER. The first question is upon the amendment of the gentleman from Maryland.

Mr. TALBOTT. I withdraw it.

Mr. RANDALL. As I understand, objection will now be withdrawn to the proposition of the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. I renew my proposition to non-concur in all the remaining amendments.

The SPEAKER. That can be done only by unanimous consent.

Mr. RANDALL. There is no objection now.

The SPEAKER. If there be no objection, the remaining amendments of the Senate will be considered as non-concurred in. The Chair hears no objection, and it is so ordered.

Mr. RANDALL. I now move to reconsider the action of the House on these various amendments, and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BELFORD. I rise to a question of order. The disorder is so great that gentlemen in this part of the Hall have been unable to hear a single remark of the gentleman from Pennsylvania or other gentlemen touching these appropriations.

The SPEAKER. The Chair thinks the point of order well taken. The Chair has endeavored by all the means in his power to preserve order. There is so much conversation on the floor and in the rear of the seats that it is impossible to transact the public business. The Sergeant-at-Arms will request gentlemen to take their seats and cease conversation.

ORDER OF BUSINESS.

Mr. BENNETT. I rise to a question of privilege, and call up the contested-election case of Frederick vs. Wilson, from the State of Iowa.

Mr. MILLS. I hope the gentleman from North Carolina will yield a moment to allow me to offer a resolution.

The SPEAKER. The gentleman from North Carolina [Mr. BENNETT] calls up for consideration the contested-election case of Frederick vs. Wilson.

Mr. VALENTINE. On that I raise the question of consideration.

Mr. MILLS. I ask the gentleman to allow me a moment to introduce a resolution which will cause no debate.

Mr. TURNER, of Kentucky. I call for the regular order.

The SPEAKER. The gentleman from Kentucky on the right demands the regular order.

PRIVILEGES OF REPRESENTATIVES IN INAUGURATION CEREMONIES.

Mr. MILLS. I move to suspend the rules and pass this resolution—

Mr. SPRINGER. I believe there is no objection to this matter of the gentleman from Texas.

The SPEAKER. There is objection.

Mr. SPRINGER. It relates to the inauguration ceremonies.

The SPEAKER. The resolution of the gentleman from Texas will be read, after which the Chair will ask for objection.

The Clerk read as follows:

Resolved by the House of Representatives, That the committee appointed to arrange the inaugural ceremonies for the 4th instant having declined to give to the Representatives in Congress their proper place, we will decline to take any part in said ceremonies at the Capitol.

Mr. MILLS. I move to suspend the rules and pass this resolution.

The SPEAKER. Is there objection to the consideration of this resolution?

Mr. KEIFER. Let it be read again.

The SPEAKER. The resolution will be read again, and the Chair asks gentlemen to preserve order.

The resolution was again read.

The SPEAKER. Is there objection to the consideration of this resolution?

Mr. HAMMOND. I object.

Mr. MILLS. I move to suspend the rules and pass this resolution. It is a resolution which reflects the wishes of a large number of gentlemen on this floor.

Mr. RANDALL (to Mr. MILLS). Call the previous question.

Mr. MILLS. I move to suspend the rules. No previous question is necessary. The resolution affects the dignity of the House.

The SPEAKER. The gentleman from Texas moved that the rules be suspended. That can only be done by consent of the gentleman from North Carolina [Mr. BENNETT] who holds the floor to call up an election case.

Mr. MILLS. I ask the gentleman from North Carolina to yield to me, as this question which I present affects the dignity of the House of Representatives.

Mr. SPRINGER. I do not see the necessity of taking up the time of the House in a matter of this character.

The SPEAKER. The Chair has already stated that the motion to suspend the rules can not be submitted without the consent of the gentleman from North Carolina, who has the floor on a contested-election case.

Mr. MILLS. I appeal to the gentleman from North Carolina to yield to me the floor.

Mr. BENNETT. I will yield the floor to the gentleman from Texas.

Mr. MILLS. I will demand the previous question.

The SPEAKER. Then the gentleman from Texas moves to suspend the rules and adopt the resolution.

Mr. WILLIS. I understand the gentleman from Texas moves the adoption of the resolution, and on that motion demands the previous question.

The SPEAKER. Objection has been made to the introduction of the resolution, and the gentleman from Texas has moved to suspend the rules and adopt it.

Mr. HAMMOND. I demand a second under the rule.

The SPEAKER. The Chair will appoint as tellers the gentleman

from Georgia, Mr. HAMMOND, and the gentleman from Texas, Mr. MILLS.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (S. 84) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof; when the Speaker signed the same.

PRIVILEGE OF THE HOUSE—INAUGURAL CEREMONIES.

The House divided; and the tellers reported—ayes 133, noes 8.

So the motion to suspend the rules was seconded.

The SPEAKER. Under the rule of the House thirty minutes are allowed for debate, fifteen minutes on each side.

Mr. MILLS. I demand the previous question on the adoption of the resolution. We do not want debate. It affects the dignity of this House.

The SPEAKER. Then if no debate is desired the question will be on the motion to suspend the rules and adopt the resolution.

Mr. HAMMOND. What becomes of the fifteen minutes of debate on either side?

The SPEAKER. The Chair announced there were thirty minutes allowed for debate, fifteen minutes in support of the motion and fifteen minutes against it. It was then stated on the floor that no debate was asked by the gentleman from Texas. Does the gentleman from Georgia desire to debate it? [Cries of "Vote!" "Vote!"]

Mr. HAMMOND. I ask to debate it.

The SPEAKER. Then the gentleman is entitled, under the rules of the House, to fifteen minutes, and will proceed.

Mr. HAMMOND. Mr. Speaker, I regret very much that I am so hoarse that it will be very difficult for me to be heard. But I feel that we are about to do, under passion, a very unseemly thing. On the 4th of March a President of the United States is to be inaugurated. It is usual that the House of Representatives shall be present with the Senators and other public officials to witness that great event. And now we are about to pass, without debate, and as I understand it, in childish pique, a resolution that we will decline to be present on that important occasion because it is charged that somebody has offered us a slight. I deny it. The Senate had no such intention. If this House believes it had, there is a dignified way of asserting and maintaining the dignity of this body. I say that a resolution that declares that, because we sit behind the other gentlemen in the Senate Chamber, therefore we will not sit there at all, is puerile. I had the pleasure of a like seat when Garfield was inaugurated. The House sat there and no man dreamed that he was insulted by his location.

Whence comes this sudden notion of insult to the House. Why is it wrong that the members of the House of Representatives should sit in the rear? There will be the Supreme Court and the diplomatic corps and the Senate and all the rest in the Senate Chamber. Some must sit behind. I maintain that true dignity consists in taking the seat that is offered; for they are all equally honorable and of equal importance. It is childish to quarrel about location in that small assembly hall.

I speak earnestly because I feel earnestly. Instead of maintaining its dignity at this moment the House is in danger of losing its dignity. If there has been any slight, it has been entirely unintentional. The Senate never intended to insult us or in any way to inflict upon us a slight of any sort.

Will any gentleman tell me wherein this inauguration differs from any other? Will any gentleman tell me it is any more dishonorable on the 4th of March to sit behind them than it was to sit behind them when we attended the Washington Monument ceremonies?

Mr. BELFORD. If the gentleman will allow me I will tell him.

Mr. HAMMOND. I yield for five minutes to the gentleman from Tennessee.

Mr. BELFORD. You ask questions and then you decline to have them answered.

Mr. YOUNG. I shall hardly require that much time, Mr. Speaker, to enter my earnest protest against this hasty and inconsiderate action. It seems to me that we owe it to ourselves and we owe it to the occasion to conduct ourselves with somewhat more of dignity.

Mr. VALENTINE. I ask the House be called to order and that members be requested to take their seats. It is impossible to hear what is going on.

The SPEAKER. Members can hear much better in their seats than when crowded in the area in front of the reporters' desk.

Mr. YOUNG. It may be true, Mr. Speaker, that the Senate has not been quite so considerate in this matter as it ought to have been. It may be they have shown some discourtesy to the House. Admitting all that to be true, does it furnish any justification to the House to show equal if not greater discourtesy to the President of the United States by refusing to be present when he is inaugurated? Perhaps it would have been better, and I think myself it would have been, if the Senate had conferred with the House before arranging this programme for the inauguration. Possibly it was an oversight. I can not think

any discourtesy or indignity was intended on the part of the Senate toward the House of Representatives. Whether that is so or not, we owe it to ourselves, it seems to me, to take the usual part the House of Representatives has always taken on occasions of this sort.

It would present a most unseemly spectacle to the country if one branch of the legislative department of this Government, and the largest branch, too, should absent itself altogether, and under a resolution favorably adopted, when the President recently elected by the people is about to be inaugurated. I hope, sir, the House will calmly and dispassionately consider this matter before they adopt the resolution offered by the gentleman from Texas. I have nothing more to say.

Mr. HAMMOND. How much time have I remaining?

The SPEAKER. The gentleman has eight minutes.

Mr. HAMMOND. I yield two minutes to the gentleman from North Carolina [Mr. Cox].

Mr. COX, of North Carolina. Mr. Speaker, this is an unusual resolution which is proposed at this time for our adoption in connection with the inauguration ceremonies about to take place. If I am correctly informed, the method now proposed by the committee on arrangements is the method that has been uniformly followed in similar ceremonies heretofore, and if I am mistaken in that respect I shall be glad to stand corrected by any gentleman on the floor.

I am perfectly satisfied that no discourtesy is intended to the House on the part of the Senate, and that the gentlemen who made the arrangements, providing the order of proceeding on that day, intended no discourtesy. We are acting to-day in the eyes of this country and of the world; and what a spectacle would we present, not only to our own people but to foreign nations, if one body of the great national Legislature of America should stand upon a mere matter of courtesy or form, and absent itself from this great inaugural ceremony to which the people of the whole country are invited? It seems to me, therefore, before any action is taken such as this resolution contemplates, that it would be at least courtesy to the Senate to signify our disapproval in another manner. I think myself we are making a great deal about a matter which does not justify any such course; and before this body commits itself to the action suggested by this resolution I trust it will deliberate upon the question, and deliberate gravely and dispassionately and not hastily and inconsiderately.

This is too grave a question to be disposed of in this hasty manner; and I trust we will consider the spectacle presented, as I have said, to our own people as well as to the civilized world—that the more numerous branch of the national Legislature by resolution propose to absent themselves altogether, taking no part in the inauguration ceremonies of the President because of an imaginary slight or discourtesy. It will not add to the dignity of this House to adopt such a resolution. It is our right as the Representatives of the people who send us here to be present, and they expect us to be present, and in my judgment nothing but a very grave and momentous occasion should prevent our attendance.

[Here the hammer fell.]

Mr. HAMMOND. I yield two minutes to the gentleman from Delaware [Mr. LORE].

Mr. LORE. Mr. Speaker, my first impression was in favor of adopting the resolution which has been read, but a moment's reflection convinces me that it is unwise. If the Senate or the committee on arrangements had deliberately intended this as a discourtesy, or as a slight upon us, then, sir, I feel it would be unworthy of this House to notice it. If on the contrary it did not so intend it, and I am persuaded and advised that such is the fact, it is equally beneath the dignity of this House to give it further consideration. My own judgment is clear that it would be but child's play for the House of Representatives of the United States to take such notice of the action of this committee, whether it is intentional or unintentional, as would place us in an unfavorable and ridiculous attitude before the country.

[Here the hammer fell.]

Mr. HAMMOND. I now yield one minute to the gentleman from Pennsylvania [Mr. KELLEY].

Mr. KELLEY. Mr. Speaker, I think one minute will suffice for me to say that this programme is no departure from precedents. It can have nothing offensive as a purpose. It will be the sixth inaugural ceremony that I have attended consecutively; and I have never seen one in which, under a programme identical with the one now submitted, the members of the House could all or any great part of the House get into the Hall of the Senate. I think it would be better if the Senate and the House should take the rear and leave the distinguished guests to the body of the Hall; but such has not been the case, and precedents are all in harmony with the programme now submitted to the House. I think it would dishonor this House in refusing to attend the ceremonies upon such an apparent slight.

[Here the hammer fell.]

Mr. HAMMOND. I think the House has now had time to think, and if so, I know it is ready to vote. I have no intention myself of allowing a Republican Senate, if it wishes to keep me away from seeing Grover Cleveland inaugurated, to perform that act. It is the first chance I have ever had to see a Democrat inaugurated, and I intend to see it. [Applause.] I do not intend that any supposed insult upon the dig-

nity of this body shall keep me from my proper place as one of the Representatives of the people to witness the inauguration of that man in whose hands they have committed administration for the next four years. [Applause.] And I trust that when the House comes to vote it will change its front as solidly as under quick excitement it voted the other way ten minutes ago.

Mr. MILLS. I yield five minutes to my colleague from Texas [Mr. REAGAN].

Mr. HAMMOND. I submit after the gentleman from Texas [Mr. MILLS] had stated there would be no debate in favor of the proposition that there can be none.

Mr. MILLS. That proposition is absolutely ridiculous.

The SPEAKER. The Chair of course can not prevent under the rules of the House fifteen minutes being occupied in support of the proposition.

Mr. HAMMOND. I am glad, then, the gentleman thinks it will take fifteen minutes to make the House do wrong.

Mr. MILLS. I hope the gentleman will sit down and contain himself for the balance of the day. I yield five minutes to my colleague [Mr. REAGAN].

Mr. REAGAN. The President of the United States is to be inaugurated and the two Houses of Congress are to adopt the usual courtesies and regulations for the witnessing of that inauguration. The two Houses make up the Congress of the United States. It is not composed of a Senate alone. Each House is entitled to be respected and to have its voice in making the appropriate arrangements and to occupy its proper position in the ceremonies connected with the inauguration. The Representatives of the American people should not permit the Senatorial branch to take absolute, unqualified control of the inauguration of the President, ignoring the people's Representatives, and after they have accommodated themselves on the right of the President who is to be inaugurated, and placed diplomats, judges, heads of Departments, bureau officers, military officers, and everybody else in the second place of honor, condescending to place the three hundred and twenty-five Representatives of the American people in the last place of honor instead of consulting them and permitting them to occupy the place that common right and common decency and courtesy demand for them.

Mr. GLASCOCK. Will the gentleman from Texas allow me to ask him a question?

Mr. REAGAN. I have not time; but I will hear the gentleman's question.

Mr. GLASCOCK. I want to ask the gentleman this question: At the time the ceremonies will take place what Congress will be in existence?

Mr. REAGAN. Until 12 o'clock of that day this House is in existence, and a number of Senators will have no longer tenure than the whole of the House; and it is the Congress of the United States that ought to make arrangements for the inauguration of the President according to custom and precedent. It is not for a single body of this Congress to dictate to the other co-ordinate branch of Congress and to assign it a subordinate and inferior position. If that is done it can not be otherwise than an intentional and deliberate discourtesy on the part of the Senate. I feel that the Representatives of the people will degrade and dishonor themselves if they do not resent that discourtesy; and that we could not answer to our constituents any more than we could answer to future Houses of Representatives if we permit this degradation.

I regret, Mr. Speaker, that any such question should have arisen. But common courtesy and the rules of propriety demanded that there should have been a joint committee of the two Houses of Congress to have made these regulations, and not that one House should set itself above everything else. I ask by what authority, by what law, by what custom does it assume this new prerogative of absolutely controlling the inauguration of the President?

They go further, and provide that if it is an inclement day the President shall be inaugurated in the Senate Chamber instead of in the Representatives' Hall, before the Representatives of the people, and where a larger number of the people of the country at large can be witnesses of that ceremony. It seems to be a close corporation, arranging everything to suit itself and manifesting deliberate discourtesy to the House, a discourtesy which if not resented ought to degrade and dishonor the men who submit to it.

Mr. MILLS. I yield five minutes to the gentleman from Virginia [Mr. JOHN S. WISE].

Mr. JOHN S. WISE. I rise in support of this motion because I look upon this as simply one of the many slight outcroppings of a growing evidence of an assumed superiority supposed to exist in the Senate of the United States. I believe that the theory of this Government is that it consists of three departments—legislative, executive, and judicial. I see in the programme which is announced here an arrangement whereby the executive department is represented, where the judicial department follows, where the Senate assumes to represent the legislative department of this Government, and allows us, the poor House of Representatives, to follow along as the little dog under the wagon of the entertainment. [Laughter.]

Now, sir, I am not willing to accept that back seat and be quiet. I

do not approach this subject from any personal standpoint, because my own time here is too short to fight for any particular precedence. But I do feel that it involves a question of representative dignity in the House of Representatives that we have no right to ignore or to pass over.

This is not an isolated example of the assumed superiority of the Senate of the United States, a superiority which they are inclined to make grow and grow, which exhibits itself in the little social courtesies of the Capitol, which year by year expands so that we, the Representatives of the people, coming directly from the people, and having more right to represent the people than its intermediaries, come to ask ourselves, "On what rich meat have these our Cæsars fed?"

I say I would like to know by what process of reasoning not only Senators but Senators-elect are given five tickets apiece to this entertainment when Representatives have two, and Representatives-elect, who were elected at the same time that Grover Cleveland was made President of the United States, are ordered to stand out in the cold while the Senate takes the first place. I had rather be a doorkeeper in the House of Representatives than a prince in such a palace of Senators. I care not what may be the result of this resolution, but I am glad of an opportunity here and now to enter an emphatic protest on behalf of the Representatives of the people against these gradual encroachments of this would-be aristocratic body, the Senate of the United States.

It is our right to be there as a co-ordinate body. It is our right to be there as their equals in all respects. I believe that the principle announced by this resolution is right, and that if we can not be there as co-ordinates and equals, the most proper thing for us is not to go at all.

Mr. O'NEILL, of Missouri. Go as individuals.

Mr. JOHN S. WISE. Yes; go as individuals. I, too, like the gentleman from Georgia [Mr. HAMMOND], desire to see this inauguration. He wants to see it because it is the first inauguration of a Democratic President he has seen for a long time. I want to see it because I think it entirely likely that this is the last one I shall have an opportunity of seeing for a long time. [Laughter.]

Mr. HENLEY. I am sorry to hear that the gentleman is not coming to Washington again.

Mr. YOUNG. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. YOUNG. I desire to be informed if it is in order at this time to offer a substitute for the pending resolution.

The SPEAKER. Of course not. This is a proposition to suspend the rules.

Mr. MILLS. Is my time exhausted, Mr. Speaker?

The SPEAKER. The gentleman from Texas [Mr. MILLS] has six minutes of his time remaining.

Mr. MILLS. Mr. Speaker, in the outset of the remarks which I shall submit for the consideration of the House, I feel that I ought to make a very low bow to the gentleman from Georgia [Mr. HAMMOND] for the magisterial manner in which he came down and paraded himself in the arena and lectured this great body, the Representatives of fifty millions, ay, sixty millions of people, for their puerility and childishness in proposing to maintain the dignity and the equal rank of the Representatives of the people in the great and solemn transaction of the inauguration of a republican-democratic President of the United States. I use those terms in their large sense, not in their partisan sense.

I use the expression by way of contrast with the idea of a "scepter," which the gentleman from Georgia [Mr. HAMMOND] spoke of a while ago. Sir, it has always been an object of the chiefest concern among the people of England to maintain the dignity of the House of Commons, which they in their affection have characterized as "the breath of the English people." They have never been willing to accept any affront either from kings or lords, and they have maintained that great representative body in all its power and prestige by resisting every attempt to humble it or to make it inferior, either in the law-making power of Great Britain or in anything else pertaining to its character and history. The gentleman from Pennsylvania [Mr. KELLEY] stated a moment ago that all the precedents were in accord with the idea of the House of Representatives marching at the rear as is proposed in this instance. I have been able to find but one such precedent, and that was in 1877 when the Senate took one side and the House of Representatives the other.

We are told, sir, and it is an old story which we all understand, that the Senate and the House of Representatives are co-ordinate branches of the legislative department of this Government, equal in dignity, equal in authority, equal in importance; but now apologists rise upon this floor and tell us that we ought not to offend against propriety by taking this proposed action when we are assigned to a place in the rear, while the Senate and the heads of Departments and the diplomatic corps are given a superior position. I agree with the gentleman from Georgia [Mr. HAMMOND] and other gentlemen here, that we are going to see the inauguration of the President, but we are not going at the tail end of the procession with the boot-blacks; we are not going there as Representatives of the people to take a place in the rear.

Let us go there, but let us occupy the exalted position that all the American people occupy. Let us take our places with our constituents and look on with them at the inauguration of our President. [Ap-

plause.] He is our President; he is the President of all parties; he is the President of the people of the United States. He takes the oath of office, not in the Senate, not in the House of Representatives, but before the eyes of the assembled multitude of his fellow-citizens, and there we as individuals, as his fellow-citizens, will go to see him inaugurated as our Chief Magistrate. But, sir, we owe it to the dignity of this House, we owe it to the people whom we represent, not to accept for this great representative body the inferior station which the Senate has assigned to us, and I trust that we will so declare by this vote to-day.

Mr. HUTCHINS. While agreeing with much that has been said on both sides of the House, I move to lay the resolution on the table.

Mr. MILLS. That can not be done.

Mr. HAMMOND. Mr. Speaker, I believe I have a minute and a half remaining.

The SPEAKER. That is the fact.

Mr. HAMMOND. I yield that time to my colleague [Mr. BLOUNT].

Mr. MILLS. How much time have I?

The SPEAKER. One minute.

Mr. BLOUNT. Mr. Speaker, like my colleague from Georgia [Mr. HAMMOND] I am apprehensive that in this matter we are acting under the impulse of temper and under a misunderstanding of the facts. The venerable gentleman from Pennsylvania [Mr. KELLEY] rises in his place and tells this House that he has witnessed the inauguration of six Presidents of the United States, and that the position assigned to the members of the House of Representatives under this programme is in accord with what he has witnessed on those several occasions.

Mr. REAGAN. Will the gentleman allow me—

Mr. BLOUNT. I will not allow the gentleman to interrupt me. I trust that I may use this minute and a half as I see fit.

Mr. REAGAN. The gentleman ought not to flinch at a fact.

Mr. BLOUNT. I do not "flinch at a fact." The gentleman from Texas has misstated the facts.

Mr. REAGAN. I have not.

Mr. BLOUNT. I will refer to the printed order of arrangements, which every gentleman has at his desk. It distinctly states in the first place that the diplomatic corps "will occupy seats on the right of the Chair," that is, of the President of the Senate; and then after giving the position of ex-Presidents, ex-Vice-Presidents, and Justices of the Supreme Court on the right of the Chair, and heads of executive departments, the retired General of the Army, &c., on the left of the Chair, governors and ex-governors of States, commissioners of the District of Columbia, &c., east of the main entrance, the programme states that "members and members-elect of the House of Representatives will occupy seats on the right of the Chair, next to the diplomatic corps."

This is the arrangement in the Senate Chamber; and the gentleman from Pennsylvania tells us that it has been uniformly the arrangement heretofore. I trust, sir, that as the people of this country, and especially the democratic people of this country, are gathering here to witness this inauguration, we shall not do what my friend and colleague has characterized as a puerile thing.

[Here the hammer fell.]

Mr. MILLS. The gentleman from Georgia [Mr. BLOUNT] refers to the arrangement in the Senate Chamber. When the Senate gets into its position, and when the invited guests who come in before the House of Representatives all get their places, the members of this House can stand in the corridors, as they have done heretofore. I was speaking of the position on the platform; and in relation to this I will read from the order of arrangements that the gentleman may understand it:

The Senators take their position on the right. Why? Because it is the first post of honor. Why, then, should not the House of Representatives take the place immediately on the left? But that is given to the diplomatic corps.

The diplomatic corps will occupy the seats on the left of the President. Heads of Departments, the retired General of the Army, the Lieutenant-General of the Army, the Admiral of the Navy, and the officers of the Army and Navy who, by name, have received the thanks of Congress, governors and ex-governors of States, and ex-members of the Senate, will take seats west of the President.

The Members and Member-elect of the House will occupy seats reserved for them in the rear of the above.

That is the position of the House of Representatives; and it means to place the military in advance of the civil branch of this Government, which has never been done before.

[Here the hammer fell.]

Mr. FINDLAY. I call for the yeas and nays.

The SPEAKER. The question is upon the motion made by the gentleman from Texas to suspend the rules and pass the resolution, on which the yeas and nays are demanded.

Mr. McMILLIN. I rise to a parliamentary inquiry. Would not a substitute be in order by unanimous consent?

The SPEAKER. Anything can be done by unanimous consent.

Mr. FINDLAY. I object. Let us have the yeas and nays. I hope we shall vote down this frivolous and foolish resolution.

The yeas and nays were ordered.

Mr. EATON. Mr. Speaker, I rise to make an inquiry. I am aware that this resolution is not amendable; but I desire to appeal to the good sense of the members all over the House—

Mr. BLOUNT. Debate is not in order.

Mr. EATON. Can we not lay this motion on the table and let a committee be appointed by the Chair to confer with the Senate on this subject?

The SPEAKER. That can only be done by unanimous consent.

Mr. EATON. I hope there will be unanimous consent.

Many MEMBERS. Regular order.

The SPEAKER. Objection is made.

Mr. YOUNG. I ask unanimous consent that the resolution be again read. [Cries of "Regular order!"]

The SPEAKER. The regular order is demanded on all sides of the House; but if there be no objection the resolution will be again read; and the Chair asks gentlemen to stop conversation while this is being done.

The Clerk again read the resolution.

The SPEAKER. On the motion to suspend the rules and adopt this resolution the yeas and nays have been ordered. The Clerk will call the roll.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, one of his secretaries, announced that he had approved and signed bills of the following titles:

An act (H. R. 732) granting a pension to William Weddingfield;
 An act (H. R. 256) granting a pension to Mary A. Land;
 An act (H. R. 891) granting a pension to Reuben J. Ebberman;
 An act (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia;
 An act (H. R. 1759) granting a pension to Robert Patterson;
 An act (H. R. 2063) granting a pension to James H. Reid;
 An act (H. R. 1046) granting a pension to Mary A. Griffin;
 An act (H. R. 2294) granting a pension to Elizabeth Fowler;
 An act (H. R. 2537) granting a pension to Hugh Ryan;
 An act (H. R. 2539) granting a pension to George W. Kiser;
 An act (H. R. 2894) granting a pension to Henry Rodenback;
 An act (H. R. 3605) granting a pension to Eliza Sluse;
 An act (H. R. 3728) granting a pension to Charles P. Mahan;
 An act (H. R. 3749) granting a pension to William Bolwork;
 An act (H. R. 4833) granting a pension to Louisa Earle;
 An act (H. R. 5069) granting a pension to Mrs. Mary J. Stotts;
 An act (H. R. 5124) granting a pension to Samuel Z. Cooper;
 An act (H. R. 5555) granting a pension to James Frazier;
 An act (H. R. 6235) granting a pension to Eliza J. Norris;
 An act (H. R. 6044) granting a pension to Eliza Pigeon;
 An act (H. R. 6310) granting a pension to Benjamin P. Lowell;
 An act (H. R. 7094) granting a pension to Samuel M. Bartlett;
 An act (H. R. 7175) granting a pension to James O. McKenna;
 An act (H. R. 7256) granting a pension to John A. Vanderhoff;
 An act (H. R. 7336) granting a pension to T. A. Morton;
 An act (H. R. 7338) granting a pension to Chloe A. Whipple;
 An act (H. R. 7709) granting a pension to Louisa A. Ester;
 An act (H. R. 7722) granting a pension to Almira K. Parker;
 An act (H. R. 7731) granting a pension to Lois B. Smith;
 An act (H. R. 7822) granting a pension to Spencer Van Loan;
 An act (H. R. 4079) granting a pension to James D. Kirk;
 An act (H. R. 7724) granting a pension to Lydia Wetherbee;
 An act (H. R. 7952) granting a pension to Julia Hartley;
 An act (H. R. 7773) granting a pension to William E. Ayers;
 An act (H. R. 8133) granting a pension to Thomas McGill;
 An act (H. R. 8038) granting a pension to Harriet A. B. Cortis;
 An act (H. R. 6205) granting a pension to Catharine S. Edmondson;
 An act (H. R. 4189) granting a pension to Caroline Van Norton;
 An act (H. R. 4098) granting a pension to William Gibbons;
 An act (H. R. 3901) granting a pension to Mrs. Olive W. Parker;
 An act (H. R. 3701) granting a pension to James Bradford;
 An act (H. R. 3681) granting a pension to William L. Sloan;
 An act (H. R. 2325) granting a pension to Helen M. Harrison;
 An act (H. R. 2282) granting a pension to Adolph Weach;
 An act (H. R. 2138) granting a pension to Martha Angell;
 An act (H. R. 1984) granting a pension to Robert M. McKirley;
 An act (H. R. 1502) granting a pension to William Robinson;
 An act (H. R. 5813) granting a pension to Rachel Smith;
 An act (H. R. 5082) granting a pension to Jane Hilton;
 An act (H. R. 4837) granting a pension to Charles H. Phillips;
 An act (H. R. 4548) granting a pension to Cordelia Gale;
 An act (H. R. 4266) granting a pension to Margaret A. Ringwalt;
 An act (H. R. 6826) granting a pension to Rebecca Kupp;
 An act (H. R. 6835) granting a pension to Bernard Donohue;
 An act (H. R. 6853) granting a pension to Mary C. Axline;
 An act (H. R. 6196) granting a pension to R. D. Lawrence;
 An act (H. R. 5508) granting a pension to Isaac P. H. Caldwell;
 An act (H. R. 5207) granting a pension to Adalbert Stickney;
 An act (H. R. 7315) granting a pension to Frederick P. Dearth;
 An act (H. R. 7313) granting a pension to Charles W. Baldwin;
 An act (H. R. 6965) granting a pension to David T. Dudley;
 An act (H. R. 6966) granting a pension to Wealthy H. Seavey;
 An act (H. R. 7571) granting a pension to Cornelia V. Blackburn;

An act (H. R. 7673) granting a pension to Adeline E. Chadbourne;
 An act (H. R. 7386) granting a pension to Eliza M. Byers;
 An act (H. R. 7302) granting a pension to Elizabeth Smith;
 An act (H. R. 3402) for the relief of Jacob J. Morningstar;
 An act (H. R. 7092) for the relief of Anthony Beyer;
 An act (H. R. 5989) for the relief of Elizabeth A. Springstead;
 An act (H. R. 5929) for the relief of Abigail Honey;
 An act (H. R. 7308) for the relief of David Fried;
 An act (H. R. 7524) for the relief of Lavisa Heth;
 An act (H. R. 5762) for the relief of Ann Lamphrey;
 An act (H. R. 4061) for the relief of William C. H. Bowman;
 An act (H. R. 3000) for the relief of William R. Miller;
 An act (H. R. 8033) granting an increase of pension to George W. Clark;

An act (H. R. 8104) granting an increase of pension to George S. Hawley;

An act (H. R. 7732) granting an increase of pension to Edward P. Quinn;

An act (H. R. 7672) granting an increase of pension to Elbert Hewitt;
 An act (H. R. 2136) granting an increase of pension to Merlin C. Harris;

An act (H. R. 7602) to grant a pension to Harriet M. Baily;
 An act (H. R. 6018) increasing the pension of George Tapp;
 An act (H. R. 7561) to allow a pension to George F. West;
 An act (H. R. 4317) increasing the pension of Julia A. Chambers;
 An act (H. R. 7262) increasing the pension of Elmina P. Spencer;
 An act (H. R. 5969) increasing the pension of Frederic S. Rich;
 An act (H. R. 3352) to restore the name of Warren Sams to the pension-roll;

An act (H. R. 7500) to restore the name of Lewis J. Blair to the pension-roll;

An act (H. R. 1164) to restore to the pension-roll the name of Elenor Stough;

An act (H. R. 6663) restoring to the pension-roll the name of Caroline Lewis;

An act (H. R. 7707) to pension Holden Cook;

An act (H. R. 1711) granting a pension to Frederick Nelson, T. Caine, and Henry C. Sanders;

An act (H. R. 2670) granting a pension to Sarah A. Scott, widow of John D. Scott, deceased, late first lieutenant of Company H, First Regiment Pennsylvania Volunteer Cavalry;

An act (H. R. 3074) to grant a pension to Jasper J. Henry on account of wounds received while acting as guide for the First Arkansas Cavalry Volunteers in the war of the rebellion;

An act (H. R. 8273) authorizing the printing of 2,500 extra copies of the annual report of the health officer of the District of Columbia;
 Joint resolution (H. Res. 335) to print 2,000 additional copies of Lieut. P. H. Ray's report of the international polar expedition to Point Barrow, Alaska;

An act (H. R. 2799) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn.;

An act (H. R. 3933) to declare a forfeiture of lands granted to the Texas Pacific Railroad Company, and for other purposes;

An act (H. R. 4247) granting a pension to Anna Maria Ressler;

An act (H. R. 2344) for the relief of Melissa G. Polar;

An act (H. R. 6287) for the relief of John H. Johnson;

An act (H. R. 7373) for the relief of Sarah A. Burchfield;

An act (H. R. 3336) for the relief of Sherman C. Perry;

An act (H. R. 3355) for the relief of Mary Mulholland;

An act (H. R. 7002) for the relief of Harriet L. Stevens;

An act (H. R. 5123) granting a pension to Frederick Braunwald;

An act (H. R. 5925) granting a pension to Margaret A. Berry;

An act (H. R. 5374) granting a pension to Phillip Wiggins;

An act (H. R. 6596) granting a pension to John Hazlewood;

An act (H. R. 6928) granting a pension to Leonard King;

An act (H. R. 2627) granting a pension to Noah Caton;

An act (H. R. 7696) granting a pension to Thomas D. Fitch;

An act (H. R. 4263) granting a pension to Elizabeth Hood;

An act (H. R. 7869) granting a pension to Emeline L. Fitch;

An act (H. R. 2540) granting a pension to Priscilla J. Small;

An act (H. R. 2538) granting a pension to Christiana Almier;

An act (H. R. 3994) granting a pension to William Strickland;

An act (H. R. 3751) granting a pension to Francis Curran;

An act (H. R. 6948) granting a pension to George W. Eagles;

An act (H. R. 7026) granting a pension to Jeremiah P. Swatzell;

An act (H. R. 1219) granting a pension to Charles Hendrix;

An act (H. R. 1653) granting a pension to John R. Hurlburt;

An act (H. R. 1898) granting a pension to Harriet Armstrong;

An act (H. R. 6798) to grant a pension to Lloyd W. Hixon;

An act (H. R. 7769) to grant a pension to Joseph R. Dadds;

An act (H. R. 2398) granting an increase of pension to Mrs. Ann W. Mulvey; and

An act (H. R. 7292) to increase the pension of Jacob Wiener.

PRIVILEGES OF THE HOUSE—INAUGURAL CEREMONIES.

The SPEAKER. The question is on the motion of the gentleman

from Texas to suspend the rules and adopt the resolution of the gentleman from Texas [Mr. MILLS].

The question was taken; and it was decided in the negative—yeas 55, nays 185, not voting 84; as follows:

YEAS—55.

Aiken,	Culbertson, W. W.	Hatch, W. H.	Pryor,
Anderson,	Curtin,	Henderson, D. B.	Randall,
Barksdale,	Davis, G. R.	Henley,	Reagan,
Belford,	Deuser,	McAdoo,	Shively,
Bisbee,	Dorshimer,	McMillin,	Smalls,
Bland,	Dunham,	Miller, J. F.	Stewart, Charles
Breckinridge,	Dunn,	Mills,	Tillman,
Brumm,	Eldredge,	Nelson,	Weaver,
Caldwell,	Ellwood,	Nichols,	Weller,
Campbell, Felix	Follett,	Ochiltree,	Willis,
Cobb,	Fyan,	O'Ferrall,	Wise, J. S.
Collins,	Green,	O'Hara,	Worthington,
Cook,	Hancock,	Payson,	Yaple.
Craig,	Hardy,	Pettibone,	

NAYS—185.

Adams, G. E.	Ferrell,	Le Fevre,	Skinner, T. G.
Adams, J. J.	Findlay,	Long,	Stoecum,
Alexander,	Finerty,	Lore,	Smith, A. Herr
Atkinson,	Foran,	Lovering,	Smith, H. Y.
Bagley,	Forney,	Lowry,	Spooner,
Ballentine,	Funston,	Lyman,	Springer,
Barbour,	Garrison,	McComas,	Springer,
Barr,	Geddes,	McCormick,	Stephenson,
Beach,	Glascock,	Matson,	Stevens,
Belmont,	Goff,	Maybury,	Stewart, J. W.
Bennett,	Graves,	Mitchell,	Stockslager,
Bingham,	Greenleaf,	Money,	Storm,
Blount,	Guenther,	Morgan,	Sumner, C. A.
Boettelle,	Halsell,	Morrill,	Sumner, D. H.
Boyle,	Hammond,	Moulton,	Swope,
Bratton,	Hardeman,	Muldrow,	Talbot,
Brewer, F. B.	Harnner,	Muller,	Taylor, J. D.
Brewer, J. H.	Hart,	Murphy,	Taylor, J. M.
Broadhead,	Hatch, H. H.	Neece,	Thomas,
Browne, T. M.	Hemphill,	Nutting,	Thompson,
Buchanan,	Herbert,	Oates,	Townshend,
Buckner,	Hewitt, A. S.	O'Neill, J. J.	Tucker,
Burleigh,	Hewitt, G. W.	Paige,	Turner, H. G.
Cabell,	Hill,	Parker,	Turner, Oscar
Campbell, J. E.	Hitt,	Payne,	Valentine,
Campbell, J. M.	Hoblitzell,	Peel,	Van Alstyne,
Candler,	Holman,	Perkins,	Vance,
Carleton,	Holmes,	Peters,	Van Eaton,
Cassidy,	Hopkins,	Phelps,	Wadsworth,
Clay,	Horr,	Pierce,	Wait,
Clements,	Houseman,	Poland,	Wallace,
Converse,	Howey,	Post,	Ward,
Covington,	Hurd,	Pusey,	Warner, Richard
Cox, W. E.	Hutchins,	Ray, Ossian	Wemple,
Crisp,	James,	Reed, T. B.	Whiting,
Davidson,	Jeffords,	Reid, J. W.	Wilkins,
Dibble,	Johnson,	Reese,	Wilson, W. L.
Dibrell,	Jones, R. W.	Robertson,	Winans, E. B.
Dingley,	Jones, J. H.	Rockwell,	Winans, John
Dixon,	Jordan,	Rogers, W. F.	Wolford,
Dockery,	Kean,	Rowell,	Wood,
Dowd,	Kelley,	Russell,	Woodward,
Elliott,	Ketcham,	Ryan,	York,
English,	Lacey,	Seney,	Young.
Ermentrout,	Lamo,	Seymour,	
Evans,	Lanham,	Skinner, C. R.	
Everhart,	Lawrence,		

NOT VOTING—84.

Arnot,	Davis, R. T.	Laird,	Rogers, J. H.
Bayne,	Eaton,	Lewis,	Rosecrans,
Blackburn,	Ellis,	Libbey,	Shaw,
Blanchard,	Fiedler,	McCold,	Singleton,
Bowen,	George,	Millard,	Snyder,
Brainerd,	Gibson,	Miller, S. H.	Steele,
Breitung,	Hanback,	Milliken,	Stone,
Brown, W. W.	Haynes,	Morrison,	Strait,
Budd,	Henderson, T. J.	Morse,	Struble,
Burnes,	Hepburn,	Murray,	Taylor, E. B.
Cannon,	Hiscock,	Mitchler,	Throckmorton,
Chalmers,	Holton,	O'Neill, Charles	Tully,
Clardy,	Hooper,	Potter,	Wakfield,
Connolly,	Houck,	Prior,	Warner, A. J.
Cosgrove,	Hunt,	Rankin,	Washburn,
Cox, S. S.	Jones, J. K.	Ranney,	Wellborn,
Culbertson, D. B.	Jones, J. T.	Ray, G. W.	White, J. D.
Cutcheon,	Kellogg,	Rice,	White, Milo
Dargan,	King,	Riggs,	Williams,
Davis, L. H.	Kleiner,	Robinson, J. S.	Wilson, James
		Robinson, W. H.	Wise, G. D.

So (two-thirds not voting in favor thereof) the rules were not suspended.

Mr. STORM. I ask unanimous consent to dispense with the reading of the names.

Mr. PETERS. I object.

The Clerk then recapitulated the names of those voting.

The following additional pair was announced:

Mr. KLEINER with Mr. CUTCHEON, for the rest of the day.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate requested the House to return the bill (H. R. 5800) for the relief of Sarah B. Jackson.

Also, that the Senate insisted upon its amendments, disagreed to by the House of Representatives, to the bill (H. R. 8239) making appropriation for the naval service for the fiscal year ending June 30, 1896, and

for other purposes, and asked a further conference with the House on the disagreeing votes thereon; and had appointed Mr. HALE, Mr. PLUMB, and Mr. BECK as managers at said conference on the part of the Senate.

NAVAL APPROPRIATION BILL.

Mr. RANDALL. I move that the House accede to the request of the Senate for a further conference on the naval appropriation bill.

The motion was agreed to.

The SPEAKER announced as the managers on the part of the House at said conference Mr. HUTCHINS, Mr. RANDALL, and Mr. LONG.

RETURN OF A BILL TO THE SENATE.

The SPEAKER. If there be no objection, in pursuance of the request of the Senate, the bill (H. R. 5800) for the relief of Sarah B. Jackson will be returned to the Senate.

There was no objection, and it was ordered accordingly.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from North Carolina calls up the contested-election case of Frederick against Wilson, from the fifth district of Iowa; against which the gentleman from Nebraska [Mr. VALENTINE] raises the question of consideration.

SALE OF SAC AND FOX RESERVATION.

Mr. PERKINS. Pending that, Mr. Speaker, I rise to submit a conference report.

The SPEAKER. That is privileged, and the gentleman will send it to the desk.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6558) to provide for the sale of the Sac and Fox Indian reservation in the States of Nebraska and Kansas, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate insist on and adhere to all its amendments made to the said bill.

That the House recede from its disagreement to the amendments of the Senate, and agree to the same.

OLIN WELLBORN,
T. G. SKINNER,
B. W. PERKINS,
Managers on the part of the House.
H. L. DAWES,
BENJ. HARRISON,
RICHARD COKE,
Managers on the part of the Senate.

The statement accompanying the report is as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6558) "to provide for the sale of the Sac and Fox Indian reservation in the States of Nebraska and Kansas, and for other purposes," submit the following in explanation of the action of the conference committee as submitted in the accompanying report:

The amendments made by the Senate do not change any of the provisions of the bill (H. R. 6558) except to reduce the amount authorized to be expended by the Secretary of the Interior from thirty thousand to ten thousand dollars, and extends the provisions of the bill to the Iowa tribe of Indians and reservation, which has already been recommended by the Committee on Indian Affairs and the Commissioner of Indian Affairs. These Indians live together and ask for this legislation.

OLIN WELLBORN,
B. W. PERKINS,
T. G. SKINNER,
Managers on the part of the House.

Mr. PERKINS. I move that the House concur in the report of the committee of conference.

The motion was agreed to.

Mr. PERKINS moved to reconsider the vote by which the report was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter matter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The question is, Will the House now proceed to the consideration of the contested-election case of Frederick vs. Wilson, from the State of Iowa?

Mr. VALENTINE. I would like to ask unanimous consent to see if it is not possible that an arrangement can be made for taking up these election cases without any delay, and considering them in the regular order in which they were reported. In the first place I wish to state that there is no disposition on the part of the minority of the Elections Committee to stand out or make any fight against the consideration of the cases in their order. There are four cases reported from the Elections Committee. Some have been here for ten months and some not more than ten days. We are ready to proceed with the consideration of these cases in the order in which they were reported by the committee to the House, provided that fair consideration and fair debate be given to them, and that we proceed at once in that manner. If the chairman of the committee then will inform the minority of the committee that he will call up the cases in their order as they are now before the House, there will be no objection on this side.

Mr. TOWNSHEND. I desire to say that it is my intention to call up for consideration the report on the Post-Office bill.

Mr. HERR. Why don't you call it up now?

Mr. TOWNSHEND. I am not prepared to call it up just now, but

give notice that even if this election case is gone into I shall call it up as soon as it is ready.

The SPEAKER. The notice is unnecessary, since the conference report is a privileged matter and can be called up at any time.

Mr. BENNETT. In answer to the question put by the gentleman from Nebraska [Mr. VALENTINE] I wish to say—

Mr. TOWNSHEND. Let me give notice to the House—

Mr. BENNETT. I can not yield now.

Mr. TOWNSHEND. I do not propose to interfere with you, but wish to make a suggestion—

The SPEAKER. The gentleman from North Carolina is recognized on a subject before the House.

Mr. TOWNSHEND. Allow me a single word. I will not interfere with the gentleman's motion.

Mr. BENNETT. Not a word now.

The SPEAKER. The gentleman declines to be interrupted.

Mr. WASHBURN. Regular order.

The SPEAKER. The gentleman from Minnesota demands the regular order, which is equivalent to an objection.

The question is, Will the House now proceed to the consideration of the election case?

The question was taken; and on a division there were—ayes 106, noes 0.

Mr. VALENTINE. No quorum.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. VALENTINE and Mr. BENNETT were appointed tellers.

The House again divided; and the tellers reported—ayes 134, noes 0.

Mr. VALENTINE. No quorum.

Mr. SPRINGER. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. ADAMS, of New York, addressed the Chair. [Cries of "Regular order!"]

Mr. ADAMS, of New York. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ADAMS, of New York. I desire to know if it will be in order after this contested-election case is over to bring up for consideration and disposal the bankruptcy bill.

The SPEAKER. That can only be done by unanimous consent or by a motion to suspend the rules; and that is not in order when any other matter of higher privilege is before the House.

Mr. BENNETT. If in order, I would like to answer the question put by the gentleman from Nebraska [Mr. VALENTINE].

The SPEAKER. That may be done by unanimous consent.

Mr. ADAMS, of New York. I object.

The question was taken; and there were—yeas 164, nays 4, not voting 156; as follows:

YEAS—164.

Alexander,	Dorshelmer,	Le Fevre,	Skinner, T. G.
Bagley,	Dowd,	Lovering,	Slocum,
Ballentine,	Dunn,	Lowry,	Snyder,
Barbour,	Eaton,	McAdoo,	Spriggs,
Barksdale,	Elliot,	McMillin,	Springer,
Beach,	English,	Miller, J. F.	Stewart, Charles
Belmont,	Ermentrout,	Mills,	Stocksager,
Bennett,	Finerty,	Mitchell,	Storm,
Blackburn,	Follett,	Money,	Sumner, C. A.
Blair,	Foran,	Morgan,	Sumner, D. H.
Blount,	Forney,	Monahan,	Swope,
Boyle,	Fryan,	Muldrow,	Talbot,
Bratton,	Garrison,	Muller,	Taylor, J. M.
Brookbridge,	Geddes,	Murphy,	Thompson,
Broadhead,	Glascock,	Mutcher,	Tillman,
Buchanan,	Green,	Neece,	Townshend,
Buckner,	Greeneleaf,	Nicholls,	Tucker,
Budd,	Haisell,	Oates,	Tully,
Cabell,	Hammond,	O'Ferrall,	Turner, H. G.
Caldwell,	Hancock,	O'Neill, J. J.	Turner, Oscar
Campbell, Felix	Hardeman,	Paige,	Van Aistyne,
Campbell, J. E.	Hardy,	Pattin,	Vance,
Candler,	Hatch, W. H.	Peel,	Van Eaton,
Cassidy,	Hemphill,	Pierce,	Wallace,
Clay,	Hewitt, A. S.	Post,	Ward,
Clements,	Hewitt, G. W.	Poiter,	Warner, Richard
Cobb,	Hill,	Pryor,	Wellborn,
Connelly,	Hoblitzell,	Pusey,	Weller,
Converse,	Holman,	Randall,	Wemple,
Cook,	Hopkins,	Reagan,	Wilkins,
Congrove,	Houseman,	Reid, J. W.	Willis,
Covington,	Hunt,	Reese,	Wilson, W. L.
Cox, W. R.	Hutchins,	Riggs,	Winans, E. B.
Crisp,	Jones, B. W.	Robertson,	Winans, John
Culbertson, D. B.	Jones, J. H.	Robinson, W. E.	Wise, G. D.
Curtin,	Jordan,	Rogers, J. H.	Wolford,
Davidson,	King,	Rogers, W. P.	Wood,
Davis, L. H.	Lamb,	Saney,	Woodward,
Deuster,	Lanham,	Seymour,	Worthington,
Dibble,		Shively,	Yale,
Dowell,		Singleton,	Young.

NAYS—4.

Adams, J. J.	Brewer, F. H.	Everhart,	Morse.
Adams, G. E.	Atkinson,	Bingham,	Bowen,
Aiken,	Barr,	Bisbee,	Brainger,
Anderson,	Bayne,	Blanchard,	Bratton,
Arnot,	Belford,	Boutelle,	Brewer, J. H.

NOT VOTING—156.

Brown, W. W.	Hanback,	Lore,	Rosecrans,
Browne, T. M.	Harmer,	Lyman,	Rowell,
Brumm,	Hart,	McCoid,	Russell,
Burleigh,	Hatch, H. H.	McComas,	Ryan,
Burnes,	Haynes,	McCormick,	Shaw,
Campbell, J. M.	Henderson, D. B.	Mason,	Skinner, C. R.
Cannon,	Henderson, T. J.	Maybury,	Smalls,
Carleton,	Hepburn,	Millard,	Smith, A. Herr
Chalmers,	Herbert,	Miller, S. H.	Smith, H. Y.
Clardy,	Hiscock,	Milliken,	Spooner,
Collins,	Hitt,	Morrill,	Steele,
Cox, S. S.	Holmes,	Morrison,	Stephenson,
Craig,	Holton,	Murray,	Stevens,
Culbertson, W. W.	Hooper,	Nelson,	Stewart, J. W.
Cullen,	Horr,	Notting,	Stone,
Cutcheon,	Houk,	Ochiltree,	Strait,
Dargan,	Howey,	O'Hara,	Struble,
Davis, G. R.	Hurd,	O'Neill, Charles	Taylor, E. B.
Davis, R. T.	James,	Parker,	Taylor, J. D.
Dingley,	Jeffords,	Payne,	Thomas,
Dixon,	Johnson,	Payson,	Throckmorton,
Dockery,	Jones, J. K.	Perkins,	Valentine,
Dunham,	Jones, J. T.	Peters,	Wadsworth,
Eldredge,	Kean,	Pettibone,	Wait,
Ellwood,	Kelley,	Phelps,	Wakefield,
Evans,	Kellogg,	Poland,	Warner, A. J.
Ferrell,	Ketcham,	Price,	Washburn,
Fiedler,	Kelner,	Rankin,	Weaver,
Findlay,	Lacey,	Ranney,	White, J. D.
Funston,	Laird,	Ray, G. W.	White, Milo
George,	Lawrence,	Ray, Oasian	Whiting,
Gibson,	Lewis,	Reed, T. B.	Williams,
Goff,	Llbbey,	Rice,	Wilson, James
Graves,	Long,	Robinson, J. S.	Wise, J. S.
Guenther,		Rockwell,	York.

So the House agreed to consider the contested-election case of Fredrick vs. Wilson.

Mr. HENLEY. I ask unanimous consent to dispense with the reading of the names of members voting.

Mr. ANDERSON. I object.

The following additional pairs were announced:

Mr. GIBSON with Mr. MCCORMICK, for the rest of the day.

Mr. AIKEN with Mr. KELLEY, for the rest of the day.

Mr. DOCKERY with Mr. EZRA B. TAYLOR, on the Frederick-Wilson election case.

Mr. MUTCHLER with Mr. BRUMM, on the Frederick-Wilson election case.

Mr. MILLER, of Pennsylvania, with Mr. DAVIS, of Missouri, on the Frederick-Wilson election case.

Mr. MUTCHLER. I am paired with the gentleman from Pennsylvania, Mr. BRUMM, but have voted as I understand Mr. BRUMM is present.

Mr. BLANCHARD. I voted to make a quorum although paired. Understanding that more than a quorum has voted, I withdraw my vote.

The result of the vote was then announced as above stated.

Mr. ADAMS, of New York. I move that the House do now adjourn.

Mr. ANDERSON. I move to adjourn.

The SPEAKER. The gentleman from North Carolina [Mr. BENNETT] has the floor.

Mr. REED, of Maine. The gentleman from New York [Mr. ADAMS] stood ready to move as soon as the vote should be announced that the House do now adjourn, and made that motion.

The SPEAKER. But the gentleman from North Carolina having the election case in charge, which the House has just agreed to consider, addressed the Chair and was recognized.

Mr. REED, of Maine. A motion to adjourn after a vote of that kind is always in order.

The SPEAKER. The Chair did not hear the gentleman from New York make the motion before the gentleman from North Carolina was recognized. The gentleman from North Carolina, in fact, addressed the Chair before the result was announced.

Mr. REED, of Maine. The gentleman from New York stood there in front of the Chair and sought recognition.

The SPEAKER. But the gentleman from North Carolina was on the floor and addressed the Chair.

Mr. REED, of Maine. After such a vote as has just been taken a motion to adjourn is always in order when a gentleman takes the floor and makes that motion immediately on the announcement of the vote.

The SPEAKER. If the gentleman from New York states that he made the motion before the Chair recognized the gentleman from North Carolina, the Chair, as he always does, will accept the gentleman's statement.

Mr. ADAMS, of New York. I do not make that statement.

Mr. REED, of Maine. The gentleman from Kansas, Mr. ANDERSON, also made the motion.

Mr. ANDERSON. I made that motion.

The SPEAKER. The gentleman from Maine now claims that another gentleman made the motion to adjourn.

Mr. REED, of Maine. I do. The gentleman from Kansas moved to adjourn.

The SPEAKER. The Chair did not hear either of the gentlemen make the motion to adjourn till after the gentleman from North Carolina had been recognized. But if the gentleman from Kansas states

he made the motion to adjourn before the gentleman from North Carolina took the floor and was recognized, the Chair will entertain his motion.

Mr. ANDERSON. I can not state that. I made the motion as quickly as I could; but in the confusion I can not say whether I made it before the gentleman from North Carolina was recognized or not. Gentlemen standing around me say I did.

The SPEAKER. There is so much confusion on the floor that it is impossible to transact business. If gentlemen will resume their seats the Chair will endeavor to see that the public business is transacted in an orderly manner. The House will be in order.

The Chair will state that the gentleman from North Carolina [Mr. BENNETT] rose in his place and addressed the Chair before the result was announced, but the Chair did not then recognize the gentleman. Immediately upon the announcement of the result the gentleman from North Carolina again addressed the Chair, and the Chair recognized him, not having heard any motion made before that time.

Mr. VALENTINE. Mr. Speaker, I desire to say that I heard the gentleman from Kansas [Mr. ANDERSON] make his motion to adjourn before the gentleman from North Carolina was recognized.

The SPEAKER. But the gentleman from Kansas himself declines to state that he made that motion before the gentleman from North Carolina was recognized.

Mr. ANDERSON. Mr. Speaker, all that I desire to state is this: I did make the motion as promptly as I could make it, but in the confusion I could not hear whether the gentleman from North Carolina was recognized at that time or not.

The SPEAKER. The Chair so understands the gentleman from Kansas [Mr. ANDERSON].

Mr. ANDERSON. Gentlemen standing around me say my motion was in time.

The SPEAKER. But other gentlemen say it was not, and the Chair, having recognized the gentleman from North Carolina [Mr. BENNETT], can not decide that question.

Mr. REED, of Maine. Mr. Speaker, I desire to make a statement.

The SPEAKER. The gentleman from Maine is recognized to make a statement.

Mr. REED, of Maine. I presume that the rule of parliamentary law is very plain and simple. It is not a race on the part of the Speaker or on the part of a member as to recognition. It is not for the Speaker to turn toward a member and recognize him and thereby prevent a motion to adjourn. I am sure that would not be the view of the present occupant of the chair. The motion to adjourn is a privileged motion which takes precedence of recognition, and if a gentleman was standing on the floor and making every effort to be recognized to make that motion, and the Chair turned to another gentleman and recognized him, and then the gentleman who was first trying to get recognition for the purpose of making a motion to adjourn should make that motion, the Chair would be bound to recognize him and to put the motion.

The SPEAKER. The Chair, of course, would not endeavor to give one gentleman an advantage over another on the floor. When the Chair announced the result he had already turned toward the gentleman from North Carolina [Mr. BENNETT], because that gentleman was in charge of this matter and had addressed the Chair. The Chair thereupon recognized him. Afterward it was claimed that the gentleman from Kansas [Mr. ANDERSON] had made a motion to adjourn before the recognition of the gentleman from North Carolina [Mr. BENNETT].

Mr. REED, of Maine. But if another gentleman had previously moved to adjourn before the gentleman from North Carolina— [Cries of "Regular order!"]

The SPEAKER. The Chair thinks the gentleman from North Carolina [Mr. BENNETT], under the statements made by the two gentlemen who claim to have made motions, is entitled to the floor. [Renewed cries of "Regular order!"]

CONTESTED ELECTION—FREDERICK VS. WILSON.

Mr. BENNETT. Mr. Speaker, the returning board of the State of Iowa—

Mr. RANNEY. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. RANNEY. The resolution in this case has not been read.

A MEMBER. Are we not entitled to have the report read?

Mr. TOWNSHEND. Mr. Speaker, the gentleman from North Carolina [Mr. BENNETT] has the floor, and desires to be heard.

The SPEAKER. The Chair is aware that the gentleman from North Carolina has the floor.

Mr. RANNEY. Mr. Speaker, I raise the point of order that the resolution has not been read.

The SPEAKER. The resolution was read on Saturday.

Mr. RANNEY. The report of the minority was read, but not the report of the majority.

The SPEAKER. Both the resolution reported by the minority and the one reported by the majority were read on Saturday.

Mr. REED. But that is not to-day. We voted not to consider the case then.

The SPEAKER. The Chair is not aware of any rule which would

authorize gentlemen to demand the reading of the resolution in the time of a gentleman already on the floor, but of course every gentleman has a right to have the resolution read before it is voted upon.

Mr. VALENTINE. Mr. Speaker, I submit that the Chair had no right to recognize a gentleman to debate the resolution until it had been read or stated to the House.

The SPEAKER. The Chair will examine the rule. [After a pause.] The Clerk will read the rule.

The Chief Clerk read as follows:

RULE XVI.

2. When a motion has been made the Speaker shall state it, or, if it be in writing, cause it to be read aloud by the Clerk, before being debated, and it shall then be in possession of the House, but may be withdrawn at any time before a decision or amendment.

The SPEAKER. The Chair thinks that if this rule is insisted upon the resolution must be read or stated before it can be debated.

Mr. VALENTINE. Now, Mr. Speaker, I insist that the resolution be read, and that opportunity be given to all members alike for recognition to debate it.

The SPEAKER. The Clerk will read the resolution.

The Clerk read as follows:

Resolved, That James Wilson—

Mr. HISCOCK. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HISCOCK. Is it in order to move that the House now adjourn?

The SPEAKER. The Chair thinks not while the Clerk is reading the resolution.

Mr. HISCOCK. I move that the House do now adjourn.

The SPEAKER. The gentleman from Nebraska [Mr. VALENTINE] has asked for the reading of the resolution.

Mr. HISCOCK. Yes; but we are transacting business, and any business can be interrupted by a motion to adjourn.

The SPEAKER. The Chair thinks not. The Chair thinks the gentleman can not stop the reading of a paper which has been demanded as a matter of right. The Clerk will read.

The Clerk continued and concluded the reading of the resolution, as follows:

Resolved, That James Wilson was not elected as a Representative in Congress from the fifth district of Iowa, and is not entitled to a seat on the floor of this House.

Mr. HISCOCK and Mr. ANDERSON. I move that the House do now adjourn.

The SPEAKER. The gentleman from New York [Mr. HISCOCK] moves that the House do now adjourn.

Mr. ANDERSON. Pending that, I move that the House take a recess until 7 o'clock this evening.

Mr. HISCOCK. Pending that, I move that when the House adjourn it adjourns to meet to-morrow at 4 o'clock.

The SPEAKER. That would be to change the order of the House.

Mr. SPRINGER. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. SPRINGER. Mr. Speaker, I make the point of order that the gentleman from North Carolina [Mr. BENNETT] is now entitled to the floor to debate the proposition before the House. When this matter was called up it was stated that it was the contested-election case of Frederick against Wilson. The question of consideration was then raised and the question was submitted, Will the House now proceed to consider this question?—the question then stated to the House and then before the House. I see the Speaker shakes his head.

The SPEAKER. The question then before the House was merely the question of consideration.

Mr. SPRINGER. But what were we to consider? The resolution which has been read; and the House voted to consider it. If gentlemen had desired to have that resolution read, it was their province to ask it when the question of consideration was raised. The question of consideration being raised, it could only be upon the resolution and upon nothing else; and the House has decided now to proceed to the consideration of the resolution, notwithstanding gentlemen absented themselves and broke a quorum.

The gentleman from North Carolina was then recognized, and proceeded to debate—began his speech; and he is now entitled to occupy the floor for one hour on that question.

The SPEAKER. The question which was pending before the House when the resolution was read was not the question whether the report should be adopted or not; the question then was whether the House would consider it or not.

Mr. SPRINGER. But after the House determined that it would consider it then the question was upon the resolution.

The SPEAKER. But the attention of the Chair having been called since that controversy arose to the fact that the resolution had not been read, and the question had not been stated, the Chair was bound, in accordance with the rules, to hold that it was not yet before the House, and that therefore the gentleman from North Carolina could not debate it.

Mr. SPRINGER. The Chair did not get my point. The point I make is this: If gentlemen had desired the resolution read it was their

duty to call for its reading when the question was put to the House upon consideration. The question then before the House was, Will the House now consider this resolution? That question having been submitted, the House voted to consider it; and consideration means debate. The gentleman from North Carolina had the floor and began to debate the question, and he is entitled to speak an hour before he can be taken from the floor without his consent.

The SPEAKER. But the point made by gentlemen on the other side, after the gentleman from North Carolina had been recognized by the Chair, was that under the rules of the House there was then no question before the House which the gentleman from North Carolina could debate, because the resolution had not been read nor had the Chair stated the question to the House.

Mr. SPRINGER. What have we voted on then?

The SPEAKER. The Chair under the rules was obliged to sustain that point of order, and holds that at the time the gentleman from North Carolina took the floor there was in fact no question before the House.

Mr. SPRINGER. What, then, did the House vote on by yeas and nays?

The SPEAKER. That was the question whether the House would consider the matter at all.

Mr. SPRINGER. Whether it would consider this resolution; there is nothing else before it.

The SPEAKER. The Chair thinks the distinction is very plain—

Mr. WHITE, of Kentucky. I rise to a question of order.

The SPEAKER. There is a question of order pending. The Chair thinks the distinction is very plain and obvious between the question whether the House will consider the report at all and the question whether the House will adopt the report.

Mr. SPRINGER. Now I make this further point—that the gentleman from North Carolina, having this report and resolution in charge, was first entitled to recognition when the House voted to take it up.

The SPEAKER. The Chair has decided that he was entitled to the floor as soon as the question was before the House for debate, and that he could be prevented from taking the floor only by a privileged motion under the rules.

Mr. ANDERSON. I rise to a parliamentary inquiry. Pending that, is a motion to take a recess until 7 o'clock in order?

The SPEAKER. The motion to adjourn has precedence over a motion to take a recess.

Mr. ANDERSON. But still the motion to take a recess may be pending?

Mr. VALENTINE. I move that when the House adjourns to-day it be to meet on Wednesday next, at 10 o'clock.

Mr. SPRINGER. That is out of order.

The SPEAKER. That motion is not in order, because it changes a standing order of the House. The question is on the motion to adjourn.

The question being taken, there were—ayes 37, noes 78.

Mr. ANDERSON. No quorum.

The SPEAKER. A quorum is not necessary on this question.

Mr. VALENTINE and others called for the yeas and nays.

The yeas and nays were ordered, 48 voting in favor thereof.

The question was taken; and it was decided in the negative—yeas 11, nays 194, not voting 119; as follows:

YEAS—11.

Adams, J. J.	Brewer, F. B.	Culbertson, W. W.	James,
Atkinson,	Brewer, J. H.	Cullen,	Johnson.
Elingham,	Brown, T. M.	Hatch, H. H.	

NAYS—194.

Alexander,	Cook,	Graves,	Matson,
Bagley,	Cosgrove,	Green,	Maybury,
Balentine,	Covington,	Greenleaf,	Miller, J. F.
Barbour,	Cox, S. S.	Halsell,	Mills,
Bayne,	Cox, W. R.	Hammond,	Mitchell,
Beach,	Crisp,	Hardeman,	Morgan,
Belcher,	Cullerson, D. B.	Hartman,	Morse,
Belmont,	Curtin,	Hatch, W. H.	Moulton,
Bennett,	Davidson,	Hemphill,	Muller,
Blackburn,	Davis, G. R.	Henderson, T. J.	Murphy,
Blair,	Davis, L. H.	Hewitt, A. S.	Mutchler,
Blount,	Davis, R. T.	Hewitt, G. W.	Necoe,
Boyle,	Deuster,	Hill,	Oates,
Brainerd,	Dibble,	Hoblitzell,	O'Ferrall,
Bratton,	Dibrell,	Holman,	O'Hara,
Breckinridge,	Dockery,	Hopkins,	O'Neill, J. J.
Broadhead,	Dorsheimer,	Houk,	Paige,
Brown, W. W.	Dowd,	Houseman,	Patton,
Bryman,	Dunn,	Hovey,	Pierce,
Buchanan,	Eaton,	Hunt,	Peel,
Buckner,	Eldridge,	Hutchins,	Perkins,
Budd,	Elliot,	Jeffords,	Peters,
Burnes,	Ellis,	Jones, B. W.	Post,
Cabell,	English,	Jones, J. H.	Potter,
Caldwell,	Ermentrout,	Keifer,	Pryor,
Campbell, Felix	Everhart,	Ketcham,	Puney,
Campbell, J. F.	Ferrell,	King,	Randall,
Campbell, J. M.	Fiedler,	Lamb,	Reid, J. W.
Candler,	Findlay,	Lanham,	Reese,
Clardy,	Follett,	Le Fevre,	Riggs,
Clay,	Foran,	Long,	Rockwell,
Clements,	Forney,	Lore,	Rogers, J. H.
Cobb,	Funkston,	Loving,	Rogers, W. F.
Connelly,	Garrison,	Lowry,	Ryan,
Converse,	Glacock,	McMillin,	Seney,

Seymour,
Shively,
Singleton,
Skinner, T. G.
Slocum,
Smith, A. Herr
Snyder,
Spoon,
Spriggs,
Springer,
Stevens,
Stewart, Charles
Stockslager,
Stone,

Storm,
Sumner, C. A.
Sumner, D. H.
Swope,
Talbot,
Taylor, J. D.
Taylor, J. M.
Thomas,
Thompson,
Tillman,
Townsend,
Tucker,
Tully,
Turner, H. G.

Turner, Oscar
Valentine,
Van Alstyne,
Vance,
Van Eaton,
Wadsworth,
Walt,
Wallace,
Ward,
Warner, A. J.
Warner, Richard
Washburn,
Weaver,
Wellborn,

Weller,
Wemple,
Whiting,
Wilkins,
Willis,
Wilson, W. L.
Winans, John
Wolford,
Wood,
Worthington,
Yaple,
York.

NOT VOTING—119.

Adams, G. E.
Alken,
Anderson,
Arnot,
Barksdale,
Barr,
Bisbee,
Boutelle,
Bowen,
Breitung,
Burleigh,
Cannon,
Carleton,
Cassidy,
Chalmers,
Collins,
Craig,
Cutcheon,
Dargan,
Dingley,
Dixon,
Dunham,
Ellwood,
Evans,
Finerty,
Fryer,
Geddes,
George,
Gibson,

Goff,
Guenther,
Hanback,
Hancock,
Hardy,
Hart,
Haynes,
Henderson, D. B.
Henley,
Hepburn,
Herbert,
Hiscock,
Hitt,
Holmes,
Holton,
Hooper,
Horr,
Hurd,
Jones, J. K.
Jones, J. T.
Jordan,
Kean,
Kelley,
Kellogg,
Kleiner,
Lacey,
Laird,
Lawrence,
Lewis,
Libbey,

Lyman,
McAdoo,
McCoid,
McComas,
McCormick,
Millard,
Miller, S. H.
Milliken,
Money,
Morrill,
Morrison,
Muldrow,
Murray,
Nelson,
Nicholls,
Nutting,
Oebitz,
O'Neill, Charles
Parker,
Payne,
Payson,
Pettibone,
Poland,
Price,
Rankin,
Raney,
Ray, G. W.
Ray, Ossian
Reagan,

Reed, T. B.
Rice,
Robertson,
Robinson, J. S.
Robinson, W. E.
Rosecrans,
Rowell,
Russell,
Shaw,
Skinner, C. R.
Smalls,
Smith, H. Y.
Steele,
Stephenson,
Stewart, J. W.
Strait,
Struble,
Taylor, E. B.
Throckmorton,
Wakefield,
White, J. D.
White, Milo
Williams,
Wilson, James
Winans, E. B.
Wise, G. D.
Wise, J. S.
Woodward,
Young.

So the House refused to adjourn.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, requested a conference on the disagreeing votes of the two Houses on the bill (H. R. 5800) for the relief of Sarah B. Jackson, and stated that it had appointed Mr. MITCHELL, Mr. VAN WYCK, and Mr. JACKSON as conferees on its part.

IOWA ELECTION CASE.

During the roll-call the following additional pairs were announced:

For the rest of the day—

Mr. GEDDES with Mr. HOLMES.

Mr. BALLENTINE with Mr. LAIRD.

Mr. YOUNG with Mr. HOLTON.

Mr. MURRAY with Mr. STEELE.

Mr. NICHOLLS with Mr. WAKEFIELD.

Mr. GEORGE D. WISE with Mr. LIBBEY. If present, Mr. WISE would vote in the negative.

The vote was then announced as above recorded.

Mr. HEPBURN. I move that the House take a recess until 9 o'clock this evening.

Mr. ANDERSON. I move the House take a recess until 11 o'clock to-morrow.

The SPEAKER. Gentlemen will submit their motions one at a time. As the Chair understands, the gentleman from Nebraska moves the House take a recess until to-morrow at 11 o'clock.

Mr. HEPBURN. I move that the House take a recess until 9 o'clock.

Mr. VALENTINE. Mr. Speaker, I did not make a motion that the House take a recess until 11 o'clock to-morrow morning, but I will move now that the House take a recess until 10 o'clock to-night.

The SPEAKER. Several gentlemen made motions at the same time, and the Chair may have been mistaken.

Mr. MORRILL. I ask by unanimous consent to take up from the Speaker's table the message from the Senate asking for a committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 5800) for the relief of Sarah B. Jackson, and to move that the conference asked for be agreed to.

The SPEAKER. That is not in order just now. It is a privileged matter, but it does not stand on the same footing with a conference report.

Mr. SPRINGER. What is the question before the House?

The SPEAKER. The gentleman from Nebraska [Mr. VALENTINE] moves that the House take a recess until 10 o'clock this evening.

Mr. HEPBURN. And I move to amend that motion so the House shall take a recess until 9 o'clock this evening.

Mr. PETTIBONE. And I move to still further amend by making it 8 o'clock this evening.

The SPEAKER. The gentleman from Iowa moves to amend by saying 9 o'clock, and the gentleman from Tennessee moves still further to amend by inserting 8 o'clock to-night.

Mr. ANDERSON. And now I move the House adjourn.

Mr. SPRINGER. These are all dilatory motions, and I ask notice be taken of that fact. I have been informed that the contestee in this case has said time and again he would not make any objection to the consideration of this case. [Cries of "Order!" I ask [cries of "Order!"] that the assurances of the gentleman from Iowa [cries of "Order!"] that there should be no contest and no filibustering in this case— [Cries of "Order!"]

Mr. WELLER. Mr. Speaker, I move that all these motions be laid on the table.

The SPEAKER. The Chair will entertain no motion whatever until gentlemen resume their seats and order is restored.

The question is first on the motion of the gentleman from Tennessee [Mr. PETTIBONE] that the House take a recess until 8 o'clock this evening.

Mr. RANDALL. If taken at all it should be until 8.

Mr. ANDERSON. Let us have a division on that vote.

The House divided; and there were—ayes 4, noes 44.

Mr. VALENTINE. No quorum has voted.

The SPEAKER. The Chair will appoint as tellers the gentleman from Nebraska, Mr. VALENTINE, and the gentleman from Illinois, Mr. SPRINGER.

The House again divided; and the tellers reported—ayes 0, noes 103.

Mr. VALENTINE. No quorum has voted.

Mr. HEPBURN. I move that there be a call of the House.

The House divided; and there were—ayes 43, noes 54.

Mr. HEPBURN demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 50, nays 163, not voting 106; as follows:

YEAS—50.

Adams, G. E.	Dunham,	Nutting,	Spooner,
Adams, J. J.	Greenleaf,	O'Hara,	Stockslager,
Anderson,	Guenther,	Parker,	Strait,
Atkinson,	Hanback,	Payne,	Swope,
Barr,	Hatch, H. H.	Peters,	Taylor, J. D.
Bisbee,	Henderson, D. B.	Ray, G. W.	Valentine,
Collins,	Horr,	Ray, Ossian,	Washburn,
Culbertson, W. W.	James,	Rockwell,	Weaver,
Cullen,	Jeffords,	Rowell,	White, J. D.
Davis, G. R.	Lacey,	Russell,	Wilson, James
Davis, R. T.	Lobby,	Skinner, C. R.	Wise, J. S.
Dingley,	McComas,	Smalley,	
Dixon,	Millard,	Smith, H. Y.	

NAYS—163.

Alexander,	Davidson,	Jones, J. K.	Rogers, J. H.
Arnott,	Davis, L. H.	King,	Rogers, W. F.
Bagley,	Dibrell,	Lamb,	Seney,
Ballentine,	Dockery,	Lanham,	Seymour,
Barbour,	Dorheimer,	Le Ferre,	Shively,
Barndale,	Dowd,	Lewis,	Skinner, T. G.
Bayne,	Dunn,	Long,	Slocum,
Beach,	Eaton,	Lore,	Smith, A. Herr
Belford,	Eldredge,	Lovering,	Spriggs,
Belmont,	Elliott,	Lowry,	Springer,
Bennett,	Ellis,	McMillin,	Stevens,
Bland,	English,	Matson,	Stewart, Charles
Blount,	Everhart,	Maybury,	Sumner, C. A.
Boutelle,	Ferrell,	Müller, J. F.	Sumner, D. H.
Boyle,	Findlay,	Mills,	Talbot,
Brainerd,	Follett,	Money,	Taylor, J. M.
Bratton,	Foran,	Morgan,	Thomas,
Breckinridge,	Forney,	Muller,	Townsend,
Brewer, F. B.	Graves,	Murphy,	Tucker,
Brewer, J. H.	Green,	Mutchler,	Tully,
Broadhead,	Halsell,	Neece,	Turner, H. G.
Brown, T. M.	Hammond,	Oates,	Turner, Oscar
Brumm,	Hardeman,	Ochiltree,	Van Eaton,
Buchanan,	Hatch, W. H.	O'Ferrall,	Wallace,
Buckner,	Hemphill,	O'Neill, Charles	Ward,
Budd,	Henderson, T. J.	Paige,	Warner, Richard
Cabell,	Henley,	Patton,	Wellborn,
Caldwell,	Hepburn,	Peel,	Weller,
Campbell, Felix	Hewitt, A. S.	Pettibone,	Wemple,
Campbell, J. E.	Hill,	Pierce,	White, Milo
Campbell, J. M.	Hoblitzell,	Poland,	Whiting,
Candler,	Holman,	Post,	Wilkins,
Carleton,	Holmes,	Potter,	Willis,
Clay,	Hopkins,	Pryor,	Wilson, W. L.
Clements,	Houseman,	Randall,	Winans, E. B.
Cobb,	Howe,	Reagan,	Winans, John
Converse,	Hutchins,	Reed, T. B.	Wise, G. D.
Cook,	Johnson,	Reese,	Woodward,
Congrove,	Jones, B. W.	Riggs,	Worthington,
Cox, W. R.	Jones, J. H.	Robertson,	Yaple,
Crisp,		Robinson, W. E.	York,
Culbertson, D. B.			Young.

NOT VOTING—106.

Aiken,	Covington,	Fyan,	Holton,
Bingham,	Cox, S. S.	Garrison,	Hooper,
Blackburn,	Craig,	Geddes,	Houck,
Blanchard,	Curtin,	George,	Hunt,
Bowen,	Cutcheon,	Gibson,	Hurd,
Breitung,	Dargan,	Glascocock,	Jones, J. T.
Brown, W. W.	Deuster,	Goff,	Jordan,
Burleigh,	Dibble,	Hancock,	Kean,
Burnes,	Ellwood,	Harmer,	Keifer,
Cannon,	Ermentrout,	Hart,	Kelley,
Camdy,	Evans,	Haynes,	Kellogg,
Chalmers,	Fiedler,	Herbert,	Ketcham,
Clady,	Finerty,	Hiscock,	Kleiner,
Connolly,	Funston,	Hitt,	Laird,

Lawrence,	Murray,	Rosecrans,	Throckmorton,
Lyman,	Nelson,	Ryan,	Tillman,
McAdoo,	Nicholls,	Shaw,	Van Alstyne,
McCold,	Payson,	Singleton,	Vance,
McCormick,	Perkins,	Snyder,	Wadsworth,
Miller, S. H.	Phelps,	Steele,	Wait,
Milliken,	Price,	Stephenson,	Wakefield,
Mitchell,	Pusey,	Stewart, J. W.	Warner, A. J.
Morrill,	Rankin,	Stone,	Williams,
Morrison,	Ranney,	Storm,	Wolford,
Morse,	Reid, J. W.	Struble,	Wood,
Moulton,	Rice,	Taylor, E. B.	
Muldrow,	Robinson, J. S.	Thompson,	

So a call of the House was not ordered.

The following additional pairs were announced:

Mr. ERMENTROUT with Mr. HARMER, on all political questions, until further notice.

Mr. DARGAN with Mr. FINERTY, for the rest of the day.

Mr. BUCKNER with Mr. WAIT, for this day.

Mr. DIBBLE with Mr. GEORGE, for to-day.

Mr. VANCE with Mr. SMITH, of Pennsylvania, for this day.

Mr. JORDAN with Mr. DINGLEY, until 7 p. m.

Mr. WARNER, of Ohio, with Mr. HOUK, until 8 o'clock p. m.

The result of the vote was then announced as above recorded.

Mr. HEPBURN. I move to reconsider the vote by which the House refused to order a call of the House.

Mr. ANDERSON. And I move to lay that motion on the table.

The SPEAKER. The motion to reconsider will be entered.

Mr. RANDALL. I would like to make a brief statement, and with the consent of the House.

The SPEAKER. Without objection the gentleman will proceed. [Cries of "All right!"]

Mr. RANDALL. It is probable that we shall be compelled to stay late to-night, perhaps until to-morrow morning, and I think it will be for the comfort of both sides that we now take a recess until 8 o'clock, so as to allow members of the House an opportunity to get their dinner.

The SPEAKER. That is the question now pending before the House. The amendment proposed by the gentleman from Tennessee is that the House shall now take a recess until 8 o'clock.

Mr. ANDERSON. Will the Chair state the question?

The SPEAKER. The gentleman from Nebraska [Mr. VALENTINE] moved that the House take a recess until 10 o'clock to-night. The gentleman from Iowa [Mr. HEPBURN] moved to amend that motion by taking a recess until 9 o'clock; and the gentleman from Tennessee [Mr. PETTIBONE] moved to amend the amendment by making the hour 8 o'clock, which is now the pending question.

Mr. RANDALL. I suggest to the House that we adopt that with unanimity, and we can commence anew at 8 o'clock.

The SPEAKER. Does the gentleman from Iowa withdraw the motion to reconsider?

Mr. HEPBURN. I do.

Mr. ANDERSON. I withdraw the motion to lay on the table.

The SPEAKER. The question is on the amendment to the amendment proposed by the gentleman from Tennessee [Mr. PETTIBONE] that the House now take a recess until 8 o'clock.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to; and accordingly (at 5 o'clock and 23 minutes p. m.) the House took a recess until 8 o'clock.

EVENING SESSION.

The recess having expired, the House (at 8 o'clock p. m.) resumed its session.

CONTESTED ELECTION—FREDERICK VS. WILSON.

Mr. VALENTINE. I move that the House do now take a recess until 10 o'clock to-morrow morning.

Mr. HEPBURN. I move to amend by making it 9 o'clock.

The SPEAKER. The Chair will state the motion of the gentleman from Nebraska.

Mr. SPRINGER. I rise to a parliamentary inquiry.

The SPEAKER. The Chair will state the motion, after which the Chair will hear the gentleman from Illinois.

Mr. SPRINGER. I desire to know, in the first place, what is the pending question.

The SPEAKER. The pending question is on the adoption of the report of the majority of the Committee on Elections in the contested election case.

Mr. SPRINGER. Upon that I wish to be recognized.

The SPEAKER. But the gentleman from Nebraska has made a motion that the House take a recess, which is a privileged motion.

Mr. SPRINGER. I desire to ask if it is not in order to proceed to the discussion of the election case.

The SPEAKER. Not pending a motion for a recess.

The gentleman from Iowa moves to amend the motion so as to make the recess until 9 o'clock.

Mr. PETTIBONE. I move a further amendment to the amendment, that the recess be taken until 8 o'clock to-morrow morning.

Mr. ANDERSON. I move that the House adjourn.

Mr. SPRINGER. If gentlemen have got through with their motions, I would like to state that the contestee in this case agreed that there should be no filibustering in connection with it [cries of "Regular order!"], and in view of that agreement I ask that gentlemen now cease their filibustering and let us go on with the case.

Mr. ADAMS, of New York. There never was any such arrangement made.

Mr. SPRINGER. I say that an agreement was made on the part of the contestee [loud cries of "Regular order!"], and I want to inform members on that side of the House [resumed cries of "Regular order!"] that this case will be before the House, notwithstanding their efforts. [Cries of "Regular order!"]

The SPEAKER. The question is upon the amendment proposed by the gentleman from Tennessee to the amendment of the gentleman from Iowa.

Mr. HEWITT, of Alabama. I make a point of order upon that last amendment.

The SPEAKER. The gentleman will state it.

Mr. HEWITT, of Alabama. I understand that the gentleman moves that the House take a recess until 10 o'clock, another until 8, and another until 9. That is an amendment in the third degree, and if I am correct in the statement it is not in order.

The SPEAKER. The gentleman is mistaken. There was a motion to take a recess until 10 o'clock, to which an amendment was offered making it 9 o'clock, and the amendment to the amendment by the gentleman from Tennessee, which is now the pending question, until 8 o'clock. The question is on the latter motion.

The question was taken; and on a division there were—ayes 2, noes 27.

Mr. VALENTINE. No quorum.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. VALENTINE and Mr. SPRINGER were appointed tellers.

Mr. SPRINGER. I move that there be a call of the House.

The SPEAKER. The House is now taking a vote.

The House again divided; and the tellers reported—ayes 3, noes 42.

Mr. VALENTINE. No quorum.

The SPEAKER. A quorum has not voted.

Mr. VALENTINE. I move a call of the House.

The question being taken, the Speaker stated that the "noes" seemed to have it.

Mr. HEPBURN. I call for a division.

The House divided; and there were—ayes 26, noes 31.

Mr. HEPBURN. I call for tellers.

Tellers were not ordered, only 22 members voting therefor—not one-fifth of a quorum.

So the motion for a call of the House was not agreed to.

Mr. ADAMS, of New York. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. ADAMS, of New York. I have a resolution to offer which bears directly on the question before this House, namely, the contested-election case of Frederick vs. Wilson.

The SPEAKER. A quorum has not appeared and no business is in order except a call of the House or a motion to adjourn.

Mr. SPRINGER. A quorum not being present would it be in order now to proceed to discuss the question before the House?

The SPEAKER. The question before the House is on the motion for a recess and the amendments thereto.

Mr. SPRINGER. That is a mere dilatory motion which gentlemen are urging for revolutionary purposes. [Cries of "Regular order!"]

Mr. VALENTINE. The gentleman from Illinois is out of order.

Mr. SPRINGER. I have a right to be out of order when revolution is afoot.

Mr. GEORGE D. WISE. I move that the House do now adjourn.

The question being taken on the motion to adjourn, the Speaker stated that the "noes" seemed to have it.

Mr. HEPBURN. I call for a division.

The House divided; and there were—ayes 38, noes 56.

So the House refused to adjourn.

Mr. BENNETT rose.

The SPEAKER. The gentleman from North Carolina.

Mr. BENNETT. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BENNETT. What is the next question before the House?

The SPEAKER. The question before the House is on the motion for a recess. The first question is on the amendment to the amendment, which is now pending.

Mr. VALENTINE. On which no quorum appeared.

Mr. SPRINGER. Does not a motion to adjourn supersede all those motions for a recess?

The SPEAKER. It does not supersede them; it has priority over them.

Mr. CANNON. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CANNON. Would it be in order for me to ask unanimous consent that the gentleman from North Carolina [Mr. BENNETT] and the

gentleman from Illinois [Mr. SPRINGER] have leave of absence until to-morrow?

Mr. SPRINGER. What was the question of my colleague? That chunk of wisdom has been lost, I am afraid, not only to this generation but to posterity. That cannon exploded in mid-air; nothing was heard of it. [Cries of "Regular order!"]

The SPEAKER. The question is on the amendment of the gentleman from Tennessee [Mr. PETTIBONE] to the amendment of the gentleman from Iowa [Mr. HEPBURN].

The question being taken, the Speaker stated that the "noes" seemed to have it.

Mr. VALENTINE. I call for a division.

The House divided; and there were—ayes 3, noes 36.

Mr. VALENTINE. No quorum.

Mr. SPRINGER. I move that there be a call of the House, a quorum not having voted.

The question being taken on Mr. SPRINGER's motion, the Speaker stated that the "ayes" seemed to have it.

Mr. ANDERSON. I call for a division.

The House divided; and there were—ayes 53, noes 25.

Mr. VALENTINE. Upon this question I call for the yeas and nays. The yeas and nays were ordered, 43 members voting therefor.

The question was taken; and there were—yeas 129, nays 61, not voting 134; as follows:

YEAS—129.

Alexander,	Dunn,	Lowry,	Stevens,
Bagley,	Eaton,	McComas,	Stewart, Charles
Bayne,	Eldredge,	Matson,	Stone,
Belmont,	Elliott,	Maybury,	Storm,
Bennett,	Ellis,	Miller, J. F.	Sumner, C. A.
Blackburn,	English,	Mills,	Swope,
Blount,	Ermentrout,	Mitchell,	Talbot,
Breckinridge,	Fiedler,	Money,	Taylor, J. D.
Broadhead,	Findlay,	Murphy,	Taylor, J. M.
Brown, W. W.	Follett,	Mutchler,	Thomas,
Browne, T. M.	Forney,	Neece,	Thompson,
Brumm,	Garrison,	O'Ferrall,	Tully,
Buchanan,	Gibson,	Patton,	Turner, H. G.
Burnes,	Graves,	Payson,	Van Alstyne,
Cabell,	Greenleaf,	Peel,	Vance,
Caldwell,	Halsell,	Pettibone,	Van Eaton,
Campbell, J. E.	Hammond,	Pierce,	Wallace,
Candler,	Hancock,	Post,	Ward,
Carleton,	Hardeman,	Potter,	Warner, A. J.
Clay,	Hatch, W. H.	Pryor,	Warner, Richard
Clements,	Hewitt, G. W.	Pusey,	Wellborn,
Cobb,	Hill,	Randall,	Weller,
Connolly,	Hopkins,	Reese,	Wempie,
Cook,	Houselman,	Riggs,	Willis,
Cosgrove,	Hutchins,	Robertson,	Wilson, W. L.
Cox, W. R.	Jones, B. W.	Rogers, J. H.	Winans, E. B.
Crisp,	Jones, J. H.	Rosecrans,	Wise, G. D.
Culbertson, D. B.	Jordan,	Seymour,	Woodward,
Davidson,	Kleiner,	Shively,	Worthington,
Davis, L. H.	Lamb,	Skinner, T. G.	Yaple.
Deuster,	Lanham,	Slocum,	
Dockery,	Lewis,	Snyder,	
Dowd,	Lore,	Springer,	

NAYS—61.

Adams, G. E.	Evans,	James,	Peters,
Adams, J. J.	Everhart,	Jeffords,	Price,
Anderson,	Fulton,	Johnson,	Rowell,
Barr,	Goff,	Kean,	Ryan,
Bisbee,	Guenther,	Keifer,	Smalls,
Boutelle,	Harmer,	Libbey,	Smith, H. Y.
Breitung,	Hart,	McCoid,	Stewart, J. W.
Cannon,	Hatch, H. H.	McCormick,	Stockslager,
Craig,	Haynes,	Millard,	Strait,
Culbertson, W. W.	Henderson, D. B.	Morrill,	Townsend,
Cullen,	Hepburn,	Nelson,	Valentine,
Davis, G. R.	Hitt,	Ochiltree,	Washburn,
Dingley,	Holman,	O'Hara,	Weaver.
Dixon,	Holmes,	Parker,	
Dunham,	Houk,	Payne,	
Ellwood,	Howey,	Perkins,	

NOT VOTING—134.

Aiken,	Curtin,	Jones, J. K.	Paige,
Amot,	Cutcheon,	Jones, J. T.	Pheips,
Atkinson,	Dargan,	Kelley,	Poland,
Ballentine,	Davis, R. T.	Kellogg,	Rankin,
Barbour,	Dibble,	Ketchum,	Ranney,
Barksdale,	Dibrell,	King,	Ray, G. W.
Beach,	Dorshimer,	Lacey,	Ray, Oslan
Belford,	Ferrell,	Laird,	Reagan,
Bingham,	Finerty,	Lawrence,	Reed, T. B.
Blanchard,	Foran,	Le Fevre,	Reid, J. W.
Bland,	Fyan,	Long,	Rice,
Bowen,	Geddes,	Lovering,	Robinson, J. S.
Boyle,	George,	Lyman,	Robinson, W. H.
Brainerd,	Glascock,	McAdoo,	Rockwell,
Bratton,	Green,	McMillin,	Rogers, W. F.
Brewer, F. B.	Hanback,	Miller, S. H.	Russell,
Brewer, J. H.	Hardy,	Milliken,	Seney,
Buckner,	Hemphill,	Morgan,	Shaw,
Budd,	Henderson, T. J.	Morrison,	Singleton,
Burleigh,	Henley,	Morse,	Skinner, O. R.
Campbell, Felix	Herbert,	Moulton,	Smith, A. Herr
Campbell, J. M.	Hewitt, A. S.	Muldrow,	Spooner,
Cassidy,	Hiscock,	Muller,	Spriggs,
Chalmers,	Hoblitzell,	Murray,	Steele,
Clardy,	Holton,	Nicholls,	Stephenson,
Collins,	Hooper,	Struble,	Sumner, D. H.
Converse,	Horr,	Oates,	Taylor, R. B.
Covington,	Hunt,	O'Neill, Charles	Throckmorton,
Cox, S. S.	Hurd,	O'Neill, J. J.	

Tillman,
Tucker,
Turner, Oscar
Wadsworth,
Wait,

Wakefield,
White, J. D.
White, Milo
Whiting,
Wilkins,

Williams,
Wilson, James
Winans, John
Wise, J. S.
Wolford,

Wood,
York,
Young.

So the motion was agreed to.

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent to dispense with the reading of the names.

Mr. ANDERSON, Mr. ADAMS, of Illinois, and Mr. BROWNE, of Indiana, objected.

The Clerk read the names of members voting.

The following additional pairs were announced from the Clerk's desk:

Mr. JOHN S. WISE with Mr. TURNER, of Kentucky, on this vote.

Mr. TUCKER with Mr. LONG, on this vote.

Mr. HEMPHILL with Mr. O'NEILL, of Pennsylvania, for the remainder of the day.

Mr. WINANS, of Wisconsin, with Mr. YORK, for the remainder of the day.

Mr. WHITE, of Minnesota, with Mr. DIBRELL, for the remainder of the day.

Mr. SUMNER, of California, with Mr. ROCKWELL, for the remainder of the day.

Mr. GLASCOCK with Mr. NELSON, for the remainder of the day.

Mr. CONVERSE with Mr. STORM, for the remainder of the day.

Mr. HISCOCK with Mr. DORSHEIMER, for the remainder of the day. The result of the vote was then announced as above stated.

Mr. BROWNE, of Indiana. Mr. Speaker, I move to reconsider the vote by which a call of the House has been ordered.

Mr. SPRINGER and Mr. HEPBURN moved to lay the motion to reconsider on the table.

Mr. SPRINGER. Mr. Speaker, I rise to a question of order. I desire to ask how the gentleman from Indiana [Mr. BROWNE] voted.

The SPEAKER. The Chair is informed that the gentleman from Indiana voted "ay."

Mr. BROWNE, of Indiana (to Mr. SPRINGER). I voted "yea" on purpose, my friend.

The SPEAKER. The question is on laying the motion to reconsider on the table. [After a pause.] The "ayes" seem to have it.

Mr. VALENTINE. Mr. Speaker, I think we had better have the yeas and nays on this.

The question was taken; and the yeas and nays were ordered.

The question was taken on laying the motion to reconsider on the table; and there were—yeas 138, nays 70, not voting 116; as follows:

YEAS—138.

Alexander,
Bagley,
Barbour,
Bayne,
Belford,
Belmont,
Bennett,
Blackburn,
Bland,
Boyle,
Breckinridge,
Broadhead,
Browne, T. M.
Buchanan,
Budd,
Burnes,
Cabbell,
Caldwell,
Campbell, Felix
Campbell, J. E.
Candler,
Carleton,
Clay,
Clements,
Cobb,
Connolly,
Cook,
Cosgrove,
Cox, S. S.
Cox, W. R.
Crisp,
Culbertson, D. B.
Davidson,
Davis, L. H.

Deuster,
Dockery,
Dowd,
Dunn,
Eaton,
Eldredge,
Ellis,
English,
Ermentrout,
Ferrell,
Fiedler,
Findlay,
Finerty,
Follett,
Garrison,
Gibson,
Greenleaf,
Halsell,
Hammond,
Hancock,
Hardeman,
Hatch, W. H.
Henderson, T. J.
Hewitt, G. W.
Hill,
Holman,
Hopkins,
Houseman,
Hunt,
Hutchins,
Jones, B. W.
Jones, J. H.
Jordan,
Kleiner,
Lamb,

Lanham,
Le Pevre,
Lewis,
Lore,
Lowry,
McAdoo,
Maybury,
Miller, J. F.
Mills,
Mitchell,
Morgan,
Murphy,
Mutchler,
Neece,
Oates,
O'Ferrall,
O'Neill, J. J.
Patton,
Peel,
Pettibone,
Pierce,
Post,
Potter,
Pryor,
Pusey,
Randall,
Reese,
Riggs,
Rogers, J. H.
Rogers, W. F.
Rosecrans,
Seney,
Seymour,
Shively,
Skinner, T. G.

Slocum,
Snyder,
Spriggs,
Springer,
Stevens,
Stewart, Charles
Stockalager,
Storm,
Swope,
Talbot,
Taylor, J. M.
Thompson,
Townshend,
Tully,
Turner, H. G.
Van Alstyne,
Vance,
Van Eaton,
Wallace,
Ward,
Warner, A. J.
Warner, Richard
Weller,
Wemple,
Wilkins,
Willis,
Wilson, W. L.
Winans, E. B.
Wise, G. D.
Wolford,
Woodward,
Worthington,
Yaple.

NAYS—70.

Adams, G. E.
Anderson,
Atkinson,
Harr,
Bisbee,
Boutelle,
Breitung,
Brown, W. W.
Brumm,
Cannon,
Craig,
Culbertson, W. W.
Cullen,
Davis, G. R.
Davis, R. T.
Dingley,
Dixon,
Dunham,

Ellwood,
Evans,
Everhart,
Forney,
Fuston,
Glascock,
Goff,
Harmer,
Hatch, H. H.
Henderson, D. B.
Hepburn,
Hitt,
Holmes,
Horr,
Houk,
Howey,
Jeffords,
Johnson,

Kean,
Keifer,
Lacey,
Libbey,
McComas,
McCormick,
Millard,
Morrill,
Nelson,
Nutting,
O'Neill, Charles
Payne,
Payson,
Perkins,
Peters,
Raney,
Ray, Osmian
Reed, T. B.

NOT VOTING—116.

Adams, J. J.
Aiken,
Arnol,
Ballentine,
Barksdale,
Beach,
Bingham,
Blanchard,
Blount,
Bowen,
Brainerd,
Bratton,
Brewer, F. B.
Brewer, J. H.
Buckner,
Burlingame,
Campbell, J. M.
Cassidy,
Chalmers,
Collins,
Converse,
Covington,
Curtin,
Cutcheon,
Dargan,
Dibble,
Dibrell,
Dorsheimer,
Elliott,

Foran,
Fyan,
Geddes,
George,
Graves,
Green,
Guenther,
Hanback,
Hardy,
Hart,
Haynes,
Hemphill,
Henley,
Herbert,
Hewitt, A. S.
Hiscock,
Hoblitzell,
Holton,
Hooper,
Hurd,
James,
Jones, J. K.
Jones, J. T.
Kelley,
Kellogg,
Ketcham,
King,
Laird,
Lawrence,

Long,
Lovering,
Lyman,
McCoid,
McMillin,
Matson,
Miller, S. H.
Milliken,
Money,
Morrison,
Morse,
Moulton,
Muldrow,
Muller,
Murray,
Nicholls,
Ochiltree,
O'Hara,
Paige,
Parker,
Phelps,
Poland,
Price,
Rankin,
Ray, G. W.
Reagan,
Reid, J. W.
Rice,
Robertson,

Robinson, J. S.
Robinson, W. E.
Rockwell,
Russell,
Shaw,
Singleton,
Smith, A. Herr
Steele,
Stone,
Sumner, C. A.
Sumner, D. H.
Taylor, E. B.
Throckmorton,
Tillman,
Turner, Oscar
Wait,
Wakefield,
Wellborn,
White, J. D.
White, Milo
Whiting,
Williams,
Wilson, James
Winans, John
Wise, J. S.
Wood,
York,
Young.

Mr. WELLER. Mr. Speaker, I move to dispense with the reading of the names.

Several members objected.

The following additional pairs were announced from the Clerk's desk:

Mr. JONES, of Alabama, with Mr. MILLIKEN, for the remainder of the day.

Mr. JOHN S. WISE with Mr. TURNER, of Kentucky, on this vote.

The SPEAKER. On this question the yeas are 138 and the nays are 69. The yeas have it; the motion to reconsider is laid on the table; a call of the House is ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate further insisted upon its amendments numbered 3, 4, 5, 6, 16, 17, 18, 19, and 20 to the bill (H. R. 8135) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes, disagreed to by the House, asked a further conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. PLUMB, Mr. ALLISON, and Mr. BECK as conferees on the part of the Senate.

ORDER OF BUSINESS.

A call of the House having been ordered, the Clerk proceeded to call the roll, when the following members failed to answer to their names:

Aiken,
Ballentine,
Barksdale,
Beach,
Bingham,
Bowen,
Campbell, J. M.
Chalmers,
Collins,
Converse,
Covington,
Curtin,
Cutcheon,
Dargan,
Dibble,
Dibrell,

Fyan,
Geddes,
Glascock,
Hardy,
Haynes,
Hemphill,
Henley,
Herbert,
Hewitt, A. S.
Hoblitzell,
Holton,
Hooper,
Jones, J. K.
Jones, J. T.
Kelley,
Kellogg,

King,
Laird,
Lawrence,
Lovering,
Lyman,
McCoid,
Miller, S. H.
Milliken,
Morrison,
Moulton,
Murray,
Nicholls,
Palge,
Peters,
Poland,
Price,

Rankin,
Reagan,
Rice,
Robinson, J. S.
Robinson, W. E.
Shaw,
Singleton,
Steele,
Sumner, D. H.
Taylor, E. B.
Throckmorton,
Tillman,
Wait,
Williams,
Winans, John
Young.

The SPEAKER. Before the names of the absentees are called, the Chair desires to lay before the House some requests of members to be excused from attendance on account of sickness.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. DIBRELL, for the remainder of this day, on account of sickness.

To Mr. CUTCHEON, for the remainder of the day, on account of sickness.

To Mr. GLASCOCK, for the remainder of the day, on account of sickness in his family.

To Mr. STEELE, for the remainder of the day, on account of sickness.

To Mr. BALLENTINE, for the remainder of the day, on account of sickness.

Mr. HAMMOND. Mr. Speaker, I ask leave of absence for the remainder of the day because I am suffering from a cold, accompanied with neuralgia.

There being no objection, Mr. HAMMOND was excused.

Mr. PERKINS. I ask that my colleague, Mr. PETERS, be excused from attendance this evening. He has been here, but is now absent upon duty as a member of the Committee on Enrolled Bills, having gone to the Executive Mansion.

There being no objection, Mr. PETERS was excused.

Mr. PARKER. I ask leave of absence for the gentleman from Con-

necticut, Mr. WAIT, who desired to be excused as he was not feeling well this evening.

There being no objection, Mr. WAIT was excused.

Mr. JORDAN. I ask that my colleague, Mr. GEDDES, be excused from attendance this evening. He has gone home sick.

There being no objection, Mr. GEDDES was excused.

Mr. MUTCHLER. I ask leave of absence for my colleague [Mr. CURTIN] on account of indisposition.

There being no objection, Mr. CURTIN was excused.

Mr. HEWITT, of Alabama. I ask that my colleague, Mr. HERBERT, be excused from attendance this evening on account of sickness in his family.

There being no objection, Mr. HERBERT was excused.

Mr. HEWITT, of Alabama. I ask also that my colleague, Mr. WILLIAMS, be excused from attendance on account of sickness.

There being no objection, Mr. WILLIAMS was excused.

Mr. BROWN, of Pennsylvania. I ask that my colleague, Judge KELLEY, be excused from attendance this evening.

The SPEAKER. The gentleman from Pennsylvania [Mr. KELLEY] has leave of absence from all evening sessions.

Mr. MILLS. I ask that my colleague, Mr. THROCKMORTON, be excused on account of sickness.

There being no objection, Mr. THROCKMORTON was excused.

Mr. VALENTINE. I ask that all members be excused until tomorrow morning at 9 o'clock.

The SPEAKER. The Clerk will now report the names of the absentees, after which the doors will be closed.

Mr. RAY, of New Hampshire. I am requested to ask that the gentleman from Pennsylvania, Mr. LAWRENCE, be excused from attendance this evening on account of sickness.

Mr. HEPBURN. I object.

The SPEAKER. Objection being made, the gentleman from New Hampshire moves that the gentleman from Pennsylvania be excused on account of sickness.

The question being taken, there were—ayes 96, noes 13.

Several MEMBERS. No quorum.

The SPEAKER. A quorum is not necessary upon this question.

Mr. HEPBURN and others called for tellers.

Tellers were ordered; and Mr. RAY, of New Hampshire, and Mr. HEPBURN were appointed.

The House again divided; and the tellers reported—ayes 93, noes 12.

Mr. HEPBURN. On this question I call for the yeas and nays.

The yeas and nays were ordered, 54 voting in favor thereof.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced agreement to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

It further announced that the Senate further insists upon its amendments numbered 1 and 29 to the bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

IOWA CONTESTED-ELECTION CASE.

The SPEAKER. The question recurs on the motion to excuse the gentleman from Pennsylvania [Mr. LAWRENCE], on which the yeas and nays have been ordered.

The question was taken; and it was decided in the affirmative—yeas 203, nays 10, not voting 111; as follows:

YEAS—203.

Adams, G. E.	Cassidy,	Goff,	Kleiner,
Adams, J. J.	Clay,	Graves,	Lanham,
Alexander,	Clements,	Green,	Libbey,
Anderson,	Cobb,	Greenleaf,	Lore,
Arns,	Collins,	Guenther,	Lowry,
Atkinson,	Connolly,	Halsell,	McAdoo,
Bagley,	Cook,	Hanback,	McComas,
Barbour,	Cosgrove,	Hardeman,	McCormick,
Bayne,	Cox, S. S.	Harmer,	McMillin,
Belmont,	Craig,	Hart,	Matson,
Bennett,	Culbertson, W. W.	Hatch, H. H.	Millard,
Blanchard,	Cullen,	Hatch, W. H.	Miller, J. F.
Bland,	Davidson,	Haynes,	Mills,
Blount,	Davis, L. H.	Henderson, D. R.	Money,
Botelle,	Davis, R. T.	Hepburn,	Moseley,
Boyle,	Deuster,	Hewitt, G. W.	Muldrow,
Brainerd,	Dixon,	Hiscock,	Muller,
Breckinridge,	Dockery,	Hitt,	Murphy,
Breitung,	Dorshimer,	Holman,	Mitchler,
Brewer, F. R.	Dowd,	Holmes,	Neece,
Brewer, J. H.	Dunham,	Hopkins,	Nelson,
Brownhead,	Dunn,	Houk,	Nutting,
Brown, W. W.	Elliot,	Houseman,	Ochiltree,
Buchanan,	Ellwood,	Howey,	O'Hara,
Budd,	English,	James,	O'Neill, Charles
Burleigh,	Ermentrout,	Jeffords,	O'Neill, J. J.
Burnes,	Evans,	Johnson,	Paige,
Cabell,	Everhart,	Jones, B. W.	Parker,
Campbell, Felix	Ferrell,	Jones, J. H.	Payne,
Campbell, J. E.	Forney,	Jones, J. K.	Payson,
Candler,	Funk,	Kean,	Peel,
Cannon,	Garrison,	Kellogg,	Pettibone,
Carlton,			

Phelps,
Post,
Potts,
Pryor,
Pusey,
Randall,
Ranney,
Ray, G. W.
Ray, Ossian
Reed, T. B.
Reid, J. W.
Reese,
Riggs,
Robertson,
Rockwell,
Rogers, J. H.
Rogers, W. F.
Rosecrans,

Barr,
Bisbee,
Caldwell,

Aiken,
Ballentine,
Barksdale,
Beach,
Belford,
Bingham,
Blackburn,
Bowen,
Bratton,
Browne, T. M.
Brumm,
Buckner,
Campbell, J. M.
Chalmers,
Converse,
Covington,
Culbertson, D. B.
Curtin,
Cutcheon,
Dargan,
Davis, G. R.
Dibble,
Dibrell,
Dingley,
Eaton,
Eldredge,
Ellis,
Fiedler,

So the motion that Mr. LAWRENCE be excused was agreed to.

During the roll-call,

The following additional pairs were announced.

Mr. WARD with Mr. LAWRENCE, for the rest of the day.

Mr. HARDEMAN with Mr. JOHNSON, for the rest of the day.

The vote was then announced as above recorded.

Mr. VALENTINE moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. STEWART. I ask now, Mr. Speaker, that my colleague, Mr. POLAND, be excused.

The SPEAKER. The noes seem to have it.

Mr. ANDERSON. I demand a division.

The House divided; and there were—ayes 44, noes 24.

Mr. RANDALL. I desire to make a suggestion to the House.

The SPEAKER. Is there objection? [After a pause.] The Chair hears no objection, and the gentleman will proceed.

Mr. RANDALL. The report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, has come over from the Senate, and if proceedings are dispensed with under the call of the House that report can be taken from the Speaker's table and acted upon.

Mr. ANDERSON. Can not that be done by unanimous consent, the present business before the House standing just as it is?

The SPEAKER. If further proceedings under the call are dispensed with the pending motion can be resumed. These proceedings grow out of the fact of no quorum having voted on the motion before the House.

Mr. VALENTINE. I ask by unanimous consent to dispense with all further proceedings under the call.

Mr. O'NEILL, of Missouri. I object.

Mr. RANDALL. Then I move to dispense with all further proceedings under the call.

The motion was agreed to.

LEGISLATIVE, ETC., BILL.

Mr. HOLMAN. I rise to a privileged question. I submit the report of the conference committee on the disagreeing votes of the two Houses on the legislative, executive, and judicial appropriation bill, and also the statement, under the rules, of the conferees on the part of the House.

The SPEAKER. The Clerk will read the report.

Mr. ANDERSON. I wish to make a parliamentary inquiry; is this privileged over the pending motion?

The SPEAKER. It is. The Chair will state that a conference report has priority over everything except the reading of the Journal, the call of the roll, or a division of the House.

NAYS—10.

Hill,
Horr,
Pierce,

NOT VOTING—111.

Laird,
Lamb,
Lawrence,
Le Fevre,
Lewis,
Loug,
Loving,
Lyman,
McCoid,
Maybury,
Miller, S. H.
Milliken,
Morgan,
Morrill,
Morrison,
Morse,
Moulton,
Murray,
Nicholls,
Ontes,
O'Ferrall,
Perkins,
Poland,
Poland,
Rankin,
Reagan,
Rice,
Robinson, J. S.

Price.

Robinson, W. E.
Ryan,
Shaw,
Singleton,
Steele,
Storm,
Sumner, D. H.
Taylor, E. B.
Throckmorton,
Tillman,
Tucker,
Wadsworth,
Wait,
Wakefield,
Ward,
Weller,
Wemple,
White, Milo
Wilkins,
Williams,
Wilson, James
Winans, John
Wise, J. S.
Wolford,
Worthington,
York,
Young.

Mr. WHITE, of Kentucky. I rise to a question of order. I desire to know whether this bill is not subject to debate under the five-minute rule.

The SPEAKER. It is subject to debate under the hour rule, unless the previous question is ordered on the report. The Clerk will read the report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 15, 16, 17, 18, 19, 20, 23, 42, 43, 44, 47, 63, 64, 65, 66, 75, 79, 81, 82, 83, 89, 90, 91, 92, 102, 108, 107, 108, 113, 114, 121, 122, 126, 128, 129, 130, 131, 132, 134, 137, 138, 139, 140, 141, 142, 143, 144, 173, and 174.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 6, 8, 9, 10, 11, 12, 13, 14, 23, 24, 25, 27, 28, 30, 31, 32, 33, 35, 37, 40, 41, 45, 48, 51, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 68, 70, 71, 72, 73, 74, 77, 80, 83, 84, 85, 86, 87, 93, 94, 95, 96, 97, 99, 100, 104, 109, 110, 111, 112, 115, 117, 118, 119, 120, 123, 126, 150, 151, 153, 155, 157, 160, 162, 163, 164, 165, 166, 167, 168, 169, 170, and 171, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$62,418.19;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twenty-seven;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted insert the following: "One fireman, \$1,089;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$147,501.90;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: On page 7, in line 5, after the word "labor," insert the words "including \$5,000 for rent of Senate committee-rooms;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$330,949.10;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$9,161.65;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted insert the following: "For postage-stamps for the officers of the House of Representatives: for the Sergeant-at-Arms, \$40; the Clerk, \$50; the Doorkeeper, \$50; and the Postmaster, \$100; in all, \$250;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the sum proposed to be inserted insert "\$1,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$10,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "\$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$130,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: Restore the number proposed to be stricken out by said amendment, and on page 21 in line 11 of the bill, after the word "each," insert "six assortments of money-orders at \$40 each;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$506,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$7;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$50,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: On page 60, on line 43 of the bill, after the word "four," insert the following: "One of whom shall be employed on the general index;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$25,700;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$18,130;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: "That a committee consisting of five members-elect of the House of Representatives of the Forty-ninth Congress, shall prior to the first Monday of December next inquire into and investigate the expenditures of appropriations for Indians under treaty for their support, for their education, or otherwise, and whether any changes should be made in such appropriations or their expenditure. Said committee shall also inquire into the expenditure of public money for the Yellowstone Park and the administration of the laws applicable to said park, whether any change should be made in said laws or the boundary of the park, and what steps, if any, can be taken to make of practical benefit and utility that portion of the public domain. That said committee shall have power to appoint subcommittees to visit the places where appropriations mentioned

herein are expended, and in doing so they are authorized to use Government conveyances and means of transportation. Said committee, or any subcommittee thereof, shall have power to send for persons and papers and to appoint a clerk, and the committee may report by bill or otherwise to the Forty-ninth Congress. A sum sufficient to pay the expenses of said committee hereby authorized, and all witnesses that may be summoned before it, is hereby appropriated out of any money in the Treasury not otherwise appropriated, which shall be immediately available and payable on the draft of the chairman of said committee in sums not exceeding \$1,000 at any one time;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted insert "one skilled laborer, \$340;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$45,430;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: Strike out all that follows the word "dollars," on page 55, in line 20 of the bill, down to and including line 22, and in lieu thereof insert the following: "And the Secretary of the Interior shall, in submitting the estimates annually for the expenses of this bureau, give in detail the number and salaries of officers and employees therein;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$72,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: On page 92 of the bill, in line 2, after the word "dollars," where it first occurs, insert the following: "One female messenger, \$440;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$31,900;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 159, and agree to the same with an amendment as follows: In lieu of the number proposed insert "six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$118,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 172, and agree to the same with an amendment as follows: On page 95 of the bill, after line 10, insert as a new paragraph the following:

"For the following, for the additional buildings for the money-order and Sixth Auditor's offices, namely: For heating apparatus and fuel, \$1,300; gas, \$400; furniture for the money-order office, \$500; miscellaneous items, \$500; four watchmen, three laborers, and three charwomen, at \$180 each; in all, \$8,100."

And the Senate agree to the same.

On the amendments of the Senate numbered 1 and 29 the committee of conference are unable to agree.

WM. S. HOLMAN,
JOHN HANCOCK,
J. G. CANNON,
Managers on the part of the House.
W. B. ALLISON,
H. L. DAWES,
F. M. COCKRELL,
Managers on the part of the Senate.

The statement of the conferees on the part of the House accompanying the report was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 8179, making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1896, submit the following, in explanation of the accompanying conference report:

The conference committee have agreed upon all of the one hundred and seventy-four Senate amendments except those numbered 1 and 29, which involve the appropriation of \$39,432 for clerks to Senators who are not chairmen of committees.

The bill as it is agreed upon, and including the amount involved in said amendments 1 and 29, appropriates in all \$21,350,298.70, being \$153,488 more than as it passed the House, \$80,671.93 less than as it passed the Senate, \$2,943.15 less than the law for the current year, and \$976,201.35 less than the estimates which were submitted.

WM. S. HOLMAN,
JOHN HANCOCK,
J. G. CANNON,
Managers on the part of the House.

Mr. HOLMAN. Mr. Speaker, I desire to submit only a few facts in regard to the substance of that report and to call the attention of the House to the one proposition which is still in difference between the two Houses. It will be a very brief statement that I shall make.

There were one hundred and seventy-four amendments made to this bill by the Senate, adding \$153,480 to the amount. The bill as it would be amended by the report of the conference committee appropriates \$80,671.93 less than the amount added to the bill by the Senate. The bill as amended would appropriate a trifle less than the law of the present year—\$4,843.15.

The amendment of the Senate which is the subject of disagreement is amendment numbered 29. I ask that that amendment may be reported to the House.

The Clerk read as follows:

For clerks to Senators who are not chairmen of committees, at \$5 per day, \$39,432.

Mr. HOLMAN. The amendment numbered 1 is simply a matter of footing. If this amendment should be either adopted or rejected it changes the footing; so that amendment numbered 1 is a mere matter of form. But the amendment which has now been read, that numbered 29, involving \$39,432 for clerks of Senators, gives the subject-

matter of dispute. It is upon that that the committee have not been able to agree.

There are two matters to which I wish to call the attention of the House before asking a vote upon the proposition I have just referred to. The first is as to the act of the Senate touching the employés of the House; and I feel the more in duty bound to call attention to this particular amendment from the fact that it concerns the House Committee on Appropriations. The Senate of its own motion increased the salary of the clerk of the Senate Committee on Appropriations from \$2,500 to \$3,000, and also the salary of the chief clerk of the House Committee on Appropriations from \$2,500 to \$3,000.

These two amendments, one affecting the House and the other the Senate, are Senate amendments and have both been concurred in by the conferees. I shall not suppose the House will deem it important to inquire how this conclusion was arrived at. As I have stated this report concurs in these two amendments of the Senate, the one affecting their own body and the other affecting the House. So much for that. I was the more desirous of calling the attention of the House to it because it is a matter affecting the Committee on Appropriations.

There is another amendment to which I wish to call the attention of the House for a moment. It is amendment numbered 135. I ask that it may be reported to the House, being a change in the provision as it passed the House by the act of the conferees.

The Clerk read as follows:

Amendment 135: Strike out all after line 11, on page 79, down to and including line 9, on page 80, and insert the following:

"That a committee consisting of five members-elect of the House of Representatives of the Forty-ninth Congress, to be appointed by the Speaker of the House of Representatives of the Forty-eighth Congress, shall, prior to the first Monday of December next, inquire into and investigate the expenditure of appropriations for Indians under treaty for their support, for their education, or otherwise, and whether any changes should be made in such appropriations or their expenditure. Said committee shall also inquire into the expenditure of public money for the Yellowstone Park, and the administration of the laws applicable to said park, whether any change should be made in said laws or the boundary of the park, and what steps, if any, can be taken to make of practical benefit and utility that portion of the public domain. That said committee shall have power to appoint subcommittees and visit the places where appropriations mentioned herein are expended, and in doing so they are authorized to use Government conveyances and means of transportation. Said committee, or any subcommittee thereof, shall have power to send for persons and papers and to appoint a clerk, and the committee may report by bill or otherwise to the Forty-ninth Congress. A sum sufficient to pay the expenses of said committee hereby authorized, and of witnesses that may be summoned before it, is hereby appropriated out of any money in the Treasury not otherwise appropriated, which shall be immediately available and payable on the draft of the chairman of said committee in sums not exceeding \$1,000 at any one time."

Mr. MILLS. Mr. Speaker, I desire to ask the gentleman from Indiana [Mr. HOLMAN] whether this amendment was put in the bill by the Senate or by the conference committee.

Mr. HOLMAN. The original proposition was put in the bill by the House.

Mr. MILLS. Was it not stricken out in the House on the point of order?

Mr. HOLMAN. No. It went to the Senate; the Senate struck it out, and then the conferees restored it with some change in the phraseology.

Mr. MILLS. It ought to be stricken out.

Mr. HOLMAN. Mr. Speaker, one additional fact I wish to mention, and it is a subject to which I wish to call the attention of the Post-Office Committee. The conferees have restored the office of superintendent of foreign mails, and have provided for the same body of employés in that branch of the postal service with the same salaries as in the existing law.

I believe that those are all the changes which have been made in the bill since it left the House, and I now call the previous question—

Mr. CANNON. I ask my colleague on the committee from Indiana [Mr. HOLMAN] to yield to me for a moment.

Mr. HOLMAN. How much time does my friend from Illinois wish?

Mr. CANNON. Very little.

Mr. HOLMAN. Five minutes?

Mr. CANNON. I think that will be enough.

Mr. HOLMAN. I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, my colleague on the committee [Mr. HOLMAN] has called attention to an amendment made by the Senate increasing the salary of the clerk of the Appropriations Committee of the Senate \$500, and also increasing the salary of the clerk of the House Committee on Appropriations \$500. The House conferees concurred in both those amendments, and I wish to state very frankly that I, as one of the conferees, not only concurred in the amendments but did so heartily, because I believe they are right. I am not so familiar with the clerk of the Senate Committee on Appropriations (although quite familiar with his work) as I am with the clerk of the House Committee on Appropriations.

Most members of the House are familiar with him and his work, and I say to the House that, from the fact of these appropriation bills involving an examination of the whole civil service of the Government from beginning to end, and requiring a technical and correct knowledge of the whole of that service, it must be apparent to every member that the duties of the clerks of these committees are very onerous. Especially

is this true under the peculiar rules of the House, by which, to a great degree, appropriation bills are made to carry through the chief part of the legislation that each and almost every member of the House desires carried through. I do not propose to discuss that matter now, except to say that I hope that in the future our rules may be so amended that the committees of this House can have measures which they recommend considered under the rules. As I was saying, gentlemen can readily see that the clerks of these two great appropriations committees require to have a close and technical knowledge of the matters covered by these bills, and that such knowledge on their part can be and is of immense advantage in the preparation of the appropriation bills. I think the two clerks in question have that knowledge. More than that, when it is considered that the appropriations made by these bills aggregate over a hundred million dollars every year and that they are massed together at the close of the session of Congress, gentlemen can see at once that these officers require not merely knowledge but rapidity and integrity. I think that these qualities are to be found in these two clerks, and while I have no doubt that there are many other gentlemen throughout the country who could be educated to do this work I have no hesitation in saying that I do not believe there are two others in the United States who without that education and training would be one-half as competent as these gentlemen are, and I believe that \$3,000 is a small salary rather than a large one to pay them. Therefore I, for one, heartily concur in the amendment of the Senate increasing their salaries.

Mr. SKINNER, of New York. How many clerks does the increase apply to in each committee?

Mr. CANNON. One.

Mr. HOLMAN. Mr. Speaker, my special purpose in calling attention to this action of the Senate in increasing the salaries of these two clerks was to bring to the notice of the House the fact that the Senate, while resisting any interference by the House with Senate employés or their salaries, thought proper to increase the salary of an employé of the House. That was the point to which I wished especially to call the attention of the House. Now, Mr. Speaker, I move that the House insist on its disagreement—

The SPEAKER. The Chair will state that the first question is upon the adoption of this report.

Mr. HOLMAN. Then I call the previous question on adopting the report.

The previous question was ordered; and under the operation thereof the report was adopted.

Mr. HOLMAN moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HOLMAN. I now move that the House further insist on its disagreement as to the twenty-ninth amendment of the Senate, and ask a further conference.

Mr. CANNON. Pending that motion, I move that the House recede.

The SPEAKER. The motion to recede takes precedence.

Mr. CANNON. I would like to occupy the floor a minute or two on this question.

The SPEAKER. The Chair will state the question. The gentleman from Indiana [Mr. HOLMAN] moves that the House further insist on its disagreement to the twenty-ninth amendment of the Senate and ask a further conference. Pending that the gentleman from Illinois [Mr. CANNON] moves that the House recede from its disagreement to the Senate amendment and agree to the same.

Mr. HOLMAN. How much time does the gentleman wish?

Mr. CANNON. I believe I have the floor.

The SPEAKER. Under the rules the question is first upon the motion to recede.

Mr. HOLMAN. Certainly; but I had a right to insist on the previous question upon my motion. I was only giving way so that the gentleman's motion might come before the House before the previous question had been called.

The SPEAKER. Still the motion of the gentleman from Illinois [Mr. CANNON] is of higher privilege than that of the gentleman from Indiana.

Mr. HOLMAN. But the gentleman could not take me off the floor.

The SPEAKER. There must be an opportunity under the rules to make this motion of higher privilege.

Mr. HOLMAN. Then I will call the previous question after the gentleman has concluded.

Mr. CANNON. Mr. Speaker, this amendment is as follows:

For clerks to Senators who are not chairmen of committees, at \$6 per day during the session, \$39,432.

The amendment provides for thirty-one Senators' clerks, at \$180 a month in round numbers, for a session of seven months. I have moved that the House recede from its disagreement and agree to this amendment, and I will state very briefly why.

Prior to the last session of this Congress the Senate by resolution provided these clerks for Senators who were not chairmen of committees, and provided for their pay from the contingent fund of the Senate; and we had to concur in increasing the contingent fund. At the last session

the Senate, when it came to consider the legislative appropriation bill for the current year, placed upon that bill an amendment substantially the same as this.

The matter was fought at great length, there having been conference after conference between the two Houses, the Senate insisting that it had the right to regulate its own affairs so far as the conduct of the business of the Senate was concerned. Let that be as it may, it is certainly the fact that on a fair, square vote, upon a motion to recede, just such a motion as I now make, this House did recede; and there was put in the bill for the current year an appropriation similar to this.

This year when this bill was considered in the House we omitted this appropriation. The Senate put this amendment upon the bill; it came back to the House; we non-concurred, and the question went to a conference.

Now, I would be very willing, ordinarily, to have another conference upon this question—a third and a fourth, for that matter, though I do not know exactly what good it would do unless to call the attention of the country to this subject. Ordinarily, I say, I would be willing for further conference, but when I recollect that to-morrow is the last legislative day of this Congress, I realize there is not much time for that kind of thing; so I think I am authorized to say that in the end the House will do just what we did last session, and what I propose to do now.

One word upon the merits of this amendment. The gentleman from Texas [Mr. MILLS] offered to-day a resolution that this House should not participate in the inaugural ceremonies because he thought members of the House had been given a back seat. Well, to be frank about it, I did think that the Senate had not treated the outgoing and the incoming members of this House with any very great courtesy; yet I did not mind that much, because the matter was all "dress parade." Neither the House nor the Senate is required under the Constitution or the laws to be present at those ceremonies. Feeling, therefore, that the matter was not of much importance, I contented myself with not voting at all. But here is a proposition to which in substance the House has already assented. This appropriation has run for two years.

This is the second year that this amendment has come to us upon this bill, to give to Senators who are not chairmen of committees clerks at \$180 a month. I have thought that if Senators had these clerks the members of the House ought to have the same assistance for themselves. We are a co-ordinate branch of the Government, representing the people, coming near to them—coming more directly in contact with them day by day, week by week, and year by year, with our elections every other year, than the Senators do. We hold positions of equal dignity, positions which, in the years immediately succeeding the adoption of the Constitution, were considered if anything of superior dignity, men of great ability preferring to come here rather than go to the Senate.

I have thought, I say, the House ought to take the same things conceded to the Senate by the House. What prevents them from doing it? I think members of the House are afraid—that they have not the courage to do it.

A MEMBER. Try us.

Mr. CANNON. Everybody understands, of course, they are willing to do it; but they have not done it.

I must confess two years ago when the Senate passed the resolution in reference to these clerks I thought it might attract some attention in the country; that they might be blamed for so doing; but strange to say I do not suppose there are 1,000 people in the United States outside of the District of Columbia who know Senators have these clerks. If they do, I apprehend most of them approve of it, for I have not seen any condemnation in the public prints, nor have I heard a single word of denunciation hurled against them from the stump.

A MEMBER. Most of them think it is right.

Mr. CANNON. The gentleman says most of them think it is right. I did not move an amendment for members of the House because of my remembrance of the fate of a precisely similar motion, and because I was satisfied there was no use in doing so. I venture, however, to say and to hope that at the next session of Congress, early in the session, one of two things will be done, namely, either that this appropriation under the law as it is now provided shall be refused to Senators to pay for personal clerks, or the House shall insist it shall be regulated by law and their salaries somewhat decreased, and the members of this House, a co-ordinate of the National Legislature, shall demand for themselves that while they assume the responsibility of granting this to the co-ordinate branch of the Legislature they shall assume for themselves the same right. [Applause.]

Mr. BELFORD. Is it not a fact that I introduced a resolution giving to each member a clerk, and is it not a further fact that you voted against it?

Mr. CANNON. I do not recollect how I voted; I do not think the yeas and nays were taken or any record of that vote. I recollect, however, that the gentleman did offer that resolution. I think I do. He has offered a great many resolutions and has made a great many demands, as I remember pleasantly, to empty, as he says, the Treasury of the United States. Now, I do not care about emptying the Treasury of the United States.

Mr. BELFORD. You will remember about emptying the Treasury before you are two years older.

Mr. CANNON. I now yield for five minutes to the gentleman from Texas [Mr. MILLS].

Mr. MILLS. Mr. Speaker, at the organization of our Government the House of Representatives was considered to be the important branch of the National Legislature. The Senate was adopted as a body that represented the States, and this House was the great, important representative body of the American people. But the bicameral system was adopted when we had two Houses. Nobody dreamed for years that the House of Representatives was not equal in power, equal in importance, equal in dignity, equal in prerogative, equal in privilege, equal in deed and in fact in all respects with the House at the other end of the Capitol. But, sir, within a few years that House has encroached upon the rights of this House, little by little, as abuses always grow and arbitrary power always gains upon the right, until to-day they boldly avow superior prerogative and privilege, and we bow down on our knees and grant it unto them.

The gentleman talks about the rights of the House after having voted with the vast majority of this House to take in one of the most important transactions of the people of the United States a secondary position, not by the side of the Senate of the United States where our fathers placed this body. They have placed the diplomatic corps, blazoning with the tinsel of foreign decorations, on the right, where this House of Representatives ought to be. Instead of occupying our rightful position we have been located to the rear. Heads of Departments were placed next in importance to the diplomatic corps, and behind them came the Army, with the clanking of sabers, while far to the rear were located the representatives of the American people. And the gentleman from Illinois voted that the representatives of the people by being so placed were rightfully located.

Mr. CANNON. If my friend will allow me—

Mr. MILLS. The gentleman from Indiana [Mr. HOLMAN], your colleague, voted with you, although he first voted through the tellers and voted on the Representatives' side of the question. [Laughter and applause.]

Mr. CANNON. If my friend will allow me—

Mr. MILLS. I will.

Mr. CANNON. I was not present when that vote was taken, and therefore did not vote at all.

Mr. MILLS. I take it all back then. I thought you did. [Laughter.] There are so many here who did as I have accused my friend from Indiana of doing that I must be pardoned for my mistake in his case. One hundred and twenty-six went through the tellers and voted to maintain the dignity and the rights of the House of Representatives, but when the yeas and nays came to be taken that vote dwindled down to 55 for and 185 against. [Laughter and applause.] I came to this House twelve years ago, and by the grace of God two years after I came here the Democratic party came into power in this House and at once commenced to cut down the salaries of officers. It commenced to reduce the expenditures of the Government. We began upon the line of economy, but at the other end of the Capitol that body which represents nothing, is responsible to nobody, refused to accede to the reductions we then made, but on the contrary established a distinction between their officials and the employés of this House by insisting that their employés should receive higher pay than ours. The House then agreed to it and still continues to agree to it. Two years ago they came in with a provision to allow each Senator to have a clerk at \$6 a day or \$180 a month. How did this House of Representatives, representing the horny-handed Democracy of the country, behave? We said we would not agree to give them these clerks, but the Senate insisted and we knelt down in submission and gave it to them out of the public Treasury of the United States. They claimed it as their right and they have ever since received it. To-day they propose to put you away to the rear during the ceremonies of inaugurating the Chief Magistrate of the country, and yet one hundred and eighty-five representatives of the people of the United States said that was the proper position for us to occupy. It is against all this I enter my solemn protest.

The SPEAKER. The gentleman's time has expired.

Mr. CANNON. I yield now for five minutes to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. I am also permitted to offer an amendment to the amendment of the gentleman from Illinois. My amendment is in the form of a motion to concur in the Senate amendment with an amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Strike out amendment numbered 29 and insert "for clerks to Senators and Representatives who are not chairmen of committees, at the rate of \$100 per month during the session, \$200,000."

Mr. HOLMAN. Is that amendment germane?

The SPEAKER. The Chair thinks so. It is offered as a substitute for the Senate amendment.

Mr. KEIFER. It is to concur in the Senate amendment with an amendment.

Mr. HOLMAN. But it is subject to the point of order as any other

question coming before the House, that is to say, it involves an expenditure of money, and is subject to consideration in the Committee of the Whole.

The SPEAKER. The Chair will state the point of order, and will be glad to hear the gentleman from Ohio upon it.

The gentleman from Indiana makes the point of order that under the rules of the House the proposed amendment must have its first consideration in Committee of the Whole House on the state of the Union because it proposes to increase expenditures.

Mr. KEIFER. I would like to be heard on that.

Mr. SPRINGER. I make the further point of order that it changes existing law and does not retrench expenditures.

Mr. KEIFER. That has nothing to do with it now, for we are considering the proposition of the Senate, which is subject to amendment in the House.

I submit the other point is made too late for the purpose of having this amendment of the Senate go to the Committee of the Whole House on the state of the Union, and for the reason that we have entered upon the consideration of it in the House. It has been debated and we are proceeding with its consideration in the House; and, therefore, it is too late now to make the point of order as against that amendment.

The SPEAKER. The point of order is not made against the Senate amendment.

Mr. KEIFER. But my amendment comes in in consequence of the fact that we are considering the Senate amendment in the House against which no point of order was made. Having this Senate amendment before us in the House by failing to make the point of order against it, we are considering it in the House subject to be amended in such way as our rules prescribe; and when an amendment to a Senate amendment is offered it is too late then, of course, to make the point of order that the Senate amendment must go to the Committee of the Whole.

Under Rule XX Senate amendments which would be liable to the point of order if originating in the House may be sent to the Committee of the Whole House on the state of the Union on the point of order, but it must be the original proposition as it came from the Senate.

I am not able to give exactly the language of Rule XX; but that rule, the language of it, applies to the Senate amendment, and the point of order was not made against the Senate amendment. I submit, then, that it is proper under our rules to offer to a Senate amendment another amendment which is proper to be offered or which is germane to the subject-matter of such an amendment when acting on it in the House as we are here.

The SPEAKER. The question was presented at the last session of Congress and the Chair made a ruling upon it then, but has never been entirely satisfied that it was altogether correct. The Chair will cause the Journal entry to be read.

The Clerk read as follows:

The House then proceeded as the regular order of business (as a privileged question) to the consideration of the bill of the House (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes, and amendments of the Senate thereto, pending when the House took a recess on yesterday; the pending question being on the following amendment of the Senate, namely: "Page 74, after line 27, insert: 'For necessary and special facilities on trunk lines, one hundred and eighty-five.' Pending which Mr. HONK moved that the House recede from its disagreement to the said amendment, and agree to the same with the following amendment:

"Strike out the words 'one hundred and eighty-five' and insert in lieu thereof 'two hundred and fifty.'"

Pending which Mr. HOLMAN made the point of order that the said amendment under clause 3 of Rule XXI was not in order, for the reason that said appropriation was for a purpose not authorized or specified by law or for work already in progress.

The Speaker overruled the said point of order on the ground that the proposition to which the amendment was offered was properly before the House and was amendable, without regard to the rule applicable to an original amendment proposed in the House.

The SPEAKER. It will be observed that the question presented in that case was on an amendment which proposed simply to increase the amount appropriated by the Senate amendment for the same purpose provided for in the Senate amendment. The gentleman from Ohio now submits a proposition which is to make an appropriation for a different purpose from that provided for in the Senate amendment.

Mr. REED, of Maine. But it is a legitimate amendment to the Senate amendment.

The SPEAKER. It is germane. But that is not the question. The question is whether it is competent under the rule of the House, which the Chair will cause to be read, to propose an amendment in the House to a Senate amendment which provides for an appropriation for a different purpose from that provided for by the Senate amendment unless it shall have its first consideration in Committee of the Whole.

Mr. REED, of Maine. I would like after the rule is read to be permitted to say something on this point of order.

The SPEAKER. The Chair will then hear the gentleman.

Mr. SPRINGER. I suggest to the Chair that this comes within clause 3 of Rule XXI. It changes existing law.

Mr. KEIFER. That has nothing to do with it now.

The Clerk read clause 3 of Rule XXIII, as follows:

3. All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing

payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

Mr. REED, of Maine. Let me suggest to the Chair that the gist of that rule, so far as it applies to the present question, is to be found in the last two lines:

And a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

This evidently refers to a bill which is before the House; and any proposition in such a bill subject to the points of order would carry the bill with it.

We found before the adoption of the twentieth rule that when the Senate made such an amendment it did not become subject to the point of order. We therefore made a further amendment in Rule XX, which declared that any proposition originating in the Senate in the form of an amendment to a House bill should go to the Committee of the Whole upon a point of order, provided it would have been subject to that point had it first come up in the House. Now, then, the House had the option of sending this matter to the Committee of the Whole.

The SPEAKER. Not this matter, because this comes up now on a conference report.

Mr. KEIFER. I suggest to the Chair that this is not on a conference report. It is an amendment disagreed to by the House and on which the conferees have not agreed.

The SPEAKER. It comes before the House by reason of the presentation of a conference report; otherwise it would not be before the House.

Mr. REED, of Maine. But the point of order was never made and that amendment was never sent to the Committee of the Whole.

Now, it must be certainly in order for the House to amend the proposition of the Senate. We can not be cut off from a due consideration and amendment of a proposition originating in the Senate by a rule which refers only to the consideration of a bill of the House originating in the House.

Mr. RANDALL. Will the gentleman from Maine allow me to ask him a question?

Mr. REED, of Maine. Certainly.

Mr. RANDALL. I ask him whether the proposition of the gentleman from Ohio [Mr. KEIFER] does not change existing law?

Mr. KEIFER. That does not affect it.

Mr. REED, of Maine. That does not affect it in any way. That is in another section of another rule.

Mr. RANDALL. That is the point of order made by the gentleman from Illinois [Mr. SPRINGER].

Mr. REED, of Maine. What the gentleman from Pennsylvania refers to is the third clause of Rule XXI. We are talking now about the third clause of Rule XXIII. That clause refers to a bill originating in the House and can not be made to apply to an amendment which originates in the Senate. That would clog the free action of the House which ought to have the power to amend any proposition of the Senate before agreeing to it. And the proposition as to the free right of the House to agree to an amendment of the Senate with an amendment, I submit to the Chair, becomes much stronger at this last stage than ever before; and unless there be some positive rule requiring it we should not be hampered by the suggestion that we should go into Committee of the Whole.

Mr. KEIFER. Will the Chair allow me to make a suggestion which I think has not yet been made? This clause of the bill has been considered in the House, and the point of order was not made against it that it had first to be considered in Committee of the Whole House on the state of the Union; and it is probable it could never be made against it after we had passed upon it once in the House. When these amendments came up first after the return of the bill from the Senate, this amendment, like all other Senate amendments to this bill, was considered in the House and was disagreed to. Then was the time, I maintain, if ever, for the point to be made that the amendment should have its first consideration in the Committee of the Whole House on the state of the Union.

The SPEAKER. The Chair thinks so, too, but this proposition was not then before the House at all. This proposition now comes before the House for the first time.

Mr. KEIFER. Then if the original Senate amendment, to which my motion relates, could not be sent to the Committee of the Whole House on the state of the Union either under Rule XX or under paragraph 3 of the rule which the gentleman from Maine [Mr. REED] has just read, it would be impossible to consider it anywhere else. My proposition is one that must go with the Senate amendment, and can not be considered anywhere else. If it is germane to that amendment (and that is conceded), then it can only be considered because we are considering the Senate amendment, and under our rule we may concur in a Senate amendment with an amendment.

My proposition could not be sent to the Committee of the Whole on the state of the Union unless the original Senate amendment could be sent there. I agree that if we were considering Senate amendments on a bill when they first come here, and we reached one of this character, any gentleman might make the point of order that that amendment must go to the Committee of the Whole House on the state of the Union

and the Chair would hold, as it has held, and as it did hold on the Mexican war pension bill, that certain amendments should go for consideration to the Committee of the Whole House on the state of the Union; but we have passed that stage with this Senate amendment and are now in the House considering it, and while it is true that we are considering it because a conference report is brought in here, that report does not include this at all, but simply disagrees to it and leaves the House to consider whether or not it will agree to the amendment or concur in the disagreement of the conferees. My amendment is here because the original proposition is here, and that is all there is of it.

Mr. RANDALL. Mr. Speaker, I desire to say a word as to the point of order made by the gentleman from Illinois [Mr. SPRINGER]. It is not denied that the proposition which the gentleman from Ohio [Mr. KEIFER] has introduced changes existing law. I maintain that, this being a general appropriation bill, the gentleman's proposition is subject to the point of order provided for in the twenty-first rule, whether in Committee of the Whole or in the House. And further, I submit, to strengthen that position, that this is an original proposition, upon which that rule could not be made to operate at all except when it is introduced and known to the House.

Mr. REED, of Maine. Then why did the gentleman from Pennsylvania [Mr. RANDALL] cause to be enacted Rule XX? Because if his argument amounts to anything it must cover amendments that came from the Senate.

Mr. RANDALL. That rule relates to a case where the Senate provides for an object different from that contained in the bill as it passed from the House.

Mr. REED, of Maine. Mr. Speaker, I must say that I am surprised to hear the gentleman from Pennsylvania [Mr. RANDALL] contend that the third section of Rule XXI has anything to do with this matter.

Mr. RANDALL. Mr. Speaker, the point of order made by the gentleman from Illinois [Mr. SPRINGER] is, in my judgment, a valid point of order and ought to be ruled upon.

The SPEAKER. The question of order is made against this amendment upon two grounds: first, that being an original proposition here in the House to appropriate a certain sum of money for a certain purpose, it must have its first consideration in Committee of the Whole on the state of the Union; and secondly, that it changes existing law and does not retrench expenditures. The Chair has caused to be read a decision made at the last session, in which it was held that a proposition made upon the floor of the House, when a Senate amendment was under consideration, to increase the amount proposed to be appropriated by the Senate for the same purpose for which the appropriation was proposed by the Senate need not necessarily have its first consideration in Committee of the Whole on the state of the Union; but this, as the Chair has remarked before, is a different proposition from that.

This amendment proposes not simply to increase—not at all to increase, so far as the Chair sees—the amount which the Senate proposes to appropriate as compensation for its own clerks, but to add the clerks of the House, and thereby make an appropriation of something over \$200,000 for another purpose than that provided for in the Senate amendment. Now the rule of the House is that every proposition involving a tax or charge upon the people, all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

Mr. REED, of Maine. Of a bill?

The SPEAKER. Of a bill.

Mr. REED, of Maine. Has actually commenced?

The SPEAKER. But the rule includes all propositions or proceedings touching the appropriation of money. Of course the amount involved does not affect the principle or the construction of the rule, but the Chair may be permitted to allude to that for the purpose of illustrating the importance of the rule. If it is in order to add to a Senate amendment, for a different purpose than that to which the amendment relates, the sum of \$100, without first considering the proposition in Committee of the Whole, it is equally in order to add \$10,000,000, and if the Chair were to hold that such an amendment as that could be considered in the House without having its first consideration in the Committee of the Whole, clearly the spirit of the rule would be violated. The Chair thinks that, this being an original proposition in the House and for a purpose not provided for in the Senate amendment, it must have its first consideration in the Committee of the Whole on the state of the Union.

Upon the other question, the Chair held during the last session that when a Senate amendment providing for an appropriation not authorized by existing law came to the House, it was in order for the House to amend it by adding other appropriations relevant to it, although not authorized by existing law, because otherwise the House would have no power to amend a Senate amendment which proposed to appropriate money for purposes not previously authorized by law. But upon the first ground the Chair thinks this amendment is not in order.

Mr. REED, of Maine. Is it in order to go into Committee of the Whole for the consideration of this amendment?

The SPEAKER. The Chair prefers to hear gentlemen on that question.

Mr. REED, of Maine. Does the Chair decide it not in order because it must first be considered in Committee of the Whole?

The SPEAKER. Not in order to be offered in the House and considered in the House. If the Chair entertains it as pending in the House he supposes he must put the question upon it.

Mr. REED, of Maine. But the Chair will see that his ruling requires foresight on the part of members as to what amendments are going to be offered; and the amendment of the Senate must be sent to the Committee of the Whole upon the strength of amendments which it is proposed subsequently to offer. The Chair can not desire to come to that conclusion. This rule must be construed all together; and the concluding language is:

And a point of order under this rule shall be good at any time before the consideration of a bill has been commenced.

Now we have commenced the consideration; and I submit that the point of order is not good under the rule. True, the first clauses of the rule are general—

All motions or propositions involving a tax or charge upon the people, &c., shall be first considered in a Committee of the Whole.

But that is limited by the subsequent language of the rule:

And a point of order made under this rule shall be good at any time before the consideration of a bill has commenced.

If it is good before that time the implication of the rule must be that it is not good after that time; and we have entered upon the consideration of this matter.

The Chair will see at once by the condition to which his construction would reduce the House that such can not possibly be the intention of the rule, for the Chair has to rule out this amendment as not being in order because offered in the House.

The SPEAKER. Certainly, because, as the Chair has already said, if the point of order had been made against the Senate amendment when it was presented to the House it would necessarily have had its first consideration in Committee of the Whole on the state of the Union, and then this amendment could have been offered and considered. But that point of order was not made. The House determined not to consider this Senate amendment in Committee of the Whole on the state of the Union, but to consider it in the House; and this is an amendment which the Chair thinks can not be considered in the House without being first considered in the committee.

Mr. REED, of Maine. Then how would the Chair construe this last part of the rule—because our sole purpose is to arrive at some reasonable construction—

The SPEAKER. Certainly; that is the only purpose of the Chair.

Mr. REED, of Maine. How would the Chair construe this last part of the rule:

And a point of order made under this rule shall be good at any time before consideration of a bill has commenced.

Does not that imply that the point of order shall not be good after consideration has commenced?

The SPEAKER. But there was a time when a mere point of order would have taken this amendment to the Committee of the Whole House on the state of the Union; and gentlemen who desired to offer amendments increasing the appropriation or making appropriations for other purposes had a right to take it there for that purpose and offer their amendments. But that was not done; that point of order was not made; and the Senate amendment is now before the House for consideration in the House.

Mr. REED, of Maine. But not for amendment.

The SPEAKER. For proper amendments—for amendments which are in order.

Mr. REED, of Maine. Is there anything in the rule which says we shall not offer an amendment of this sort?

The SPEAKER. There is a rule which says that a proposition of this kind shall have its first consideration in Committee of the Whole.

Mr. REED, of Maine. But that rule also says:

And a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

Meaning it shall not be good afterward.

The SPEAKER. But the House is not considering a bill; it is considering a Senate amendment. That is the original proposition.

Mr. REED, of Maine. If the House is not considering a bill, then the third clause of Rule XXIII is not applicable.

The SPEAKER. The Chair thinks that clause of the rule relates to any resolution, proposition, or proceeding.

Mr. REED, of Maine. But the language of the rule refers entirely to a bill, and the Chair must see that—

The SPEAKER. The Chair will read it again:

All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money—

Mr. REED, of Maine. Yes, sir.

The SPEAKER (reading)—
or bills making appropriations of money or property—

Mr. REED, of Maine. Yes, sir.

The SPEAKER—

or requiring such appropriations to be made, or authorizing payment out of appropriations already made.

Now, "all proceedings touching appropriations of money" are as much embraced by the rule as what is technically called a bill.

Mr. REED, of Maine. But then comes the rest of the rule:

And a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

Now, I submit to the Chair that this rule never contemplated the present situation; that this was an omitted case, just as that which was remedied by Rule XX was an omitted case; and the Senate having made an amendment, and no point of order having been made upon it in the House, which would have carried it to the Committee of the Whole, it became open for amendment. Now, the amendment of an appropriation bill naturally involves either the increase of an appropriation or the decrease of it or a change of its character; and the House can not have free way on such a matter unless it has the right to amend it not only by increasing the amount which the Chair has already decided is proper, but by varying the object for which the appropriation was made.

The Chair makes a distinction which I think on reflection he will see is not sound. That is, that there is a difference between changing the amount and changing the nature of the object for which the amount is appropriated. Provided it is germane it is just as proper to change the object as it is to change the amount, and the Chair already having ruled on a previous occasion, and properly I think, the amount can be changed, surely it follows logically the object also may be changed. And I think the difficulty which has arisen in this case has arisen from laying too much stress on the earlier words of the rule and not bearing in mind the fact that the rule must be construed all together.

The SPEAKER. If the gentleman's construction of the rule in this particular is correct, then the Chair made a great mistake in deciding the amendments to what is known as the Mexican pension bill must have their first consideration in the Committee of the Whole House on the state of the Union, because the point of order was not made before the consideration of the bill was commenced, but was made on each amendment as it was reached.

Mr. REED, of Maine. That came under Rule XX, which provides any amendment of the Senate to any House bill shall be subject to the point of order.

Mr. KEIFER. The Chair was exactly right as to the amendments to the Mexican pension bill, because they came under another rule.

The SPEAKER. The Chair has great difficulty in determining whether—

Mr. REED, of Maine. That is an important point.

The SPEAKER. The Chair has great difficulty in determining whether it is his duty to decide an amendment out of order and exclude it from the consideration of the House because it ought first to be considered in committee, or whether it is the duty of the Chair to rule simply that it must have its first consideration in the Committee of the Whole House on the state of the Union and allow it to be offered, with the right to go into the Committee of the Whole House on the state of the Union for the purpose of considering it. That is a question, so far as the Chair knows, which has never been presented or discussed in the House.

Mr. REED, of Maine. Perhaps we might go on with the other amendments.

Mr. KEIFER. That is all there is of it.

Mr. JOSEPH D. TAYLOR. Mr. Speaker, I desire to know when it will be in order to move that this House adjourn. [Cries of "No!"]

The SPEAKER. The Chair has only one object in view, and that is to give a construction to this rule that will be in accordance with its spirit and not establish a precedent which the House may desire to escape from hereafter. It is an entirely new question, so far as the Chair knows, whether the fact that the proposition must have its first consideration in the Committee of the Whole House on the state of the Union absolutely excludes its presentation in the House, or whether the simple effect of it is to allow it to be presented, if germane and unobjectionable in other respects, and then have its consideration in the Committee of the Whole House on the state of the Union. If the gentleman from Indiana knows of any ruling the Chair will be glad to have his attention called to it?

Mr. HOLMAN. I wish to say, Mr. Speaker, that in reference to the particular letter of Rule XX it is clear, considering the purpose of the rule and its spirit, that it would be impossible with any safety to the deliberations of the House to adopt any other construction than that adopted by the Chair. I submit that after this discussion we should dispose of this amendment to the Senate amendment. I trust my friend from Illinois will allow me to call the previous question.

Mr. CANNON. I have promised to yield to the gentleman from Kansas. I will then allow the gentleman to take the floor for the pur-

pose of demanding the previous question. All I wish to do is to dispose of the amendment.

Mr. JOSEPH D. TAYLOR. I move the House adjourn.

Mr. KEIFER. The gentleman does not have the floor to submit that motion.

The SPEAKER. The Chair is inclined to think, after as careful examination of this rule as he is able to make under the circumstances, that to hold that the amendment could not be entertained might result in preventing the House from making very necessary amendments to Senate amendments, and that the Chair ought therefore to allow an amendment to the amendment to be entertained and have its consideration in the Committee of the Whole House on the state of the Union. The Chair makes that ruling because great inconvenience and injustice might result to the House itself from any other construction of the rule.

Mr. KEIFER. I hope the gentleman will not make any objection to granting unanimous consent to consider it in committee.

A. MEMBER. Consider it in the House as in committee.

Mr. HOLMAN. I object.

Mr. SPRINGER. It is still in order to make the point that the amendment is not germane to the amendment of the Senate.

The SPEAKER. That has been substantially decided.

Mr. SPRINGER. This has not been made as yet, however; it may have been referred to casually in the statement of the Chair. I desire to call attention to the fact that it is not germane to the pending proposition, for the reason that it is a distinct, additional, substantive proposition. The fact that if a proposition before us which allows clerks to Senators is not to be amended as matter germane to it by giving clerks to the House of Representatives, no more than it would be germane to give additional clerks to the President or to the legation at Paris or to any department here. Simply because clerks are provided here for Senators that does not make it germane to give clerks to any other department of the Government.

Mr. KEIFER. We can not hear the gentleman from Illinois here, but I supposed I was entitled to the floor.

The SPEAKER. The Chair thinks it is germane. It relates to the subject of clerks for members of Congress. The fact that the Senate amendment provides simply for clerks to members of the Senate does not preclude the right of the House to so amend as to pay clerks of members of the House. Suppose, for instance, the question was as to the compensation of the clerks of the Senate committees or the officers of the Senate, might it not be amended by adding the clerks or officers of the House? The Chair thinks it could. If you take it in the narrowest sense of course it relates only to the subject of clerks to the individual Senators; but the Chair thinks that would be an exceedingly narrow construction to put upon it and one not warranted by the rule.

Mr. BLAND. I understand that this is now being considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Indiana objected.

Mr. KEIFER. I understood he withdrew the objection.

Mr. HOLMAN. No, sir; I think the House does not intend to increase our own salaries; that is practically the effect of this proposition, if adopted. It amounts substantially to that.

Mr. BLAND. How, then, can we consider it?

The SPEAKER. By going into Committee of the Whole.

Mr. KEIFER. If we have a little order in the House I think we can get through this without any difficulty. I want to avoid making the motion if I can that the House resolve itself into Committee of the Whole on the state of the Union. I am willing, if unanimous consent can be given to consider this in the House as in Committee of the Whole, to limit the time for debate as much as the gentleman desires.

Mr. HATCH, of Missouri. One minute, then.

Mr. SPRINGER. I make the point of order that it is not in order to move at this time that the House resolve itself into Committee of the Whole House on the state of the Union. That can only be done under a suspension of the rules, and the House is not now in a condition where that motion to suspend the rules can be made. We can not go into the committee without a suspension of the rules, and that motion is not in order.

The SPEAKER. On what ground?

Mr. SPRINGER. Because another proposition is pending.

The SPEAKER. Another proposition was pending when this conference report came in; but this is a privileged report and has suspended the consideration of this subject.

Mr. SPRINGER. The conference report did that; but here is another proposition that was not embraced in the conference report.

The SPEAKER. But the House is actually considering it.

Mr. SPRINGER. But not in Committee of the Whole. It would not, of course, be in order to refer the conference report to the Committee of the Whole or to lay it on the table. Mr. Blaine held that to be the construction of the rule. He held that the House must act upon it.

The SPEAKER. The gentleman from Illinois is aware of the fact that the House has disposed of the report of the conference committee by

adopting it, and the matter before us now is not the report of the conference committee, but a particular Senate amendment which the gentleman moves to concur in with an amendment. The subject, however, was brought before the House by the conference report.

Mr. RANDALL. But if the question goes to the conference committee it takes the whole subject.

The SPEAKER. It takes the proposition before the House of course.

Mr. SPRINGER. But this bill came from the conference committee. It is the report of that committee, and we are now considering a part of the conference report; and if you can refer this portion of the conference report to the Committee of the Whole House on the state of the Union, you can dispose of all conference reports by referring them to the committees of the House, which would be a means of defeating all legislation.

The SPEAKER. It does not refer the conference report which has been disposed of by the House. It only refers a particular amendment on which the point of order is made.

Mr. SPRINGER. But the conference report is this bill.

The SPEAKER. The conference report is upon the disagreeing votes of the two Houses, or rather on the amendments of the Senate to the House bill. The conference report does not relate to any part of the bill to which the two Houses agree; and hence no part of the bill would go to the Committee of the Whole House on the state of the Union excepting such amendment as the point of order may lie against. It has all been disposed of but the one single question which is now before the House for consideration.

Mr. SPRINGER. But if we go into Committee of the Whole, then where would it be?

The SPEAKER. The gentleman from Ohio asks unanimous consent to consider it in the House as in Committee of the Whole. He states that he will agree to such limitation upon debate as the gentleman from Indiana will suggest.

Mr. RANDALL. That is objected to.

Mr. BLAND. I wish to reserve the point of order that this changes existing law and does not retrench expenditures.

The SPEAKER. That point of order has been disposed of. The Senate amendment changes existing law also.

Mr. HOLMAN. Mr. Speaker, I regret to seem to stand in opposition to the general sentiment of the House, but gentlemen will see exactly the position in which the conference committee would be placed if they themselves consented voluntarily that this amendment should be submitted.

Mr. KEIFER. But the conference committee would not be responsible for what we may decide.

Mr. HOLMAN. I trust the gentleman will not misapprehend what interpretation would be fixed upon our action in that respect if the members of the conference committee consent that such proposition shall go before the House.

Mr. KEIFER. Then we can go into Committee of the Whole House, and I shall have to make that motion.

Mr. HOLMAN. I greatly prefer voting for an increase of our salaries directly than to vote for the increase in this indirect way, for that is simply what it amounts to, and for one I can not consent to that.

Mr. KEIFER. The gentleman will see the time in the remaining part of this session, short as it is, as he did in the last, when we will agree to pay certain clerks \$180 a month, at the same time refusing to pay them \$100 a month in connection with paying clerks for members of the House \$100 a month.

Mr. HOLMAN. The conferees on the part of the House recommend to the House to insist on its disagreement to the amendment of the Senate. What more could they do? They have done that. And if now they voluntarily consent by their own act that that provision shall be enlarged from \$39,000 to over \$200,000 in what position does that place them? It is a position which I for one can not consent to occupy.

Mr. KEIFER. Is the gentleman from Indiana not in error when he says the conferees on the part of the House recommend the House to insist on its disagreement? Do not they say only they disagreed with the conference on the part of the Senate as to that amendment? They do not say anything on the subject of what the House should do.

Mr. HOLMAN. What more could we do than disagree?

Mr. KEIFER. One of the conferees on the part of the House has already moved that the House shall recede from its disagreement to the Senate amendment.

Mr. HOLMAN. I speak of the act of the majority of the conferees. Mr. McMILLIN. I beg the gentleman to remember that one man does not constitute a majority of the conferees. A majority favor non-concurrence, and they should be sustained by the House.

Mr. KEIFER. In order to have this proposition considered I move that the House resolve itself into Committee of the Whole House on the state of the Union.

Mr. MORSE. I understood the Chair to rule that that required unanimous consent.

The SPEAKER. The Chair has made no ruling upon that subject.

Mr. MORSE. Then I object; and we will have a ruling.

The SPEAKER. The Chair will rule when the point is made. Under the rules of the House it is not in order to move to go into Committee

of the Whole House on the state of the Union till after the morning hour has been occupied or dispensed with, and neither has been done to-day.

Mr. REED, of Maine. Then we will have to stop with the bill.

Mr. KEIFER. I think paragraph 9 of Rule XVI applies to this motion.

The SPEAKER. Clause 9 of Rule XVI provides that—

At any time after the expiration of the morning hour it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering bills raising revenue or general appropriation bills.

Mr. KEIFER. Under the circumstances and with very great regret I shall be obliged to withdraw this proposition.

Several MEMBERS. Why withdraw it?

Mr. KEIFER. There is a variety of opinion as to whether this should be insisted upon. We cannot finish this bill to-night perhaps if we insist upon this amendment.

The SPEAKER. The gentleman can insist upon it in the conference.

Mr. KEIFER. I will be entirely candid and will say I am afraid of the conferees on the part of the House, although I know the Speaker will appoint very excellent men. I wish it were possible to instruct the conferees to agree to such a proposition as this before agreeing to provide for the payment of Senators' clerks at \$180 per month.

Now, as I have a few minutes of time yielded to me by the gentleman from Illinois [Mr. CANNON], I will at least state what will be the effect of such an amendment. The proposition if it were adopted would cut down the pay that is proposed to be given to Senate clerks from \$6 a day, or \$180 a month, to \$100 a month, and it would give to each Representative not a chairman of a committee a clerk during the session, paying him at the rate of \$100 a month. There would be some economy in the matter of paying the Senate clerks, and we would not pay a large price to the clerks of the members of the House.

In a long session, the average of which is seven months, it would be \$700 for the clerk; in the short session about \$300; in an entire Congress \$1,000 would be paid to the clerk of each Representative and each Senator, except the clerk that was appointed by the chairman of a committee either of the Senate or of the House; and that clerk would be left to receive the same pay as he now receives, \$6 a day, and he ought to have the difference. He, as the clerk to the committee, has the committee work to do, and presumably a good deal of work for the chairman of the committee.

Allow me to say, as I am about to take my leave of the Congress of the United States, that the people of this country would gladly give clerks to members, and be willing they should be paid out of the United States Treasury if they knew how much better a Representative a member would be if he had a clerk. I venture to state here in this presence that there is no member of this House who does not occupy more than four-fifths of all his valuable time in looking after matters that are entirely and wholly disconnected with his legislative duties, and while he is doing that he is cut off from the necessary work that he should do in following legislation, in studying the subjects of legislation, in good reading, in close investigation; he is cut off from that and he is tired and wearied out writing letters and going for this thing and for that for his constituents. All that may be proper enough in itself, but it results in this, that he is so weary and tired that he is unable to discharge his duties here upon the floor or in committee.

I know that members of this House of Representatives who do much work on the floor and in committee are men who fail in a large sense to please their constituents at home. And why? They do not write enough letters; they do not run enough errands; they do not devote their time sufficiently to attend to little things for their constituents, but are devoting their time to the things they came here to attend to.

I take it that no person will be offended when I say that practically nineteen Representatives on the floor of this House out of every twenty are utterly disqualified by reason of this for properly discharging their legislative duties. Now, it is a very proper thing to attend to the correspondence connected with the Pension Office. It is a matter of sentiment with us, and we all do it, or try to do it. It is a very proper thing to do, and so are a multitude of other things that we have to do in connection with the Land Office and the Indian Office and the other public offices. All these things we could do if each member had a clerk recognized as the clerk of a particular member. The clerk could attend to the correspondence; he would be received by the heads of Departments and the heads of the different bureaus; he would have the *entrées* anywhere he chose to go on this business, and he could attend to these matters as well as the member, and the member might be devoting himself to study, to investigation, to the duties that belong to him as a Representative here.

Mr. McMILLIN. Will the gentleman permit me to ask him a question?

Mr. KEIFER. Yes, sir.

Mr. McMILLIN. Do not the members know the duties that they assume when they seek the votes of their constituents?

Mr. KEIFER. Oh, yes.

Mr. McMILLIN. And do they not accept the office with that knowledge?

Mr. KEIFER. Oh, yes; they know the burdens, and when they get here—I say it without intending to give offense to anybody—they fail to do the things they ought to do, and do first those other things which their constituents, as individuals, require them to do, but which are no proper part of the duties of a Representative in Congress. I know this. I am perfectly well aware of it. We are all guilty of that. A man will tramp about this city from Department to Department all the morning and he will hasten away from his seat during the sessions of the House; he will grow tired and weary, and the day will pass by, and he will give no sort of attention to the legislation of Congress. He does this because he feels that if he does not write to "John Smith" promptly and get his little matter through some Department he will make an enemy at home.

We ought to be above it. But if we are to do these things, if we are required to do them, let us have this aid. I say "us," although I am not included for the future. If this amendment should be agreed to in the conference committee it would not affect me; it would go into effect in the Forty-ninth Congress. I am speaking, therefore, as one having no sort of interest in this proposition except the great interest which we all have that Representatives in the Congress of the United States shall be placed in that position with relation to their constituents that they can discharge their proper duties here.

If this provision were adopted legislation would go on more rapidly and it would be better done, for each member each day could know that he was free to set about his legislative duties and not to have his time taken up in answering letters and running errands. Mr. Speaker, this is no new trouble, nor did it originate in America. Edmund Burke, when taken to task on a certain occasion for not coming to visit his constituents for a long period of time, responded and said, "While I have not been among you, I have run my very legs off in London doing your errands." We are running our legs off doing errands, and while we are doing that we are not doing the duties we are sent here to do.

The question was taken on the motion of Mr. CANNON, to concur in the Senate amendment; and there were—ayes 34, noes 59.

So the amendment was non-concurred in.

Mr. HOLMAN. Now, Mr. Speaker, I move that the House further insist upon its disagreement to the amendment of the Senate and ask a further conference.

Mr. HISCOCK. May I inquire of the gentleman from Indiana [Mr. HOLMAN] if he expects the Senate will yield?

Mr. HOLMAN. I am not able to tell.

Mr. HISCOCK. Have you the slightest idea that the Senate will yield?

Mr. HOLMAN. I have no other information than the gentleman from New York has himself, but I trust that the Senate will see the propriety of yielding this point.

Mr. HISCOCK. You have been in conference with the Senate and must have formed an opinion.

Mr. HOLMAN. As far as I am concerned as one member of the House I do not propose that this amendment of the Senate shall be adopted. I propose to do all I can to prevent it.

Mr. HISCOCK. I simply want to know what we have before us, even if it goes to the extent of an extra session.

Mr. ANDERSON. Yes; I will stand up for an extra session rather than agree to this amendment.

Mr. REED, of Maine. Mr. Speaker, I simply desire to call attention to the fact that last session at 10 o'clock in the evening we voted against giving the Senate an extra \$30,000, because, although nothing was said about it, it was understood that the money was for clerks, and at 4 o'clock next morning the House voted for the Senate proposition pure and simple. I mention this merely as an interesting historical fact.

Mr. CANNON. And Mr. Speaker, I want to say that, in my opinion, this House, inside of twenty-four hours, will do exactly what it has now refused to do.

Mr. WARNER, of Ohio. But we must save our money now for public buildings.

Mr. REED, of Maine. Mr. Speaker, I want to add that I voted steadily against the proposition, both at 10 o'clock and at 4 o'clock.

Mr. SPRINGER. It is time enough to cross that stream when we come to it.

Mr. HOLMAN. I desire to say a single word before submitting the motion for the previous question. If the House proposes to have a further conference on this proposition, I must protest that gentlemen here, especially my colleague on the committee [Mr. CANNON], who it is to be presumed will be one of the managers on the part of the House in the further conference, should not notify the Senate that within twenty-four hours the House will recede from its disagreement. I do not think my friend is justified in indulging in that prediction. Such a result may take place; but I do not propose for one to advertise the other House that the present action upon our part is not a *bona fide* and honest expression of the conviction of the House that the Senate ought not to increase the salaries of Senators, especially in this indirect way.

Mr. CANNON. The gentleman from Indiana [Mr. HOLMAN] is no more opposed to Senators having these clerks than I am.

Mr. HOLMAN. So I understand.

Mr. CANNON. I wish to add that if, perchance, I am to be one of the managers on the part of the House in the further conference upon this bill, it may be that I was guilty of an indiscretion in making the remark that I did. But I wish to call the attention of the gentleman from Indiana, who is an older member than I am, to the fact that I did but follow in his wake when he, who will also probably be one of the conferees, announced that he never had assented and never would assent to this proposition, and would do all he could to defeat it.

Mr. SKINNER, of New York. May I ask the gentleman from Illinois a question?

Mr. CANNON. Yes, sir.

Mr. SKINNER, of New York. Is it true that under this provision thirty-one Senators who are not chairmen of committees will be entitled to clerks?

Mr. CANNON. Yes, sir.

Mr. SKINNER, of New York. And that the salary of each clerk at \$180 a month for a long session of seven months will be \$1,260?

Mr. CANNON. Yes, sir.

Mr. SKINNER, of New York. Now I would like to know what difference there is between passing an amendment in this guise and voting to each of these United States Senators \$1,260 extra compensation from the United States Treasury. As a rule Senators are able to hire clerks from their own private means; while Members of the House of Representatives, who spend their time and money in the service of their constituents, working night and day, depriving themselves of social comfort with their families, are asked to vote Senators this extra compensation.

I hope that the conferees on the part of the House will hold out until 12 o'clock on the 4th of March in their resistance to this demand, and if necessary will allow an extra session to come rather than agree to this amendment.

Mr. HOLMAN. I call for the previous question.

The previous question was ordered, and under the operation thereof the motion of Mr. HOLMAN that the House further insist on its disagreement to the twenty-ninth amendment of the Senate and ask a further conference was agreed to; and the Speaker announced the appointment of Mr. HOLMAN, Mr. HANCOCK, and Mr. CANNON as conferees on the part of the House.

The SPEAKER. What motion does the gentleman from Indiana [Mr. HOLMAN] make as to the other amendment—the amendment numbered 1?

Mr. HOLMAN. As to that amendment, which is formal, I make the same motion—that the House further insist on its disagreement and ask a further conference.

The SPEAKER. If there be no objection, that order will be made. There being no objection, it was ordered accordingly.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 6658) to provide for the sale of the Sac and Fox and Iowa Indian reservations in the States of Nebraska and Kansas, and for other purposes.

CATTLE TRAFFIC IN THE WEST.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting a report from the Chief of the Bureau of Statistics in response of the resolution of the House calling for information in regard to the ranch and range cattle traffic in the Western States and Territories; which was referred to the Committee on Agriculture, and ordered to be printed.

ORDER OF BUSINESS.

Mr. SPRINGER. I wish to inquire whether it is now in order to proceed with the consideration of the election case? If so, I hope we shall go on with it.

Mr. ANDERSON. I call for the regular order.

The SPEAKER. The question is on the motion to take a recess.

Mr. SPRINGER. That was certainly superseded by all these intervening matters.

The SPEAKER. Under what rule?

Mr. SPRINGER. Unanimous consent was given—

The SPEAKER. It required no unanimous consent. The conference report was a privileged matter, and simply suspended the proceedings which were going on—did not terminate them.

Mr. VALENTINE. The first question is upon the motion for a recess till 8 o'clock.

A MEMBER. Make it 9.

The SPEAKER. The first question is upon the amendment of the gentleman from Tennessee [Mr. PETTIBONE] to the amendment of the gentleman from Iowa [Mr. HEPBURN.] The amendment of the gentleman from Tennessee proposes a recess till 8 o'clock to-morrow morning.

Mr. VALENTINE. I understand there is a desire on the part of members on both sides that we now take a recess until 9 o'clock. If

that be the general desire, I suggest that the amendment fixing 8 o'clock be withdrawn, so that we may vote at once on the amendment of the gentleman from Iowa [Mr. HEPBURN] proposing 9 o'clock.

Mr. SPRINGER. I propose to stay here till the House settles this question of the right of a member to his seat; and I ask every man who desires the question shall be settled to stay here until it has been settled. [Cries of "Regular order!"]

A MEMBER. What is the question?

The SPEAKER. The gentleman from Nebraska [Mr. VALENTINE] moved that the House take a recess until 10 o'clock—

Mr. RANDALL. I hope that will not prevail.

The SPEAKER. The gentleman from Iowa [Mr. HEPBURN] moved to amend by fixing 9 o'clock, and the gentleman from Tennessee [Mr. PETTIBONE] moved a further amendment to fix 8 o'clock. The question is now on the amendment of the gentleman from Tennessee.

Mr. RANDALL. Mr. Speaker, it is desirable that we should sit here until we receive from the Senate the sundry civil appropriation bill, so we may take action upon the amendments of the Senate, and if the action of the House requires it, that the disagreements of the two Houses may be sent to a conference committee, and the managers of said conference appointed on the part of the House.

Mr. SPRINGER. That is right; and while we are waiting I insist we shall proceed with the discussion of the question of the right of a member to his seat upon this floor.

Mr. VALENTINE. Would it not be in order, Mr. Speaker, for the House now to designate the conferees who shall act on the sundry civil bill when it comes over from the Senate?

Mr. RANDALL. The House must concur or non-concur in the amendments of the Senate.

Mr. VALENTINE. It seems to me by unanimous consent we can non-concur and order the appointment of the conferees on the part of the House.

The SPEAKER. The House can not act on a matter that is not before it.

Mr. HOLMAN. I hope the gentleman from Pennsylvania, chairman of the Committee on Appropriations, will give to the House such information as he may possess as to the probability of the sundry civil bill being reported during the night.

Mr. RANDALL. It may be 2 o'clock or it may be 3.

Mr. VALENTINE. It may be daylight or 5 or 6 o'clock in the morning; and what is the use of our staying here during all these long hours and tiring ourselves out when we have so much work to do to-morrow and to-morrow night?

Mr. HERR. The Senate are debating the question yet.

Mr. RANDALL. It ought to come here to-night, and the conferees ought to be able to sit as early as 7 o'clock in the morning.

The SPEAKER. If the Chair may be allowed to state, he was informed that the Senate will pass the bill before it takes a recess or adjourns.

Mr. RANDALL. My information comes from what I believe is an authentic source that the Senate will probably finish the bill by 2 o'clock.

The SPEAKER. The question recurs on the motion of the gentleman from Tennessee [Mr. PETTIBONE] that the House shall take a recess until 8 o'clock in the morning.

Mr. BLAND. I ask by unanimous consent that we take a recess until half past 1 o'clock.

The SPEAKER. That is objected to by the gentleman from Illinois.

Mr. SPRINGER. We must keep the members of the House here if we are to have any business done before 2 o'clock in the morning.

Mr. BLAND. There is no quorum here now, and by taking the recess I suggest it will save the clerks, who are now nearly worn out. [Cries of "Regular order!"]

Mr. HEWITT, of Alabama. I move that after 2 o'clock nothing shall be done except the consideration of the sundry civil bill when it comes from the Senate, and that then we shall take a further recess until 9 o'clock in the morning.

Mr. WELLER. I demand the regular order.

The SPEAKER. The regular order being demanded, the question recurs on the motion of the gentleman from Tennessee, to take a recess until 8 o'clock in the morning.

The House divided; and there were—ay 1, noes 44.

Mr. VALENTINE. No quorum has voted.

The SPEAKER. The Chair will appoint as tellers Mr. SPRINGER and Mr. WELLER.

Mr. VALENTINE. By way of compromise, I ask the House to agree to take a recess until half past 1 o'clock for the purpose of considering the sundry civil bill as it comes from the Senate; that a motion may be considered as made and agreed to to non-concur in the Senate amendments; and that then the Speaker shall have power to appoint the conferees on the part of the House, after which the House will take a recess until 9 o'clock to-morrow morning.

The SPEAKER *pro tempore* (Mr. HATCH, of Missouri, in the chair). Is there objection to that?

Mr. VAN EATON. Yes, I object.

Mr. VALENTINE. Then let us have the result announced of the vote by tellers.

The House again divided on Mr. PETTIBONE's motion to take a recess until 8 o'clock; and the tellers reported—ayes 6, noes 24.

Mr. VALENTINE. Still no quorum has voted.

Mr. ANDERSON. I move the House do now adjourn (12 o'clock and 15 minutes a. m., March 3).

Mr. HEWITT, of Alabama. We either ought to adjourn or take a recess.

The House divided; and there were—ayes 29, noes 69.

So the House refused to adjourn.

Mr. LAMB. I ask by unanimous consent the House take up the Mexican pension bill.

The SPEAKER *pro tempore*. The question again recurs on the motion to take a recess until 8 o'clock to-morrow morning.

The tellers will resume their places, as a quorum has not yet voted.

Mr. RANDALL. I move that the House take a recess until 2 o'clock.

The SPEAKER *pro tempore*. Is there objection?

Mr. VALENTINE. I object, unless some understanding can be reached.

Mr. HEWITT, of Alabama. With the understanding that nothing shall be done except to receive the amendments of the Senate to the sundry civil bill and send them to conference.

Mr. LORE. I object.

Mr. RANDALL. I move the House take a recess until 3 o'clock.

Mr. SPRINGER. That is not in order, unless the previous motions to take a recess are withdrawn.

The SPEAKER *pro tempore*. The motion of the gentleman from Pennsylvania is not in order except by unanimous consent.

Mr. VALENTINE. I object.

Mr. HOUK. I ask unanimous consent of the House that I may be heard for one minute in regard to a matter of great importance to a very large number of people.

Mr. BENNETT. I call for the regular order.

Mr. HOUK. I ask unanimous consent— [Cries of "Regular order!"] If the House will listen to me but for one minute—

The SPEAKER *pro tempore*. The gentleman is not in order.

Mr. HOUK. I would be glad if the House would give me unanimous consent for one minute—

The SPEAKER *pro tempore*. Objection is made.

Mr. HOUK. I appeal to gentlemen to give unanimous consent that I may make a brief statement. Here is a bill— [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The Chair, without objection, will recognize the gentleman from Tennessee for one minute.

Mr. SPRINGER. I object.

Mr. BLAND. Regular order.

Mr. HOUK. Here is a list of the names of persons whose accounts have been audited by the Departments of the Government—

Mr. BLAND. I have objected to this all the while.

The SPEAKER *pro tempore*. The Chair recognized the gentleman for one minute.

Mr. BLAND. Well, he can have one minute, if that is all, as far as I am concerned.

Mr. HOUK. Mr. Speaker, this bill has been passed every session of Congress heretofore as a matter of course.

Mr. HOLMAN. For sixteen years.

Mr. HOUK. It contains the claims which have been audited by the various Departments of the Government after the most careful scrutiny and investigation.

There are a very large number of these claims contained in this bill, and, as I have said, it has been invariably passed heretofore, generally under a suspension of the rules. Here we are now within twenty-four hours of adjournment. If this bill does not pass these people will be compelled to wait more than twelve months for honest debts which have been thoroughly investigated, considered, allowed, recommended, and audited by the authorized auditing officers of the Government. I appeal, then, to members to let this bill be taken up and passed. It has always passed heretofore almost unchallenged.

Mr. KEIFER. Has that been reported by a committee of this House at this session?

Mr. HOUK. Yes, sir.

Mr. KEIFER. What committee?

Mr. HOUK. The Committee on War Claims. I say this, Mr. Speaker: that committee has gone into the most careful scrutiny of this matter; has looked into every case, with very few exceptions, covered by this bill, and in the view of that committee it is absolute justice to these claimants that this bill should become a law. It is one of the appropriation bills of Congress, and ought to be passed. I ask gentlemen, therefore, to let us take it up and pass it. I refer to the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Pennsylvania [Mr. RANDALL] in support of what I have said as to this bill heretofore.

Mr. BLOUNT. Let me ask the gentleman a question. Does this bill contain anything but audited accounts?

Mr. HOUK. No, sir; not a thing, as I understand it; and I ask my colleague on the committee [Mr. ROWELL] to state what course the committee has taken in the examination of the accounts?

Mr. COX, of North Carolina. Has not the minute expired?

The SPEAKER *pro tempore*. The Chair will recognize the gentleman for a moment or two.

Mr. ROWELL. Mr. Speaker, in regard to this bill permit me to say that the committee examined into every claim allowed by the auditing officers of the Government, taking up claim after claim and looking carefully through them as has never been done before. They took up the cases in their order and threw out on amendments and motions some five or six claims that they thought ought not to have been audited, and reported the bill by the unanimous vote of the committee after a close scrutiny and careful examination of nearly every one of the claims that came in.

Mr. McMILLIN. Mr. Speaker, I hope I may be indulged to make a very brief statement in reference to this bill. I wish to say that the request of my colleague from Tennessee is one that ought to prevail. As has been stated by him, this bill pertains to claims all of which have been audited by the accounting officers of the Government, and all of which have been in the first place examined by quartermaster's agents of the United States and approved by the Quartermaster-General.

Mr. LAMB. What sort of claims does this bill contain?

Mr. McMILLIN. Audited war claims; and I may be permitted to say to my friend from Indiana that if it does not contain claims of citizens of his State it is the first bill bearing the claims so reported from the Quartermaster-General in the course of my experience in Congress that they were not interested in, for they suffered losses of this kind.

They are what is known as the 4th of July claims, under the act passed on the 4th of July, 1864, which provided for the payment of claims of citizens for property taken for the use of the Army of the United States. These claims are examined by quartermasters' agents throughout the country in States to which the act applies, and are reported to the accounting officers of the Department, and are transmitted to Congress after thorough examination.

Mr. THOMPSON. And it has been uniformly passed.

Mr. HEWITT, of Alabama. What States are interested in this matter?

Mr. McMILLIN. It pertains to a great many of the States; to all of the border States, I believe.

Mr. HEWITT, of Alabama. Yes; Kentucky and Tennessee.

Mr. McMILLIN. All the border States. In response to the gentleman from Alabama who asks what States it applies to I will say that I do not remember how many are represented in this bill, but heretofore bills which have been passed embraced the States of Kentucky, Tennessee, Ohio, Indiana, West Virginia, Maryland, and probably others.

Mr. PETTIBONE. Missouri.

Mr. McMILLIN. Yes; Missouri and Pennsylvania. I do not know what other States have been embraced in it.

Mr. HEWITT, of Alabama. Mr. Speaker, I must object to this proceeding.

Mr. McMILLIN. I do hope the gentleman from Alabama will not interpose an objection to this. The Government has owed these claims for more than twenty years, and to fail to pay them now is an outrage against every citizen and an unjustifiable postponement of justice. These unfortunate claimants do not get a cent of interest during this long delay. What justice is there in postponing payment?

Mr. HEWITT, of Alabama. I have a claim here for a citizen of my own district in Alabama, which is just as meritorious and honest a claim as any of these, and I can not pass that claim through this House.

Mr. McMILLIN. Let us take it up then and pass it. I hope I have fairness enough to do at least justice to any citizen of this Republic.

Mr. HEWITT, of Alabama. Unless we can pass that claim I shall object to this.

Mr. McMILLIN. I will aid the gentleman in his efforts to get a meritorious claim through.

Mr. ROGERS, of Arkansas, rose.

Mr. SPRINGER. I desire to say to both the gentleman from Tennessee and—

The SPEAKER. The Chair has recognized the gentleman from Arkansas.

Mr. ROGERS, of Arkansas. Mr. Speaker, I have consumed during the present session of Congress but very little of the time of this House, and I appeal now to members on the ground of humanity that they may hear me for two or three minutes upon a subject foreign to this one we have under consideration, but of importance to the people of my State.

Mr. VALENTINE. If we are to go into any new subject I must object.

Mr. ROGERS, of Arkansas. I would feel that I was neglecting a public duty if I failed to call the attention of this House to this matter if an opportunity is offered me to do so.

On the Speaker's table is a Senate bill authorizing the construction of a Federal jail at Fort Smith, Ark.

Mr. ROBERTSON. I rise to a question of order. Under what rule is this debate now going on?

The SPEAKER *pro tempore*. By unanimous consent.

Mr. ROBERTSON. I object.

The SPEAKER *pro tempore*. Objection is made.

Mr. CANNON. Is it not too late to make objection after the gentleman from Arkansas commenced speaking?

Mr. TUCKER. It seems we are all giving our experiences. I would like to give mine. One gentleman has spoken of claims that the Government has owed for twenty years. I have a bill on the Speaker's table that has passed the Senate, to restore to a constituent of mine \$400 that were taken from him by unjust taxation seventeen years ago. I want to have that bill pass the House so that this man may have his money returned to him. I appeal to the House to let that bill be taken up and passed.

Mr. HEWITT, of Alabama. I would like to tell my experience also.

Mr. VALENTINE. I ask unanimous consent that the election case be withdrawn so as to allow all these matters to be brought up.

Mr. TUCKER. I appeal to the gentleman from Nebraska [Mr. VALENTINE], my colleague on the Judiciary Committee, to allow this bill to be taken up.

The SPEAKER. All this is proceeding by unanimous consent.

Objection was made.

Mr. WELLER. I hope the Chair will not be partial, so as to fail to recognize me.

Mr. BLOUNT. I ask unanimous consent to make a statement.

The SPEAKER *pro tempore*. Is there objection to the gentleman from Georgia making a statement?

Mr. ROGERS, of Arkansas. Unless I be permitted to go on, I object.

Mr. BLOUNT. I have no objection to the gentleman from Arkansas being heard.

Mr. WELLER addressed the Chair.

The SPEAKER *pro tempore*. For what purpose does the gentleman from Iowa rise?

Mr. WELLER. I rise for the express purpose of being recognized by the Chair. [Laughter.]

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Iowa that he can not recognize him unless he discloses for what purpose he desires to be recognized.

Mr. WELLER. I will state what I propose. I desire to secure unanimous consent for the present consideration of the joint resolution (H. Res. 252). I send it to the Clerk's desk.

Mr. VAN EATON. I object, unless the gentleman provides for the payment being made in standard silver dollars.

Mr. WELLER. I do.

The SPEAKER. The gentleman from South Carolina [Mr. BRATTON] has a privileged report from the Committee on Printing in reference to the eulogies on the late Senator Anthony. It is a privileged report, although not as against the election case. Is there objection to the gentleman from South Carolina making the report?

There was no objection.

EULOGIES UPON THE LATE SENATOR ANTHONY.

Mr. BRATTON, from the Committee on Printing, reported back with a favorable recommendation the bill (S. 2577) to authorize the printing of the eulogies delivered in Congress upon the late Henry B. Anthony.

The bill was read, as follows:

Be it enacted, &c., That there be printed of the eulogies delivered in Congress upon the late Henry B. Anthony, a Senator from Rhode Island, with an account of his funeral, prepared under the direction of the Joint Committee on Public Printing, 12,000 copies; of which 4,000 shall be for the use of the Senate and 8,000 for the use of the House of Representatives; and the Secretary of the Treasury is hereby directed to have printed a portrait of said Henry B. Anthony to accompany said eulogies; and for engraving and printing said portrait the sum of \$500, or so much as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The SPEAKER. The question is on ordering the bill to be read a third time.

Mr. SKINNER, of New York. Would it be proper to amend so as to give the Senate 8,000 copies and take 4,000 copies for the House?

The SPEAKER. That amendment is in order, if the gentleman desires to offer it.

Mr. SPRINGER. What is the amendment?

The SPEAKER. None has been offered.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. BRATTON moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

PRINTING OF REPORT—WASHINGTON MONUMENT CEREMONIES.

Mr. DORSHEIMER. I ask unanimous consent to call up the Senate bill providing for the printing of the proceedings had here on the occasion of the dedication of the Washington Monument. The House passed a resolution and sent it to the Senate, which has not been acted

upon by the Senate. The Senate passed a bill covering the same subject, differing somewhat from the House resolution. The bill is now on the Speaker's table.

Mr. HOLMAN. That is right.

The SPEAKER. The gentleman from New York asks unanimous consent to take up the Senate bill indicated. The title will be read, after which the Chair will ask for objections.

Mr. ADAMS, of New York. While that bill is being looked for I ask unanimous consent—

The SPEAKER. There is one request for unanimous consent now pending. There can not be two pending at the same time.

The Clerk read the title of the bill, as follows:

A bill (S. 2666) to provide for the printing of the report and proceedings of the commission to provide suitable ceremonies for the dedication of the Washington Monument.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the report and proceedings of the commission to provide suitable ceremonies for the dedication of the Washington Monument, together with the engraved card attached thereto, be printed under the direction of the Committee on Printing; and that 26,500 additional copies be printed, 8,000 copies of the same for the use of the Senate; 16,000 copies for the use of the House of Representatives; 500 copies for distribution by Lieut. General P. H. Sheridan, United States Army, to the civil and military organizations which participated in the proceedings; 500 copies for the Washington National Monument Association for distribution among its members; 500 copies for distribution by Col. Thomas L. Casey, engineer, among the mechanics and workmen employed in the erection of the monument; 500 copies to the Hon. R. C. Winthrop; and 500 copies to the Hon. John W. Daniel; and for the purpose of defraying the expense of printing the attached card the sum of \$2,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

Mr. DORSHEIMER. I will state to the House that the only respect in which this bill differs from the resolution already passed by the House is that the bill provides for the printing of the engraved card, which was not provided for by the resolution, and this bill also provides for giving five hundred copies to each of the two orators. Those are the only respects in which the bill differs from the resolution already passed.

Mr. WELLER. Mr. Speaker, I desire to inquire if the bill is open to amendment?

The SPEAKER. It is.

Mr. WELLER. I move that the bill be amended so as to make the number of copies 35,000, the distribution to be in the same ratio as provided in the bill.

The SPEAKER was proceeding to put the question when Mr. WELLER withdrew the amendment.

Mr. DORSHEIMER. Mr. Speaker, I now demand the previous question on the passage of the bill.

Mr. SKINNER, of New York. Mr. Speaker, I wish to ask my colleague [Mr. DORSHEIMER] how many copies this bill would give to each Senator and how many to each Member of the House.

Mr. DORSHEIMER. I have not figured it up—it provides for 8,000 copies for the Senate, and 16,000 for the House.

Mr. SKINNER, of New York. It gives every Senator 105 copies and every Member 49 copies.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. DORSHEIMER moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

REPORT ON FISH AND FISHERIES.

Mr. ROGERS, of New York. Mr. Speaker, I desire to make two privileged reports from the Committee on Printing, which I send to the Clerk's desk.

Mr. SPRINGER. Mr. Speaker, are these reports subject to objection when they are read?

The SPEAKER. They are subject to the question of consideration.

Mr. SPRINGER. Is this a conference report?

The SPEAKER. It is not. It is a privileged report from the Committee on Printing, as the Chair understands.

Mr. SPRINGER. But it can come in only by unanimous consent. I do not know what matters they relate to, and I may desire to object.

The SPEAKER. The Chair does not know with certainty that this is a privileged report; but certain reports from the Committee on Printing are privileged.

Mr. SPRINGER. Not as against the present order, which is the question of the highest privilege, the right of a member to his seat.

The SPEAKER. The pending question is on a motion for a recess.

Mr. SPRINGER. There is a contested-election case pending.

The SPEAKER. There is no question pending on the report of the Committee on Elections.

Mr. SPRINGER. Let this report from the Committee on Printing be read.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, February 25, 1885.

Resolved by the Senate (the House of Representatives concurring). That the report of the Commissioner of Fish and Fisheries for the year 1885 be printed, and that

there be printed 11,000 extra copies, of which 3,000 shall be for the use of the Senate, 6,000 for the use of the House, 1,500 for the use of the Commissioner of Fish and Fisheries, and 500 for sale by the Public Printer under such regulations as the Joint Committee on Printing may prescribe, at a price equal to the additional cost of publication, and 10 per cent. thereto added; illustrations to be obtained by the Public Printer under the joint direction of the Committee on Printing.

The resolution was concurred in.

Mr. ROGERS, of New York, moved to reconsider the vote by which the resolution was concurred in; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ASTRONOMICAL OBSERVATIONS.

Mr. ROGERS, of New York, from the Committee on Printing, reported the following concurrent resolution:

IN THE SENATE OF THE UNITED STATES, February 25, 1885.

Resolved by the Senate (the House of Representatives concurring). That the annual volume of Astronomical and Meteorological Observations of the Naval Observatory for the years 1881 and 1882 be printed, and that 2,000 additional copies of each volume be printed, of which 400 copies shall be for the use of the Senate, 800 copies for the use of the House, and 800 copies for the use of the Navy Department, or for sale at the cost of paper and printing, in accordance with section 422 of the Revised Statutes of the United States.

The resolution was concurred in.

Mr. ROGERS, of New York, moved to reconsider the vote by which the resolution was concurred in; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

FOURTH OF JULY CLAIMS.

Mr. BLOUNT. Mr. Speaker, a while ago I asked unanimous consent to make a statement in reference to Executive Document 119. The gentleman from Arkansas [Mr. ROGERS] objected, but he withdraws his objection.

Mr. ROGERS, of Arkansas. I withdraw the objection.

The SPEAKER. The gentleman from Georgia [Mr. BLOUNT] asks unanimous consent to make a statement. Is there objection?

Mr. VALENTINE. Regular order.

Mr. ROGERS, of Arkansas. Mr. Speaker, I ask unanimous consent—

The SPEAKER. The gentleman from Nebraska [Mr. VALENTINE] demands the regular order, which cuts off all requests for unanimous consent.

Mr. ROGERS, of Arkansas. This is a matter of a good deal of interest.

The SPEAKER. The gentleman must make his appeal to the gentleman from Nebraska. The Chair has no discretion in the matter.

Mr. VALENTINE. Mr. Speaker, I withdraw my objection to the gentleman from Georgia making his statement.

Mr. BLOUNT. Mr. Speaker, Executive Document 119 is a letter from the Secretary of the Treasury, transmitting a list of claims which have arisen under the act of July 4, 1864. By virtue of that act the Quartermaster-General, the Commissary-General, and the Third Auditor of the Treasury are required to examine and consider certain claims, and it is made the duty of the Secretary of the Treasury to report them to Congress at each session. In the Forty-fourth Congress this document, covering claims amounting to about \$500,000, was reported by Mr. Edwards of Illinois, then chairman of the Committee on War Claims. It passed the House at both sessions of that Congress by unanimous consent, and it has always passed without objection until, I think, the last session of the last Congress, when some objection was made, but I believe it finally passed the House. This time the claims amount to only \$228,000. Now, the law did not contemplate that these claims should be examined by the House. The act provided that they should be examined by the Quartermaster-General, the Commissary-General, and the Third Auditor. They have always passed in the way I have stated, and I think it will be a great injustice to these claimants if this bill does not now pass. This is not the case of ordinary claims on the Calendar which we reserve to ourselves the right to examine. These are cases the examination of which has been delegated to the officers I have designated, and I trust that the House will see the justice of doing what has been done heretofore in reference to these cases and allow them to pass without objection. The committee have reported these claims unanimously.

Mr. HEWITT, of Alabama. Mr. Speaker, I would like to say to the gentleman from Georgia [Mr. BLOUNT] that the House may get at the bill to which he refers by simply disposing of this contested-election case.

Mr. KEAN. You want to take \$11,000 out of the Treasury on that.

Mr. WELLER. Well, if he is entitled to it give it to him.

Mr. KEAN. But he is not.

Mr. BLOUNT. My friend understands very well the difficulty there is in getting an election case out of the way.

We have been in a minority ourselves, and have had some difficulty of this sort. I trust that neither this election case nor any other reason will prevent the House from doing what it has always done, and rightly done, with reference to these audited claims.

Mr. McMILLIN. This claim ought to be passed, and I hope the gentleman from Alabama will make no objection.

The SPEAKER. Is there objection?

Mr. SPRINGER. I object. I would be delighted to have this bill passed; and I ask gentlemen on the other side to cease their opposition to this election case, and let us fix a time to consider and dispose of it, and then we can take up these other matters. I think the right of a member to his seat on the floor is a question of the highest importance. [Cries of "Regular order!"]

The SPEAKER. The question is on the amendment of the gentleman from Tennessee [Mr. PETTIBONE] to the amendment of the gentleman from Iowa, the amendment of the gentleman from Tennessee being for a recess till 8 o'clock to-morrow.

The question being taken, there were—ayes 28, noes 45.

Several MEMBERS. No quorum.

Tellers were ordered; and Mr. SPRINGER and Mr. HEPBURN were appointed.

Mr. O'NEILL, of Missouri. I desire to know whether it requires a quorum to vote down a motion for a recess.

The SPEAKER. It requires a quorum to decide it either way.

Mr. O'NEILL, of Missouri. Another tribute to our rules.

The House again divided; and the tellers reported 1 in the affirmative, 36 in the negative—no quorum voting.

During the count by tellers the following proceedings took place:

Mr. WELLER. Mr. Speaker, would it be in order for me to ask unanimous consent for the consideration of joint resolution 252?

The SPEAKER. The House is taking a vote.

Mr. KEAN. I ask unanimous consent that the House take up the joint resolution to print the annual report of the Smithsonian Institution.

The SPEAKER. A vote of the House is being taken.

Mr. GIBSON. I am led to believe there will be no objection to putting upon its passage the bill which I hold in my hand. I am assured by some gentlemen who have been objecting to general business that they think this bill ought to pass.

The SPEAKER. But the House is taking a vote.

The result of the vote was announced as above stated.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate further insisted on its amendments numbered 1 and 29 to the bill making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, agreed to the further conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. ALLISON, Mr. DAWES, and Mr. COCKRELL.

PUBLIC BUILDING AT SAN FRANCISCO.

Mr. BUDD. I ask unanimous consent for the consideration of Senate bill 147. I do not think any one will object.

A MEMBER. What is it about?

Mr. BUDD. It is for the erection of a post-office building in San Francisco.

Several members objected.

Mr. BUDD. We never have had a post-office building there. Our postal business is done away down on the old water-front, in a little cubby-hole. San Francisco has 300,000 inhabitants.

Mr. WELLER. I rise to a point of order. Is it proper for the gentleman to proceed after objection has been made?

The SPEAKER. Not without unanimous consent.

A MEMBER. There was no objection to the gentleman proceeding with his remarks.

The SPEAKER. Objection was made to considering the bill, but no objection was made to the gentleman proceeding with his statement.

Mr. BUDD. As the time is not being occupied with anything else, I hope I may be allowed to conclude my statement.

In 1800 the tonnage of San Francisco was 235,000; in 1882 it had a tonnage of more than 1,000,000 tons. In 1860 its imports amounted to more than \$9,000,000; in 1882 to over \$51,600,000. In 1860 the exports were more than \$2,900,000; in 1882 over \$52,400,000. The postal revenue for 1860 was \$154,872; in 1882 it amounted to \$558,133; and to-day San Francisco, one of the largest and most important cities in the United States, yields a net revenue of some \$400,000.

Mr. KEAN. How much has been spent there on public buildings?

Mr. BUDD. Not a single dollar has been spent on a post-office building.

Mr. KEAN. What other public buildings are there?

Mr. BUDD. The Government has built a mint there, of which the Democracy will have control in a few days.

The building in which our post-office business is now transacted is down on the old water-front and is very inconvenient, not sufficient to afford proper facilities to our people. We are using for a post-office the lower floor and basement of the old custom-house. This bill is a Senate bill, and should become a law; hence I ask that it be now taken up and passed.

Mr. HEWITT, of Alabama. I suggest that the gentleman have this measure attached to the sundry civil bill in the Senate.

Mr. BUDD. This bill has already passed the Senate; it passed there more than a year ago, and has since been on the Speaker's table. It should pass here. I know this requires unanimous consent on account of the state of present proceedings. Let it pass. [Cry of "Regular order!"]

Mr. WELLER. I rise for the purpose of asking unanimous consent to permit my resolution to be read to the House. I do not think there will be any objection to it.

The SPEAKER. That is not the regular order, and the regular order has been demanded on both sides of the House.

Mr. WELLER. I was trying to get rid of that.

The SPEAKER. The gentleman will get rid of it only by having it withdrawn. [Cries of "Regular order!"]

The question is on the motion of the gentleman from Tennessee to take a recess until 8 o'clock in the morning. [Putting the question. After a pause.] The noes seem to have it.

Mr. HEPBURN. I demand a division.

The House divided; and there were—ayes 12, noes 31.

Mr. WELLER. No quorum.

Mr. HEWITT, of Alabama. As the House has refused to take a recess I ask unanimous consent—

The SPEAKER. The regular order is insisted upon. The point of no quorum has been made, and the Chair will appoint as tellers Mr. PETTIBONE and Mr. WELLER.

The House again divided; and the tellers reported—ayes 4, noes 12.

Mr. BUDD. I move to take up Senate bill 147. The objection made by the gentleman from Alabama will be withdrawn.

The SPEAKER. The gentleman from North Carolina [Mr. SKINNER] objected.

Mr. SKINNER, of North Carolina. I do not object.

The SPEAKER. The Chair thought the gentleman did object.

Mr. HEPBURN. I move there be a call of the House.

The House divided; and there were—ayes 18, noes 37.

So the motion was disagreed to.

Mr. JOHN S. WISE (at 1 o'clock and 40 minutes a. m., March 3) moved that the House adjourn.

The motion was disagreed to.

Mr. PERKINS. I ask this bill be read from the Clerk's desk. [Cries of "Regular order!"]

The SPEAKER. Objection is made.

Mr. PERKINS. I think there will be no objection to it.

Mr. LEWIS. Would it be in order to make a statement in which I am interested?

The SPEAKER. It would be if the demand for the regular order is withdrawn. Is the demand for the regular order withdrawn?

Mr. SHIVELY and others objected.

Mr. CALDWELL. I ask to have read for information a resolution for the payment of the employés for the month of March. It is the usual resolution. These boys can not get away unless it is passed. [Cries of "Regular order!"] I hope objection will be withdrawn.

[Cries of "Regular order!"] This is simply to make available the pay of the employés for the month of March. [Cries of "Regular order!"] It was done at the last session, and ought to be done now.

The SPEAKER. Is the regular order insisted upon?

Mr. COOK. I demand the regular order of business.

Mr. PERKINS. I move to take a recess.

The SPEAKER. All the motions to take a recess that can be made have been made.

Mr. CALDWELL. My motion is to make available the pay of the employés for the month of March.

Mr. ENGLISH. Otherwise they will have to remain here.

Mr. CALDWELL. I hope the gentleman will not insist upon the regular order.

The SPEAKER. Does the gentleman from Iowa withdraw his demand for the regular order?

Mr. COOK. The regular is called for by the gentleman from Indiana [Mr. SHIVELY].

The SPEAKER. Does the gentleman from Indiana insist upon it? Mr. SHIVELY. I do.

Mr. WELLER. I feel I have not been fairly treated. Other matters of less importance than mine have been considered. [Cries of "Regular order!"] The distinguished gentleman from Kentucky [Mr. BLACKBURN] says he has no objection to it.

Mr. ROGERS, of New York. I ask to submit a report from the Committee on Printing.

The SPEAKER. It is not now in order; the division of the House discloses the want of a quorum.

Mr. CALDWELL. I hope there will be no objection to the passage of the resolution for our worthy and courteous employés. [Cries of "Regular order!"] I understand there is no objection.

The SPEAKER. There are demands for the regular order on both sides of the House, and they are in the nature of objections.

Mr. HEWITT, of Alabama. I have a bill here that I know nobody will object to [cries of "Oh, no; of course not"], and I send it up with

the report, and ask that the report and the bill may be read for the information of the House. [Cries of "Regular order!"]

The SPEAKER. The demand for the regular order of course stands until it is withdrawn by gentlemen who make it.

Mr. BURNES. I think I can make a statement that will interest the House—a patriotic suggestion— [Cries of "Regular order!"]

The SPEAKER. The regular order is the motion of the gentleman from Tennessee.

Mr. BURNES. I believe unanimous consent is given me to make a brief statement of one minute and a half.

Mr. HUTCHINS. Regular order.

Mr. WELLER. I now ask unanimous consent that the joint resolution of the House No. 252 may be read for the information of the House.

The SPEAKER. The regular order is demanded.

Mr. WELLER. I understand that, Mr. Speaker, but I am going to importune gentlemen to permit me to have this read because I know it will be agreed to. [Laughter.]

The SPEAKER. If gentlemen will withdraw their demands for the regular order, of course the Chair will recognize the gentleman.

Mr. JOHN S. WISE. Regular order.

Mr. KEAN. I move a call of the House.

The question was taken; and on a division there were—ayes 29, noes 36.

So the call of the House was not ordered.

Mr. WELLER. No quorum. I think we ought to have members present to transact the public business.

The SPEAKER. A quorum is not necessary on this motion.

Mr. WELLER. Can I now ask unanimous consent to call up this resolution? I ask to have it read.

The SPEAKER. The Chair can not entertain the request pending the demand for the regular order.

Mr. JOHN S. WISE. I move that the House do now adjourn.

The question being taken; there were on a division—ayes 28, noes 42. So the motion was not agreed to.

Mr. GUENTHER. Mr. Speaker, I ask unanimous consent of the House to take from the Speaker's table Senate bill 636, providing for the erection of a public building at Oshkosh, Wis., and put it upon its passage. [Cries of "Regular order!"]

The SPEAKER. The demand for the regular order cuts off such requests.

Mr. GUENTHER. I sincerely hope that no gentleman will insist upon the demand for the regular order as against this bill, which is a very meritorious and important measure.

The SPEAKER. The Chair must recognize the demand for the regular order.

Mr. JOHN S. WISE. I move that the House take a recess for thirty minutes.

The SPEAKER. That, of course, could only be done by unanimous consent, for the reason that all motions in reference to a recess that are permissible under the rule are already pending.

Mr. JOHN S. WISE. I make this motion, Mr. Speaker, in all seriousness, and ask the unanimous consent of the House to that effect. I understand that the sundry civil bill will be here within that time, and I am serious in making the motion, because we are merely exhausting the Speaker and doing nothing.

Mr. WELLER. If the gentleman would not submit so many motions he would not exhaust the Speaker so much.

The SPEAKER. The Chair regrets that the motion could only be entertained by unanimous consent. [Cries of "Regular order!"]

Mr. BRECKINRIDGE. We ought to take a recess to give the reporters and other officers of the House some opportunity to rest.

The SPEAKER. The regular order is the motion of the gentleman from Tennessee to take a recess.

Mr. MCADOO. I move a call of the House. I wish to preserve the order and dignity of the House and the decorum of our proceedings, and therefore submit that motion.

Mr. BRECKINRIDGE. I demand the yeas and nays on the motion.

Mr. MILLS and others. Let us have the yeas and nays.

Mr. BRECKINRIDGE. I think it is only proper that we should give the reporters some rest; and I hope that we will at least put a stop to unnecessary talking if we can not proceed with the public business.

The question was taken; and on a division there were—ayes 25, noes 29.

So the yeas and nays were ordered.

The SPEAKER. The Clerk will call the roll.

Mr. LACEY. I rise to a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. LACEY. If this vote discloses the absence of a quorum can we proceed to the consideration of any business whatever until a quorum shall appear?

Mr. REED, of Maine. I move to reconsider the vote by which the yeas and nays were ordered.

Mr. HUTCHINS. How did you vote?

Mr. REED, of Maine. It does not make any difference how I voted. I voted the right way, of course.

Mr. MILLS. I called for the yeas and nays on the motion so as to give the reporters a little rest.

Mr. HUTCHINS. Has the gentleman the right to make the motion to reconsider?

The SPEAKER. Any gentleman has the right to move a reconsideration when there is no record of the vote, the presumption being that all voted on the prevailing side.

Mr. REED, of Maine. We do not want to wear out our clerks in this way. It is not right, and there is no necessity for calling the roll on this motion.

The question being taken on the motion to reconsider the vote ordering the yeas and nays, it was agreed to—ayes 45, noes 21.

Mr. WARNER, of Ohio. Now, Mr. Speaker, out of consideration for the Speaker himself, for the reporters, and the clerks, while we are waiting for the sundry civil bill to come from the Senate, I suggest that by unanimous consent we take a recess for thirty minutes.

Mr. RANDALL. I can state, if the House will permit me, that I have information of the passage of the sundry civil bill by the Senate, and I think it will be here within half an hour.

Mr. HOLMAN. It is very proper that we should take a recess for half an hour while waiting for that bill.

Mr. WARNER, of Ohio. I ask by unanimous consent that the House may now take a recess for thirty minutes.

Mr. MILLS. That is right; give all a rest for that length of time.

Mr. BLOUNT. I desire to make a parliamentary inquiry. Suppose we should have a yeas-and-nays vote and it should disclose the fact that no quorum is present, would not the Chair be compelled to take official notice of that fact, and would we not be placed in the position of being unable to transact any other business whatever until a quorum had appeared?

The SPEAKER. The Chair thinks when the record shows on a call of the yeas and nays there is not a quorum present business must cease until a quorum appears.

Mr. WARNER, of Ohio. I ask that by unanimous consent a recess be taken for thirty minutes.

Mr. BROWN, of Pennsylvania. I hope not. If the House will allow me I should like to entertain it for a few moments with the consideration of a bill for the erection of a public building at Williamsport, Pa.

The SPEAKER. There is a matter pending. Is there objection to the request of the gentleman from Ohio [Mr. WARNER] that the House take a recess for thirty minutes?

Mr. SPRINGER. All other motions for a recess being withdrawn?

Mr. WARNER, of Ohio. Nothing is withdrawn.

The SPEAKER. The gentleman from Illinois can object if he desires to do so.

Mr. SPRINGER. I desire, if this request for a recess be agreed to, that all other motions be withdrawn.

Mr. HEPBURN. You know we will not do that.

Mr. MILLS. Let us take a recess and rest the clerks.

The SPEAKER. Is there objection to the request made by the gentleman from Ohio?

There was no objection; and accordingly (at 2 o'clock a. m. Tuesday, March 3) the House took a recess for thirty minutes.

AFTER RECESS.

The recess having expired, the House reassembled at 2 o'clock and 30 minutes a. m. Tuesday, March 3.

PAYMENT OF CONGRESSIONAL EMPLOYÉS FOR MARCH.

Mr. CALDWELL. I ask unanimous consent to introduce a joint resolution for the immediate payment of the officers and employés of the Senate and of the House for the month of March.

Mr. BROWN, of Pennsylvania. I believe I had the floor at the time the House took the recess.

Mr. CALDWELL. I am satisfied if this joint resolution be understood there will be no objection to it. It is simply to pay in advance the employés of the Senate and of the House for the month of March. It is not extra pay. They are on the annual roll. It is simply a matter of accommodation to gentlemen who have constantly accommodated us.

The SPEAKER. Is there objection?

Mr. HOLMAN. Let the resolution be reported.

The joint resolution was read, as follows:

A joint resolution authorizing the immediate payment of the officers and employés of the Senate and of the House for the month of March.

Resolved, *etc.*, That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby, authorized and directed to pay to the officers and employés of the Senate and of the House borne upon the annual roll their respective compensation, including the Capitol police, for the month of March, 1895, as soon as practicable after the adjournment of this session of Congress.

Mr. HOLMAN. I would suggest that that is hardly broad enough. It applies only to the employés on the annual roll. There is a very considerable class who are not on the annual roll, but who are paid for

the long session for eight months and for the short session for four months. This would not apply to them. I suggest this course: that the joint resolution shall be passed when, after consultation with the Clerk, it is ascertained exactly what class of persons are entitled to receive the compensation for the month of March. I am satisfied that they are a much larger class than those named in the joint resolution. Quite a large number of persons are employed for the session, which means four months, and yet they would not get the pay for that additional month under this resolution. I suggest that after consultation has been had with the Clerk as to what the terms of the joint resolution exactly should be, it should then be submitted to the House and passed.

Mr. RANDALL. I am inclined to think the session clerks will get their salaries independent of this resolution.

Mr. CALDWELL. They will.

Mr. HOLMAN. If the gentleman from Pennsylvania [Mr. RANDALL] is certain that this is right I have no objection.

Mr. CALDWELL. This is in the exact terms of the resolution which has been passed heretofore session after session.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The joint resolution (H. Res. 346) was read three times, and passed. Mr. CALDWELL moved to reconsider the vote by which the resolution was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. McMILLIN. I ask unanimous consent to call up the bill H. R. 8102. I wish to state this bill makes no appropriation. The facts are these—

Mr. BROWN, of Pennsylvania. I understand that I am entitled to the floor; but I will yield for a few moments to the gentleman from Tennessee [Mr. McMILLIN].

The SPEAKER. The Chair does not know that the gentleman from Pennsylvania is entitled to the floor.

Mr. McMILLIN. I will state to my friend from Pennsylvania [Mr. BROWN] a fact that I think will be sufficient to justify the indulgence he has kindly yielded me. A railroad is organized to be built to some coal mines in my State. A fellow-citizen of the gentleman from Pennsylvania is interested therein. It is an immense enterprise, and they can not proceed without the right to cross the Cumberland River. It is a bill for the purpose of giving the assent of Congress to the construction of a bridge. I hope there will be no objection.

The SPEAKER. Is there objection?

Mr. KEAN and Mr. VALENTINE. Let the bill be read.

The SPEAKER. The Clerk will report the bill.

The bill (H. R. 8102) to give the assent of Congress to the construction of a railroad bridge by the East and Middle Tennessee Railroad Company over the Cumberland and Caney Fork Rivers was read at length.

Mr. VALENTINE. The House seems now to be in a state of good feeling. I ask unanimous consent—

The SPEAKER. One matter is now pending.

Mr. VALENTINE. Unanimous consent was not given for its consideration. I said, "Read the bill first." I ask this of the House. We have to wait until the sundry civil bill comes from the Senate. I ask that while we are waiting its arrival the Speaker proceed to recognize gentleman to call up bills for consideration under the morning-hour rule, which allows ten minutes for debate—five minutes in favor of the bill and five minutes against it.

Mr. COOK. I object.

Mr. VALENTINE. Then I give notice that nothing shall be passed here to-night with my consent.

Mr. WILKINS. Did not the objection to the consideration of the bill called up by the gentleman from Tennessee [Mr. McMILLIN] come too late? The Speaker asked if there were objections, and there were none.

The SPEAKER. The gentleman from Nebraska [Mr. VALENTINE] said, "Let the bill be read."

Mr. McMILLIN. The gentleman withdraws his objection.

Mr. VALENTINE. I do, if the objection is withdrawn to my request for the consideration of bills under the ten-minute rule. Does the gentleman from Iowa [Mr. COOK] withdraw his objection?

Mr. BROWN, of Pennsylvania. I understand the objection is withdrawn on both sides.

The SPEAKER. It is not withdrawn.

Mr. COOK. I want to say that, believing the Constitution imposes on the House the duty of judging of the election of one of its members whose case is now before the House, nothing shall be transacted until this case is disposed of.

Mr. BOUTELLE. Mr. Speaker, as the gentleman from North Carolina [Mr. BENNETT] seems to have withdrawn, probably to take a nap or for some such purpose, I suggest that we lay aside the election case. [Laughter.]

Mr. VALENTINE. Mr. Speaker, I am requested by a number of members that I repeat the proposition I made a while ago asking unanimous consent that until the sundry civil bill reaches the House the Speaker now entertain motions under the special rule for the consideration of such bills as members may call up, leaving the general status exactly as it is at present.

The SPEAKER. The gentleman from Nebraska [Mr. VALENTINE] asks unanimous consent to proceed under the special rule of the House recently adopted until the sundry civil appropriation bill is received from the Senate.

Mr. RANDALL. I object.

Several MEMBERS. Regular order!

Mr. CALDWELL. Mr. Speaker, I hope it will be in order for me to state one thing: The gentleman from Pennsylvania [Mr. BROWN] yielded the floor to me a while ago, and as an act of courtesy and as an act of justice to him I ask that he be permitted to resume it now.

Mr. WELLER. Mr. Speaker, I understand there has been a ruling on that point.

The SPEAKER. The regular order has been demanded. Is the demand for the regular order withdrawn?

Mr. CALDWELL. As I understand it, the gentleman from Pennsylvania [Mr. BROWN] had the floor without objection.

The SPEAKER. Before the recess the gentleman from Pennsylvania [Mr. BROWN] rose and stated, according to the recollection of the Chair, that he had a matter with which he proposed to "entertain" the House, but somebody objected, and immediately the recess was taken. The gentleman did not submit any motion. The gentleman from Pennsylvania [Mr. BROWN] now asks unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of a bill in relation to a public building at Williamsport, Pa.

Mr. VALENTINE. Regular order.

Mr. McMILLIN. Mr. Speaker, I do not understand that the objection to my bill is insisted upon, and I hope it will not be.

The SPEAKER. The Chair does not understand that the objection has been withdrawn.

Mr. GIBSON. Mr. Speaker, we may just as well understand this matter. This stream to which that bill relates is a navigable one, which is being improved by this Government at great expense, and I object to building any bridge across it unless after a thorough investigation.

Mr. McMILLIN. It has been investigated. The report of the Secretary of War is here. He submitted the question to the local engineers and the matter was delayed until their reports came, and they are embodied in the report of the Secretary.

Mr. GIBSON. I just want to go further, Mr. Speaker, and say that no drawbridge across a running stream—

The SPEAKER. There is nothing before the House. The regular order is insisted upon on both sides of the House.

Mr. VALENTINE. Mr. Speaker, we shall need a quorum here in a few minutes, and I think we had better send for one. There will be nothing further done here to-night without a quorum. The gentleman from Pennsylvania [Mr. RANDALL] wants a quorum, and I think we had better have a call of the House. I make that motion.

The question was taken on ordering a call of the House; and there were—ayes 26, noes 41.

So the motion was not agreed to.

Mr. HEWITT, of Alabama. Mr. Speaker, I move that the House now take a recess.

Mr. BISBEE. Mr. Speaker, is it in order to ask unanimous consent to move to suspend the rules to pass the bill for the relief of General Grant?

The SPEAKER. Not while the regular order is insisted upon. The gentleman from Pennsylvania [Mr. BROWN] states that the objection to the request made by him to take up a public-building bill is withdrawn.

Mr. RANDALL. I object.

Mr. VALENTINE. There is no quorum here, so we can not do any business. The gentleman from Pennsylvania [Mr. RANDALL] wants a quorum.

Mr. TUCKER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table—

The SPEAKER. Objection is made and the regular order is demanded by gentlemen on both sides of the House, so that the Chair can not entertain a request for unanimous consent.

Mr. TUCKER. I will ask the House, if I can get attention for a moment—

The SPEAKER. Objection is made.

Mr. TUCKER. Who makes the objection?

The SPEAKER. Several gentlemen are demanding the regular order and insisting that no business shall be done except the regular business before the House.

Mr. MCADOO. Mr. Speaker, I move that the House take a recess.

The SPEAKER. That motion can be entertained only by unanimous consent, because, as the Chair has stated several times, all the motions that can be made with reference to a recess, under the rules of the House, are now pending.

Mr. TUCKER. The objection is withdrawn.

The SPEAKER. Is the demand for the regular order withdrawn? Several MEMBERS. Regular order.

The SPEAKER. The Chair does not understand that it is withdrawn. The regular order is demanded. The regular order is the amendment offered by the gentleman from Tennessee [Mr. PETTIBONE] to the amendment of the gentleman from Iowa [Mr. HEPBURN] to the motion made by the gentleman from Nebraska [Mr. VALENTINE].

The House divided; and there were—ayes 24, noes 32.

Mr. HOUK. No quorum.

Tellers were ordered; and Mr. COOK and Mr. HOUK were appointed.

The House proceeded to divide; but before the tellers announced the result of the count the following proceedings took place:

Mr. VALENTINE. I move that the House adjourn.

The SPEAKER *pro tempore* (Mr. HATCH, of Missouri). That motion is not in order. The House is dividing.

Mr. ADAMS, of New York. I rise to a parliamentary inquiry. Is it in order to move to suspend the rules in order to take up and put on its passage Senate bill 1372, to establish a uniform system of bankruptcy throughout the United States?

The SPEAKER *pro tempore*. The House is dividing, and the motion is not in order.

Mr. JOSEPH D. TAYLOR. Mr. Speaker, a gentleman who has just returned from the other end of the Capitol states that the Senate has taken a recess until 9 o'clock to-morrow morning. If that be true, I do not see any necessity of our remaining here longer.

Mr. BURNES. Mr. Speaker, will this House hear the story of two men who entered the Army at the beginning of the war as private soldiers and after serving bravely for four years under the flag that hangs so gracefully over your head, sir, met with a misfortune which a bill now pending in this House is designed to remedy? For four years as private soldiers they marched to "the music of the Union."

A MEMBER. Do they want an appropriation?

Mr. BURNES. They ask no appropriation; they ask a simple act of justice. Entering the Army as poor boys, and serving through the war, they earned the rank respectively of colonel and lieutenant-colonel. Commissions were sent to them from the War Department, but unfortunately these commissions arrived a day or two after these soldiers were mustered out.

They ask no pay, no emoluments. They simply ask at the hands of the country the honor of these titles of colonel and lieutenant-colonel, which they won. The bill has passed the Senate of the United States, and has been reported favorably by a committee of this House, the report being made by the gentleman from Indiana [Mr. STEELE]. The bill asks no appropriation of money; it proposes nothing but to do an act of simple justice to these plain men who fairly earned this distinction.

The SPEAKER *pro tempore*. The gentleman from Missouri [Mr. BURNES] asks unanimous consent to call up for immediate consideration the Senate bill to which he has referred. Is there objection?

Mr. VALENTINE. I object.

Mr. DAVIS, of Illinois. Let the bill be read subject to objection.

Mr. VALENTINE. I object.

Mr. McCOMAS. Let the report be read.

Mr. VALENTINE. There must be a quorum here before any further business is done.

Mr. BURNES. I believe it is the right of a member desiring to call up a bill to have it read before objections are made.

The SPEAKER *pro tempore*. The House is dividing. The proposition of the gentleman from Missouri requires unanimous consent, and objection has been made.

Mr. HATCH, of Michigan. I move that the House adjourn.

The SPEAKER *pro tempore*. The tellers have not reported the result of their count, and the motion of the gentleman from Michigan is not in order.

Mr. HATCH, of Michigan. Are the tellers going to stand there all night?

The SPEAKER *pro tempore*. The Chair hopes gentlemen will vote. No quorum has voted.

Mr. BELFORD. I ask unanimous consent to take from the Speaker's table for present consideration Senate bill 1504. Let it be read, subject to objection.

The SPEAKER *pro tempore*. The gentleman from Colorado asks unanimous consent—

Mr. HATCH, of Michigan. How can that motion be entertained if the motion to adjourn is not in order?

The SPEAKER *pro tempore*. The gentleman from Colorado [Mr. BELFORD] asked for unanimous consent.

The title of the bill was read, as follows:

A bill (S. 1504) for the erection of a public building at Pueblo, Colo.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill?

Mr. WARNER, of Ohio. That is provided for in the sundry civil appropriation bill.

Mr. BELFORD. It is not.

The SPEAKER *pro tempore*. Is there objection?

Mr. VALENTINE. I object to any business proceeding until there is a quorum.

Mr. BELFORD. Is it possible for me to say that a man from a Western State objects to a Western measure?

The SPEAKER *pro tempore*. The gentleman from Colorado is not in order.

Mr. VALENTINE. I am very sorry—

Mr. BELFORD. You are the only one in this House that objects, and I want the RECORD to show it.

Mr. ADAMS, of New York. I ask unanimous consent to offer the following resolution—

Mr. WELLER. I object.

Mr. ADAMS, of New York. Let it be read for information.

Mr. WELLER. No, sir. I have been trying to get my joint resolution read for information. I will withdraw my objection if I can have my joint resolution read for the information of the House.

The SPEAKER *pro tempore*. The gentleman from Iowa is not in order.

Mr. CASSIDY. I ask the House to allow me to have considered a bill to pay a postmaster in my State \$171 on account of vouchers which were burned. The claim is duly authenticated by the Post-Office Department. It is a small matter and I ask that it be considered. It is a Senate bill, which has the recommendation of the Department and has been unanimously reported by the committee that have examined it.

The SPEAKER *pro tempore*. Is there objection?

Mr. VALENTINE. I object.

Mr. ADAMS, of New York. I understand that the gentleman from Iowa [Mr. WELLER] withdrew his objection to my resolution and there was no other objection that I heard.

The SPEAKER *pro tempore*. The gentleman from Nebraska has objected to the consideration of any measure.

Mr. ADAMS, of New York. The gentleman from Nebraska states to me that he did not make any objection.

Mr. VALENTINE. I did not object to the reading of that resolution. If I understand its purport I think it is in the line of our duty to-night. I have heard of it but have not heard it read.

Mr. ADAMS, of New York. I call for the reading of my resolution.

Mr. WELLER. I have not withdrawn my objection.

Mr. HEWITT, of Alabama. Shortly after the close of the late war— [Laughter and applause and cries of "Regular order!"]

The SPEAKER *pro tempore*. The tellers will announce the result.

Mr. COOK. Eleven ayes and 25 noes.

Mr. HEWITT, of Alabama, rose. [Cries of "Regular order!"]

Mr. JOHN S. WISE. I ask to take up the Blair educational bill. I believe we are agreed on that. I hope there will be no objection. It is an important measure.

Mr. KEAN. I object.

Mr. JORDAN. I ask to take up a bill. [Cries of "Regular order!"]

The SPEAKER. The regular order has been called and gentlemen say they will object to any measure.

Mr. WELLER. I withdraw my objection to the reading of the proposition of the gentleman from New York [Mr. ADAMS]. [Cries of "Regular order!"]

The SPEAKER. It is entirely useless to ask unanimous consent so long as there are calls for the regular order. It makes a great deal of labor for the Official Reporters of the House, and amounts to nothing. Whenever the demand for the regular order is withdrawn the Chair will take pleasure in recognizing gentlemen.

Mr. ADAMS, of New York. I understood the gentleman from Iowa withdrew his objection.

Mr. VALENTINE. I understand the gentleman's resolution is in reference to the subject we are acting on. If so, I should like to hear it read.

Mr. HATCH, of Missouri. I demand the regular order of business. Mr. KEAN. Would it be in order to take a recess for fifteen minutes?

The SPEAKER. It will not, as all the motions for a recess that can be entertained have been made. The tellers report 11 ayes and 27 noes.

Mr. VALENTINE. No quorum (3 o'clock and 40 minutes a. m. March 3). I move that the House do now adjourn.

The House divided; and there were—ayes 26, noes 34.

Mr. VALENTINE. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 34, nays 52, not voting 238; as follows:

YEAS—34.

Adams, J. J.
Barr,
Bisbee,
Boutelle,
Breitung,
Brown, W. W.
Brum,
Cannon,
Cassidy,

Dixon,
Everhart,
Goff,
Hartback,
Hart,
Hatch, H. H.
Haynes,
Hepburn,
Houk,

Kean,
Lacey,
Lewis,
McComas,
O'Hara,
Parker,
Perkins,
Peters,
Rowell,

Smalls,
Stephenson,
Thomas,
Tillman,
Valentine,
Weaver,
Wise, J. S.

NAYS—52.

Arnot,	Dibble,	Lore,	Rogers, W. F.
Bagley,	English,	Lowry,	Shiveley,
Belford,	Ferrell,	Mills,	Snyder,
Bloom,	Funston,	Murphy,	Springer,
Bratton,	Gibson,	Mutchler,	Swope,
Budd,	Halsell,	O'Ferrall,	Taylor, J. M.
Burnes,	Hatch, W. H.	O'Neill, J. J.	Van Eaton,
Cabell,	Hewitt, G. W.	Patton,	Wallace,
Caldwell,	Hill,	Post,	Warner, A. J.
Carleton,	Hutchins,	Randall,	Warner, Richard
Clay,	Jordan,	Ranney,	Weller,
Cook,	Kleiner,	Reece,	Wolford,
Davis, G. R.	Long,	Rockwell,	Woodward.

NOT VOTING—238.

Adams, G. E.	Dunn,	Lamb,	Ryan,
Aiken,	Eaton,	Lanham,	Seney,
Alexander,	Eldredge,	Lawrence,	Seymour,
Anderson,	Elliot,	Le Fevre,	Shaw,
Atkinson,	Ellis,	Libbey,	Singleton,
Ballentine,	Ellwood,	Lovering,	Skinner, C. R.
Barbour,	Ermentrout,	Lyman,	Skinner, T. G.
Barksdale,	Evans,	McAdoo,	Slocum,
Bayne,	Fiedler,	McCoid,	Smith, A. Herr
Beach,	Findlay,	McCormick,	Smith, H. Y.
Belmont,	Finerty,	McMillin,	Spooner,
Bennett,	Pollett,	Matson,	Spriggs,
Bingham,	Foran,	Maybury,	Steele,
Blackburn,	Forney,	Millard,	Stevens,
Blanchard,	Fyan,	Miller, J. F.	Stewart, Charles
Bland,	Garrison,	Miller, S. H.	Stewart, J. W.
Bowen,	Geddes,	Milliken,	Stockslager,
Boyle,	George,	Mitchell,	Stone,
Brainerd,	Glascock,	Money,	Storm,
Breckinridge,	Graves,	Morgan,	Strait,
Brewer, F. B.	Green,	Morrill,	Struble,
Brewer, J. H.	Greenleaf,	Morrison,	Sumner, C. A.
Broadhead,	Hammond,	Morse,	Sumner, D. H.
Brown, T. M.	Hancock,	Moulton,	Talbot,
Buchanan,	Hardeman,	Muldrow,	Taylor, E. B.
Buckner,	Hardy,	Muller,	Taylor, J. D.
Burleigh,	Harner,	Murray,	Thompson,
Campbell, Felix	Hemphill,	Neece,	Throckmorton,
Campbell, J. E.	Henderson, D. B.	Nelson,	Townshend,
Campbell, J. M.	Henderson, T. J.	Nicholls,	Tucker,
Candler,	Henley,	Nutting,	Tully,
Chalmers,	Herbert,	Oates,	Turner, H. G.
Clardy,	Hewitt, A. S.	Ochiltree,	Turner, Oscar
Clements,	Hiscock,	O'Neill, Charles	Van Alstyne,
Cobb,	Hitt,	Paige,	Vance,
Collins,	Hobitzell,	Payne,	Wadsworth,
Connolly,	Holman,	Payson,	Wait,
Converse,	Holmes,	Peel,	Wakefield,
Cogrove,	Holton,	Pottibone,	Ward,
Covington,	Hooper,	Phelps,	Washington,
Cox, S. S.	Hopkins,	Pierce,	Wellborn,
Cox, W. R.	Horr,	Poland,	Wemple,
Craig,	Housen,	Potter,	White, J. D.
Crisp,	Howey,	Price,	White, Milo
Culbertson, D. B.	Hunt,	Pryor,	Whiting,
Culbertson, W. W.	Hurd,	Pusey,	Wilkins,
Cullen,	James,	Rankin,	Williams,
Curtin,	Jeffords,	Ray, G. W.	Willis,
Cutcheon,	Johnson,	Ray, Ossian	Wilson, James
Dargan,	Jones, B. W.	Reagan,	Wilson, W. L.
Davidson,	Jones, J. H.	Reed, T. B.	Winans, E. B.
Davis, L. H.	Jones, J. K.	Reid, J. W.	Winans, John
Davis, R. T.	Jones, J. T.	Rice,	Wise, G. D.
Deuster,	Keifer,	Riggs,	Wood,
Dibrell,	Kelley,	Robertson,	Worthington,
Dingley,	Kellogg,	Robinson, J. S.	Yale,
Dockery,	Ketchum,	Robinson, W. E.	York,
Doreheimer,	King,	Rogers, J. H.	Young,
Dowd,	Laird,	Rosecrans,	
Dunham,		Russell,	

So the House refused to adjourn.

The following additional pairs were announced:

Mr. PRYOR with Mr. BAYNE, till morning.

Mr. VANCE with Mr. ANDERSON, for the day.

Mr. LE FEVRE with Mr. WILSON, of Iowa, until morning.

Mr. PAIGE with Mr. LAIRD.

Mr. PIERCE with Mr. DINGLEY.

Mr. WILSON, of West Virginia, with Mr. SPOONER.

Mr. DUNHAM with Mr. COX, of North Carolina, until 10 o'clock to-morrow.

Mr. PUSEY with Mr. HOLMES, until 9 o'clock March 3.

Mr. MORGAN with Mr. MORRILL.

Mr. DEUSTER with Mr. HENDERSON, of Illinois.

Mr. JONES, of Wisconsin, with Mr. MCCORMICK, for the day.

Mr. ERMENTROUT with Mr. BRAINERD, for the rest of the day.

Mr. ROSECRANS with Mr. WADSWORTH, for the rest of the day.

Mr. TALBOTT with Mr. RANNEY, for the rest of the day.

Mr. DOWD with Mr. WHITE, of Kentucky, for the rest of the day.

Mr. MILLARD with Mr. ARNOT.

Mr. BISBEE with Mr. DAVIDSON.

Mr. MILLS with Mr. PAYSON.

Mr. STOCKSLAGER with Mr. LIBBEY, for the rest of the day.

Mr. WOOD with Mr. RAY, of New Hampshire.

Mr. TOWNSHEND with Mr. BREWER, of New York.

Mr. PEEL with Mr. NELSON.

The vote was then announced as above recorded.

The SPEAKER *pro tempore*. The question recurs on the motion of the gentleman from Tennessee for a recess.

Mr. RANDALL. I desire to say that my information from the Senate is that the sundry civil bill can not be here until 5 o'clock, and I make the motion that the House take a recess until 9 o'clock.

Mr. JOHN S. WISE. I move that the House do now adjourn. [Cries of "Regular order!"]

Mr. HUNT. I object.

Mr. VALENTINE. I make the point of order that there are amendments pending now in the second degree.

Mr. RANDALL. I ask unanimous consent.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania asks unanimous consent that the House take a recess until 9 o'clock this morning.

Mr. McCOMAS. Say 10 o'clock.

Mr. RANDALL. No; 9 o'clock. That is as late as we ought to make it.

The SPEAKER *pro tempore*. Is there objection? The Chair hears none, and it is so ordered.

And accordingly (at 3 o'clock and 50 minutes a. m. Tuesday) the House took a recess until 9 o'clock a. m.

AFTER RECESS.

The recess having expired the House (at 9 o'clock a. m., Tuesday, March 3, 1885) resumed its session.

Mr. VALENTINE. I move that the House take a further recess until 10.55 o'clock to-day.

Mr. RANDALL. I object to a recess, and hope the motion will not prevail.

Mr. PETTIBONE. I move to amend the motion by taking a recess until 10.50 o'clock.

Mr. RANDALL. I wish to state to gentlemen that the sundry civil bill will be here in a few moments.

Mr. HEPBURN. I move to amend the amendment by taking a recess until 10.45 o'clock.

Mr. SPRINGER. Gentlemen on the other side are making a sad mistake in filibustering this way.

Mr. VALENTINE. Gentlemen will judge for themselves on that point.

BRIDGE OVER THE CUMBERLAND AND CANEY FORK RIVERS.

Mr. McMILLIN. Mr. Speaker, I now ask unanimous consent to take up the bill (H. R. 8102) to give the assent of Congress to the construction of a railroad bridge by the East and Middle Tennessee Railroad Company over the Cumberland and Caney Fork Rivers, and put it upon its passage. I think there can be no objection to this bill, which has been already read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill is as follows:

Be it enacted, &c., That the East and Middle Tennessee Railroad Company be, and is hereby, authorized to construct and maintain a bridge, and approaches thereto, over the Cumberland River at the most accessible point in or near the corporate limits of Carthage, county of Smith, and State of Tennessee. Said bridge shall be constructed to provide for the passage of railroad trains and wagons and travelers across said river.

SEC. 2. That any bridge built under this act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post-route; and it shall enjoy the rights and privileges of other post-roads in the United States: *Provided*, That the United States may construct a postal telegraph over said bridge without charge therefor.

SEC. 3. That if said bridge shall be made with unbroken and continuous spans, the spans thereof shall not be less than one hundred and sixty-four feet in length in the clear, and the main span shall be over the main channel of the river. The lowest part of the superstructure of said bridge shall be at least thirty-four feet above extreme high-water mark, as understood at the point of location, and the bridge shall be at right angles to and its piers parallel with the current of the river: *Provided*, That if the same shall be constructed as a draw-bridge, the draw or pivot shall be over the main channel at an accessible point, and the spans shall not be less than one hundred and sixty feet in the clear, and the piers of said bridge shall be parallel with and the bridge itself at right angles to the current of the river, and the spans shall not be less than ten feet above extreme high-water mark, as understood at the point of location, to the lowest part of the superstructure of said bridge: *Provided also*, That the said draw shall be opened promptly by said corporation, upon reasonable signal, for the passage of boats; and said corporation shall maintain, at its own expense, from sunset till sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe, and shall also place and maintain such sheer-booms and other guides necessary for the safe passage of vessels and other water-craft as may be required by the Secretary of War. No bridge shall be erected or maintained under the authority of this act which shall at any time substantially or materially obstruct the free navigation of said river; and if any bridge erected under such authority shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction; and all such alterations shall be made and all such obstructions be removed at the expense of said corporation; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river caused or alleged to be caused by said bridge, the case may be brought in the circuit court of the United States of the middle district of Tennessee in which any portion of said obstruction or bridge may be located, or in the circuit court of the State of Tennessee for that circuit: *Provided further*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt this bridge from the operations of the same: *And provided further*, That the right is reserved to regulate tolls and freights over said bridge.

SEC. 4. That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said corporation shall submit to the Secretary of War, for his exami-

nation and approval, a design and drawings of the bridge, and a map of the location, giving, for the space of one mile above and one mile below the proposed location, the topography of the banks of the river, the shore-lines at high and low water, the direction and strength of the currents at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be built; and should any change be made in the plan of said bridge during the progress of construction, such change shall be subject to the approval of the Secretary of War.

SEC. 5. That the right to alter, amend, or repeal this act is hereby expressly reserved, and the right to require any changes in said structure, or its entire removal, at the expense of the owners thereof, whenever Congress shall decide that the public interest requires it, is also expressly reserved.

SEC. 6. That the East and Middle Tennessee Railroad Company is hereby also authorized to construct a railroad bridge over the Caney Fork River at such point between the mouth of said river and the Buffalo Valley as may be necessary in the building of their road, subject to the provisions and limitations contained in the preceding sections.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McMILLIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. VALENTINE. I ask unanimous consent to take up the following Senate bill—

Mr. SPRINGER. I object.

Mr. VALENTINE. That is the usual magnanimity of the gentleman.

Mr. SPRINGER. I object to any unanimous consent for gentlemen who obstruct the public business.

Mr. McMILLIN. I hope the gentleman from Illinois will not insist on his objection.

Mr. SPRINGER. Gentlemen have seen fit to filibuster away the time of the House. Now I do not propose that they shall pass bills through by consent. One thing certain, they can not filibuster away the inauguration of Mr. Cleveland, which will take place to-morrow in spite of them.

Mr. VALENTINE. I supposed the gentleman would object. It is not unexpected. It is his usual courtesy to this side.

Mr. BROWN, of Pennsylvania. I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 2686) to amend an act entitled "An act to provide a building for the use of the United States circuit and district courts of the United States, the post-office, and other Government offices at Williamsport, Pa.," and making an additional appropriation therefor.

Mr. SPRINGER. I object.

Mr. BROWN, of Pennsylvania. Very well.

Mr. ROGERS, of Arkansas. I ask unanimous consent to call up from the Speaker's table for present consideration a Senate bill.

Mr. RANDALL. Is that the jail bill?

Mr. ROGERS, of Arkansas. Yes, sir.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had passed without amendment bills and joint resolution of the following titles, namely:

A bill (H. R. 4089) to empower the commissioners of the District of Columbia to examine the claim of and provide for the payment of Outerbridge Horsey, assignee;

A bill (H. R. 612) for the relief of Brannin, Summers & Co.;

A bill (H. R. 449) to provide for the appraisal and sale of lands in the town of Peru, Dubuque County, Iowa; and

Joint resolution (H. Res. 341) to authorize the printing of 50,000 copies of the second annual report of the Bureau of Animal Industry for the year 1885.

It further announced that the Senate had passed a resolution providing for the printing of the report of the Director of the Mint on the production of precious metals in the United States for the year 1885; and further that the Senate had passed with amendments the bill (H. R. 8256) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, in which the concurrence of the House was requested.

SUNDY CIVIL APPROPRIATION BILL.

Mr. RANDALL. In compliance with the unanimous wish of the members of the Committee on Appropriations I ask unanimous consent to take from the Speaker's table the sundry civil appropriation bill, and to move that the House non-concur in the Senate amendments, that they be printed, and that a conference be asked with the Senate.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] asks unanimous consent to take from the Speaker's table the sundry civil appropriation bill with Senate amendments, for the purpose of non-concurring in the Senate amendments and asking a committee of conference.

Mr. BROWN, of Pennsylvania. I object.

Mr. ROGERS, of Arkansas. I believe there is no objection to the bill which I desire to call up. I should like very much to make a statement in explanation of it.

Mr. RANDALL. I shall object to anything of that kind until the public business can be attended to.

Mr. O'NEILL, of Pennsylvania. I would suggest that we should proceed to pass the Senate pension bills which have not yet been acted on.

Mr. RANDALL. I shall object to everything until the public business is attended to. I move to suspend the rules and that the House non-concur in the Senate amendments to the sundry civil appropriation and ask for a committee of conference.

The question being taken on Mr. RANDALL's motion, the Speaker stated that in the judgment of the Chair the "ayes" had it.

Mr. HEPBURN. I call for a division.

The House divided; and there were—ayes 16, noes 4.

Mr. HEPBURN. No quorum.

Mr. RANDALL. I move a call of the House.

The question being taken on Mr. RANDALL's motion, the Speaker stated that the "ayes" seemed to have it.

Mr. BRUMM. I call for a division.

The House divided; and there were—ayes 14, noes 6.

So the motion was agreed to.

The Clerk proceeded to call the roll, when the following members failed to answer:

Adams, J. J.	Dixon,	Lacey,	Rockwell,
Aiken,	Dorshelmer,	Laird,	Rogers, W. F.
Alexander,	Dowd,	Lamb,	Rosecrans,
Anderson,	Dunn,	Lanham,	Rowell,
Arnot,	Eaton,	Lawrence,	Russell,
Atkinson,	Elliott,	Le Fevre,	Seney,
Bagley,	Ellis,	Libbey,	Seymour,
Ballentine,	Ellwood,	Long,	Shaw,
Barbour,	English,	Lovering,	Shively,
Barksdale,	Ermentrout,	Lowry,	Singleton,
Barr,	Evans,	Lyman,	Skinner, T. G.
Bayne,	Everhart,	McAdoo,	Slocum,
Beach,	Ferrell,	McCoid,	Smalls,
Belford,	Fiedler,	McComas,	Smith, A. Herr
Belmont,	Findlay,	McCormick,	Smith, H. Y.
Bennett,	Finerty,	Maybury,	Snyder,
Bingham,	Foran,	Miller, J. F.	Spooner,
Bisbee,	Forney,	Miller, S. H.	Spriggs,
Blanchard,	Funston,	Milliken,	Steele,
Bland,	Fyan,	Mills,	Stephenson,
Blount,	Garrison,	Mitchell,	Stevens,
Boutelle,	Geddes,	Money,	Stewart, Charles
Boyle,	George,	Morgan,	Stewart, J. W.
Brainerd,	Gibson,	Morrill,	Stockslager,
Bratton,	Glascok,	Morrison,	Stone,
Breitung,	Graves,	Morse,	Storm,
Brewer, F. B.	Green,	Moulton,	Struble,
Brewer, J. H.	Greenleaf,	Muldrow,	Sumner, C. A.
Browne, T. M.	Guenther,	Muller,	Sumner, D. H.
Buchanan,	Halsell,	Murphy,	Talbot,
Buckner,	Hammond,	Murray,	Taylor, E. B.
Burleigh,	Hancock,	Mitchler,	Taylor, J. D.
Burns,	Hardeman,	Neece,	Taylor, J. M.
Cabell,	Harmer,	Nelson,	Thomas,
Caldwell,	Hatch, H. H.	Nicholls,	Thompson,
Campbell, Felix	Hatch, W. H.	Nutting,	Throckmorton,
Campbell, J. E.	Hemphill,	Oates,	Tucker,
Campbell, J. M.	Henley,	Ochiltree,	Tully,
Candler,	Herbert,	O'Ferrall,	Turner, H. G.
Cannon,	Hewitt, A. S.	O'Hara,	Turner, Oscar
Carleton,	Hill,	O'Neill, J. J.	Van Alstyne,
Cassidy,	Hitt,	Paige,	Van Eaton,
Chalmers,	Hoblitzell,	Parker,	Wadsworth,
Clardy,	Holman,	Payne,	Wait,
Clay,	Holmes,	Peel,	Wakefield,
Clements,	Holton,	Perkins,	Warner, A. G.
Cobb,	Hooper,	Peters,	Warner, Richard
Collins,	Hopkins,	Phelps,	Weaver,
Connolly,	Houk,	Pierce,	Wellborn,
Converse,	Houseman,	Poland,	Weller,
Cosgrove,	Howey,	Post,	Wemple,
Covington,	Hunt,	Potter,	White, J. D.
Cox, S. S.	Hurd,	Pries,	Whiting,
Cox, W. R.	Hutchins,	Pusey,	Wilkins,
Craig,	James,	Rankin,	Williams,
Crisp,	Jeffords,	Ranney,	Willis,
Culbertson, D. R.	Johnson,	Ray, G. W.	Winans, John
Culbertson, W. W.	Jones, B. W.	Ray, Oesian	Wise, G. D.
Cullen,	Jones, J. H.	Reagan,	Wise, J. S.
Curtin,	Jones, J. K.	Reed, T. B.	Wolford,
Cutcheon,	Jones, J. T.	Reid, J. W.	Wood,
Dargan,	Jordan,	Reese,	Woodward,
Davis, G. R.	Keifer,	Rice,	Worthington,
Davis, R. T.	Kelley,	Riggs,	York,
Deuster,	Kellogg,	Robertson,	Young,
Dibble,	Ketcham,	Robinson, J. S.	
Dingley,	Kleiner,	Robinson, W. E.	

Mr. KING. I move to dispense with further proceedings under the call of the House.

The question being taken on Mr. KING's motion, it was agreed to—ayes 24, noes 0.

So further proceedings under the call were dispensed with.

Mr. RANDALL. I now ask action on the pending motion.

The SPEAKER *pro tempore* (Mr. BLACKBURN). The pending motion is that offered by the gentleman from Pennsylvania [Mr. RANDALL] to suspend the rules and take from the Speaker's table the sundry civil appropriation bill for the purpose of non-concurring in the Senate amendments and asking a committee of conference.

Mr. RANDALL. And printing the Senate amendments.
The question being taken on Mr. RANDALL'S motion, the Speaker *pro tempore* stated that the "ayes" seemed to have it.

Mr. HANBACK. I call for a division.
The House divided; and there were—ayes 33, noes 3.
So (further count not being called for and two-thirds having voted in favor thereof) the motion was agreed to.

The SPEAKER *pro tempore* appointed as conferees on the part of the House Mr. RANDALL, Mr. FORNEY, and Mr. RYAN.

ORDER OF BUSINESS.

Mr. HISCOCK (at 9.30 a. m., Tuesday, March 3). I move that the House do now adjourn.

The question being taken on the motion to adjourn, there were—ayes 25, noes 23.

Mr. HEWITT, of Alabama. I call for the yeas and nays.
The yeas and nays were ordered, 19 members voting therefor.
The question was taken; and there were—yeas 25, nays 63, not voting 236; as follows:

YEAS—25.

Adams, G. E.	Hart,	Millard,	Rowell,
Bisbee,	Henderson, D. B.	Morrill,	Skinner, C. R.
Bowen,	Henderson, T. J.	O'Hara,	Thomas,
Brewer, F. B.	Hepburn,	Parker,	Valentine.
Cox, S. S.	Hiscock,	Peters,	
God,	Horr,	Pettibone,	
Hanback,	Howey,	Price,	

NAYS—63.

Blackburn,	Everhart,	Lore,	Swope,
Breckinridge,	Ferrell,	McMillin,	Taylor, J. M.
Brewer, J. H.	Follett,	Matson,	Tillman,
Broadhead,	Forney,	Moulton,	Townshend,
Brown, W. W.	Halsell,	Murphy,	Vance,
Budd,	Hammond,	Mitchler,	Wallace,
Caldwell,	Hardy,	Neece,	Ward,
Candler,	Harner,	O'Neill, Charles	Warner, A. J.
Cook,	Haynes,	Payson,	Washburn,
Cox, W. R.	Hewitt, G. W.	Pryor,	Weller,
Davidson,	Jones, B. W.	Randall,	White, Milo
Davis, L. H.	Kean,	Rogers, J. H.	Wilson, James
Dibrell,	King,	Rosecrans,	Wilson, W. L.
Dunham,	Lanham,	Springer,	Winans, E. B.
Eldredge,	Lewis,	Strait,	Yaple.
Ermentrout,	Long,		

NOT VOTING—236.

Adams, J. J.	Dibble,	Ketcham,	Rogers, W. F.
Aiken,	Dingley,	Kleiner,	Russell,
Alexander,	Dixon,	Lacey,	Ryan,
Anderson,	Dockery,	Laird,	Seney,
Arnot,	Dorshelmer,	Lamb,	Scymour,
Atkinson,	Dowd,	Lawrence,	Shaw,
Bagley,	Dunn,	Le Fevre,	Shively,
Ballentine,	Eaton,	Libbey,	Singletton,
Barbour,	Elliott,	Lovering,	Skinner, T. G.
Barksdale,	Ellis,	Lowry,	Stocum,
Barr,	Ellwood,	Lyman,	Smalle,
Bayne,	English,	McAdoo,	Smith, A. Herr
Beach,	Evans,	McCoid,	Smith, H. Y.
Belford,	Fiedler,	McComas,	Snyder,
Belmont,	Findlay,	McCormick,	Spooner,
Bennett,	Finerty,	Maybury,	Spriggs,
Bingham,	Foran,	Miller, J. F.	Sieele,
Blanchard,	Funston,	Miller, S. H.	Stephenson,
Blond,	Fyan,	Mills,	Stevens,
Blount,	Garrison,	Mitchell,	Stewart, Charles
Boutelle,	Geddes,	Money,	Stewart, J. W.
Boyle,	Gibson,	Morgan,	Stockslager,
Brainerd,	Glascock,	Morrison,	Stone,
Bratton,	Graves,	Morse,	Storm,
Breitung,	Green,	Muldrow,	Struble,
Browne, T. M.	Greenleaf,	Muller,	Sumner, C. A.
Brumman,	Hancock,	Nelson,	Sumner, D. H.
Buckner,	Hartman,	Nicholls,	Talbot,
Burleigh,	Hatch, H. H.	Nutting,	Taylor, E. B.
Burnes,	Hatch, W. H.	Oates,	Taylor, J. D.
Cabell,	Hemphill,	Ochiltree,	Thompson,
Campbell, Felix	Henley,	O'Ferrall,	Throckmorton,
Campbell, J. E.	Herbert,	O'Neill, J. J.	Tucker,
Campbell, J. M.	Hill,	Paige,	Tully,
Canson,	Hobbs,	Payne,	Turner, H. G.
Carleton,	Hobbs,	Perkins,	Turner, Oscar
Cassidy,	Holman,	Phelps,	Van Alstyne,
Chalmers,	Holmes,	Pierce,	Van Eaton,
Clardy,	Holton,	Poland,	Wadsworth,
Clay,	Hooper,	Potter,	Wakefield,
Clements,	Hopkins,	Pusey,	Warner, Richard
Cobb,	Houk,	Rankin,	Weaver,
Collins,	Houseman,	Ranney,	Wellborn,
Connolly,	Hurd,	Ray, G. W.	Wemple,
Converse,	Hutchins,	Ray, Ossian	White, J. D.
Covington,	James,	Reed, T. B.	Whiting,
Craig,	Jeffords,	Reid, J. W.	Wilkins,
Culbertson, D. B.	Johnson,	Reese,	Williams,
Culbertson, W. W.	Jones, J. H.	Rice,	Willis,
Cullen,	Jones, J. K.	Riggs,	Winans, John
Curtis,	Jordan,	Robinson, J. S.	Wise, G. D.
Cutcheon,	Kelley,	Robinson, W. E.	Wise, J. S.
Daguan,	Kellogg,	Rockwell,	Wolford,
Davis, G. R.			Wood,
Davis, R. T.			Woodward,
Deuster,			Worthington,
			York,
			Young.

So the motion was not agreed to.

On motion of Mr. HARDY, the reading of the names of members voting was dispensed with.

Mr. STOCKSLAGER. Mr. Speaker, I call up the bill (S. 1040) to provide for the erection of a public building at New Albany, Ind., and move to suspend the rules and put it upon its passage.

The SPEAKER *pro tempore*. That is not in order except by unanimous consent.

Mr. STOCKSLAGER. I ask unanimous consent.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. STOCKSLAGER] asks unanimous consent to take up the bill the title of which he has indicated. Is there objection?

Mr. VALENTINE. Oh, there is no use in talking about it.

Mr. ROWELL. I object.

Mr. HENDERSON, of Iowa. Mr. Speaker, I ask unanimous consent to take up and pass Senate bill 2449—

Mr. VALENTINE. Regular order, Mr. Speaker.

The SPEAKER *pro tempore*. The gentleman from Iowa [Mr. HENDERSON] asks unanimous consent to call up the bill which he has indicated, but objection is made.

Mr. WELLER. I object.

The SPEAKER *pro tempore*. Objection has already been made.

Mr. WELLER. Mr. Speaker, I ask unanimous consent to call up for present consideration joint resolution (H. R. 252) authorizing the Secretary of the Treasury to use all the unappropriated money in the Treasury for the redemption of United States bonds, and for other purposes. [Laughter.]

Several members objected.

LEAVE OF ABSENCE.

Mr. HENDERSON, of Illinois, by unanimous consent, was granted leave of absence until 11 o'clock to-day, on account of important business.

ORDER OF BUSINESS.

Mr. VANCE. Mr. Speaker, I ask unanimous consent that members on the right and on the left of the Chair be recognized alternately to call up bills by unanimous consent. I think an arrangement of that kind can be made which will be satisfactory to gentlemen on both sides.

Mr. HEWITT, of Alabama. Mr. Speaker, I ask unanimous consent that we proceed for one hour under the special rule of the House for the consideration of bills which are not objected to by as many as ten members; leaving the election case and all other pending matters in *statu quo*.

Mr. STRAIT. Mr. Speaker, I ask unanimous consent—

The SPEAKER. The gentleman from Alabama has a request for unanimous consent pending.

Mr. SPRINGER. Mr. Speaker, I move that the House do now adjourn.

The House divided; and there were—ayes 42, noes 21.

Mr. BUDD. I call for the yeas and nays.

The question was taken on ordering the yeas and nays, and 12 members only voted in the affirmative—not a sufficient number.

So the yeas and nays were not ordered.

The motion to adjourn was agreed to; and accordingly (at 10 o'clock a. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ANDERSON: Resolution of the Legislature of Kansas, asking that unpensioned ex-soldiers of the Union be pensioned—to the Committee on Invalid Pensions.

Also, petition of 50 citizens of Washington, Kans., for early action on the Mormon question—to the Committee on the Judiciary.

By Mr. ARNOT: Petition of citizens of New York, asking for the repeal of the revenue tax on tobacco, &c.—to the Committee on Ways and Means.

By Mr. BAGLEY: Memorial of Charles Stoughton, a citizen of the United States, relative to the Harlem River and other public improvements—to the Committee on Commerce.

By Mr. BEACH: Resolutions of the Legislature of the State of New York, in reference to a national board of health—to the Select Committee on the Public Health.

By Mr. BLACKBURN: Petition of Mrs. E. E. Riley, of Henry County, Kentucky—to the Committee on Invalid Pensions.

By Mr. DEUSTER: Joint resolution of the Legislature of Wisconsin, against the importation of foreign labor under contract—to the Committee on Labor.

By Mr. EVANS: Joint resolution of the Legislature of Pennsylvania, requesting members of that State to oppose any effort by Congress to abolish the National Board of Health—to the Select Committee on the Public Health.

Also, resolution of the Legislature of Pennsylvania, urging the passage of the bill to put General U. S. Grant on the retired-list—to the Committee on Military Affairs.

By Mr. EVERHART: Resolution of the Legislature of Pennsylvania,

opposing the abolition of the National Board of Health—to the Select Committee on the Public Health.

Also, resolution of the Legislature of Pennsylvania, urging the passage of the bill to relieve General Grant—to the Committee on Military Affairs.

By Mr. FORAN: Petition of John A. Seymour and 30 others, citizens of Parma, Cuyahoga County, Ohio, praying for the immediate enactment of suitable legislation to prevent the evils of Mormonism—to the Committee on the Judiciary.

By Mr. FUNSTON: Petition of 148 citizens of Iola, Kans., asking for action on the Mormon question—to the same committee.

Mr. GUENTHER: Memorial of the Legislature of the State of Wisconsin, asking for an appropriation of \$50,000 for experiments relating to the making of sorghum sugar—to the Committee on Agriculture.

Also, resolution of the Legislature of the State of Wisconsin, asking for the passage of the bill relating to the prohibition of foreign contract labor—to the Committee on Labor.

By Mr. HILL: Petition of S. S. Bacon and others, of Putnam County, Ohio, asking for an increase of widows' pensions—to the Committee on Pensions.

By Mr. HOUSEMAN: Resolution of the Legislature of Michigan, for the passage of Government telegraph bill—to the Committee on the Post-Office and Post-Roads.

By Mr. B. W. JONES: Memorial of the Wisconsin Legislature, on imported contract labor—to the Committee on Labor.

By Mr. PARKER: Resolutions of the Legislature of the State of New York, in relation to the National Board of Health—to the Select Committee on the Public Health.

By Mr. OSSIAN RAY: Papers relating to the claim of John Reeves—to the Committee on Claims.

By Mr. THOMPSON: Petition of Richard T. Yeatman, first lieutenant Fourteenth United States Infantry, to amend military record—to the Committee on Military Affairs.

Also, petition of Capt. James B. Sinclair, United States Army, retired, to have construed the act approved July 15, 1870, to ascertain amount of arrears due him under said act—to the same committee.

By Mr. VAN ALSTYNE: Joint resolution of the Legislature of New York, recommending the passage of an act to authorize the construction of bridges, &c., for public improvement—to the Committee on Commerce.

Also joint resolutions of the Legislature of New York, recommending an appropriation for the National Board of Health—to the Committee on Appropriations.

By Mr. A. J. WARNER: Petition of C. H. Grosvenor and others, citizens of Athens County, Ohio, asking legislation on the Mormon question—to the Committee on the Judiciary.

By Mr. MILO WHITE: Joint resolution of the Legislature of the State of Minnesota, urging the enlargement of the Sault Saint Mary's Canal—to the Committee on Rivers and Harbors.

By Mr. WHITING: Petition of citizens of Worcester County, Massachusetts, for an increase of widows' pensions—to the Committee on Pensions.

By Mr. JOHN WINANS: Joint resolution of Legislature of the State of Wisconsin, to prevent importation of foreign labor under contract—to the Committee on Labor.

By Mr. YAPLE: Concurrent resolution of the Legislature of Wisconsin, relative to the Sumner postal telegraph bill—to the Committee on the Post-Office and Post-Roads.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. CUTCHEON: Of citizens of Luther, Mich.

By Mr. EVANS: Resolutions of the Legislature of Pennsylvania.

By Mr. KEIFER: Of W. M. Abbott and 63 others, of Belle Centre; of James A. Mayer and 61 others, of Cardington; of Lewis W. Hebenthal and 122 others, of Dunkirk; and of Erastus Wilcox and 16 others, of Parisburg, Ohio.

By Mr. MORRILL: Memorial of the Legislature of Kansas.

By Mr. STEVENS: Of Mrs. Maria Turner, of Lockport, N. Y.

By Mr. WHITING: Of citizens of Orange, Amherst, Northfield, &c., Mass.

SENATE.

TUESDAY, March 3, 1885.

The Senate met at 1 o'clock p. m.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The PRESIDENT *pro tempore*. The Journal of the proceedings of yesterday will be read.

Mr. COCKRELL. I ask unanimous consent that the reading of the Journal of yesterday's proceedings be for the present dispensed with.

Mr. INGALLS. I ask for the regular order.

The PRESIDENT *pro tempore*. The regular order is called for. The reading of the Journal will be proceeded with.

The Secretary proceeded to read the Journal of the proceedings of Monday, March 2.

Mr. MITCHELL (at 1 o'clock and 10 minutes p. m.). I move to dispense with the further reading of the Journal, with a view to ask the Senate to take up House pension bills favorably reported from the Committee on Pensions, and put them on their passage at this time.

The PRESIDING OFFICER (Mr. HARRISON in the chair). The Senator from Pennsylvania asks unanimous consent that the further reading of the Journal be dispensed with. Is there objection?

Mr. INGALLS. I ask for the regular order.

The PRESIDING OFFICER. Objection is made. The reading of the Journal will proceed.

Mr. DAWES (at 1 o'clock and 15 minutes p. m.). I ask unanimous consent to call up the fortifications appropriation bill for consideration at this time.

The PRESIDING OFFICER. The Chair thinks the objection of the Senator from Kansas to the request that the reading of the Journal be dispensed with still stands, and that the request of the Senator from Massachusetts is not in order. The reading of the Journal will proceed.

Mr. PLUMB. It is always in order to ask unanimous consent.

Mr. DAWES. I did not hear any objection.

Mr. HARRIS. It is certainly in order for the Senator from Massachusetts to ask unanimous consent of the Senate to dispense with the further reading of the Journal.

The PRESIDING OFFICER. That was not the request that the Senator from Massachusetts made. Pending the reading of the Journal the Senator from Massachusetts asked that the Senate proceed to the consideration of the fortifications bill.

Mr. DAWES. I ask unanimous consent to proceed to the consideration of the fortifications bill.

The PRESIDING OFFICER. Does the Senator from Massachusetts ask unanimous consent that the further reading of the Journal be dispensed with?

Mr. DAWES. Certainly.

The PRESIDING OFFICER. The Chair will submit the question to the Senate. Is there objection?

Mr. INGALLS. I ask for the regular order.

The PRESIDING OFFICER. The Senator from Kansas objects. The Secretary will proceed with the reading of the Journal.

The Secretary proceeded with the reading of the Journal.

Mr. DAWES (at 1 o'clock and 25 minutes p. m.). May I renew my request for unanimous consent to dispense with the further reading of the Journal?

The PRESIDING OFFICER. The Chair thinks that the objection made by the Senator from Kansas must be considered as still operating.

Mr. DAWES. There is always a *locus penitentia*.

The PRESIDING OFFICER. The Senator from Kansas has not withdrawn his objection. The Chair thinks it must be treated as pending.

Mr. DAWES. I have no doubt the Senator from Kansas has already repented.

Mr. HALE. It is a very interesting article that is being read.

The PRESIDING OFFICER. The reading will proceed.

The Secretary continued and concluded the reading of the Journal. The PRESIDING OFFICER. The Journal will be approved unless there is objection.

CREDENTIALS.

Mr. MILLER, of California, presented the credentials of Leland Stanford, chosen by the Legislature of California a Senator from that State for the term beginning March 4, 1885; which were read, and ordered to be filed.

EXECUTIVE COMMUNICATIONS.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Interior, transmitting, in answer to a resolution of February 20, 1885, a report of the Commissioner of Railroads upon the subject of the transmission of telegraphic messages by corporations affected by the act of July 1, 1863; which was referred to the Committee on Railroads, and ordered to be printed.

The PRESIDING OFFICER laid before the Senate a letter from the commissioners of the District of Columbia, submitting as a partial reply to Senate resolution of June 24, 1884, sundry statements showing tax collections, receipts, and disbursements on account of the water department and expenditures for streets and roads from 1875 to 1884, &c., and asking to be relieved from further action under the resolution; which was referred to the Committee on the District of Columbia, and ordered to be printed.

The PRESIDING OFFICER laid before the Senate a letter from the Secretary of the Interior, transmitting a letter of the Commissioner of the General Land Office in which it is stated that the information called for by Senate resolution of the 26th ultimo regarding illegal timberland entries, &c., in the Humboldt land district, California, can not be furnished during the present session of Congress; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

Mr. INGALLS. Is not that in connection with a response previously made to a resolution offered by the Senator from Colorado [Mr. HILL]?
The PRESIDING OFFICER. The Chair understands that it is another matter.

HOUSE BILL REFERRED.

The joint resolution (H. Res. 346) authorizing the immediate payment of the officers and employes of the Senate and of the House for the month of March, 1885, was read twice by its title and referred to the Committee on Appropriations.

PETITIONS.

The PRESIDING OFFICER presented a memorial of the Temperance Alliance of the District of Columbia, remonstrating against the passage of the bill (H. R. 7556) to regulate the manufacture and sale of spirituous and malt liquors in the District of Columbia; which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 2462) giving a military record to James King, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of John H. Stewart, praying an amendment of the act of Congress approved July 23, 1866, relating to bounties, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (H. R. 7990) granting a pension to Joseph Sansom, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (H. R. 5922) for the relief of George D. Guthrey; and

A bill (H. R. 5953) granting a pension to Zenas Hamilton.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, submitted the following report; which was ordered to be filed:

The Committee on Claims, to whom was referred the petition of F. Barnard and others, of Texas, have carefully considered the same, and, in accordance with the resolution of the Senate of February 7, 1884, report as follows: That they have referred the same to the Court of Claims under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883.

Mr. PIKE, from the Committee on Claims, to whom was referred the bill (S. 199) for the relief of the heirs of Richard W. Meade, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. MANDERSON, from the Committee on Printing, to whom were recommended the following joint resolutions, reported them adversely and moved their indefinite postponement; which was agreed to.

Joint resolution (S. R. 127) to authorize the printing of the reports of the Bureau of Ethnology;

Joint resolution (S. R. 128) to authorize the printing of the reports of the Geological Survey; and

Joint resolution (S. R. 129) to authorize the printing of the reports of the Geological Survey.

LAND TITLES IN NEW MEXICO.

Mr. MANDERSON. I am directed by the Committee on Printing to report back the letter of the Secretary of the Interior in response to a resolution of the Senate calling for copies of all the papers relating to alleged fraudulent land entries in New Mexico, and to move that the usual number of this report, with the accompanying papers, be printed as a Senate document.

The motion was agreed to.

INDIAN EDUCATION.

Mr. MANDERSON. I am directed by the same committee to report back the letter of the Secretary of the Interior transmitting, in answer to a Senate resolution of the 23d instant, a report of the Commissioner of Education regarding the progress of Indian education and civilization, and to move that the usual number of that document be printed.

The motion was agreed to.

COMMITTEE ON TRANSPORTATION ROUTES.

Mr. ALDRICH, from the Committee on Transportation Routes to the Seaboard, who were by resolution of the Senate of July 6, 1884, "authorized to sit at any place within the United States during the recess of Congress, by subcommittee or otherwise, to take testimony for the purpose of preparing statistical data relative to freights, commodities, and prices, for the period from 1873 to the present time, the committee to report by bill or otherwise, and that the necessary expense thereof, including the services of a clerk, be paid out of the expenses for special and select committees, &c., of the contingent fund of the Senate," submitted a report; which was ordered to be printed.

BILL INTRODUCED.

Mr. MILLER, of New York (by request), introduced a bill (S. 2671) to extend the patent of Royal E. House for the improvements in elec-

tro-phonetic telegraphs; which was read twice by its title, and referred to the Committee on Patents.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (H. R. 8102) to give the assent of Congress to the construction of a railroad bridge by the East and Middle Tennessee Railroad Company over the Cumberland and Caney Fork Rivers; in which it requested the concurrence of the Senate.

COMMITTEE ON STEEL-PRODUCING WORKS.

Mr. HAWLEY. Last July the Senate appointed a select committee of five to make a series of inquiries prescribed in the resolution concerning the production of steel, the manufacture of ordnance, the building of ships, the building of guns, &c. Every one remembers how busy last autumn was, how many of our committee were occupied in the Presidential campaign; nevertheless the committee met and visited the ship-yards and foundries at Boston, the harbor at Newport, establishments in New York, Philadelphia, Chester, Johnstown, Pittsburgh, and a subcommittee went to California and examined a new mine and new products there. We have collected for our report and have in type that which will make a very valuable appendix of five or six hundred pages; but with the hurry and interruptions I have spoken of, the committee could not complete, as it desired to do, its report this winter. I make, therefore, this report of progress, and leave it for the Senate to say what we shall do hereafter. I will say individually that I should like to go on with this work. It is not expensive, as we have managed it economically, and the material before us is rich. We think we have a very valuable appendix so far, but we can do very much better if we can go on through the coming recess.

The PRESIDING OFFICER. The Senator from Connecticut does not ask any order.

Mr. MORGAN. From the same committee I report the following resolution, and ask for its present consideration:

Resolved, That the select committee "to inquire as to the capacity of steel-producing works in the United States" be continued, with leave to complete the duties assigned to them by the resolutions of the Senate, and with the powers conferred upon them heretofore by the Senate, and that they report to the Senate at the session in December, 1885.

The PRESIDING OFFICER. Is there objection to the present consideration of this resolution? The Chair hears none.

The resolution was considered and agreed to.

W. H. MURDOUGH.

Mr. RIDDLEBERGER. I am free to confess that I do not know whether I am in order or not.

The PRESIDING OFFICER. The Chair will be unable to inform the Senator until he knows what his purpose is.

Mr. RIDDLEBERGER. I want to ask unanimous consent to take up the bill (H. R. 8183) to remove the political disabilities of W. H. Murdaugh, of Virginia.

Mr. MANDERSON. I certainly do not desire to interpose any objection to that, but I hope the Senator from Virginia will allow us to get through routine business.

The PRESIDING OFFICER. The Chair would suggest to the Senator from Virginia that the morning business has not yet been concluded, while it is in order at any time to ask unanimous consent.

Mr. RIDDLEBERGER. Then I withdraw the request. I want to make it during the day. I trust I shall be pardoned for being mistaken as we have two days here in one and I can not tell which day it is.

RAILROAD BRIDGE IN TENNESSEE.

Mr. MANDERSON. I desire to submit a resolution and ask that it may be read and now considered.

The PRESIDING OFFICER. The Senator from Nebraska offers a resolution which will be read.

Mr. HARRIS. Will the Senator from Nebraska yield to me for a moment that I may ask the Chair to lay before the Senate a House bill?

Mr. MANDERSON. Certainly.

The PRESIDING OFFICER. The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 8102) to give the assent of Congress to the construction of a railroad bridge by the East and Middle Tennessee Railroad Company over the Cumberland and Caney Fork Rivers was read twice by its title, and referred to the Committee on Commerce.

COMMITTEE TO VISIT ALASKA.

Mr. MANDERSON submitted the following resolution:

Resolved, That a select committee of five Senators be appointed by the Chair, to proceed to Alaska during the recess of Congress, and inquire into and investigate the operation of the act of May 17, 1884, "providing a civil government for Alaska;" whether the system of government established by said act is adequate for the maintenance of order and the protection of the rights of persons and property; whether the said act is being properly executed by the officers appointed under the same; the condition of the natives or Indians of said Territory; their relations to the Government of the United States, and what legislation is required for their proper management; the condition and character of mines, mining claims, and mining titles; the character of land tenures, or possessory or other titles to lands; the present condition and value of the public buildings belonging to the United States in said Territory; the manner in which the laws relating to customs and other laws and regulations have been and are

now being executed. Also to inquire into and investigate the past and present condition of the seal fisheries of the Pribilof Islands; whether the Alaska Commercial Company has heretofore complied, and is now complying, with the terms of its lease from, and its agreement with, the United States, and the laws relating to said seal fisheries, or whether the said company has heretofore violated or is now violating the same in any manner; whether the officers of the Government appointed to see that said laws and the conditions of said lease are executed have been and are faithfully performing their duties; and whether the system in operation is adequate and proper for guarding and protecting the interests of the Government and the rights of said company in relation to said seal fisheries. Also, to inquire into the natural resources of said Territory, the character and value of its present and probable products; whether the general land laws, or laws relating to timber or mining lands, should be extended over said Territory; and to examine generally into all matters relating to the development of the said Territory and to the prosperity and welfare of its people. Said committee shall have power to sit in the vacation of the Senate at any place in the United States, to send for persons and papers, to examine witnesses, to appoint a clerk and a stenographer, and shall make report with their recommendations in respect to future legislation to the Senate at the next regular session of Congress. The expenses of said committee, of the clerk, stenographer, witnesses, &c., shall be paid out of the contingent fund of the Senate, to be certified by the chairman of the committee and audited and allowed by the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. COCKRELL. I think that had better be printed so that we can see it.

The PRESIDING OFFICER. The resolution will be printed and lie over.

ORDER OF BUSINESS.

Mr. HALE. The first hour of the morning business having expired I move that the Senate proceed to the consideration of the deficiency appropriation bill.

Mr. BLAIR. I hope the unfinished business will first be laid before the Senate.

Mr. MILLER, of New York. Mr. President—
The PRESIDING OFFICER. The motion of the Senator from Maine is not subject to debate. The Senator from New Hampshire simply requests that the unfinished business be first laid before the Senate. The Chair is of the opinion that under the unanimous consent given, the pending order would now be the consideration of House pension business reported favorably on the Calendar; but if the motion of the Senator from Maine is agreed to, the pension bills will of course be displaced.

Mr. BLAIR. I hope the Senator will ask that the regular order be informally laid aside.

Mr. HALE. I have no objection.

Mr. ALDRICH. I rise to a parliamentary inquiry. I did not understand whether the Senator from Maine or the Chair stated that the morning hour had expired. I was about to present a report from a committee.

The PRESIDING OFFICER. The Chair is of opinion that the morning hour by analogy, if not by the rules, expired at 2 o'clock, and in that sense the motion made by the Senator from Maine is in order.

Mr. ALDRICH. I was not aware of any rule of analogy that applied in the Senate, and I should be very glad if the Chair would cause any such rule or practice to be read.

The PRESIDING OFFICER. The Chair confesses that he is unable to find a rule that is adapted by the express mention of hours to the circumstances of this day.

Mr. HALE. If my motion carries I shall have no objection to yielding for reports to be presented and some light, formal business that will not occupy time.

Mr. BLAIR. I supposed it to be the duty of the Chair irrespective of a motion to lay the unfinished business before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business which is the bill (H. R. 7718) restoring John Snyder to the pension-roll. Does the Chair understand the Senator from Maine to move to proceed to the consideration of the bill named by him or to ask that the pending order be informally laid aside?

Mr. HALE. Let it be informally laid aside.

The PRESIDING OFFICER. The Senator from Maine asks that the pending order be laid aside informally and that the Senate proceed to the consideration of the deficiency bill. Is there objection? The Chair hears none.

Mr. RIDDLEBERGER. I do not want to object, but I want to ask the Senator from Maine if he will not allow me to call up a bill that will not require debate, and not require one minute to pass it.

Mr. HALE. I should like to do that. I should like to oblige the Senator from Virginia, but there are a dozen Senators who proffer the same request. I am under some burden of responsibility about pushing this appropriation bill. ["Go ahead!"]

The PRESIDING OFFICER. Debate is not in order. The deficiency appropriation bill is before the Senate.

Mr. RIDDLEBERGER. I object, Mr. President.

The PRESIDING OFFICER. The Chair understood that unanimous consent had been given, and the order was executed by laying the bill before the Senate.

Mr. RIDDLEBERGER. I had not yielded the floor, and I object only because I want to pass my bill, and I think the Senator from Maine will allow me to do it.

The PRESIDING OFFICER. The Chair is of the opinion that the condition of business is this: The Chair called for unanimous consent

on the request of the Senator from Maine. No objection was made. The Chair then declared that unanimous consent was given and the Senate has proceeded to execute its order, and the deficiency appropriation bill has been laid before the Senate.

Mr. RIDDLEBERGER. The Chair had recognized me and I still held the floor.

The PRESIDING OFFICER. The Senator from Virginia is mistaken. The Chair had some time before recognized the Senator, but after that time several Senators were recognized by the Chair.

Mr. HALE. I can solve this trouble very easily. I am willing that the appropriation bill be informally laid aside that the Senator from Virginia may make his report.

W. H. MURDAUGH.

Mr. RIDDLEBERGER. I want to pass a bill. I move to take up House bill 8183, and I desire to state that the only reason I have been so persistent about it grows out of the fact that this man was an Army officer and did happen to owe what he did not know he did owe the United States. The committee declined to remove his disabilities on that account. The fact never having been communicated to him until last week, he has come here and squared his accounts, and I think he ought to have his political disabilities removed.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8183) to remove the political disabilities of W. H. Murdaugh, of Virginia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed (two-thirds of the Senators present voting in favor thereof.)

COMMITTEE ON TRANSPORTATION.

Mr. CULLOM. In connection with report made by the Senator from Rhode Island [Mr. ALDRICH] I ask leave to submit the following resolution:

Resolved, That the Committee on Transportation Routes to the Seaboard be authorized to sit during the recess of Congress by a subcommittee or otherwise, to employ a stenographer, and with the same authority given the committee under the resolution of July 6, 1884.

The PRESIDING OFFICER. Is there objection to the present reception of this resolution? The Chair hears none, and the resolution is before the Senate.

Mr. MILLER, of New York. I ask that it lie over.

The PRESIDING OFFICER. The Senator from New York objects to its consideration, and the resolution will lie over.

Mr. CULLOM. I hope the Senator will not do that.

RAILROAD BRIDGE IN TENNESSEE.

Mr. VEST. I desire to make a report from the Committee on Commerce.

The PRESIDING OFFICER. The report will be received if there be no objection.

Mr. VEST. I am instructed by the Committee on Commerce to report favorably without amendment the bill (H. R. 8102) to give the assent of Congress to the construction of a railroad bridge by the East and Middle Tennessee Railroad Company over the Cumberland and Caney Fork Rivers.

Mr. CONGER. I ask that that bill be considered at this time.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SHERMAN. It seems to me we ought to go on with the appropriation bill.

The PRESIDING OFFICER. Objection is made to the request of the Senator from Michigan.

CLAIMS FOR HORSES AND OTHER PROPERTY.

Mr. COCKRELL. I ask unanimous consent to have the Committee on Claims discharged from Executive Document No. 101, being a letter from the Secretary of the Treasury transmitting a supplemental list of claims allowed by that Department under the act of March 3, 1883, for horses and other property lost in the military service, which was referred by mistake to the Committee on Claims and ought to have gone to the Committee on Appropriations for insertion in the deficiency bill. I move that the Committee on Claims be discharged from the further consideration of the document and that it be referred to the Committee on Appropriations.

The motion was agreed to.

DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8255) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1885, and for prior years, and for other purposes.

Mr. HALE. I ask that the first or formal reading of the bill be dispensed with, and that it be read for consideration, the amendments of the Committee on Appropriations being first passed upon as they are reached in the reading.

The PRESIDING OFFICER. The Senate has heard the request of the Senator from Maine. Is there objection? The Chair hears none, and that order will be taken.

The Secretary proceeded to read the bill. The first amendment re-

ported by the Committee on Appropriations was, under the head of "Department of State," after line 11 of section 1, to insert:

For salary of stenographer to the Secretary of State from March 15 to June 30, 1885, \$304.71.

The amendment was agreed to.

The next amendment was, after line 15, to insert:

To enable the Department of State to ascertain what records or other documents are in existence either in France or Spain or the French colonies affecting the rights or claims of American citizens under the act of Congress approved January 20, 1885, entitled "An act to provide for the ascertainment of claims of American citizens for spoliation committed by the French prior to the 31st of July, 1801," and to procure said records and documents, or certified copies thereof, the sum of \$5,000, in addition to the sum already appropriated for that purpose, this amount to be expended under the direction of the Secretary of State and to be immediately available.

The amendment was agreed to.

The next amendment was, after line 23, to insert:

For payment of a draft of T. McF. Patton, United States consul at Osaka and Hiogo, Japan, drawn in payment of salary of the interpreter at said consulate for the third quarter of 1884, \$32.53.

The amendment was agreed to.

The next amendment was, after line 33, to insert:

To pay to Louise R. A. Wing, the widow of E. Rumsey Wing, late minister of the United States to Ecuador, a sum equal to the salary of said minister for six months, in addition to all legal allowances.

The amendment was agreed to.

The next amendment was, after line 37, to insert:

To pay to Louise F. Hunt, the widow of William H. Hunt, late envoy extraordinary and minister plenipotentiary of the United States to Russia, a sum equal to the salary of said minister for six months, in addition to all legal allowances.

The amendment was agreed to.

The next amendment was, under the head of "Foreign intercourse," after line 43, to insert:

For payment of the annual rental of legation buildings in Tokio, Japan, up to March 15, 1885, \$3,400.

The amendment was agreed to.

The next amendment was, after line 74, to insert:

To enable the accounting officers, without the payment of any money from the Treasury, to allow from the unexpended balance of said appropriation for the fiscal year 1883 the amount disbursed by G. H. Heap, secretary of legation at Constantinople, during the fiscal year 1884, in excess of the appropriation for that year, being a deficiency for the fiscal year 1884, \$550.

The amendment was agreed to.

The next amendment was, after line 98, to insert:

To enable the accounting officers to pay to George P. Pomeroy, late agent and consul-general of the United States at Cairo, Egypt, the amount allowed under section 1740 of the Revised Statutes for his transit from his late post (at Cairo) to his residence in the United States, namely, from July 6, 1884, to August 9, 1884, no appropriation for the salary of the agent and consul-general at Cairo having been provided in the act making appropriations for the consular and diplomatic expenses of the Government for the fiscal year ending June 30, 1885, approved July 7, 1884, being a deficiency for the fiscal year 1885, \$475.54.

The amendment was agreed to.

The next amendment was, to strike out the clause from line 114 to line 117, inclusive, as follows:

To reimburse Thomas B. Van Buren for expenses incurred by him in the fiscal year 1876 for the relief and transmission to the United States of three discharged naval seamen, \$47.

The amendment was agreed to.

The next amendment was, after line 117, to insert:

To enable the Secretary of State to pay the bills of expenses incurred from May 4, 1883, to September 6, 1883, inclusive, by F. W. Rice, then consul of the United States at Colon, in caring for an American vessel, the Mary C. Comery, abandoned by her master and crew in the harbor at that place, \$534.50.

The amendment was agreed to.

The next amendment was, under the head of "Treasury Department," in the appropriations for "independent Treasury," after line 201, to insert:

For depositary, in addition to his pay as postmaster, being for the service of the fiscal year ending June 30, 1879, \$1,500.

The amendment was agreed to.

The next amendment was, after line 205, to insert:

For depositary, in addition to his pay as postmaster, \$700, being the difference between the amount of salary per annum of this officer, \$1,500, as fixed by the act of May 8, 1872, and the amount appropriated for the fiscal year ending June 30, 1880.

The amendment was agreed to.

The next amendment was, under the head of "Territories," to strike out the clause from line 237 to line 253, inclusive, as follows:

And all suits or proceedings pending in the district courts of Dakota and Washington Territories at the time of the passage of said act, and which would, if instituted after the passage of said act, be required to be brought in the new districts created and provided for in said act, may be transferred by consent of parties to said new district courts, and there disposed of in like manner and with like effect as if the same had been there instituted; and all writs and recognizances relating to such suits and proceedings so transferred shall be considered as belonging to the courts of the said new districts respectively in the same manner and with like effect as if they had issued or had been taken in reference thereto originally; and the counties of Skamania and Spokane, in said Washington Territory, shall constitute part of the fourth judicial district thereof until the Legislature shall meet and otherwise provide.

Mr. McMILLAN. I ask unanimous consent that that amendment may be passed over without action at present. The Senator from Massachusetts [Mr. HOAR] is interested in it.

Mr. VOORHEES. I rose for the purpose of asking an explanation of why the clause is stricken out. I concur with the Senator from Minnesota that it should be allowed to pass over.

The PRESIDING OFFICER. The Senator from Minnesota asks unanimous consent that this amendment proposed by the Committee on Appropriations be passed over for the present.

Mr. McMILLAN. There is a report from the Committee on the Judiciary of the Senate affecting the question involved in this clause, and the Senator from Massachusetts is absent from the Chamber at present.

The PRESIDING OFFICER. Is there objection to the request? The Chair hears none, and the amendment will be passed over for the present.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Engraving and printing," to strike out lines 286 and 287, as follows:

For paper, express charges, and printing of national bank notes, \$40,000.

The amendment was agreed to.

The next amendment was, after line 287, to insert:

For engraving, printing, and finishing United States notes, gold and silver certificates, registered bonds for transfers, and other securities, \$30,000.

The amendment was agreed to.

The next amendment was, after line 290, to insert:

For engraving (except face-plates), printing, and finishing circulating notes for national banking associations, \$40,000.

The amendment was agreed to.

The next amendment was, under the head of "United States Fish Commission," after line 299, to insert:

For propagation of food-fishes, \$12,000.

Mr. MORGAN. I desire to ask the Senator from Maine how this money is to be expended—under whose charge and direction?

Mr. HALE. Perhaps the Senator knows that this is all under the charge of the Fish Commission, of which Professor Baird is the head. It is simply the continuation of the great work which is being done under that commission of propagating the different kinds of food-fish and distributing them throughout the country.

Mr. MORGAN. Under the direction of Professor Baird?

Mr. HALE. Yes.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the clause making appropriations "for repairs to the vessels of the United States Fish Commission," after the word "cents," in line 310, to strike out:

And the assistant to the United States Fish Commissioner authorized by the act of March 3, 1883 (Statutes at Large, volume 22, page 628), shall hereafter be designated as assistant commissioner.

The amendment was agreed to.

The next amendment was, under the head of "Miscellaneous, Treasury," after line 330, to insert:

For payments of judgments and awards against the United States, \$70,000, or so much thereof as may be necessary, to pay the judgments and awards made in pursuance of an act of Congress entitled "An act to aid in the improvement of the Fox and Wisconsin Rivers, in the State of Wisconsin," approved March 3, 1875, and on which judgments and awards no appeal is pending, or on which the time for an appeal has expired, and on which the liability of the Government is established: *Provided, however,* That no part of the money hereby appropriated shall be available except on the certificate of the Attorney-General to the Secretary of the Treasury that the liability of the United States is established, and then only in an amount to be by him fixed, not exceeding the amount of the judgment or award.

The amendment was agreed to.

The next amendment was, after line 376, to insert:

To pay A. W. Bash, on account of expenses of collecting the revenue from customs prior to July 1, 1882, \$746.

The amendment was agreed to.

The next amendment was, after line 380, to insert:

To pay Phelps, Stokes & Co., on account of refunding taxes illegally collected prior to July 1, 1882 (internal revenue), \$4,020.36.

The amendment was agreed to.

The next amendment was, after line 394, to insert:

Fuel, light, water, and miscellaneous items required by the janitors and firemen in the proper care of the buildings, furniture, and heating apparatus, exclusive of personal service, for all public buildings under control of the Treasury Department, being a deficiency for the fiscal year 1885, \$75,000.

The amendment was agreed to.

The next amendment was, after line 410, to insert:

For payment to the credit of the Union Pacific Railway Company (Kansas division) for transportation furnished January 10, 1876, on account of the ethnological exhibit of the Smithsonian Institution at the international exhibition, Philadelphia, 1876, \$33.40.

The amendment was agreed to.

The next amendment was, after line 434, to insert:

For payment of the expenses of the committee of the National Academy of Sciences incurred in preparing answers to inquiries of the joint commission considering the Government surveys, \$239.90.

The amendment was agreed to.

The next amendment was, under the head of "National Board of Health," after line 450, to insert:

To pay Michael Conlan for services as messenger in the National Board of Health from July 24, 1879.

Mr. HALE. Let that amendment be passed over informally, The PRESIDING OFFICER (Mr. HARRIS in the chair). If there be no objection the amendment will be passed over informally. The next amendment reported from the Committee on Appropriations will be announced:

The next amendment was to strike out the clause from line 454 to line 456, inclusive, as follows:

That all laws and parts of laws authorizing the establishment of the National Board of Health be, and the same are hereby, repealed.

The amendment was agreed to.

The next amendment was, in the appropriations "for payment of the judgments of the Court of Claims," in line 542, to reduce the appropriations for the claim of Austin Messenger from \$5,826 to \$2,040.

The amendment was agreed to.

The next amendment was, in the same clause, line 544, to increase the appropriation for the claim of "William Roeber" from \$2,040 to \$5,826.

The amendment was agreed to.

The next amendment was, in line 552, before the name "Bendel," to strike out "R." and insert "B.;" so as to read:

B. Bendel & Co., \$2,600.

The amendment was agreed to.

The next amendment was, in line 555, to insert "the initial R." before the name "Rootes;" so as to read:

Thomas R. Rootes, \$375.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 575.

Mr. HOAR. I ask the attention of the Senator from Maine for a moment. I ask unanimous consent to insert in this paragraph:

Edward Bradbury, \$1,950.

He has obtained, I am informed, a judgment of the Court of Claims for that sum, and the certificate of the court was sent to the committee, but it was overlooked, I suppose.

Mr. HALE. Will the Senator inform me whether the time in which an appeal may be taken has expired?

Mr. HOAR. That is covered by the proviso beginning in line 573: *Provided, That none of the aforesaid judgments shall be paid until the right of appeal shall have expired.*

He will have to wait fifteen months.

Mr. HALE. There are a great many claims where judgments have been rendered. The rule of the committee is to insert only those where the right of appeal has expired. The proviso was put in as a matter of extra precaution, but the rule is not to pay any judgment until the time for taking an appeal has expired.

Mr. HOAR. I was not informed on that point. I shall withdraw the request for the present.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 575, to insert:

To pay Albert Grant for interest at 5 per cent. per annum on judgment of Court of Claims for \$14,016.29, from January 17, 1870, the date the original transcript was filed with the Secretary of the Treasury, until paid, a sufficient sum to pay the same, the principal of the judgment having been appropriated for at the last session of Congress.

Mr. JACKSON. Is that amendment open to a question of order? If so, I raise the question of order on it.

Mr. BAYARD. It is a private claim.

Mr. JACKSON. It is a private claim, and never has been considered by any committee.

The PRESIDING OFFICER. The Senator from Tennessee [Mr. JACKSON] raises a question of order on the amendment on the ground that it is a private claim.

Mr. JACKSON. It was never considered by any committee, and there is no recommendation from any department to pay it.

The PRESIDING OFFICER. If it be a private claim, the Chair does not hesitate to rule the amendment out of order.

Mr. JACKSON. It certainly is.

Mr. HALE. The Senate Committee on Appropriations does not propose to put any private claims upon the bill. This item was put upon it, being regularly sent by the Secretary of the Treasury in a letter accompanying the documents with the decision of the court, and considerations touching the case, and upon that the committee inserted the item.

The PRESIDING OFFICER. Is it to pay a judgment of the Court of Claims?

Mr. HALE. It is to pay a judgment of the Court of Claims.

The PRESIDING OFFICER. It being to pay a judgment of the Court of Claims, the Chair would hold the amendment to be in order.

Mr. JACKSON. I will explain in what way it is to pay a judgment of the Court of Claims.

Mr. HALE. It is not like the other judgments, of course.

Mr. JACKSON. No; it is not like the other judgments. The judgment was rendered for the principal in June, 1883. The claimant declined to take the principal unless he was allowed interest, and he is here claiming interest for thirteen years prior to the rendition of the judgment. The question of interest is the only question in the case.

No adjudication has ever been made as to that; there has been no report of any committee made upon it, and there has been no recommendation of any department upon it. I think the amendment is clearly out of order.

Mr. BAYARD. Independent of that, would it not be an entire violation of the rule of the Government in respect to interest? Every other man with a judgment in the Court of Claims loses his interest. That forms a part of the hardship of all appeals from the judgment of the Court of Claims. I have known men whose whole fortunes were hung up in a judgment found in the Court of Claims, and who were kept without interest until an appeal to the Supreme Court could be had, and then, when the judgment was affirmed, not a dollar of interest went with the money.

The PRESIDING OFFICER. As there is no agreement as to the precise state of facts upon which the opinion of the present occupant of the chair on the question of order would depend, the Chair will submit the question of order to the Senate.

Mr. BLAIR. I wish to state the facts in regard to this case as I understand them. In 1867 Albert Grant, the claimant, constructed a public building in Philadelphia by contract with the Government. Certain extra work was required, alterations were made as the construction went along, for which the contractor was to be compensated by extra pay. After the building was completed a controversy arose as to the amount which should be paid the contractor for the extra work and it was adjudicated in the Court of Claims. The contractor claimed \$48,000 as extra pay.

The question arose whether he was to be paid \$48,000 or \$34,000. Testimony was taken and the court adjudicated the claim, and by its minutes rendered a judgment for the amount of \$48,000. When the judgment came to be entered on the record, the judge who extended it, by an accident took the wrong bill of items, the wrong aggregate, which amounted to \$34,000 instead of that which amounted to \$48,000, so that the record by mistake gave the claimant only the smaller sum, and thus the judgment was extended. Thereupon the claimant, finding the judgment thus erroneously entered, and needing the money that was evidenced by the judgment, filed according to law his transcript of the record as it then stood in the Treasury Department before the Comptroller and obtained his \$34,000.

As to the law bearing upon the question of interest, I ask the attention of the Senator from Delaware, for this is a very important matter to a man who is not likely to live a great while, and who has had a fifteen years' controversy to get his just dues adjudicated to him. I understand the state of the law to be that where a judgment has been obtained in the Court of Claims in favor of a party, he thereupon filing a transcript of that judgment before the Treasury Department becomes entitled from that date to interest upon the judgment. On January 17, 1870, Mr. Grant filed a transcript of the judgment of the Court of Claims, and received the amount of \$34,000. Thereupon he applied to Congress for permission to go to the Court of Claims to re-examine its minutes and records, showing what its decision was intended to be, what its record should have been made. After being bandied about from one House of Congress to another, year after year, with a great many favorable reports, and sometimes the bill passing in one House and not in the other, in the year 1883 an act was finally passed authorizing the Court of Claims to reopen its judgment, and to make it as they originally designed to make it, \$48,000.

In accordance with the provisions of that act, early in 1884, I think, the court proceeded to re-examine the case, found all the allegations of Mr. Grant to be as I have stated, and rendered a judgment *nunc pro tunc* for the balance, \$14,000, rendering a judgment as of the date of the original judgment and as verging in and being a part of the original judgment.

Mr. JACKSON. Will the Senator yield to me in that connection?

Mr. BLAIR. Certainly.

Mr. JACKSON. The Senator is mistaken about the judgment having been rendered *nunc pro tunc*. I have it before me. The judgment was rendered just for the \$14,000 in June, 1883.

Mr. BLAIR. I do not understand that to be the way, but supposing it to have been the way of it—

Mr. JACKSON. It is the way.

Mr. BLAIR. The judgment was rendered. All the items are in the report and in the papers as they were before the committees of both Houses of Congress, from year to year, showing that the balance was precisely the sum for which the second judgment was rendered. Thereupon the Attorney-General made his appeal to the Supreme Court of the United States. I have here the decision of the Supreme Court, and that I understand to be substantially to the effect that this sum of \$14,016.29 was a part, and should have been made a part, of the original judgment, and should have been so recorded. That can not be controverted at all. So the judgment of \$14,016.29 is really and truly a part of the original amount adjudicated to be due in the year 1869, and on which Albert Grant was rightfully entitled to interest from the time when he filed his transcript of the original record, which, erroneously made, did not happen to include it, but which should have included it upon the minutes of the court itself.

The PRESIDING OFFICER. Does the Chair understand the Sen-

ator from New Hampshire as stating that the judgment of \$14,000 was paid?

Mr. BLAIR. I have not stated that as yet. I am coming to that point.

The PRESIDING OFFICER. Will the Senator allow the Chair—

Mr. BLAIR. I am stating the nature of the \$14,000 judgment, that it was to correct an error, a mistake of the court, the agent of the United States, in making up the record of its original finding. By an accident, by a mistake, the court took a list of items, amounting to \$34,000, when its own judgment and its own minutes, its own decision, showed that it designed to render a judgment of \$48,000. After years of effort in both Houses of Congress, Mr. Grant finally succeeded in getting an act through Congress authorizing the court to correct that mistake, and when the mistake was corrected it was designed to be corrected in such a way as to give him the benefit of his original judgment at the time of the close of the original controversy; that is, \$48,000.

Now, to proceed: At the last session, I think, but I am not quite sure, an appropriation to satisfy this judgment was asked for, and it was made.

The PRESIDING OFFICER. Will the Senator allow the Chair to inquire as to the precise facts which would control the decision of the Chair upon the question of order? Was the judgment rendered by the court for the \$14,000 a balance paid to the claimant, and is this a claim for interest supposed to have accrued before that payment was made?

Mr. BLAIR. The appropriation for the principal was made, but the claimant applying at the Treasury for his money, expecting the interest as a matter of course upon the judgment as from January, 1870, was told by the Treasury officials that it would be unsafe for him to take the principal until the interest itself was in form appropriated for. Therefore he has allowed the principal to remain in the hands of the Treasury Department, and comes here asking for this formal appropriation for the amount of interest; so that no money whatever under the appropriation for the payment of this judgment, either principal or interest, has ever been received by the claimant.

That is the precise fact upon the point in regard to which the Chair asked. The claimant now asks an appropriation covering in direct terms the interest, and expects with the appropriation of the last session and this appropriation for the interest, to get the entire amount due by reason of the mistake made by the court in 1870.

The PRESIDING OFFICER. Does the Chair understand the Senator to state that the appropriation contained in the amendment is to cover interest that is supposed to have accrued upon the principal of the debt?

Mr. BLAIR. Yes, sir; upon this balance.

The PRESIDING OFFICER. Then the Chair does not hesitate to rule the amendment to be out of order.

Mr. BLAIR. I desire to ask the Chair to state the ground of his decision, because undoubtedly the ruling may be right.

The PRESIDING OFFICER. The Chair holds that the claim is a private claim, and being so it is out of order on this appropriation bill.

Mr. BLAIR. I do not myself understand how that can be the case. The interest is a part of the judgment.

The PRESIDING OFFICER. Does the Senator from New Hampshire appeal from the decision of the Chair?

Mr. BLAIR. I do not take an appeal from the decision of the Chair, but it results in a very great injustice.

The PRESIDING OFFICER. The reading of the bill will proceed. The next amendment of the Committee on Appropriations was, under the head of "District of Columbia," after line 584, to insert:

Metropolitan police, contingent expenses: To pay Washington Gas-Light Company, gas for police headquarters, May and June, 1879, \$50.85.

Executive office, contingent expenses: To pay the Public Printer for printing and binding three hundred copies of Report of Commissioners for 1881, \$341.71.

The amendment was agreed to.

The next amendment was, after line 607, to insert:

Assessor's office: To pay G. A. Hall the difference between salary as messenger, at \$50 per month, and salary as clerk, at \$1,200 per annum, from July 1, 1882, to June 1, 1883, eleven months, he having performed the duties of clerk during that time, being for the service of the fiscal year 1883, \$550.

The amendment was agreed to.

The next amendment was, after line 615, to insert:

Furniture for new school buildings: To pay J. W. Boteler & Son for furniture for Anlostan school, being a deficiency for the fiscal year 1883, \$6.50.

The amendment was agreed to.

The next amendment was, after line 619, to insert:

Miscellaneous expenses: To pay H. Cowling for use of carriage for Senate Committee on the District of Columbia in visiting charitable and reformatory institutions, being for the service of the fiscal year 1883, \$19.50.

The amendment was agreed to.

The next amendment was, after line 649, to insert:

To pay F. H. Bates for services as military instructor at the High School, \$300.

The amendment was agreed to.

The next amendment was, in line 653, to reduce the appropriation "for repairs to school buildings, being a deficiency for the fiscal year 1884," from \$364.17 to \$64.17.

The amendment was agreed to.

The next amendment was, after line 672, to insert:

And any balances of appropriations for the District of Columbia under the head of improvements and repairs for the fiscal year 1885 that remain unexpended June 30, 1885, may be applied to meeting deficiencies in any item of appropriations for the improvement or repair of streets and county roads for the same year.

The amendment was agreed to.

GEORGE E. SPENCER.

Mr. JONES, of Nevada. I ask that the pending order may be laid aside informally in order that I may call up a resolution on the Calendar which was reported from the Committee on the Contingent Expenses of the Senate.

Mr. PLUMB. I do not know to what the Senator refers; but would it not be better for us to take up such things after the passage of the appropriation bill rather than to do it now?

Mr. JONES, of Nevada. This will only take a moment.

The PRESIDING OFFICER. Does the Chair understand the Senator from Kansas to interpose an objection?

Mr. PLUMB. I do not want to object, but I have a number of bills here that I should be glad to have taken up.

Mr. HALE. The resolution now called for will involve no debate, I understand.

Mr. JONES, of Nevada. It will lead to no debate.

The PRESIDING OFFICER. The Senator from Nevada asks the unanimous consent of the Senate that the appropriation bill may be informally laid aside in order that the Senate may proceed to the consideration of a resolution reported from the Committee to Audit and Control the Contingent Expenses of the Senate. The resolution will be read for information.

The resolution was read, as follows:

Resolved, That there be allowed and paid from the contingent fund of the Senate to George E. Spencer, formerly a Senator from the State of Alabama, the sum of \$7,132, being the amount actually and necessarily expended by him in maintaining his title to his seat.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada to lay aside informally the appropriation bill and consider the resolution just read? The Chair hears no objection. The resolution is before the Senate, and the question is on agreeing to it.

Mr. COCKRELL. I simply desire to say that I am opposed to the principle involved in the resolution. It is vicious. In my opinion there is no justice or equity in it. I do not desire now to consume any of the time of the Senate in stating further my opinion in regard to it. The resolution was agreed to.

DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8255) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1885, and for prior years, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "War Department," to strike out the clause from line 741 to line 751, inclusive, as follows:

For payment of taxes upon lots numbered 6 and 7 in square numbered 169, Washington, D. C., assessed prior to July, 1874, including interest and cost of advertising, being for the service of the fiscal year 1885 and prior years, \$543.30; and the Attorney-General of the United States is hereby directed to proceed against the warrantors upon the covenants in the conveyance to recover back said sum, in the name of the United States.

The amendment was agreed to.

The next amendment was, in the appropriations for the "Quartermaster's Department," to strike out the clause from line 760 to 763, inclusive, as follows:

To pay to Mrs. M. L. Eddins, holder of claim of Meader and Morris for amount found due for Army transportation, 1881 and prior years, \$42.90.

The amendment was agreed to.

The next amendment was, to strike out the clause from line 764 to line 769, inclusive, as follows:

To pay William H. Farrell amount of claim allowed under incidental expenses Quartermaster's Department, and reported to Congress in House Executive Document No. 153, page 36, Forty-eighth Congress, second session, \$89.90.

The amendment was agreed to.

The next amendment was, in line 799, to increase the total amount of the appropriation for the various expenses of the Quartermaster-General's Department from \$15,000 to \$50,000.

The amendment was agreed to.

The next amendment was, after line 804, to insert:

To John Finn, \$2,800, being the purchase-price for mules bought from him in November, 1864, and payable from the appropriations for "Transportation of the Army and its supplies, 1882 and prior years" (fiscal year 1865), which is exhausted.

The amendment was agreed to.

The next amendment was, to strike out the following clause from line 812 to line 814, inclusive:

For necessary improvements and construction of quarters for the non-commissioned staff of the Army, \$18,079.

The amendment was agreed to.

The next amendment was, in the appropriations for "buildings and grounds in and around Washington," after line 821, to insert:

Increasing the water supply of Washington, D. C.: For completing payment for land taken for a reservoir under the act to increase the water supply of the city of Washington, and for other purposes, approved July 15, 1882, in addition to a like amount appropriated for the same purpose by act of July 7, 1884, \$87,500: *Provided*, That this appropriation shall be subject to the same provisions and restrictions named in said act of July 15, 1882.

The amendment was agreed to.

The next amendment was, in the appropriations for the Signal Service, after line 867, to insert:

Means of transportation, namely: For one horse, to replace one rendered unserviceable since appropriation for present fiscal year was passed, \$200.

The amendment was agreed to.

The next amendment was, under the head of "Miscellaneous objects," after line 912, to insert:

Pay of two and three year volunteers: For payment of arrears of pay, &c., to officers and men who served in the war of the rebellion, which may be certified to be due by the accounting officers of the Treasury Department, being for the service of the fiscal year 1871 and prior years, \$50,000.

The amendment was agreed to.

The next amendment was, after line 919, to insert:

Bounty to volunteers and their widows and legal heirs: For payment of amounts of bounty to volunteer soldiers who served in the war of the rebellion, and their widows and legal heirs, which may be certified to be due by the accounting officers of the Treasury Department, being for the service of the fiscal year 1871 and prior years, \$50,000.

The amendment was agreed to.

The next amendment was, after line 926, to insert:

Bounty under act of July 28, 1866: For payment of amounts of additional bounty under the act of July 28, 1866, which may be certified to be due by the accounting officers of the Treasury Department, being for the service of the fiscal year 1880 and prior years, \$50,000.

The amendment was agreed to.

The next amendment was, after line 933, to insert:

Commutation of rations to prisoners of war and soldiers on furlough: For payment of amounts which may be certified to be due by the accounting officers of the Treasury Department for commutation of rations to prisoners of war in rebel States and soldiers on furlough, being for the service of the fiscal year 1871 and prior years, \$5,000.

The amendment was agreed to.

The next amendment was, under the head of "Navy Department," after line 949, to insert:

To pay the Harlan and Hollingsworth Company for the use and occupation of their ship-yard by the ironclad *Amphitrite*, and the care of said vessel, and expenses to which they were subject for watching and storage of turrets, pilot-houses, guns, &c., from July 8, 1876, to December 29, 1882, \$67,987.

Mr. McPHERSON. Before that amendment is voted on I should like to ask the Senator from Maine who has charge of the bill if there was an agreement between the Navy Department and the gentlemen whose names appear in these amendments as to the amount to be paid for the service rendered. It seems to me to be a most extraordinary thing that the United States must pay for three of the iron-clad monitors a sum equivalent to almost \$200,000 for the care of those ships in ship-yards. I was not aware that any agreement had been reached between the Navy Department and these gentlemen; and certainly I was not aware that so large a sum had been allowed them. Can the Senator give me the information?

Mr. HALE. The Senator undoubtedly knows that these ironclads remained in the yards of the ship-builders for several years, no appropriations having been made by Congress for continuing the work upon them. They occupied conspicuous places in the yards, and of course were in the way of other business. The contractors had no power to remove them. Finding that Congress did nothing, attention was called to the subject, and the Secretary of the Navy was directed by a resolution, or a clause in an appropriation act, to appoint a commission to consider the whole subject and report what amounts were fairly due the owners of these ship-yards for the use of their property during those years by the Government.

The amounts inserted here by the committee are the amounts reported by that commission, not varying at all in any particular. They are the same amounts which were inserted last year and passed by the Senate, but thrown off in a conference between the two Houses. That is why they are put on this year.

Mr. McPHERSON. Do I understand the Senator to say that a board of naval officers was appointed by the Secretary of the Navy to adjust this claim between the Navy Department and the three different firms named?

Mr. HALE. Not to adjust, because that depends upon Congress giving the money.

Mr. McPHERSON. To recommend?

Mr. HALE. Yes, to fix the amount. In one case at least one of the owners of the yards felt so aggrieved that he declined to take the amount reported and refused in any way to submit his claim to the Navy Department. It was only after much controversy and after the recommendation had been made that the others should be appropriated for, that he came in and agreed to take the amount fixed upon in full provided it should be appropriated.

Mr. McPHERSON. This is a matter with which I suppose I ought to be as familiar as the Senator from Maine, serving on the Committee

on Naval Affairs with him, but it has entirely slipped from my recollection. I understand this action to have been taken under the authority of a resolution of Congress directing the Secretary of the Navy to adjust the claims of these gentlemen. Will the Senator inform me still further, because his recollection of the matter is certainly better than my own, what other directions were given to the Secretary of the Navy touching these ships? Were they to be removed from these different navy-yards and stored somewhere, or are they there still subject to the same expense each year that has been laid upon them between the years 1877 and 1882?

Mr. HALE. It is not a very easy matter to remove them. One of them is in California. One of them has been launched and taken around to the navy-yard at Washington for her armor and armament. The others are in yards on the Atlantic coast.

Mr. McPHERSON. This bill only speaks of three, the *Amphitrite*, the *Terror*, and the *Puritan*. As to the one in California the resolution, I believe, did not touch that ship, because it is in the navy-yard in California. As to the *Monadnock* it was held in possession of the Government and was in the Government yard at the time when the resolution was passed directing the Secretary of the Navy to make the adjustment. But as to the three ships named here, are they still in the yards of Mr. Roach, Mr. Cramp, and the Harlan & Hollingsworth Company?

Mr. HALE. As I have said, two of them are in those yards. The *Monadnock* has been removed from the private yard where she was to the navy-yard at Mare Island in California. The other two remain, and work has since been done upon them by the contractors under the appropriation of three years ago. If Congress appropriates as is covered in the naval appropriation bill this year as reported by the Senate Committee, it is expected that work will go on and they will be completed. Of course while they are being worked upon and the contractors are spending money upon them, completing them, no charge is made for rent. No charge would have been made undoubtedly had the work gone on from the beginning, but the long delay of years was so burdensome that the owners of the yards felt that they had a claim for rent.

The whole matter was submitted to this commission. I will say to the Senator that I never heard any fault found with the amounts reported except by the owners of the yards. They did complain.

I do not think it is strange that the Senator does not have this item in his mind. I did not get it precisely in the Naval Committee, but more because of my familiarity with the appropriations here and in the other branch years ago. Otherwise I should not have had it in my mind.

Mr. McPHERSON. If the Senator will bear with me a moment longer, it seems to me as though there was no intention on the part of Congress to complete these ships, and therefore I did expect that when the committee proposed any legislation touching them they would certainly provide in some way that the Government should take possession of them and take them from these different ship-yard establishments, and place them in their own navy-yards, where, at least, we should not be subject to the annual expense of care and storage. That was the reason why I made the inquiry.

Mr. CAMERON, of Wisconsin. I wish to ask the Senator from Maine whether in his opinion these amendments are or are not for the purpose of paying private claims, and if so, whether they are in order under Rule XVI.

Mr. HALE. They are based upon a resolution of Congress directing an investigation to be made, and the items have been regularly sent in by the Department. That has been done for years.

Mr. CAMERON, of Wisconsin. There is another amendment proposed by the committee on page 52. I desire to make the same inquiry in regard to that amendment.

Mr. HALE. When we get to that I shall look it up.

Mr. CAMERON, of Wisconsin. If the Senator will turn to that page he will find it beginning in line 1263. My reason for making the inquiry is because I have an amendment myself which I desire to propose, and it seems to me that it stands on the same basis substantially with that amendment.

Mr. HALE. The committee has endeavored not to put any claims upon the bill. If the Senator makes a point of order upon that amendment when we reach it, and the Chair rules it out, of course it is not a thing that I can in any way object to, and I shall not.

Mr. CAMERON, of Wisconsin. I do not propose to make a point of order upon it, but if it be in order I do not see why the amendment insisted upon by the Senator from New Hampshire [Mr. BLAIR] was not in order.

Mr. VAN WYCK. Will the Senator from Maine give a little more information in regard to the three vessels which are named that have been watched and looked after in the three separate yards? Were these vessels in the course of construction? Were they being built?

Mr. HALE. They had been begun by the Government under contract. When the controversy arose in the year 1877 the Secretary of the Navy gave directions that work should cease. After that they hung there, an interrupted work, nothing being done upon them; there was no expenditure of money upon them by the contractors, but they were using up quite a portion of the yards.

Mr. VAN WYCK. Had the Government commenced to build the vessels?

Mr. HALE. Certainly.

Mr. VAN WYCK. In its own yards?

Mr. HALE. No; the Senator does not understand. The Government commenced them by contract in the yards of the ship-yard owners and then suspended work and left the vessels in the yards on the stocks, where they could not be removed, and were so occupied, using up large portions of the yards of the ship-yard owners and contractors without any fault on their part. They were continually beseeching the Government to go on and finish them and get them out of the way.

Mr. McPHERSON. I believe we are acting upon the amendments of the committee at present, and that they will be open to amendment after we get through with the list.

Mr. HALE. Undoubtedly.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The question is on agreeing to the amendment of the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 957, to insert:

To pay William Cramp & Sons for the use and occupation of their ship-yard by the Ironclad Terror, and for care and storage of the turrets, guns, &c., from July 8, 1876, to December 30, 1882, \$75,790.

The amendment was agreed to.

The next amendment was, after line 963, to insert:

To pay John Bosch for the use and occupation of his ship-yard by the Ironclad Puritan, and for the care of said vessel and storage of her turrets, guns, &c., from July 8, 1876, to December 29, 1882, \$69,201: *Provided*, That no moneys hereby appropriated for the above three mentioned ships shall be paid except upon full receipt and discharge of all claims of the parties to whom the same may be paid for care and storage of said vessels, turrets, guns, &c., for use and occupation of these several yards.

The amendment was agreed to.

The next amendment was, in the appropriations for "naval establishment," after line 996, to insert:

For payment to the following newspapers for advertising proposals for new steel cruisers for the United States Navy, in May, 1883, namely: Sunday Chronicle, Washington, \$99.45; Sunday Herald, Washington, \$128.25; National Republican, Washington, \$184.50; in all, \$412.20.

The amendment was agreed to.

The next amendment was, after line 1021, to insert:

To pay amounts found due by the accounting officers on account of actual expenses, being for the service of the fiscal year 1883, \$1,680.

The amendment was agreed to.

The next amendment was, after line 1096, to insert:

For payment to Lieut. W. H. Jaques, United States Navy, for actual and necessary expenses incurred in obtaining information while performing the duties as secretary to the gun-foundry board organized by the President in accordance with the act of Congress approved March 3, 1883, \$180.

The amendment was agreed to.

The next amendment was, under the head of "Interior Department," after line 1104, to insert:

For reconstructing Interior Department (heating apparatus), \$18,849.

The amendment was agreed to.

The next amendment was, after line 1107, to insert:

To pay amount found due by the accounting officers to the Central Pacific Railroad Company on account of contingent expenses General Land Office, being a deficiency on account of the fiscal year 1883, \$43.80.

The amendment was agreed to.

The next amendment was, in the appropriations for "public lands service," in line 1124, to increase the appropriations "for incidental expenses of the several land offices" from \$25,000 to \$40,000.

The amendment was agreed to.

The next amendment was, after line 1124, to insert:

To pay amounts found due by the accounting officers on account of contingent expenses of land offices, being a deficiency for the fiscal year 1883, \$62.28.

The amendment was agreed to.

The next amendment was, after line 1128, to insert:

To pay amounts found due by the accounting officers on account of depredations on public timber, being a deficiency for the fiscal year 1883, \$1,641.87.

The amendment was agreed to.

Mr. HOAR. The Senate passed over in consequence of my momentary absence an amendment proposed by the committee to strike out certain language on page 11. I should like to ask the Senator from Maine to consent to go back to that amendment now, because the Senator from Oregon [Mr. SLATER] who knows something about it is unwell and desires to leave the Chamber. He does not wish to stay very long. Therefore I should like to go back to it now.

The PRESIDING OFFICER. Is there objection to going back on the request of the Senator from Massachusetts to page 11? The Chair understands that that amendment was passed over informally. If there be no objection the Senate will consider the proposed amendment now. The amendment will be read.

The SECRETARY. The committee report to strike out from line 237 to line 253 in the following words:

And all suits or proceedings pending in the district courts of Dakota and Washington Territories at the time of the passage of said act, and which would, if instituted after the passage of said act, be required to be brought in the new dis-

tricts created and provided for in said act, may be transferred by consent of parties to said new district courts, and there disposed of in like manner and with like effect as if the same had been there instituted; and all writs and recognizances relating to such suits and proceedings so transferred shall be considered as belonging to the courts of the said new districts respectively in the same manner and with like effect as if they had issued or had been taken in reference thereto originally; and the counties of Skamania and Spokane, in said Washington Territory, shall constitute part of the fourth judicial district thereof until the Legislature shall meet and otherwise provide.

The PRESIDING OFFICER. The question is on agreeing to the amendment recommended by the committee.

Mr. HOAR. My knowledge of this subject comes very largely from a communication made to me by the chief-justice of Washington Territory, who is a very able and excellent lawyer, and who is a relative of mine, for whose statements I am quite willing to vouch. Technically this clause comes within the principle which the Committee on Appropriations have applied, with the assent of the Senate; it is certainly barely over that line; but I think if the Senator from Maine will hear the statement which I will take but half a minute to make he will be willing to retain the provision for the present.

We passed last year an act for the redistricting of Washington Territory, and by a mistake which was made in the House, not in the Senate, two of the counties, the county of Spokane and the county of Skamania, were left not in any jurisdiction of any court, and the inhabitants of those counties are without judicial protection unless this paragraph can be enacted. As we are providing generally for the expenses of the justices and for the judicial expenses of the Territories, there would seem to be no harm under the circumstances in letting this go in.

That relates to the last clause in the paragraph. In regard to the other part of it I will state that these Territories, by the rapid growth of population and the filling up in certain counties, have got into a condition where for ordinary purposes of justice the inhabitants in some counties were obliged to travel more than two hundred miles to get justice, and that was corrected by a new judicial distribution. The new judicial distribution has created courts which have very small business at first. The old courts are crowded, and the inhabitants of some of those counties have to travel a long distance to the courts, which are overcrowded with work in places, instead of being able to go with their neighbors and with all the persons whose cases arise at present to courts in their own neighborhood.

This paragraph merely provides that where both parties agree they may transfer a case from the court under the old arrangement to the court under the new. Both the Oregon Senators are generally familiar with the condition of this matter so far as it relates to Washington Territory, and the Delegates of both these Territories are very earnest to have this done. I hope, therefore, that the honorable Senator from Maine will allow the paragraph to stand in the bill without a contest.

Mr. HALE. The Senator from Massachusetts knows "a hawk from a handsaw" as plainly as any man in the Senate. He must see clearly that this is a pure piece of legislation. It is an elaborate and well-devised plan relating to the judiciary of Dakota and Washington Territories. It has no more to do with a deficiency appropriation bill providing for defects in appropriations for the current fiscal year than it would have to do with an appropriation for furniture in the Senate Chamber. It is a clear exercise on the part of the House of their undoubted right, under their rules, to put legislation on an appropriation bill. I do not raise any question as to its being good legislation.

Mr. HOAR. If the Senator will pardon me, it is a good deal less than what he states in one particular. It is not a well-devised scheme of new legislation. It is merely the correction in the first particular of a slight error, a slight imperfection, which works great injustice in some localities in general legislation, which passed both Houses last year.

Mr. HALE. It is a pure piece of legislation which should have been considered either by the Committee on Territories or the Committee on the Judiciary.

Mr. HOAR. It has been so considered.

Mr. HALE. Quite likely it is wise legislation. I am bound to accept what the Senator from Massachusetts has said; I believe I fully concur with him as to the need of it; but I repeat it has nothing whatever to do with a deficiency appropriation bill. It is for the Senate to settle the question, and if the Senate desires to keep this piece of legislation upon the deficiency appropriation bill I shall lose no sleep about it. A vote can be very readily taken and settle it at once. I do not care to say anything more about it.

Mr. SLATER. I will say just a word in regard to this clause. In the act referred to in the paragraph preceding that which is proposed to be stricken out by the committee, a mistake crept in by which two new counties in Washington Territory were left out. The people of those counties are entirely without judicial process. They are not able to go into court in civil matters or in criminal matters. This paragraph which the committee report to strike out is the only hope they have of being relieved from that condition. That being the case, although it is a pure piece of general legislation, I trust that the Senate will refuse to strike out the clause. It is very important to those people. Many crimes are being committed there for which there is no remedy and no means of prosecuting them.

The PRESIDING OFFICER. The question is on agreeing to the

amendment of the Committee on Appropriations to strike out the paragraph in question.

The amendment was rejected.

The PRESIDING OFFICER. The Senate will return to line 1134.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was to strike out the clause from line 1171 to line 1175, inclusive, as follows:

For payment of amount found due to McBroome and Taylor for surveying private land claims in New Mexico, being a deficiency for 1881 and prior years, \$208.53.

The amendment was agreed to.

The PRESIDING OFFICER. The clerks are uncertain. The bill has pencil marks striking out what follows line 1175.

Mr. HALE. I called the attention of the Secretary to that. The next paragraph is to be stricken out.

The PRESIDING OFFICER. The matter proposed to be stricken out will be read.

The SECRETARY. It is proposed to strike out from line 1176 to line 1210, inclusive, in the following words:

Tenth Census:

That the office of the Tenth Census is hereby abolished, and the terms of office of the Superintendent and of all employees appointed under the provisions of the act of March 3, 1879, entitled "An act to provide for the taking of the tenth and subsequent censuses," or of any subsequent act relating to the Tenth Census, shall cease and terminate from the date of the passage of this act; and no further expenditures, whether for salaries or expenses, shall be made on account of the Tenth Census, except as hereinafter provided. The unfinished work of the Tenth Census shall be completed in the office of the Secretary of the Interior, to whom the records and other property of the Census Office shall be transferred; and the Secretary of the Interior is authorized to appoint, from the date of the passage of this act, and for the term of one year from date of such appointments, a clerical force for duty in said division, which force shall consist of one clerk of class 4; one clerk of class 3, who shall also be a practical printer; one clerk of class 2; one clerk of class 1; and one copyist, at \$900 per annum; and for payment of the salaries of such force the sum of \$6,900, or so much thereof as may be necessary, is hereby appropriated; and any balances of appropriations for the Tenth Census heretofore made which shall remain unexpended at the date of the passage of this act shall be applied to the liquidation of any liabilities for the work of the Tenth Census which have been incurred heretofore and remain unpaid at such date; but this provision shall not apply to any unexpended balance of the appropriation for printing the report of the Tenth Census made by act of August 7, 1882, but such balance shall be applied as provided in that act.

The foregoing provisions relating to the Tenth Census shall take effect from the passage of this act.

The amendment was agreed to.

The next amendment was, after line 1214, to insert:

To pay Miss Emma Dowell for clerical services rendered in the Interior Department in July, 1882, \$29.35.

The amendment was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes; that it had occurred in the amendments of the Senate numbered 3, 4, 5, and 6 to the said bill, and that it further insisted on its disagreement to the amendments of the Senate to the said bill numbered 16, 17, 18, 19, and 20; that it asked a further conference on the disagreeing votes of the two Houses thereon, and that it had appointed Mr. R. W. TOWNSHEND of Illinois, Mr. WILLIAM S. HOLMAN of Indiana, and Mr. R. G. HORR of Michigan managers at the further conference on its part.

DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8255) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1885, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Indian affairs," after line 1262, to insert:

For amount due to Isaac G. Baker for one hundred and sixty-two head of beef-cattle taken by Fort Peck Indians October 14, 1878, while in process of delivery under his contract dated June 21, 1878, \$5,820.20.

Mr. DOLPH. I should like to inquire of the Senator from Maine having charge of this bill how this amendment comes into the bill? It appears on the face of the amendment to be provision for payment for an Indian depredation. At the last session of Congress I introduced a bill to provide for a commission to audit such claims of citizens of Oregon and the adjacent Territories, and I understand that the committees have uniformly reported against the payment of such claims. I should like to ask if the amount of this claim has been ascertained by the judgment of any court, or audited by any officer of the Government under any authority of Congress?

Mr. HALE. In some of these cases it is pretty difficult to tell whether the transmission to Congress by the Secretary of the Treasury or the heads of Departments makes them technically estimates. In some cases the Secretary sends in terms just as much an estimate as there is in the Book of Estimates, recommends the appropriation, and it is referred to the Committee on Appropriations and is considered by the committee as an estimate under the rules, and therefore not subject to the point of

order. In other cases the Secretary will transmit the papers with a favorable recommendation, and there are variations and shades and degrees about that. The committee thought that in its spirit this came under the head of a matter that was considered and determined upon favorably by the head of a Department, and so recommended it and put it in; but if the Senator makes a point of order and the amendment is ruled out, the Committee on Appropriations would consider hereafter that it would not be authorized to put in such a provision.

Mr. DOLPH. I will state to the Senator that I offered and had printed and referred to the Committee on Appropriations an amendment to provide one appropriation for the payment of the claims which had been audited and settled under the act of August 7, 1882, which the committee did not see fit to adopt.

Mr. HALE. Was it transmitted by the Secretary of the Treasury?

Mr. DOLPH. The estimate was transmitted by the Secretary of the Treasury, with an estimate, and I proposed to offer it in the proper place, but I can not find that this claim for Indian depredations was audited at all. I ask unanimous consent that this may be passed over until after the reading of the bill is concluded; and I will offer my amendment in connection with this to come in on this page, and meanwhile I will see if there is any estimate for it.

Mr. HALE. To that I have no objection, or the Senate may strike out the item if it pleases.

Mr. DOLPH. I do not make any point of order, but ask that the amendment may be passed over to be considered in connection with one I shall offer.

The PRESIDING OFFICER. The amendment will be passed over if there be no objection.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1269, to insert:

For amount due to the Globe Printing Company, of Saint Louis, Mo., for advertising for proposals for Indian supplies and stock-cattle in March and April, 1884, as per certificate of Second Comptroller, December 22, 1884, being for the service of the fiscal year 1884, \$197.34.

The amendment was agreed to.

The next amendment was, after line 1277, to insert:

To reimburse the Creek Nation for liabilities incurred in defraying the expenses of its delegation while engaged in negotiating the treaty of 1862, so much of their funds erroneously used to pay expenses of taking a census in 1868, not exceeding the sum of \$1,482, is hereby reapportioned from the amount of \$1,944.64 of the appropriation provided for taking said census carried to the surplus fund.

The amendment was agreed to.

The next amendment was, after line 1287, to insert:

To enable the accounting officers to adjust certain appropriations on the books of the Department, the sum of \$723.77 is hereby reapportioned: \$628.77 thereof to be carried to the credit of the appropriation "fulfilling treaties with Creeks, proceeds of lands," and \$95.00 to "payment to certain Creek Indians for individual reserves sold, and so forth," being amounts found due these appropriations in the adjustment of the accounts of W. H. Garrett, late Indian agent.

The amendment was agreed to.

The next amendment was, after line 1298, to insert:

The Secretary of the Interior is hereby authorized and directed to pay to the heirs of certain Osage Indians, killed while on a hunt on Medicine Lodge Creek, in 1873, the balance on hand of the sum of \$5,000 appropriated by act approved March 3, 1877, "to reimburse the Osages for losses sustained, and in accordance with pledges by their agent," amounting to \$2,451.50, which is hereby reapportioned for this purpose.

The amendment was agreed to.

Mr. MILLER, of New York. Before proceeding further with the bill I desire to ask unanimous consent to offer an amendment at this point, as I am called away for an hour or more, and can not be present perhaps when the committee amendments are concluded. The amendment can now be offered by unanimous consent, I understand.

Mr. HALE. Let us hear what it is?

The PRESIDING OFFICER. The amendment will be read for information.

The SECRETARY. After line 1349 it is proposed to add:

For the completion of the pedestal for the statue of Liberty Enlightening the World, to be erected on Bedloe's Island, in New York Harbor, \$100,000, to be expended under the direction of the officers of the organization which has charge of the erection of said pedestal and statue.

The PRESIDING OFFICER. Is there objection to the Senator from New York offering this amendment at this stage of the proceeding?

Mr. HALE. I do not object to its being offered now, but I must raise the point of order on it.

The PRESIDING OFFICER. The Chair hears no objection to the Senator from New York proposing his amendment at this time.

Mr. MILLER, of New York. It is entirely useless for me to offer the amendment if the point of order is raised. I have talked with all the members of the committee and a large number of Senators, and I think that after a two or three minutes' statement the amendment will not be objected to. I understand very well that it can not go on if the point of order is insisted upon.

The PRESIDING OFFICER. Does the Senator from Maine object to the amendment?

Mr. HALE. I withhold the point of order until the Senator makes his statement.

Mr. MILLER, of New York. It has been generally supposed that the erection of the pedestal of this statue was a matter belonging en-

tirely to New York or the citizens of the State of New York. This is a mistaken view of the situation. The people of France as a whole have made the gift of the statue, here described as the statue of Liberty Enlightening the World, to the people of the United States as a memorial of one hundred years of our history as a Government. That has been accepted by the people of the United States through an act of Congress. Nothing has ever been done by the State of New York or by the people of the city of New York officially in connection with this thing.

All the proceedings heretofore have been through the Congress of the United States. For this purpose an act of Congress was passed naming the place where this statue should be erected. Congress might have brought it here to Washington or have sent it to Philadelphia or to San Francisco or to any other point; but by an act of Congress it was decided that it should be erected upon a Government island in the harbor of New York. I will read the resolution of Congress:

Whereas the President has communicated to Congress the information that citizens of the French Republic propose to commemorate the one hundredth anniversary of our independence by erecting, at their own cost, a colossal statue of Liberty Enlightening the World, upon a pedestal of suitable proportions, to be built by private subscription, upon one of the islands belonging to the United States in the harbor of New York; and

Whereas it is proper to provide for the care and preservation of this grand monument of art, and of the abiding friendship of our ancient ally: Therefore, *Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and he is hereby, authorized and directed to accept the colossal statue of Liberty Enlightening the World, when presented by citizens of the French Republic, and to designate and set apart for the erection thereof a suitable site upon either Governor's or Bedloe's Island, in the harbor of New York; and upon the completion thereof shall cause the same to be inaugurated with such ceremonies as will serve to testify the gratitude of our people for this expressive and felicitous memorial of the sympathy of the citizens of our sister republic; and he is hereby authorized to cause suitable regulations to be made for its future maintenance as a beacon, and for the permanent care and preservation thereof as a monument of art and of the continued good-will of the great nation which aided us in our struggle for freedom.

In pursuance of this joint resolution of the two Houses of Congress General Sherman was designated by the President to make a selection, and he made the selection of Bedloe's Island in the harbor of New York, and upon that island, by voluntary subscriptions, there has been expended up to the present time \$160,000 in laying the foundation for this pedestal. This amount of money has now been expended, and the work has been brought to a point where the pedestal is but begun. It is estimated that it will cost \$130,000 to erect the pedestal upon this foundation. It is impossible by voluntary contributions or subscriptions to raise the necessary amount for the completion of this great work, but it is believed by citizens of the city of New York that if the Government will appropriate \$100,000 the additional \$30,000 necessary can be raised, and that the work can go on. A number of leading citizens of the State of New York have formed an organization for this purpose, and they have been diligently at work for several years in raising money for this purpose, and, as I have already stated, they have raised and expended \$160,000.

This work was entirely voluntary. We had a perfect right in New York, and the whole country had, to call upon the Government of the United States to pay the entire expense. It is a governmental affair. The Congress of the United States has accepted this gift from the Republic of France, and it has already ordered a ship of war to go to France and bring out this statue. It is to be brought out in May next. When it arrives here, unless this money shall be granted, it will of necessity go into store somewhere and remain there for years unless the Government shall appropriate this money. The people of New York city feel that they have done their full share and more than their full share in thus raising \$160,000. I might go on and read the report which has been made by the Committee on the Library of the House, but it is not necessary to do so. This matter has been fully considered by the Committee on the Library both in the House and in the Senate, and they have reported a joint resolution, and they have hoped to secure a hearing for it in the House of Representatives and secure its passage, but the condition of business for the past few days has been such as to prevent any possibility of reaching the resolution in the House.

There is no other parliamentary way left, with which I am at all cognizant, by which it may be reached except, by unanimous consent, putting it on this bill. I appeal to the entire Senate to withhold all objection and to allow this to go upon the bill. Certainly the demand of the people of New York that this shall be done is proper and just, and I think that with the law on its side it has still higher claims upon us than the New Orleans Exposition had for calling for another appropriation of \$400,000; but for one I believe that it was just and proper that Congress should carry that out. Now, shall we appeal to the Government to give \$100,000 to complete this great statue? Certainly it will be nothing less than a national disgrace if it shall so happen that after Congress has passed a law accepting this statue from the Government and people of France it shall fail to provide any just and proper place for its erection. One hundred and sixty thousand dollars has already been expended. The association in New York undertakes to raise \$30,000 more, and with the \$100,000 asked for here the work can be completed, and when completed it will be one of the greatest works of art in the world. The entire height, base, pedestal, and statue, will be over three hundred feet.

I feel that nothing more is necessary to be said on my part. The chairman of the Library Committee, the Senator from Ohio [Mr. SHERMAN], is present and can state, if it should be necessary, still further reasons in this direction. I believe that this appeals to the proper feelings of all Senators and that there certainly can be no objection to the proposition. If there is any objection in the House, that will arise in the conference committee, and it can there be cared for. There is no other possible way of reaching it.

Mr. HALE. It is not a pleasant thing to object to the appropriation of money for an object of this kind that appeals to good taste and to the imagination, and, as the Senator from Ohio [Mr. SHERMAN] suggests, to patriotism perhaps; but there is a duty that rests upon any one in charge of an appropriation bill, to keep from it, if possible, by invoking points of order, appropriations that have not been fully considered by the Committee on Appropriations for subjects-matter that are not properly considered on appropriation bills and which ought to be considered by other committees.

We are now in the last twenty-four hours of this session of Congress, of this entire Congress, and all the time up to now for two years has been at the disposal of the Committee on the Library or any other committee properly having jurisdiction of this subject to report a bill giving this money, to put it through the two Houses, and let the country make a gift of this large amount of money for the purpose indicated by the Senator from New York; but it is not a proper thing for a deficiency appropriation bill to be put on in these last waning hours. However good it may be, it is a clear case of an enterprise begun without any expectation of calling upon the Government, and when at last it drags and lags refuge is taken in a call upon the Treasury.

Mr. MILLER, of New York. I appeal to the Senator to allow me to interrupt him at that point.

Mr. HALE. Certainly.

Mr. MILLER, of New York. I am very certain the Senator could not seriously make the statement which he now makes if he had at all considered this measure. It was never a matter of private enterprise. It was never undertaken or projected in any way by the people of the State of New York. Congress, acting independently and by itself and without any consultation or communication with any official in New York, in the city or in the State, decided to accept this statue from the people of France, and by an act of Congress, which I have read, it decided to locate it upon Bedloe's Island in the harbor of New York. A number of patriotic citizens there undertook to raise by voluntary subscription sufficient money to build a proper pedestal for it. They have been laboring earnestly in that direction for two years.

The Committee on the Library have not acted upon it at all this session, because it was still hoped that some large-minded philanthropist would come forward and pay the whole sum that was necessary to do this work; but thus far it has not been done. But this committee of citizens in New York has by voluntary subscriptions raised \$160,000. There was no necessity, in my judgment, there was never any duty or obligation upon any committee in New York, to raise a single dollar. The Government of the United States having accepted this statue from the people of France should have provided a proper base or pedestal for it out of the public Treasury, but the people of New York undertook to do it. They have gone thus far; and now it is in such a condition that if this money is not granted, and if the pedestal should not be completed by the time the statue will arrive from France, it must necessarily go into some storehouse and lie there until the Government shall provide for it.

As to putting the amendment upon this bill, I understand full well that it is out of order; but if my attention had been called to it three or four days ago I should have taken the proper means to have made it in order.

The committee in New York were operating with the committee of the House of Representatives. They thought they could there succeed and get it through. It has been reported favorably in the House. I have no doubt that it will pass there almost unanimously, if it can be reached. I have no doubt also that if the question could be brought up separately in this body it would receive almost a unanimous vote here. But my attention was only called to-day to it, and to its condition. There is no possible way of reaching it except the way now proposed; that is, by unanimous consent; and certainly if it is not done now, the demand will come again at the next session, and again and again until the Government will finally do it. Shall the people of the State of New York say to the people of France, "We have accepted from you the most wonderful statue ever erected by the hand of man," and when it arrives in our country, after a notice of two or three years that it is coming, then will Congress say, "We will not even grant the paltry sum of money necessary to erect a pedestal on which to place it?"

This is to be when erected one of the wonders of the world. The bronze statue of the Goddess of Liberty Enlightening the World placed on the pedestal on Bedloe's Island will be over three hundred feet high.

I trust the Chairman of the Committee on the Library will feel called upon to say a few words in regard to this, because he has had this matter before him; it is no new matter to him. The amendment ought to have been reported here in a proper way so as to have made it in order; and if it had been so reported and had been in order, I have no doubt that more than three-fourths of the Senators would have gladly

voted for it. I appeal to the Senator from Maine who has this bill in charge to listen to the Chairman of the Library Committee, and then to finally withhold his objection and permit the Senate to vote upon the amendment.

Mr. SHERMAN. I supposed myself that this had been provided for, and I am surprised to find the condition in which this proposed appropriation now is. The only point of order that can be made against it is that one day's notice has not been given to the Committee on Appropriations; but the Chair knows very well that this bill really is now being acted on by unanimous consent. It is only by unanimous consent that it can be read the third time to-day. It can not be read twice on the same day except by unanimous consent, and the gentleman having charge of this bill must know that the only objection that can be made against this amendment is the fact that one day's notice of it has not been given to the Committee on Appropriations. But this subject is matter of public notoriety. It has been acted on by a committee; it is reported by a committee; it is pending in the House on the report of a committee. It seems to me, therefore, that it is pretty hard to have this item ruled out upon an objection that can be taken to the whole bill. We went through the form of an adjournment a few hours ago merely to get this bill up in order to give it a chance to be passed to-day. I think the Senator from Maine would not be violating his duty if he would allow this to pass *sub silentio*, if the Senator is willing. If a majority of the Senate is not clearly in favor of it, I would not be for putting it on the bill. I do not see why it has not been put on before in the House, as there is a general sentiment in favor of it.

As to the propriety of the Government of the United States paying this sum there is not the slightest doubt in my mind. This is a great work of art, not for the city of New York, but it is an act of patriotism, an act of friendly feeling for a great and powerful Republic. The French and American Republics are akin to each other and have many ties binding them together, and this kindly feeling has been expressly emphasized and very properly emphasized by the gift of the people of France of this beautiful work of art, and all that is requested of us is that we find a suitable location for it. The Government of the United States did that. They accepted this gift by a formal act of Congress. They designated the chief military officer of the country to go and select a site for it. That officer did, with the approval of Congress, select a site in the harbor of New York, a little island that there stands in the midst of that great harbor. And the citizens of New York have contributed more than one-half the expense of the foundation; and shall we not complete it?

I supposed myself that this had already been provided for. There was no doubt about it in the Committee on the Library. We believed that it was the duty of the Government to do something—after having accepted the gift to at least receive it and give it a place. Therefore I hope the Senator from Maine will allow the vote to be taken by the Senate; and if the Senate does not by two-thirds or more vote to put it on, I would not ask to put it on, but it ought to be put on now.

The PRESIDING OFFICER. Does the Chair understand that the point of order is made against the amendment?

Mr. HALE. After these appeals and invocations I give it up. I will withdraw the point of order and let the Senate vote on the amendment.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New York.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Post-Office Department," after line 1369, to insert:

Railway post-office-car service: To supply a deficiency in the appropriation for railway post-office-car service, \$100,000.

The amendment was agreed to.

The next amendment was to strike out the clause from line 1397 to line 1401, inclusive, as follows:

To enable the accounting officers of the Treasury to settle the accounts of Seymour W. Tullock, late acting postmaster at Washington, D. C., on account of stationery for the fiscal year 1883, \$302.31.

The amendment was agreed to.

The next amendment was to strike out the clause from line 1418 to line 1421, inclusive, as follows:

For allowance for clerk-hire to postmaster at Richmond, Va., on account of the fiscal year 1883, \$225.50.

The amendment was agreed to.

The next amendment was, after line 1421, to insert:

For balance of expenses incurred by E. B. Dawson, late postmaster, Boonton, N. J., in connection with pursuit of parties who robbed the post-office in Boonton, N. J., in April, 1883, \$28.82.

The amendment was agreed to.

The next amendment was, after line 1426, to insert:

To pay E. A. Grant, late postmaster, Fargo, Dak., for clerk-hire, being for the service of the fiscal year 1882 and prior years, \$6,950.

The amendment was agreed to.

The next amendment was, under the head of "Department of Justice," after line 1468, to insert:

To pay John F. Cadwallader the sum of \$402.75, being the amount due him

for writing up back records of the United States district court at Springfield, Ill., between October 1, 1883, and December 20, 1883.

The amendment was agreed to.

The next amendment was, in line 1478, to increase the appropriation "for fees and expenses of marshals, United States courts," from \$75,000 to \$100,000.

The amendment was agreed to.

The next amendment was, in line 1491, to increase the appropriation "for payment of district attorneys and their assistants" from \$35,000 to \$40,000.

The amendment was agreed to.

The next amendment was to strike out the clause from line 1495 to line 1499, inclusive, as follows:

For payment of Andrews and Thornburg on account of fees of district attorneys and their assistants, being a deficiency for the fiscal year 1882, \$2,367.06.

The amendment was agreed to.

The next amendment was, after line 1499, to insert:

For payment of the following claims on account of fees of district attorneys, being a deficiency for the fiscal year 1882, to wit: To William A. Cook, \$1,000; to E. B. Smith, \$2,000; to Andrews and Thornburg, \$2,367.06; to J. K. Porter, \$5,000; to W. D. Davidge, \$5,000; in all, \$15,367.06.

The amendment was agreed to.

The next amendment was, in line 1518, to increase the appropriation "for fees of commissioners and justices of the peace acting as commissioners" from \$10,000 to \$20,000.

The amendment was agreed to.

The next amendment was, after line 1531, to insert:

For rent of United States court-rooms, \$3,616.40.

The amendment was agreed to.

The next amendment was to strike out the clause from line 1542 to line 1545, inclusive, as follows:

To pay to Charles Pinckney, on account of support of prisoners United States courts, 1882 and prior years, \$231.

Mr. BROWN. That is a just claim, but I understand it is included in another item where several other claims of like character are grouped together. That being the case, I have no objection to its being stricken out here.

Mr. COCKRELL. That claim is included in the provision in section 2, from lines 115 to 117:

For support of prisoners, United States courts, 1882 and prior years, \$3,674.59.

The PRESIDENT *pro tempore*. The question is on the amendment to strike out the clause.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1545, to insert:

To pay W. W. Kerr the balance due him for services as special assistant United States attorney rendered in May and June, 1883, \$1,612.55.

The amendment was agreed to.

The next amendment was, in line 1559, after the words "sum of," to strike out "two thousand six hundred and fifty" and insert "five thousand;" so as to make the clause read:

To pay John G. Thompson the sum of \$5,000, being the amount allowed to him for expenses, labor, and attention in respect to the said case.

The amendment was agreed to.

The next amendment was, after line 1566, to insert:

PUBLIC PRINTING AND BINDING.

For printing and binding as follows: For the Interior Department, \$50,000; for the State Department, \$5,000; and for the Court of Claims, \$4,000; in all, \$59,000.

The amendment was agreed to.

The reading of the bill was continued to the end of line 1581.

Mr. PLUMB. I say to the Senator from Maine having this bill in charge that the sundry civil bill contains a provision for the expenditure of a sum of money out of the money charged to the Patent Office, and I think an exception ought to be made in this paragraph about the New Orleans Exposition in favor of that appropriation.

Mr. HALE. I have on my desk an amendment covering the point raised by the Senator from Kansas, which I propose to offer after the first reading of the bill has been finished. It will settle what the Senator from Kansas desires.

Mr. PLUMB. Very well.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1581, to insert:

SENATE.

For salaries of officers and employes for the fiscal year 1885, \$7,304.

For horses and wagons, \$500.

For folding documents, \$1,000.

For furniture and repairs, \$7,000.

For expenses of inquiries and investigations ordered by the Senate, fiscal year 1884, \$444.

For expenses of inquiries and investigations ordered by the Senate for the fiscal year 1885, \$18,900; and that the four select committee clerks now employed by the Senate and paid out of this appropriation be paid the same compensation and for the same period as is provided for the payment of session clerks employed by the Senate.

For clerks to Senators, \$6,832.

For miscellaneous items, \$37,000.

For pay C. H. Hitchcock for services as messenger from 15th day of April to 31st of July, 1884, \$410.07.

For pay Thomas W. Manchester for services as messenger from 15th day of April to 31st of July, 1884, \$425.90.
 For Beverly Hudnell for services as laborer from 15th day of May to 31st of July, 1885, \$145.
 For W. P. Brownlow for extra services in folding-room up to May 25, 1885, \$240.
 For Ross Broadhead for extra services as clerk in folding-room from July 1, 1884, to January 1, 1885, \$300.
 For W. H. May for services as messenger from 1st of August, 1884, to 30th of November, 1884, \$477.40.
 For A. A. Johnson for extra services as skilled laborer and acting messenger from January 22, 1884, to March 4, 1885, \$574.56.
 For W. B. Clark for extra services as laborer up to March 4, 1885, \$180.

The amendment was agreed to.

The next amendment was, under the head of "House of Representatives," in line 1650, in the clause making appropriations for allowance for expenses incurred in contested-election cases, to change the name "J. H. McLean" to "J. H. McLean."

The amendment was agreed to.

The next amendment was, after line 1700, to insert:

To pay Rider Henry and John J. Coughlin for services rendered in the Clerk's document-room, \$242.50 each; in all, \$485.

The amendment was agreed to.

The next amendment was, in line 1717, after the words "enable the," to insert "Secretary of the Senate and the;" and in line 1719, before the words "House of Representatives," to insert "Senate and;" so as to make the clause read:

To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employees of the Senate and House of Representatives borne on the annual and session rolls on the 3d day of March, 1885, one month's extra pay at the compensation then paid them by law, which sums shall be immediately available.

The amendment was agreed to.

Mr. PLUMB. I move to strike out of line 1730 the words "annual and" where they occur, so that the month's pay will only apply to the session employees and not to the annual employees.

Mr. HALE. I ask the Senator to let this go until we get through with the reading of the bill, as I have an amendment to offer to the clause that will bring up this question.

Mr. PLUMB. Very well.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1740, to insert:

To pay Willis H. Allen, assistant clerk of the Committee on Ways and Means, for additional compensation, \$400.

The amendment was agreed to.

The next amendment was, in section 2, in line 13, after the word "session," to insert "and for other items;" so as to read:

Sec. 2. That for the payment of a portion of the claims certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1884 and prior years, and which have been certified to Congress under section 5 of the act of July 7, 1884, as fully set forth in House Executive Document No. 153, Forty-eighth Congress, second session, and for other items, there is appropriated as follows, &c.

The amendment was agreed to.

The next amendment was, in section 2, under the head of "claims allowed by the First Comptroller," in the appropriations for "State Department," in line 17, after the word "years," to strike out:

Except the claims numbered 104374 and 100910 in said Executive Document No. 153, \$108.98.

And insert:

One thousand four hundred and forty-seven dollars and twenty cents.

So as to make the clause read:

For salaries, consular service, 1882 and prior years, \$1,447.30.

The amendment was agreed to.

The next amendment was, in section 2, after line 23, to insert:

For contingent expenses of United States consulates, 1882 and prior years, \$70.02.

The amendment was agreed to.

The next amendment was, in section 2, after line 28, to insert:

TREASURY DEPARTMENT.

Internal revenue:

For redemption of stamps, prior to July 1, 1882, \$487.37.

For refunding taxes illegally collected, prior to July 1, 1882, \$8,216.83.

For refunding taxes illegally collected under the direct-tax laws, prior to July 1, 1882, \$34.02.

For expenses of assessing and collecting internal revenue, 1875 and prior years, \$102.43.

For salaries and expenses of collectors of internal revenue, 1882 and prior years, \$44.61.

For salaries and expenses of supervisors and subordinate officers of internal revenue, 1877 and prior years, \$12.50.

For salaries and expenses of agents and subordinate officers of internal revenue, 1882 and prior years, \$444.

For punishment for violation of internal-revenue laws, 1882 and prior years, \$5.

The amendment was agreed to.

The next amendment was, in section 2, after line 54, to insert:

Miscellaneous objects:

For labor and expenses of engraving and printing, 1882 and prior years, \$234.67.

For refunding to national banking associations excess of duty, prior to July 1, 1882, \$1,000.00.

The amendment was agreed to.

The next amendment was, in section 2, after line 61, to insert:

Interior Department:

For contingent expenses, General Land Office, 1882 and prior years, \$19.50.

The amendment was agreed to.

The next amendment was, in section 2, after line 65, to insert:

Public-land service:

For contingent expenses of land offices, 1882 and prior years, \$35.32.

For salaries and commissions of registers and receivers, 1882 and prior years, \$495.31.

For depredations on public timber, 1882 and prior years, \$253.15.

For examinations of the public surveys, 1882 and prior years, \$131.

For contingent expenses, office of surveyor-general of Louisiana, 1882 and prior years, \$1.

For contingent expenses, office of surveyor-general of Utah, 1882 and prior years, \$12.30.

For surveying the public lands, 1882 and prior years, \$2,437.57.

For surveying public and private lands, 1879 and prior years, \$98.

For 5, 3, and 2 per cent. fund to States, prior to July 1, 1882, except the claim numbered 35251, \$12,376.03.

The amendment was agreed to.

The next amendment was, in section 2, after line 102, to insert:

For fees of district attorneys, United States courts, 1882 and prior years, \$700.

The amendment was agreed to.

The next amendment was, after line 105 of section 2, to insert:

For fees of clerks, United States courts, 1882 and prior years, \$65.49.

The amendment was agreed to.

The next amendment was, after line 108 of section 2, to insert:

For fees of jurors, United States courts, 1882 and prior years, \$62.30.

The amendment was agreed to.

The next amendment was, after line 111 of section 2, to insert:

For fees of witnesses, United States courts, 1882 and prior years, \$247.55.

The amendment was agreed to.

The next amendment was, after line 114 of section 2, to insert:

For support of prisoners, United States courts, 1882 and prior years, \$3,574.50.

The amendment was agreed to.

The next amendment was, after line 117 of section 2, to insert:

For rent of court-rooms, United States courts, 1882 and prior years, \$750.

The amendment was agreed to.

The next amendment was, after line 120 of section 2, to insert:

For miscellaneous expenses United States courts, 1882 and prior years, \$1,418.90.

The amendment was agreed to.

The next amendment was, after line 123 of section 2, to insert:

For expenses of Territorial courts in Utah, 1882 and prior years, \$54.50.

The amendment was agreed to.

The next amendment was, after line 126 of section 2, to insert:

For fees of supervisors of elections prior to July 1, 1882, \$35.

The amendment was agreed to.

The next amendment was, after line 128 of section 2, to insert:

Claims allowed by the First Auditor and Commissioner of Customs: For life-saving service, 1882 and prior years, \$31.15.

For salaries of light-house keepers, 1882 and prior years, \$139.56.

The amendment was agreed to.

The next amendment was, after line 136 of section 2, to insert:

For expenses of collecting the revenue from customs, prior to July 1, 1882, \$25,028.04.

The amendment was agreed to.

The next amendment was, in section 2, after line 175, to insert:

Interior Department:

For buildings at agencies, and repairs, 1882 and prior years, \$301.57.

For contingencies of the Indian Department, 1882 and prior years, \$2,626.66.

For incidental expenses, Indian service in Arizona, 1882 and prior years, \$3,156.50.

For incidental expenses, Indian service in California, 1882 and prior years, \$13.93.

For incidental expenses, Indian service in Nevada, 1882 and prior years, \$953.06.

For incidental expenses, Indian service in Oregon, 1882 and prior years, \$1,433.35.

For pay of Indian agents, 1882 and prior years, \$931.30.

For pay of interpreters, 1882 and prior years, \$109.51.

For support of Apaches of Arizona and New Mexico, 1882 and prior years, \$13,905.72.

For support of Indians of Fort Peck agency, 1882 and prior years, \$211.41.

For support of Sioux of different tribes, including Santee Sioux of Nebraska, 1882 and prior years, \$157.05.

For telegraphing and purchase of Indian supplies, 1882 and prior years, \$1,910.40.

For transportation of Indian supplies, 1882 and prior years, \$1,062.90.

The amendment was agreed to.

The next amendment was, under the head of "Claims allowed by the Third Auditor and Second Comptroller," in section 2, after line 225, to insert:

To pay the tenth installment of the war claim of the State of Massachusetts, \$30,770.39.

The amendment was agreed to.

The next amendment was, after line 228 of section 2, to insert:

For payment of the twenty-fifth installment of the war claim of the State of Ohio, \$2,152.06.

The amendment was agreed to.

The next amendment was, after line 231 of section 2, to insert:

For payment of the twelfth installment of the war claim of the State of Pennsylvania, \$4,378.30.

The amendment was agreed to.
The next amendment was, after line 265 of section 2, to insert:
For incidental expenses, Quartermaster's Department, 1882 and prior years, \$2,563.11.

The amendment was agreed to.
The next amendment was, after line 269 of section 2, to insert:
For transportation of the Army and its supplies, 1882 and prior years, \$71,500.08.
The amendment was agreed to.
The next amendment was, under the head of "Claims allowed by the Fourth Auditor and Second Comptroller," in section 2, after line 351, to insert:

For the payment of claims for difference between actual expenses and mileage, allowed under the decision of the United States Supreme Court in the case of the United States vs. Graham, \$209,538.36.

The amendment was agreed to.
The next amendment was, under the head of "Claims allowed by the Sixth Auditor," to strike out the clause from line 358 to line 363, inclusive, of section 2, as follows:

For this amount deposited by Charles Barrett with bid, under advertisement of February 10, 1881, and covered into the Treasury, remitted by authority of the Postmaster-General dated September 30, 1884, \$4,000.

The amendment was agreed to.
The next amendment was, after line 363 of section 2, to insert:
For deficiency in the postal revenues, 1882 and prior years, except the claims numbered 1203, 137, 74, 77, and 133, \$20,994.60.

The amendment was agreed to.
The next amendment was, in section 2, line 375, after the word "cents," to insert the following proviso:

Provided, That the said sums herein provided for and allowed under said act approved March 3, 1883, shall be paid directly to the parties named, respectively, in said Executive Document No. 153.

So as to make the clause read:
For compensation of postmasters readjusted under act of March 3, 1883, payable from deficiency in postal revenues, 1882 and prior years, \$140,498.79: Provided, That the said sums herein provided for and allowed under said act approved March 3, 1883, shall be paid directly to the parties named, respectively, in said Executive Document No. 153.

The amendment was agreed to.
The next amendment was, in section 3, after line 3, to insert:

CLAIMS ALLOWED BY THE FIRST COMPTROLLER.

Treasury Department:
For vaults, safes, and locks for public buildings, 1881 and prior years, \$1,276.92.
The amendment was agreed to.

The next amendment was, after line 9 of section 3, to insert:
Interior Department:
For contingent expenses, office of Secretary of the Interior, 1881 and prior years, \$12.98.

The amendment was agreed to.
The next amendment was, after line 13 of section 3, to insert:
Public-land service:
For Geological Survey, 1881 and prior years, \$46.17.
For surveying private land claims in New Mexico, 1881 and prior years, \$208.53.
For contingent expenses, office of surveyor-general of Nebraska and Iowa, 1881 and prior years, \$77.80.

For contingent expenses, office of surveyor-general of Florida, 1881 and prior years, 95 cents.
For contingent expenses, office of surveyor-general of Colorado, 1881 and prior years, \$470.31.

The amendment was agreed to.
The next amendment was, after line 29 of section 3, to insert:
Department of Justice: For support of prisoners, United States courts, 1881 and prior years, \$120.

The amendment was agreed to.
The next amendment was, in section 3, in the appropriations for "War Department claims allowed by the Third Auditor and the Second Comptroller," after line 59, to insert:

For Army transportation, 1881 and prior years, \$148,536.37.

The amendment was agreed to.
The next amendment was, in section 3, in the appropriations for "Navy Department claims allowed by the Fourth Auditor and the Second Comptroller," in line 93, after "1881," to strike out:

Except the claims set forth in said Executive Document No. 55, on pages 26 and 27, beginning with the claim No. 6071, and extending down to the claim No. 6166, inclusive, \$9,110.05.

So as to make the clause read:
For pay of the Navy, prior to July 1, 1881, \$21,833.68.

The amendment was agreed to.
The PRESIDING OFFICER. The reading of the bill is concluded, and the printed amendments of the Committee on Appropriations are disposed of.

Mr. COCKRELL. On page 84, at the end of line 289 of section 2, is an estimate of deficiencies sent in by the Treasury Department. There is a supplemental document to House Executive Document No. 153, which has been put in, but the committee did not have it until this morning. It was first sent to the Committee on Claims by mistake.

It is Senate Executive Document No. 101, Forty-eighth Congress, second session, being a letter from the Secretary transmitting a supplemental bill of claims allowed by the accounting officers of the Treas-

ury under the act of March 3, 1849, for horses lost in the service. I move the following amendment to cover that estimate, to come in on page 84 after line 289 of section 2:

To enable the Secretary of the Treasury to pay the claims allowed by the Third Auditor and Second Comptroller under the act of March 3, 1849, for horses and other property lost in the military service, as reported in Senate Executive Document No. 101, Forty-eighth Congress, second session, by the Secretary of the Treasury, \$10,486.35.

The amendment was agreed to.
Mr. HALE. There are one or two matters that I wish to propose. On page 64, line 1564 of section 1, after the word "law," I move to insert "for professional services in the above case."

The amendment was agreed to.
Mr. HALE. On the next page, 65, in line 1581, at the end of the line—I call the attention of the Senator from Kansas, as this amendment is to meet a suggestion made by him—I move, after the word "Department," to insert:

Subject to the provisions affecting the same in the sundry civil appropriation bill passed at this session.

The amendment was agreed to.
Mr. HALE. On page 39, at the end of line 940, I move to insert:
The salaries and traveling expenses of the Mississippi River Commission, and for salaries and traveling expenses of assistant engineers under them, and for office expenses and contingencies, \$50,000.

Mr. McMILLAN. For what year is that? Is that a deficiency?

Mr. HALE. No.

Mr. McMILLAN. What is the item for?

Mr. HALE. For the next fiscal year. They are cared for, under the appropriation now operating for the present year, until July.

Mr. McMILLAN. There is some legislation about to take place in the river and harbor bill, if passed, that may affect them.

Mr. HALE. If the Senator thinks the river and harbor bill is likely to go through—

Mr. McMILLAN. I think certainly it will, of course.

Mr. HALE. Then I withdraw the amendment.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The amendment is withdrawn.

Mr. HALE. Now on page 71, line 1721, after the words "1885," I move to insert, "including the Capitol police." That will make the item conform to the bill of last year.

Mr. PLUMB. I wish to object to the application of this principle of a month's extra pay to the annual employes of this body; and I think perhaps we ought to settle that question before the amendment of the Senator from Maine is voted upon, because if the motion I make shall prevail his amendment will require to be stricken out. I agree that if we pay the annual employes a month's extra pay we ought to include the Capitol police; but I think we ought not to pay any of them an extra month's pay. If I can have the attention of the Senator from Maine for a moment I will suggest to him that he withhold his amendment until the vote is taken on the amendment I propose in line 1720, for the reason that if my motion prevails his will then have to be stricken out as being against the sense of the Senate.

Mr. HALE. What does the Senator propose?

Mr. PLUMB. I propose to strike out the words "annual and" before the word "session," in line 1720. If the Senate strikes those words out, then the insertion of the words the Senator proposes will be unnecessary. If they are not stricken out the Capitol police ought to be included.

Mr. HALE. I think the Capitol police are on the annual roll.

Mr. PLUMB. They are.

Mr. HALE. Then the Senator's amendment should come first, and I will withdraw mine for the present.

Mr. PLUMB. I move to strike out in line 1720 the words "annual and."

The PRESIDING OFFICER. The amendment will be reported.

The SECRETARY. In line 1720, before the word "session," it is proposed to strike out "annual and;" so as to read:

To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employes of the Senate and House of Representatives borne on the session rolls on the 3d day of March, 1885, one month's extra pay at the compensation then paid them by law, which sums shall be immediately available.

Mr. PLUMB. The facts are that many of these employes render about four or five or six months' service in a year. They are already paid a very large sum for the service they render as compared with any persons not in Government employment. They render good service unquestionably; but it seems to me to be wrong to take these people who are paid annual salaries of large sums and give them a month's extra pay. There is some reason for giving it to a Government employe who comes here from a distant part of the country for three months at a short session and five or six at a long session, who has to go back in the interregnum and have no pay during the time he is absent; but to give it to people whose pay goes on all the time, to the Secretary of the Senate whom we pay about \$5,000 a year, and the Sergeant-at-Arms and all the officials to whom we pay large sums, seems to me to be a wrong application of the public money.

I think we might as well draw the line here as anywhere. We are

of course under certain obligations to these people around us all the time who render valuable services and whose relations are agreeable, and we may feel called upon to do this as a gracious thing; but we should remember that we are not taking the money out of our own pockets. We ought to have some consideration for the public Treasury, which ought not to be raided in this way.

Mr. HALE. I think the Senator from Kansas is right. The committee took the provision as the House had prepared it, and also following the bill of last year, which covered both the session and the annual employes; but I think the considerations that are presented by the Senator from Kansas have great force, and I do not oppose his amendment.

Mr. FRYE. Is not there a little difficulty even with that amendment if it should be adopted?

Mr. PLUMB. We can perfect the section further whenever the Senate adopts the principle.

Mr. FRYE. Let me call the Senator's attention to the fact that there are some six or eight committee clerks who are not annual, and yet, by reason of the committees having been allowed by resolution to continue, they practically become annual.

Mr. PLUMB. I understand that, and I think there might be some other modification of the section; but the principle I am striving for is embodied in the amendment which I have proposed. If the Senate will adopt that we can adjust the provision to the facts of the case, I think.

Mr. HARRISON. The proposition of the Senator from Kansas is very plainly right. Where a clerk is paid by the year for twelve full months when he is certainly not engaged in general about his committee-work more than ten months in two years, or not half the time, the proposition to put him on the same level with the session clerks and employes who come here from distant homes, perhaps to serve three months, is not just. They have the expense of coming here and the expense of returning home at the end of three months. There seems to be a very plausible reason why that class of clerks should have some extra compensation, especially at the short session; but the reason does not apply at all to those who are on the annual roll of the Senate. There is no reason why clerks who are not employed more than half the time about their official duties should have thirteen months' pay in the year given to them. The suggestion of the Senator from Kansas is eminently right. Last night, through the Committee on Contingent Expenses, three of the clerks of committees who were proposed to be made annual but were not made so, were, by order of the Senate constituting those committees to continue during the vacation, practically made annual. So the clerks of those committees will be drawing \$6 a day for every day of the vacation. I think that also ought to be guarded against.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Kansas.

The amendment was agreed to.

Mr. PLUMB. I move to amend by inserting after line 1743—

Mr. McMILLAN. Is the amendment from the committee?

The PRESIDING OFFICER. The Chair supposed it was.

Mr. PLUMB. No; not from the committee.

The PRESIDING OFFICER. The Senator from Kansas offers an amendment, which will be read.

The CHIEF CLERK. On page 72, after line 1743, it is proposed to insert:

To pay Fred C. Peck additional compensation for services rendered the Committee on Invalid Pensions of the House of Representatives during the present session of Congress, \$200.

Mr. PLUMB. I will state that I offer the amendment at the request of the Committee on Invalid Pensions of the House, who say that their clerk is only a session employe and by reason of the condition of the work he has been obliged to do a larger amount than usual, and they have unanimously asked that this be inserted in this bill.

Mr. CAMERON, of Wisconsin. Why did not the House provide for it?

Mr. PLUMB. They state in regard to that that the manner of passing the bill over there was so mysterious that they did not succeed either in getting a sight at the bill nor at the Committee on Appropriations in considering it.

The amendment was agreed to.

Mr. CAMERON, of Wisconsin. I offer the following amendment to come in after line 758 on page 32:

To pay Albert H. Emery, of the city and State of New York, in full settlement of all claims, legal or equitable, which he has in any way against the United States on account of the cost of, and the time spent by him, and use of all patents and inventions in designing and constructing the testing-machine built and erected by him for the United States, or otherwise in any way on account of said machine, the sum of \$200,000, out of any money in the Treasury not otherwise appropriated, which sum is hereby appropriated and made immediately available therefor. Said machine, together with the full right to the use therein of all patents and inventions used in its design and construction, shall belong to the United States.

Mr. HALE. I must make the point of order, of course.

The PRESIDING OFFICER. The Senator from Maine objects and raises the point of order.

Mr. CAMERON, of Wisconsin. Under what provision of Rule XVI is the point of order made?

Mr. SHERMAN and others. It is a private claim.

Mr. HALE. The committee examined this matter and, while they had a great deal of sympathy with this case, were clearly of opinion that it was a private claim. I do not suppose the Senator himself will claim that it is otherwise.

Mr. CAMERON, of Wisconsin. I observe that other private claims have been put on this bill, and some have been put on by the committee. I called the attention of the Senator from Maine to one private claim.

Mr. HALE. I am glad the Senator speaks of that, for I looked afterward to the papers and found that, instead of being a claim, it was a regular estimate sent in by the Secretary of the Treasury asking for an appropriation as a part of the regular estimates.

Now, I do not know of a single private claim that the committee has put upon this bill; but, as I said a little while ago, it is pretty difficult at times to draw the line exactly as to where communications from Departments make a case come under what is called an estimate, and, therefore, bring it within our rules; and the committee may err at times and places in that regard, because it is hard to find just the point where this rule applies.

This case was looked upon as a clear and undoubted claim. These pressures come every year upon the committee to put meritorious claims, if they are meritorious, upon the bill, and the committee strives to keep them off and strives in one direction. It certainly has not any partiality. If it has any in this case it is in favor of the claim.

Mr. HOAR. I hope if the objection can be waived in this case, or if it be a question of doubt with the Senator from Maine, the doubt will be resolved in favor of the claim.

Mr. HALE. I did not mean to intimate that there was any doubt. I think it is a clear case.

Mr. HOAR. I am not sure about that. Here is one of the great debts and obligations of the Government to a great public benefactor, who has done one of the most important public services that in a civil way could be rendered to the country and to the age. His invention is of great importance.

Mr. VOORHEES. May I inquire of the Senator from Maine whether it is not true that there are a number of individual payments provided for in this bill, as much so as this would be? Unless I am mistaken there are payments provided for claimants, or whatever you please to call them, those who have claims against the Government.

Mr. HALE. There are hundreds of individual matters upon this bill, but they are sent in by the Departments after the accounts have been considered and audited by the proper auditing officers, and have become therefore established as a debt against the Government, and are transmitted by the Secretary of the Treasury under estimates for appropriations. This is nothing of that kind.

Mr. VOORHEES. I beg pardon. This has been estimated for heretofore. It has been sent here from a Department; it has been reported upon by a committee of this body and referred to the Committee on Appropriations from the Committee on Claims. I never knew a claim to have a higher standing so far as its sources are concerned.

Mr. HOAR. Here is an item which catches my eye now, put on by the committee of their own motion:

To pay Rider Henry and John J. Coughlin for services rendered in the Clerk's document-room, \$242.50 each; in all, \$485.

If that should be put on for a service rendered at the request of one of the branches of Congress, why should not compensation be made to a man who, at the urgent request of one of the Departments of this Government, invented a machine which has produced such wonderful results?

Mr. HALE. Matters touching employes about the two Houses of course do not come under the rule about estimates from the Departments; they are never considered as coming under that rule.

Mr. HOAR. There is not an estimate in this case.

Mr. HALE. But it is not submitted as an estimate for an appropriation.

Mr. PLATT. I should like to inquire of the Chairman of the Committee on Claims whether this claim has ever passed the Senate, and, if so, how many times?

Mr. CAMERON, of Wisconsin. It has passed the Senate twice at least; I think three times.

Mr. COCKRELL. No; twice.

Mr. CAMERON, of Wisconsin. It has been favorably reported twice in the House, but has never been reached in that body.

Mr. PLATT. I saw the Senator having charge of this bill yield to the manifest desire of the Senate a little while ago to appropriate \$130,000 for the purpose of erecting a pedestal for a statue of Liberty Enlightening the World in the harbor of New York; and I think if he did that, he might yield for this very just claim to be paid.

Mr. CAMERON, of Wisconsin. I called the attention of the Senator from Maine to an amendment put into the bill by the Committee on Appropriations on page 52. The provision of Rule XVI under which the amendment I offer is claimed to be subject to a point of order is paragraph 4:

No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provis-

tions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

Now, whether or not the amendment on page 52 is, in the language of the rule, made "to carry out the provisions of an existing law or a treaty stipulation" we do not know. If it be, then it is subject to a point of order, because it does not appear upon the face of the amendment that it is made to carry out an existing law or a treaty stipulation. Now, what, if anything, has the Senator from Maine to say to that?

THE PRESIDING OFFICER. The Chair would rather leave the question to the Senate, whether this amendment is in order or not, finding differing opinions upon it.

Mr. SHERMAN. I have been listening to hear some Senator say that this was in order, that it was not a private claim.

Mr. HALE. Nobody has claimed that it is in order. Nobody doubts that it is a private claim, except perhaps the Chair.

THE PRESIDING OFFICER. This is certainly a private claim, and the Chair supposes under that provision of the rule it is out of order.

Mr. CULLOM. I offer an amendment to the bill, coming in after the end of the one hundred and sixty-seventh line, on the eighth page.

Mr. ALLISON. I move that the Senate take a recess from 6 to 8 o'clock, as we shall undoubtedly be up all night.

Mr. HALE. Let me suggest to the Senator from Iowa not to make an iron rule about a recess, because if we were within five or ten minutes of finishing this bill it would be of great importance to gain the two hours of the recess. I think we shall finish the bill before 6 o'clock, and I hope the Senator will withdraw the motion.

Mr. ALLISON. I withdraw the motion at present.

THE PRESIDING OFFICER. The amendment of the Senator from Illinois [Mr. CULLOM] will be read.

THE CHIEF CLERK. The proposed amendment is to add after line 167:

For old custom-house, Saint Louis, Mo., paving Third street front, \$1,041.74.

For paving Olive street front, \$346.49.

For paving and curbing street on north front of the court-house and post-offices at Springfield, Ill., \$370.85.

For paving Halsted street adjacent to marine hospital in Lakeview, Ill., \$251.

The amendment was agreed to.

Mr. McMILLAN. I desire to offer an amendment to be inserted after line 1633. It was submitted and referred to the Committee on Appropriations, but in the hurry of the discharge of their duties it was overlooked. It is recommended by the Sergeant-at-Arms, just as in the case of the other employes similarly situated.

THE PRESIDING OFFICER. The amendment proposed by the Senator from Minnesota will be read.

THE CHIEF CLERK. After line 1633 of section 1 it is proposed to insert:

To pay George F. Potter, an employe of the Senate post-office, \$320, being the difference between the pay of a laborer and that of a clerk from February 6, 1894, to March 4, 1895.

Mr. PLATT. I feel bound to say, as a member of the Committee on Contingent Expenses, that there are many claims of that same nature which the committee has been very much importuned to report favorably upon, and we have declined to do it.

Mr. McMILLAN. This claim is in the same situation as the other claims of Senate employes inserted in the bill. I do not know that the amendment was referred to the Committee on Contingent Expenses of the Senate. It was referred to the Committee on Appropriations, and it has the approval and indorsement of the Sergeant-at-Arms, just as the items embraced in the bill on pages 66 and 67 have.

The amendment proposes to pay the amount named to one of the employes of the Senate who received the wages of a laborer while performing the duties of a clerk, and very important duties. He is detailed at the city post-office and superintends the distribution of all the mail for the Senate post-office. He is an expert in that matter, and performs very faithful and efficient service.

The amendment has taken the course that all the amendments inserted in the bill have taken; and the Committee on Appropriations merely overlooked it in the hurry of the discharge of their duties.

Mr. PLATT. This claim I understand to be one of a number that seem in some way or other to have been laid before the Committee on Appropriations, while others of like character have been laid before the Committee on Contingent Expenses. There are a variety of cases where for one reason or another a person has been put upon the laborers' roll here, and was glad to be put upon it, but has been assigned to the performance of the duty of a messenger, or person receiving higher pay, and he was very glad to do that work. The practice is that after a while they come in and ask for the difference between a laborer's pay and a messenger's pay or the pay of a person of higher salary.

A good many of those cases have been brought to the attention of the Committee on Contingent Expenses, and I feel bound to say, in the absence of the chairman of that committee, that we have felt that such a person ought to receive the salary of the office which he accepted and not of the office the duties of which he performed when he was undoubtedly very glad to perform them.

Mr. McMILLAN. I have not heard of any such objection made by the Senator from Connecticut in regard to similar items which are in

this bill, although they were adopted in his presence. The services performed in this case are of a highly meritorious character. The person who discharges these services is an expert in regard to post-office matters. He superintends the distribution of the entire mail for the Senate from the city post-office. He is there constantly laboring, and is very diligent. This is certainly a very meritorious case, and as similar amendments in other instances have been passed this one should receive the same consideration.

THE PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Minnesota.

Mr. BROWN. I ask for a division.

There were, on a division—ayes 6, noes 25; no quorum voting.

Mr. SHERMAN. There is a quorum present.

THE PRESIDING OFFICER. The Chair thinks there is a quorum present.

Mr. McMILLAN. I hope the Senator from Connecticut will withdraw his objection unless there is something very important about it upon which he must insist. Here are claims of this character which the Senate has voted in favor of on this bill, and in this case there has been an omission merely through an inadvertence and an oversight. The amendment has received the same indorsement and the same attention which the other claims inserted in the bill have received.

THE PRESIDING OFFICER. No quorum has voted. The Chair must ascertain the presence of a quorum first before entertaining any business.

Mr. HARRIS. I demand the yeas and nays as the shortest way of developing the presence of a quorum.

THE PRESIDING OFFICER. The Chair begs leave to suggest that there is a quorum in the Chamber, if Senators will oblige the Chair by voting. If there be no objection, the Chair will again put the question.

Mr. SABIN. I trust that the objection to the amendment will be withdrawn. I know something of this case. I have been informed by the postmaster and by several members of the Department that this is one of the most worthy objects which could be presented; that this gentleman is doing clerical work in the Department, and is working at least an average of fourteen or fifteen hours a day. He is a very efficient and experienced clerk, and has been transferred there from the laborers' roll.

I believe there has not been a more meritorious amendment offered to the bill than the one which has been offered by my colleague. I certainly hope that in this case this small pittance will not be denied by a discrimination against this gentleman.

Mr. BROWN. My objection is—

THE PRESIDING OFFICER. The Chair thinks the debate ought not to be entertained without the consent of the Senate. The Chair will hear the Senator from Georgia, if there be no objection.

Mr. BROWN. I ask unanimous consent to say a word in reply to the Senator from Minnesota, as he was heard on the other side. I object to the amendment as a precedent and think it is a dangerous one. I do not care to enter into a discussion of the question at this stage of the proceedings, but I do not think I ought to withdraw the call for a division, because it is very evident that a large majority of the Senate is opposed to this claim. I will ask the Senator from Minnesota whether it would not be more appropriate that he should withdraw the amendment?

Mr. McMILLAN. If Senators insist upon taking the yeas and nays and opposing this claim, I suppose it will follow that when we come into the Senate with the bill those Senators will move to strike out all claims of a similar character.

Mr. BROWN. I have not heard of any other claim of a similar character.

Mr. PLATT. Mr. President—

THE PRESIDING OFFICER. The Chair must put an end to this condition of uncertainty. The debate is proceeding by unanimous consent. The last vote disclosed that no quorum was present.

Mr. PLATT. I ask unanimous consent to say a word.

THE PRESIDING OFFICER. Is there objection? The Chair hears none, and unanimous consent is given.

Mr. PLATT. If claims have been already put in the bill of the nature of the one proposed by the Senator from Minnesota, which I did not suppose had been done, and if they have received the sanction of the Committee on Appropriations, I do not propose to make a point against a single claim which has been overlooked.

Mr. HALE. The Committee on Appropriations in considering all these subjects touching the Senate employes had of course very little information, and sent for the Secretary of the Senate and the Sergeant-at-Arms. The matters which they presented, upon their statement that they had been investigated and were known to be right and just, the committee put in. The case now presented by the Senator from Minnesota was not brought before the committee by the Sergeant-at-Arms, but he stated to me after the bill had been reported that he would have done with that claim as he did with the others if his attention had been called to the case; that he was in favor of it. So I did not make any point against it for the reason which now animates the Senator from Connecticut.

Mr. PLATT. I withdraw my objection to the amendment.

Mr. HALE. Then let us take a vote on the amendment.
The PRESIDING OFFICER. If there be no objection the Chair will take another division.
The amendment was agreed to; there being on a division—ayes 23, noes 19.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1886, and for other purposes; that the House concurred in the ninth, twelfth, thirteenth, fourteenth, twenty-sixth, thirty-fifth, forty-first, forty-second, seventy-fifth, and seventy-sixth amendments of the Senate to the said bill; that it further insisted on its disagreement to the twenty-seventh, twenty-eighth, one hundred and tenth, one hundred and eleventh, one hundred and twelfth, and one hundred and thirteenth amendments of the Senate to the said bill, and agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. E. JOHN ELLIS of Louisiana, Mr. WILLIAM S. HOLMAN of Indiana, and Mr. THOMAS RYAN of Kansas managers of the further conference on the part of the House.

DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8255) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1885, and for prior years, and for other purposes.

Mr. HARRIS. I wish to present an amendment which I reported from the Committee on Epidemic Diseases, which was referred to the Committee on Appropriations, and was omitted, I think, as a mere oversight by the Committee on Appropriations. But before asking action upon the amendment I call the attention of the Senator from Maine to the fact that the paragraph embraced in lines 451, 452, and 453 is an amendment reported by the Committee on Appropriations and was not acted upon when the bill was being regularly read for action upon the amendments of the committee.

The PRESIDING OFFICER. The present occupant of the chair was not here at the time.

Mr. SHERMAN. In order to expedite business I make the suggestion for the unanimous consent of the Senate that as soon as this bill is disposed of we shall proceed to the consideration only of pension cases reported favorably, and none others, or probably that a recess be taken until 8 o'clock.

Mr. HARRIS. I suggest to the Senator from Ohio that we conclude the appropriation bill before we try our hand as to what we shall do next.

Mr. SHERMAN. I am afraid we shall be in a few minutes without a quorum, and then we shall have tied ourselves here, and may waste two or three hours.

Mr. HALE. I hope we may finish the bill in fifteen minutes, and then take a recess for two hours.

Mr. COCKRELL. It is exceedingly important that we should dispose of the fortification bill this evening, and I think it can be done in fifteen minutes when we get through with this bill.

Mr. HALE. Let us get through with this bill first.

The PRESIDING OFFICER. The Senator from Tennessee has called the attention of the Senate to an amendment which was informally passed over.

The Chief Clerk will report the amendment recommended by the Committee on Appropriations.

The CHIEF CLERK. After line 450, the committee reported to insert: To pay Michael Conlan for services as messenger in the National Board of Health from July 24, 1883, to—

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. HARRIS. This man was employed as a messenger in the National Board of Health. Every dollar of salary that was due him for the time he served was paid him, but I find in the sundry civil appropriation act of 1883 that there was an appropriation to pay him for the same services over again to the extent of two hundred and forty-eight dollars and some cents. I think this amendment ought to be rejected. That is all I have to say about it. I am indifferent as to what is done with it.

The amendment was rejected.

Mr. HARRIS. Now I ask action upon the amendment which I sent to the desk.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. Beginning at line 441, it is moved to strike out all down to and including the word "dollars," in line 450, in the following words:

For salary of the secretary of the board from April 1, 1884, to March 1, 1885, \$1,100.

For pay of messenger from July 1, 1884, to March 31, 1885, \$900.

For rent of building from July 1, 1884, to March 31, 1885, \$900.

And to insert:

For per diem and expenses of members of the board, including the salary of the secretary, from April 21, 1884, to June 30, 1885, \$5,550; for rent, light, fuel, stationery, telegrams, and postage, \$1,400; for salaries of employes, \$800; for incidental expenses, \$150; in all, \$7,900.

Mr. HALE. As I understand the amendment, from listening to it, it is meant to carry the appropriations through the remainder of the fiscal year, instead of stopping in March.

Mr. HARRIS. That is the precise point. The House appropriation covers the deficiency to the 31st day of March, but does not extend it to the end of the fiscal year.

Mr. HALE. I do not object to that amendment.

The amendment was agreed to.

Mr. HAMPTON. In section 2, after line 61, I move to insert:

Ten thousand five hundred dollars, to refund to persons money collected from them without warrant of law as in payment of dues under the direct-tax laws, in accordance with the recent decision of the Court of Claims in the case of Joseph W. Harrison vs. the United States.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from South Carolina.

Mr. HAMPTON. Before the amendment is acted on I beg to say that there was a typographical error in the print in the name of this man, which I have corrected. The printed copy reads "James W. Harrison." The name is "Joseph W. Harrison." I offer the amendment in accordance with a letter of the Secretary of the Treasury, recommending that—

Ten thousand five hundred dollars should be appropriated to refund to persons money collected from them without warrant of law as in payment of dues under the direct tax-laws, in accordance with the recent decision of the Court of Claims in the case of Joseph W. Harrison vs. the United States.

It is accompanied by a recommendation for its favorable consideration by Congress and signed "H. McCulloch, Secretary."

Mr. HALE. I do not understand that this is a judgment of the Court of Claims, but it is a claim based upon some principle enunciated or established in a decision of that court. While that might entitle it to the consideration of the proper committee, I am very clear that it should go to some other committee than the Committee on Appropriations, and therefore I must make the point of order.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. HAMPTON. I suggest to my friend from Maine that this amendment was by the decision of the Chair referred to the Committee on Appropriations, and I thought it was simply an accident that it had been omitted.

Mr. DOLPH. After line 1489 I move to insert:

To enable the Secretary of the Treasury to settle and pay the accounts of Edward S. Kearny, late United States marshal for the district of Oregon, from March 3, 1884, to August 4, 1884, \$2,520.46, or so much thereof as shall be necessary.

Mr. HALE. Let me ask the Senator from Oregon if there is a regular estimate from the Secretary of the Treasury with a recommendation of the appropriation.

Mr. DOLPH. It comes with a recommendation from the Committee on the Judiciary. It was introduced by the Senator from Vermont [Mr. EDMUNDS]. It was referred to the Senate Committee on the Judiciary and reported favorably from that committee. I take that to be the judgment of the committee that it is a proper amendment to the bill.

The facts are simply that the term of Mr. Kearny, the United States marshal for Oregon, expired on the 3d of March, 1884. He held over because his successor was not appointed until the 1st of August, 1884. He earned his fees and paid money for the expenses of the courts. When he came to the Treasury Department to settle his accounts the officers there held that because the court did not make an order on the 3d of March appointing him they could not pay the expenses out of the regular appropriation. This is simply an appropriation to enable the Secretary to settle for his fees during the interim.

As I said, we have the judgment of the Committee on the Judiciary that it is a proper amendment; and more than that, I offer it under a clause precisely similar in the bill authorizing the Secretary of the Treasury to settle the accounts of Paul Strobach, late United States marshal for the southern district of Alabama, almost in identical language, which is already in the bill. It involves no appropriation. It simply authorizes the adjustment of the accounts and makes the appropriation to pay them when they are adjusted. It authorizes the settlement of accounts which accrued in the ordinary business, in the performance of the official duties of the marshal for the district, and the only reason why he was not paid without an appropriation by Congress was that there had been a neglect of the court to enter an order on the 3d of March that he should act as marshal. But he did hold over as he supposed under the original appointment with his bondsmen, and performed the services.

Mr. HALE. Did the Committee on the Judiciary report this as an amendment to the appropriation bill, sending it to the Committee on Appropriations?

Mr. DOLPH. They did, and it went to the Committee on Appropriations in connection with another amendment. Both were submitted at the same time. One of the amendments submitted by me

was adopted by the committee, and this amendment, I suppose, was accidentally omitted.

The amendment was agreed to.

Mr. GORMAN. After line 379 I move to insert:

To reimburse Grafton Munroe, postmaster at Annapolis, Md., for losses by burglary February 4, 1884, as follows, namely: For postage-stamps, \$3,655.52; for postal funds, \$2,430; and for money-order funds, \$659.61.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Maryland.

Mr. GORMAN. There can be no question about this amendment. I offered it in the Senate, and it was referred to the Committee on Appropriations, accompanied with a letter from the Postmaster-General, in which he states the fact of the burglary and loss at the Annapolis post-office and that the whole matter had been investigated by the Department.

The act of 1882 provides for the adjustment of these claims except for postal funds. The amount of those funds lost was \$2,430.

Annapolis, the capital of Maryland, is, I believe, the only State capital in the Union where provision has not been made for a post-office building. A temporary affair is rented, which is far from being burglar-proof. The young gentleman who is now postmaster at Annapolis met with this loss, and it has left him absolutely bankrupt.

I hold in my hand a letter from the Postmaster-General, in which he says he has had the affair investigated, and that the amounts other than that for postal funds the Post-Office Department would allow, but under the act of 1882 he can not allow for postal funds without further legislation. It is a perfectly just and meritorious claim, and all the provisions of the rule have been complied with.

Mr. HALE. That is the kind of claim which is continually being reported by the Committee on Post-Offices and Post-Roads. I must make the point of order against it.

The PRESIDING OFFICER. The Senator from Maine makes the point of order. The Chair holds that the point is well taken.

Mr. MORGAN. At the last session of Congress a committee was raised in the Senate and another committee was raised in the House for the purpose of investigating the capacity of this country for producing iron, steel, &c. The two committees, having precisely the same duties, during the recess of Congress acted jointly on several occasions. They procured, as was mentioned by the chairman of the committee to-day, a good deal of information of a valuable character. The House expiring to-morrow at 12 o'clock, it can not by resolution appoint a committee. That can only be done by an act of Congress.

It has been brought to the attention of the Senate committee by members of the House that it is very desirable that these two committees should be maintained in some way, so that they may continue their joint action during the coming recess. The Senate this morning authorized its committee to sit in the vacation and to proceed to complete this very important work.

The committee of the Senate to inquire into the capacity of steel-producing works in the United States have instructed me under the circumstances to present an amendment and to ask that it may be placed upon this bill. I wish to remark before the amendment is read that it must be in its nature until the 1st of June a deficiency, because there is no money remaining appropriated now, so far as I am advised at least, out of which the House committee could be supplied. I ask the attention of the Senate to the amendment. After line 1743 I move to insert:

To defray the necessary expenses of the select committee of the House of Representatives, raised under a resolution of the House adopted July 6, 1884, to inquire as to the capacity of steel-producing works in the United States, and for other purposes, \$3,000. And said committee, with its present membership, is continued as a commission until January 1, 1886. Said sum shall be immediately available.

Mr. HARRISON. Do I understand this item to relate to a House committee?

Mr. MORGAN. Yes; it is to enable the House to continue its committee. Otherwise it could not do so.

Mr. HARRISON. Have these committees been ordered separately, and are they acting together?

Mr. MORGAN. They have been appointed separately and are acting together, and without this amendment the House portion of the committee falls entirely, and we shall lose the benefit of their services and of the experience they have gained.

I wish to make one further remark. This very important matter, as I conceive it to be and as every Senator here will admit it is, will depend for its success, and more particularly for its speedy success, upon the concurrence of the committees of the two Houses.

Mr. MILLER, of New York. Will the Senator from Alabama allow me to ask him a question?

Mr. MORGAN. Yes, sir.

Mr. MILLER, of New York. As I understand, the amendment proposes to provide for the House portion of the Joint Committee on the Library or the Committee on Rules.

Mr. MORGAN. It is neither. It is to inquire into the steel-producing capacity of the United States.

Mr. MILLER, of New York. But the present House of Representatives dies to-morrow at 12 o'clock. Perhaps the gentlemen who now

compose the committee have not been re-elected. I do not see how we can create such a committee.

Mr. MORGAN. All the members who were appointed on that committee have been re-elected to the next House. The amendment proceeds to constitute the House part of the committee a commission.

Mr. MILLER, of New York. I have no objection at all to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SABIN. After line 1430, I move to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to Clement A. Lounsberry, postmaster at Bismarck, Dak., the sum of \$750, that being the amount expended by said Lounsberry in the payment of clerks necessarily employed in said office from April 1, 1881, to June 30, 1882, and which amount was disallowed in the settlement of his accounts.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Minnesota [Mr. SABIN].

Mr. SABIN. The substance of the amendment is a bill reported from the Committee on Post-Offices and Post-Roads, which is on the Calendar. It is a shortage due the Department by the postmaster at Bismarck, which was occasioned by extra clerk-hire during the three or four years when the Northern Pacific Railroad was being constructed and when a large and unexpected mass of post-office business accumulated in his office. The Department are insisting, of course properly, upon a settlement of the accounts, and are threatening unless the same be settled at once the arrest of the ex-postmaster.

Mr. Lounsberry is one of the best citizens in that Territory. He is one of the pioneers. He was a gallant soldier, and he settled at Bismarck during its early days. He is entirely financially incapacitated to meet this demand upon him. It is a thoroughly worthy and meritorious allowance, and I trust there will be no question about the Senate allowing the claim.

Mr. HALE. I must pursue the same course in this case that I have pursued in others, and make the point of order upon the amendment.

The PRESIDING OFFICER. The Chair must decide that the amendment is out of order.

Mr. CONGER. Before the Chair decides the amendment to be out of order I wish to call the attention of the Chair to the question. This amount is recommended by the Postmaster-General. It was estimated for and recommended to Congress to be passed. It has all the indicia of a regular estimate for an appropriation to be made in this bill.

Mr. HALE. I suggest to the Senator that it is not the Postmaster-General who has the authority by law to submit estimates, but it is the Secretary of the Treasury. The heads of other Departments do not submit estimates to Congress. All their estimates are revised by the Secretary of the Treasury, who then submits them to Congress.

Mr. CONGER. That may be a very good statement of fact, but it has nothing to do with our rule.

Mr. WILSON. I will state that this case was referred to the Committee on Post-Offices and Post-Roads and that committee unanimously reported the bill which has been used for the purpose of presenting this amendment. The amendment is in the precise language of the bill reported by the Committee on Post-Offices and Post-Roads. In his communication to the House committee the Postmaster-General used this language:

On account of the large registry business, and the large amount of free business originating in the several Government offices located at Bismarck, there is no doubt that the clerical force employed by the postmaster was needed to conduct the business of the office.

He paid his money, his vouchers were presented, and, as I said, the Committee on Post-Offices and Post-Roads reported unanimously in favor of the passage of a bill for his relief.

Mr. CONGER. One of the provisions of the first paragraph of Rule XVI is that such an amendment shall not be in order "unless the same be moved by direction of a standing or select committee of the Senate," which has been done in this case, "or proposed in pursuance of an estimate of the head of some one of the Departments." What is a Postmaster-General but the head of some one of the Departments?

Mr. HALE. But the Postmaster-General does not submit estimates to Congress. The Senator, I presume, is aware that all the estimates come from the Secretary of the Treasury. He is the revising power. The propositions which are sent to Congress, and come before the Committee on Appropriations, are some of them from the Postmaster-General through the Secretary of the Treasury, thereby making it an estimate, or from the Secretary of the Navy through the Secretary of the Treasury, thereby making it an estimate, but it is never considered an estimate regularly made unless transmitted by the final scrutinizing power.

Mr. CONGER. I should like to have the decision of the Chair whether the rule is to be construed to read:

Or proposed in pursuance of an estimate of the head of some one of the Departments through the Secretary of the Treasury.

I supposed we had rules that were intelligible to a common understanding, and I claim to have at least the ordinary understanding of language.

Mr. HALE. Has this ever been estimated for by the Postmaster-General?

Mr. CONGER. Yes, sir; and recommended to Congress for passage.

Mr. HALE. Where?

Mr. CONGER. In a printed document sent to the House, which is to be found in Senate report No. 1024.

Mr. HALE. I have not looked at that document, but I am informed by members of the committee who have considered the question that this item has never been estimated for.

Mr. CONGER. I have read, I think, the proposition of the Postmaster-General.

Mr. HALE. There may be a letter from him.

Mr. CONGER. It is an estimate.

Mr. HALE. Hardly.

Mr. CONGER. The Senator undoubtedly withdraws the point he made about an estimate coming from the Secretary of the Treasury to be effective.

Mr. HALE. No; I do not withdraw it. I do not know what the course has been in the Senate, but I know the law requires that all estimates shall be submitted by the Secretary of the Treasury, and that everything in relation to estimates comes through that channel.

Mr. HOAR. If the Senator will pardon me for making a statement from memory, I think I am not mistaken in saying that a letter from the head of a Department coming in while an appropriation bill is on its passage, long after the regular estimates are made at the beginning of a session of Congress, applies; and items of proposed expenditure have been repeatedly sent in by every Department.

Mr. HALE. The Senator is much older in Senatorial life than I am, but I know that in looking at estimates one of the questions which the committee considers is that the estimate must go through the revising power. The Secretary of the Treasury frequently cuts down the estimates of other Departments.

Mr. CONGER. In that way, according to the rule, there would be no such thing as "an estimate of the head of some one of the Departments" unless the Secretary of the Treasury consented.

The PRESIDING OFFICER. It is the opinion of the Chair that under the existing law this is not an estimate of the head of a Department unless it comes in accordance with law through the Secretary of the Treasury. The Secretary of the Treasury revises and submits these estimates. It is a good foundation.

Mr. CONGER. I appeal from the decision of the Chair.

The PRESIDING OFFICER. The Senator from Michigan will wait until the Chair has concluded his remark. The Chair is of opinion that it would be an excellent basis of a bill to pay the claim, but if a technical objection is made that it is not an estimate in the sense of the law, the Chair is of opinion that the point is well taken.

Mr. CONGER. Unless the estimate comes through the Secretary of the Treasury?

The PRESIDING OFFICER. Yes.

Mr. CONGER. From that I appeal. I appeal from that construction of the last part of the first clause of Rule XVI, which reads "or proposed in pursuance of an estimate of the head of some one of the Departments."

The PRESIDING OFFICER. The Senator from Michigan appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the Senate? [Putting the question.] The noes appear to have it. The noes have it. The Senate decides that an estimate of the head of some one of the Departments is an estimate in the sense of the sixteenth rule.

Mr. CONGER. I suppose the amendment is now regularly before the Senate?

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. HALE. Now let us see whether the Postmaster-General has ever estimated for this item. I make that point of order, and I should like to have the Chair rule upon it.

Mr. CONGER. I will read the letter of the Postmaster-General:

POST-OFFICE DEPARTMENT,
OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL,
SALARY AND ALLOWANCE DIVISION,
Washington, D. C., April 5, 1884.

SIR: Your letter of the 24th ultimo to the Postmaster-General, inclosing Senate bill 1694, for the relief of Clement A. Lounsberry, postmaster at Bismarck, Dak., has been referred to this office.

In reply you are informed that the claim of Mr. Lounsberry appears to be for the sum of \$750 alleged to have been expended by him for clerk-hire, from April 1, 1881, to June 30, 1882, in excess of the authorized allowances made by this office; and from a letter addressed to this office by Mr. Lounsberry, the amount claimed is itemized as follows:

Paid to Frank D. Bolles:	
Second quarter, 1881.....	\$150
Third quarter, 1881.....	150
Fourth quarter, 1881.....	150
First quarter, 1882.....	150
Paid to C. M. Lounsberry:	
Second quarter, 1882.....	150
Total.....	750

It also appears from his statement that during the year 1881 his total expenditure for clerk-hire was \$1,150, or \$450 in excess of the amount allowed by the De-

partment; and in 1882 he paid \$1,300 for clerk-hire, or \$475 more than his allowance for clerks. During the year 1883 \$2,000.83 was expended for clerk-hire, or an excess of \$600.83 more than the regular allowance for clerks; but out of the surplus fund for clerks in post-offices at the close of the fiscal year ending June 30, 1883, the sum of \$404.13 was approved and allowed by this office.

The gross receipts which accrued at the Bismarck post-office during the years in question were as follows:

1881.....	\$6,573 61
1882.....	7,316 97
1883.....	10,472 20

On account of the large registry business, and the large amount of free business originating in the several Government offices located at Bismarck, there is no doubt that the clerical force employed by the postmaster was needed to conduct the business of the office.

Very respectfully,

FRANK HATTON,
First Assistant Postmaster-General.

Hon. JAMES F. WILSON,
Chairman Subcommittee on Post-Offices and Post-Roads,
United States Senate, Washington, D. C.

Mr. HALE. What I asked for was the estimate of the head of the Department. There has been nothing thus far that even under such a construction of the rule as the Senate has just placed upon it would let this claim in. The paper that has just been read is nothing but a communication from one of the subordinates of the Post-Office Department.

Mr. CONGRELL. Will the Senator from Michigan allow me to read the law on this point?

The PRESIDING OFFICER. Does the Senator from Michigan yield?

Mr. CONGER. Yes, sir.

Mr. CONGRELL. I read from the deficiency act of last session, which is now the law, page 254:

And hereafter all estimates of appropriations and estimates of deficiencies in appropriations intended for the consideration and seeking the action of any of the committees of Congress shall be transmitted to Congress through the Secretary of the Treasury, and in no other manner; and the said Secretary shall first cause the same to be properly classified, compiled, indexed, and printed under the supervision of the chief of the division of warrants, estimates, and appropriations of his Department.

Mr. CONGER. That does not change the question of the construction of the rule at all.

The PRESIDING OFFICER. It fortifies the opinion of the Chair, however.

Mr. CONGER. It adds to the opinion perhaps.

The PRESIDING OFFICER. The opinion of the Chair remains as it stood.

Mr. HALE. I make the point of order that there is not even the estimate of the head of a Department for the amendment. If the Chair will look at the communication which the Senator from Michigan has just read he will see very clearly that it is not such an estimate. Does the Senator from Michigan claim that what he has read is the estimate of the head of a Department?

Mr. CONGER. I claim that it is from the Post-Office Department, and that it is from the proper officer who has charge of this branch of the service.

Mr. HALE. But the rule of the Senate which has been invoked and which the Senate sustained says "the head" of a Department. There is no subordinate in the Department who can fill that bill. The amendment is clearly out of order even upon the Senator's interpretation.

Mr. CONGER. Mr. Hatton is the Postmaster-General.

Mr. HALE. He was not at the time he wrote the letter. I do not think we had better have much more of this discussion, Mr. President.

The PRESIDING OFFICER. The Senator from Maine raises the point that the amendment is not the estimate of the head of a Department. The Chair did not ascertain the fact from the communication which was read. Was that from the head of a Department?

Mr. CONGER. It was from the then Assistant Postmaster-General, who is now the head of the Department.

The PRESIDING OFFICER. The Chair decides that the point of order is well taken. The estimate was not made by the head of a Department.

Mr. CALL. After line 1633 I move to insert:

For compensation to T. B. Keleher from December 1, 1882, to February, 1883, as a skilled laborer and acting messenger, \$250.

That is a similar case to the other items which have been adopted in the bill. It is a case which is well known to myself and to the Senator from Connecticut [Mr. PLATT] on the Committee on Patents. It has been recommended by the Sergeant-at-Arms.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Florida [Mr. CALL].

The amendment was agreed to.

Mr. HALE. I offer an amendment which was offered once before, which the committee inadvertently left out. At the end of line 907 I move to insert:

For salaries and traveling expenses of the Mississippi River Commission, and for salaries and traveling expenses of assistant engineers under them, and for office expenses and contingencies, \$50,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Maine.

Mr. CONGER. Is there any law for it?

Mr. HALE. It is simply continuing the Mississippi River Commission.

Mr. CONGER. Why in this bill? I make the point of order that the amendment is not estimated for.

Mr. HARRISON. It has been estimated for. These are regular officers of the United States upon regular salaries. They are officers of the Mississippi River Commission.

Mr. MILLER, of New York (in his seat). Their offices ought to be abolished.

Mr. HARRISON. The Senator from New York remarks *sotto voce* that the offices ought to be abolished, but until they are abolished I take it that their salaries ought to be paid. There can be no question, as the Senator from Maine will verify, that the estimates are in the Book of Estimates to pay the salaries of these officers.

The PRESIDING OFFICER. Does the Senator from Michigan make a point of order upon the amendment?

Mr. CONGER. It may be in the Book of Estimates, but I do not find it.

The PRESIDING OFFICER. The Chair can not speak of his own knowledge. The Senator from Maine will inform the Chair whether these items are in the Book of Estimates.

Mr. HALE. I can not put my hand on the place, but I have no doubt they are. It is a regular established branch of the Government that is appropriated for every year.

Mr. HARRISON. What has that to do with the question when the amendment is reported from the Committee on Appropriations?

The PRESIDING OFFICER. The Chair overrules the point of order.

Mr. CONGER. I did not hear it stated that the amendment was reported by the Committee on Appropriations. I thought it was offered by the Senator in charge of the bill. I will ask whether it was reported from the committee.

Mr. HALE. It was reported by the committee.

The PRESIDING OFFICER put the question on agreeing to the amendment and declared that the "noes" appeared to prevail.

Mr. HARRISON. I wish to say just one word. I can not understand what Congress could mean, while the law remains constituting certain officers with a certain fixed annual salary, if the Congress of the United States shall refuse to pay their salaries. It does seem to me that the Senate of the United States is not ready to take that action. Here are these gentlemen constituting the commission—Major Harrod of Louisiana, Judge Taylor, and others. They have their offices and the expenses of rent incurred in pursuance of law; and yet the Congress of the United States proposes to say to that body of gentlemen, "We shall not pay you one cent."

Mr. HOAR. They could recover in the Court of Claims.

Mr. HARRISON. Undoubtedly they could. They could recover their salaries. It is an obligation which can not be affected by rejecting this proposition. It strikes me that Senators certainly have not realized this proposition, or they would not be voting here to refuse to pay an officer who is just as much entitled to his salary as any Senator who sits in his seat here. It would be just as fair a proposition to strike out this appropriation as to leave out of an appropriation bill the provision for the pay of Senators.

Mr. DOLPH. I should like to ask the Senator from Indiana if it is customary to make an appropriation in a deficiency bill for the salaries of regular officers of the Government?

Mr. HARRISON. This appropriation should not have been here; it should have been in the legislative, executive, and judicial appropriation bill, or in the sundry civil appropriation bill. It has been put in one of those bills from year to year. This amendment is copied exactly from those acts, except that the annual amount appropriated heretofore has been \$75,000 and the Committee on Appropriations have reduced it to \$50,000. It is copied literally from the sundry civil appropriation act as it has passed the Senate year after year since the commission has been in force, except that the amount has been reduced by \$25,000. This is not the appropriate bill, but on account of that omission it is entirely proper to have it inserted here, and the committee reported to place it here.

Is it to be supposed that those gentlemen could be removed by a failure to make the necessary appropriation, without any notification of dismissal, without a repeal of the law, having established, in pursuance of law, an office in Saint Louis, having incurred obligations for rent, having civil clerks and employes, having a large amount of Government property in their charge which must be cared for and stored and put out of the way if it is not to be used? Is it to be supposed that Congress has suddenly determined that it will pay them nothing, that it will not pay the rent of the offices they occupy, that it will pay them no salaries, that it will not give them a dime to travel to places where their implements of work are, in order to see that they are not put out of the way? I am sure Senators are not in favor of such a proposition.

Mr. HALE. Let us have a vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Maine.

The amendment was agreed to.

Mr. VANCE. In section 2, line 373, I move to increase the appro-

priation for compensation of postmasters, readjusted under the act of March 3, 1883, from \$140,498.79 to \$240,498.79.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from North Carolina.

Mr. WILSON. I am very glad to know that that amendment has at last been able to get before the Senate. For the last hour, representing the action of the Committee on Post-Offices and Post-Roads, I have been trying to get such an amendment before the body, and I congratulate the Senator from North Carolina upon his success.

Mr. VANCE. Mr. President, I wish to submit a brief word of explanation.

Under the law authorizing the salaries and payments to postmasters to be readjusted the Auditor has been readjusting them by States, and there has been heretofore a refusal to pay any until the whole were readjusted. The appropriation in the bill is intended to enable the postmasters to be paid as fast as their claims are audited and readjusted. The Auditor reported that on the 1st of January there were one hundred and forty-odd thousand dollars due; that by the 4th of March there would be \$200,000 readjusted and ready for payment, and a still greater amount before Congress assembled again in December. In order to prevent those postmasters whose accounts may be properly readjusted under the law from having to wait for another appropriation I propose to make this appropriation \$240,498.79 instead of \$140,498.79.

Mr. WILSON. The amendment should be, I think, in several divisions, and in order to present it in accordance with the statement made by the acting Postmaster-General, I move to amend the amendment offered by the Senator from North Carolina, in lines 373, 374, and 375, by striking out "40,498.79" and inserting "78,481.23," so as to read:

For compensation of postmasters readjusted under act of March 3, 1883, payable from deficiency in postal revenues, 1882 and prior years, \$78,481.23.

Mr. HALE. That makes the exact amount which has been reported as readjusted to this time?

Mr. WILSON. It does. In a letter addressed to the President of the Senate, the acting Postmaster-General says, with reference to this very estimate:

The total amount found due to the postmasters by adjustments completed to date is \$178,481.23.

Mr. HALE. That is right. That should go in of course. The House did not report an amount large enough.

Mr. WILSON. That is the first amendment I desire to offer.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Iowa to the amendment proposed by the Senator from North Carolina.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. WILSON. In line 375, after the word "cents," I move to insert:

For compensation of postmasters to be readjusted under said act during the remainder of the present fiscal year, \$200,000.

Mr. HALE. I make the point of order upon that amendment.

Mr. WILSON. I wish to state that in the letter of the acting Postmaster-General from which I have read he makes this statement:

The probable approximate amount that will be found due in the adjustments made within the present fiscal year, with the present clerical force, may be stated at \$255,436.

Inasmuch as this is an approximate statement, I have reduced the amount from \$255,436 to \$200,000, which will furnish an amount possibly large enough to meet the accounts that will be adjusted during the remainder of the present fiscal year.

The Senator from Maine who has charge of the bill raises the point of order against the amendment. I wish to state, in the first place, that this is in a certain sense an estimate of the head of a Department, although it does not come in the form prescribed by the law read by the Senator from Missouri a short time since. It does not seem to me that it is obnoxious to the point of order, notwithstanding it does not conform in that respect. This is in every proper sense connected with the business of the office for this year a deficiency. There has been no appropriation made for it, although under the general law these accounts should have been paid out of the current appropriations for the salaries of postmasters, and then the item would have come before Congress in the form of an estimate for a deficiency in connection with the appropriation.

Mr. HARRIS. I dislike to raise a question of order, but in view of the late hour of the day, it being the last day of Congress, I beg to state to the Senator from Iowa that a question of order is not debatable under the rule.

Mr. WILSON. The Senator from Iowa begs to state to the Senator from Tennessee that he is well advised of that, but he desired to explain the amendment.

Mr. HARRIS. Then I rise to a question of order, and my point of order is that the Senator from Iowa is out of order.

The PRESIDING OFFICER. A point of order is not debatable.

Mr. WILSON. I am entirely aware of that, but I was proceeding, as I supposed, by unanimous consent.

The PRESIDING OFFICER. The Chair desired information upon

the amendment to decide the point of order. He is not now aware of the precise nature of the amendment proposed. The amendment will be again read.

The CHIEF CLERK. In section 2, line 375, after the word "cents," it is proposed to insert:

For compensation of postmasters to be readjusted under said act during the remainder of the present fiscal year, \$200,000.

Mr. HALE. There is no estimate for it here.

The PRESIDING OFFICER. The Chair is of the opinion that the amendment is not in order.

Mr. WILSON. Of course I do not desire at this time, and with a Senate which would probably disclose the want of a quorum, to take an appeal from the decision of the Chair, although I believe that on a presentation of the question the amendment would be found to be in order.

Mr. BROWN. We had hoped to get through with the bill before this hour. As there is no telling how long we shall be detained in discussion here—

Mr. HALE. We are almost through. I think we can finish the bill in five minutes.

Mr. BROWN. If we can get through with it soon, all right; but I was going to make a motion to take a recess.

Mr. MILLER, of California. I move to add to the bill the following paragraph:

For payment of laborers and others for services rendered, &c., in the construction of the light-house at Point Concepcion, California, as follows: Employees, Point Concepcion light, \$3,784.70; Miguel Ortega, \$420.14; Charles Ashton, \$270; Pigeon Point light-station, \$990.99; sundry small bills, \$1,200.95; Martin and P. B. Murphy, \$10,000; O. B. Shaw, \$1,743.37; in all, \$18,465.65, in accordance with the recommendation of the Secretary of the Treasury of February 21, 1883 (House of Representatives Executive Document No. 87, Forty-seventh Congress, second session).

Mr. HALE. I raise the point of order on the amendment.

Mr. MILLER, of California. I wish to debate the point of order so far as to say that this is a deficiency because of the sums due for labor and material furnished in the construction of the light-house. The appropriations were made and the money was stolen by the Government officers having it in charge, and these people were never paid. The amount was estimated for by the Secretary of the Treasury, February 21, 1883. The whole case is explained in Executive Document No. 87, Forty-seventh Congress, second session.

Mr. HALE. There is no estimate for this appropriation.

Mr. MILLER, of California. This is the estimate.

Mr. HALE. That is an old letter to the last Congress. There is no estimate for this Congress.

The PRESIDING OFFICER. The Chair holds that the point of order is well taken, there being no estimate.

Mr. HALE. Now I hope we shall have a vote on the bill. I know other Senators feel as I do.

Mr. HARRIS. I wish to take not a second in order to put the conferees of the Senate on the same footing with the House conferees in reference to the little extra allowance made to their employes by the bill. In line 1717, after the word "Senate," I move to strike out "and the Clerk of the House of Representatives;" and in line 1719, after the word "Senate," I move to strike out the words "and House of Representatives." That will put the conferees of the two Houses upon exactly the same ground in respect to this little petty appropriation.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The PRESIDING OFFICER subsequently said: The Chair is informed by a message from the Senator from Oregon [Mr. DOLPH] that in the deficiency bill there is a paragraph on page 62 which was temporarily laid aside and not finally acted upon.

Mr. HALE. That is well enough. There is no harm done.

Mr. DAWES. If it is in the text, it is all right.

The PRESIDING OFFICER. It is reported to the Chair that the amendment on that page was informally laid aside and no action was taken.

Mr. COCKRELL. It has not been adopted and is not in the bill, and the bill is passed without it.

Mr. HARRIS. I move to reconsider the vote by which the bill was passed, so as to agree or disagree to the amendment. We relieve ourselves of all questions by acting on that motion. I ask unanimous consent that the votes by which the bill was passed and ordered to a third reading be reconsidered for the purpose of acting on this amendment.

The PRESIDING OFFICER. The Senator from Tennessee asks unanimous consent that the votes passing the deficiency bill and ordering it to a third reading be reconsidered. Is there objection? The Chair hears none. The deficiency appropriation bill is still in the Senate and open to amendment, and the amendment proposed by the Committee on Appropriations will be read.

The CHIEF CLERK. On page 52, after line 1262 of section 1, the Committee on Appropriations propose to insert:

For amount due to Isaac G. Baker for one hundred and sixty-two head of beef-cattle taken by Fort Peck Indians October 14, 1878, while in process of delivery under his contract dated June 21, 1878, \$5,820.20.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

FORTIFICATIONS APPROPRIATION BILL.

Mr. DAWES. I ask that the pending order be informally laid aside.

Mr. BLAIR. I ask that the regular order be laid before the Senate.

The PRESIDING OFFICER. The regular order will be laid before the Senate. The title of the bill will be read.

The CHIEF CLERK. "A bill (H. R. 7718) restoring John Snyder to the pension-roll."

Mr. DAWES. I ask that that may be informally laid aside to take up the fortification bill.

The PRESIDING OFFICER. The Senator from Massachusetts asks that the regular order be laid aside informally that the Senate may take up the fortification bill. Is there objection?

Mr. CONGER. I object.

Mr. DAWES. I move to take up the fortification bill.

The PRESIDING OFFICER. The Senator from Massachusetts moves to take up the fortification bill. The question is on that motion. [Putting the question.] The ayes appear to have it.

Mr. CONGER. Mr. President—

The PRESIDING OFFICER. A motion to lay aside one bill to take up another is not debatable.

Mr. CONGER. Is it amendable? If it is, I move to take up the river and harbor appropriation bill instead.

The PRESIDING OFFICER. The Chair will put the question again. The question is on the motion of the Senator from Massachusetts to lay aside the pending order and take up the fortification bill.

The motion was agreed to.

Mr. CAMERON, of Pennsylvania. Mr. President—

Mr. DAWES. I suggest that we can pass this bill in ten minutes.

Mr. CAMERON, of Pennsylvania. If the Senator will permit me to have five minutes in executive session I will consent. I move that the Senate proceed to the consideration of executive business.

Mr. COCKRELL. We can pass the fortification bill in five minutes. There are only three pages of it.

The PRESIDING OFFICER. The Senator from Pennsylvania moves that the Senate proceed to the consideration of executive business.

The motion was not agreed to.

Mr. DAWES. Now I hope we shall proceed with the fortification bill. The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8279) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1886, and for other purposes.

Mr. DAWES. I ask unanimous consent that the bill be read for amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the bill will be read for amendment.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, in line 14, after the words "Ordnance Corps," to strike out "two of the artillery corps of the Army," and after the word "Navy," in line 15, to insert "and two civilians;" so as to read:

And the President of the United States shall appoint a board, of which the Secretary of War shall be a member and president, to be composed of two officers of the Engineer Corps, two from the Ordnance Corps, two officers of the line of the Navy, and two civilians, which board shall examine and report at what ports fortifications or other defenses are most urgently required, the character and kind of defenses best adapted for each, with reference to armament, the utilization of torpedoes, mines, or other defensive appliances.

The amendment was agreed to.

The next amendment was, after the word "appliances," in line 20, to insert:

And for the necessary and proper expenses of said board in the discharge of said duty the sum of \$25,000, to be immediately available, is hereby appropriated; and the report of said board shall be transmitted to Congress by the Secretary of War.

The amendment was agreed to.

The next amendment was to strike out the clause from line 26 to line 33, inclusive, in the following words:

For the expenses of said board, and for such plans, tests, and experiments as may be required to enable said board to determine upon the best methods of protecting batteries for defensive works, and for the purchase and erection of iron, steel, and composite armor in the form of sections of turrets, gun shields, and iron embrasures, for actual competitive tests, or any other question connected with their duties, \$300,000, the same to be immediately available.

The amendment was agreed to.

The next amendment was to strike out the clause from line 46 to line 51, inclusive, as follows:

For the purchase and competitive test of specimens of the various kinds of

machine-guns now in use, and of any others which may be presented and deemed worthy of consideration, but no type of machine-gun shall be purchased until tested and approved by the board herein provided for; for constructing and testing experimental gun-carriages.

Mr. HAWLEY. I desire to object to that amendment of the committee, because I wish to leave the War Department open to the right to purchase machine-guns. They are wholly constructed out of the appropriations in the fortification bill. They are in the estimates of the Treasury Department, in the recommendations of the Board of Ordnance, sanctioned by the Secretary of War, desired by all men who study fortifications or study the subject in any way. Now, I should like to ask the Senator in charge of this bill how he proposes to have the money here appropriated, \$450,000, spent; at what shops, on what kinds of guns?

Mr. DAWES. That is set forth in what remains of this provision. Mr. HAWLEY. No guns are described.

Mr. DAWES. The reason the committee proposed to strike out the "machine-guns" was because they thought that "machine-guns" are generally understood to be the Gatling gun, which is no part of the armament of a fortification; and therefore, inasmuch as this bill is confined simply to the preservation of the fortifications and the expenditure of this small sum of \$450,000, we would not connect that with the manufacture of the Gatling gun. The committee have no hostility to the Gatling gun. Even if there had been in this bill a specified sum for Gatling guns it would have presented a different question from what it did; but under this provision as it came to us \$450,000 is to be expended, the entire sum for the Gatling guns. We have purchased Gatling guns every year, and I think we ought to keep up the purchase of Gatling guns. I do not know of any other.

Mr. MILLER, of California. But yet there are others.

Mr. HAWLEY. He is ignorant; I will educate him.

Mr. DAWES. I do not know that it is worth while for me to talk any further about that.

Mr. HAWLEY. I quite agree.

The PRESIDING OFFICER (Mr. HARRISON in the chair). The Senator from Massachusetts is entitled to the floor.

Mr. DAWES. I will call the attention of the Senator to this provision in the fortification bill:

For the purchase and competitive test of specimens of the various kinds of machine-guns now in use, and of any others which may be presented and deemed worthy of consideration, but no type of machine-gun shall be purchased until tested and approved by the board herein provided for.

Without saying how much, how many guns, or what kind of guns, but any that the board may suggest, even to the extent of the entire appropriation, which is \$450,000.

I do not know anything about guns, I am informed by the Senator from Connecticut, and that is true. It was unkind in him, however, to tell the Senate of it; but I do know this, that we have been from year to year appropriating a certain sum for Gatling guns. They cost about \$1,500 apiece, and we have appropriated something like \$25,000 each year for the purchase of Gatling guns. There is no disposition that I know of anywhere to take the whole range of invention and experiment upon Gatling guns and appropriate \$450,000 for the purchase of as many as may be approved by this board.

I venture, without having any special knowledge of machine-guns, to state these considerations as the reasons which influenced the committee.

Mr. HAWLEY. Now, Mr. President, I wish to observe to the Senator from Massachusetts that when he said he was not aware of any other kind of machine-gun than the Gatling gun he displayed a very lamentable lack of common information on the subject.

Mr. DAWES rose.

Mr. HAWLEY. I have the floor.

The PRESIDING OFFICER. The Senator from Connecticut is entitled to the floor.

Mr. DAWES. You are touchy about it.

Mr. HAWLEY. The first man touchy was the distinguished Senator from Massachusetts.

Mr. DAWES. I never discovered that I was touchy.

Mr. HAWLEY. I wish to call attention to the Book of Estimates, on page 159.

Armament of seacoast fortifications, including the manufacture and conversion of heavy guns and carriages.

When I asked the Senator kindly what was to be done with the \$450,000, I had not in view that "conversion of heavy guns and carriages." I do not believe that it is of much practical use to take the old cast-iron gun and enlarge the bore, say half an inch or so, and put an iron or steel tube into it, and then put into it an elongated projectile two and a half times heavier than the original round-shot for which the gun was intended, to make the world believe you have a good rifled cannon. You have not; the metals are not homogeneous. The gun is really virtually weakened by taking out that cast-iron which is bored out from it. The shock of the explosion of the powder goes through that fine tube of steel. The gun is really, in my judgment, a weaker gun than it was before; and you do not deceive the military world into the belief that you have got good rifled cannon along your shores. The estimate here is frank about it.

That is from gentlemen supposed to be learned in their profession. They know very well that machine-guns are of the highest possible use in fortifications; that they cover and protect the curtains and the ditches; that modern engineers delight to put them in their fortifications all about Europe, and not only there but they put from two to ten of them upon their ships, various kinds of machine-guns, not alone the Gatling gun, made in my own town, to which the Senator from Massachusetts endeavored to add a little significance of sarcasm by saying, eight or ten times over, "the Gatling guns"—not the Gatling guns of Hartford alone, but the Nordenfheldt gun of Great Britain and the Gardner guns of Hartford, and the Hotchkiss gun made by another Connecticut Yankee in Paris, in Berlin, and in London.

There is a great range of them, from the ounce ball up to the 6-pound ball, and we have on this committee fired a 6-pound cannon from our shoulders, traversing the gun from right to left and elevating and depressing it, and firing a 6-pound steel shot that will go two, or three, or four miles with considerable accuracy.

The Senator speaks alone of the Gatling guns. I am very proud of the Gatling guns, but they are only a small part of those necessary. The Hotchkiss gun has its place as a most admirable and most wonderful and useful weapon.

I do not ask to say in the bill "Gatling guns." I say "machine-guns," and let the Ordnance Department take its choice for the different uses, whether a Gardner or a Gatling or a Hotchkiss, for the Hotchkiss differs from the others in certain military uses and possibilities.

The bill as it stands proposes—

For the armament of seacoast fortifications, including the manufacture of heavy guns and carriages—

It has omitted the conversion. I do not object to that—

projectiles, gun-loaders, fuses, powder, and implements, their trial and proof, and all necessary expenses incident thereto, including compensation of draughtsmen on gun construction while employed in the Ordnance Bureau, \$450,000.

That devotes the whole of it to the armament of seacoast fortifications, including the manufacture of heavy guns and carriages, except the incidentals referred to below.

I wanted to know from the Committee on Appropriations, for it is an important committee, and sounds well, whether they had in view at all the manufacture of a single cannon of modern style and power, a single steel-rifled gun of six or eight or twelve or sixteen inches caliber, such as we have got to have, and guns that will cost from \$25,000 to \$100,000 apiece.

I wish this appropriation were \$5,000,000 and directed the establishment of a Government gun-foundry which should be complementary to a dozen manufacturing establishments which would furnish the pieces of the steel gun to the gun-foundry of the Government, there to be assembled and put in the form of a magnificent weapon, a modern magnificent rifled cannon. But this paltering with the condition of the country, which is virtually defenseless on the seaboard. We have not a gun that will penetrate the better armored ships, not one along the whole coast. Those ten and fifteen inch guns will crush vessels that can come in our harbors; but if you wish to arm harbors where eighteen to twenty foot ships can come you are helpless, and they are our great harbors. You are helpless along the entire coast. Four hundred and fifty thousand dollars will not make the steam-hammer that is necessary to build the cannon we ought to have now, and it will take you two years to build your steam-hammer—at least that.

I think it is quite competent in this view of the condition of this country and its coast and the condition of modern ships for me to ask, independent of this question of machine-guns, what we mean when for this defenseless country of 57,000,000 people and abundant revenue \$450,000 is appropriated for the manufacture of guns, and heavy guns at that. I would have left there a discretion, as in previous bills, limited, if you choose, by a separate paragraph, to apply \$20,000 for the purchase of machine-guns; but I would have adopted very nearly the paragraph recommended by the Ordnance Department. I will move to amend these few lines before striking them out or before taking the question on striking out.

For the purchase of machine-guns now in use and of any other which may be presented and deemed worthy of consideration.

Then strike out the reference to the board, because the paragraph providing for the board has been stricken out. I move to amend by striking out first, in line 46, after the word "purchase," all down to and including the first word "of," in the next line, as follows:

And competitive test of specimens of the various kinds.

My object will be to follow it by striking out the words in the forty-ninth line, beginning with "but" and running down to "carriages," in line 51; so that the paragraph would read:

For the purchase of machine-guns now in use, and of any others which may be presented and deemed worthy of consideration.

Then—

For the armament of seacoast fortifications, including the manufacture of heavy guns and carriages, &c.

Which would it is true lump up the whole expenditure of \$450,000. I will intrust the War Department not to spend \$450,000 on machine-guns. I am willing to trust them with the discretion to buy a few or whatever they think it is better to buy.

My first amendment is in line 46, after the word "purchase," to strike out down to and including the word "guns," in the next line. The PRESIDING OFFICER. The amendment of the Senator from Connecticut will be reported.

The CHIEF CLERK. After the word "purchase," in line 46, it is proposed to strike out—

And competitive test of specimens of the various guns.

So as to read:

For the purchase of machine-guns now in use, and of any others which may be presented and deemed worthy of consideration.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Connecticut.

Mr. DAWES. Mr. President, I can not quite understand what occasion there has been for the Senator's indulgence in the tone of remark which has seemed to please him at this time. I wish to say that if in any remark I made upon his inquiry of me what we proposed to do with these \$450,000 when I remarked that we proposed to do what was specified in what remained of the paragraph there was anything that either was calculated to pain the Senator from Connecticut or to justify his retort, I am very sorry for it and withdraw it. I have to say, however, that the remarks of the Senator do not seem to me to be called for or to be such as any gentleman ought to tolerate from another.

The Senator is quite right in saying that this is a meager bill, and I would say myself a contemptible bill. The War Department has estimated for this purpose seven or eight million dollars, and I myself would be glad to vote for an appropriation of four or five millions in accordance with an amendment that was proposed to this bill elsewhere. I think it is a shame that the Government of the United States appropriates only this pitiful sum for this purpose, and I quite agree with the Senator from Connecticut in his description of the state and condition of the fortifications in this country. But we are within a few hours of the last moment of this session. We have this bill here before us. We know that elsewhere the temper of another body is such that it is impossible to go beyond this. The test has been made elsewhere whether we would, as becomes the nation and its necessities and its exigencies, make appropriations for fortifications; and that test has failed, and there has come simply enough to take care and preserve the property on hand with the addition of this \$450,000.

Under these circumstances the Committee on Appropriations thought it was best to get as much of this concentrated in the latter part of this session as possible. They did not think there was that need of any particular machine-gun in force as there was for other material and other expenditures provided for here. If I hurt the feelings of any one because I used the words "Gatling guns," I got it from the Senator's colleague upon my inquiry of him. I know there are other guns, the Hotchkiss gun and all manner of guns—so many of them that if I could have the pride of manufacturing them in the locality where I reside I would be glad to see any amount of money appropriated for the manufacture of them all and the purchase of them all. But so long as we can appropriate only \$450,000, I do not propose for one to give unlimited authority to the Ordnance Department to expend the whole of it, if they pleased, in purchasing all kinds of machine-guns, wherever manufactured.

We last year appropriated \$25,000 for the purchase of machine-guns of the latest improvement.

We had before us Gatling himself and his latest improvement, and it was for the purchase of \$25,000 worth, about ten or twelve of these guns, that we made that appropriation last year. If it had been in that form, and if the Senator should make his amendment in that form, not specifying any particular gun, but the latest improvement of guns, I would not object to it.

If the Senate desire to put it in the power of the department without specification of how much of this meager sum of \$450,000 shall be expended for one thing and how much for another, the Senate will do it. But in my opinion, when the estimate was made for the expenditure in all these ways, it was upon a scale at the Ordnance Department which called for an expenditure of \$6,000,000 or \$7,000,000; but when the appropriation is scaled down to this which may be properly called a very small and miserable bill, it is better, in my opinion, that it be not put in the power of the Ordnance Department to expend it all upon machine-guns or fuses or anything of the kind.

Last year we appropriated in these words, and we have adopted this year as nearly as we can the precise words:

For the purchase of machine-guns of the latest improvement, \$20,000.

For the armament of seacoast fortifications, including heavy guns and howitzers for flank defense, carriages, projectiles, fuses, powder, and implements, their trial and proof, and all necessary expenses incident thereto, including compensation of draughtsmen on gun-construction while employed in Ordnance Bureau, \$400,000; and not exceeding \$15,000 thereof may be used for the expenses of experiments in the use of dynamite or other high explosive projectiles.

That is the phraseology substantially which is left in this bill at this time.

Mr. HAWLEY. Excepting—

Mr. DAWES. Excepting \$25,000 for machine-guns. I do not object to putting that in that shape.

Mr. HAWLEY. I will not say another word if the Senator will assent to that.

Mr. DAWES. Most certainly.

Mr. HAWLEY. I will say nothing about the striking out of this, it being understood that I will offer in place of it the little paragraph that was in last year's appropriation bill.

Mr. DAWES. I will not object to that myself.

The PRESIDING OFFICER. Does the Senator from Connecticut withdraw the amendment proposed by him?

Mr. HAWLEY. I withdraw the amendment.

The PRESIDING OFFICER. The question recurs on the amendment of the Committee on Appropriations, to strike out from line 46 to line 51, inclusive.

The amendment was agreed to.

Mr. HAWLEY. Now, if I am permitted to do so, I will move to insert just before this the words of last year's appropriation:

For the purchase of machine-guns of the latest improvement, \$20,000.

In place of what has just been struck out.

Mr. DAWES. That is satisfactory to me.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Connecticut.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 53, after the word "carriages," to strike out:

For the purchase or manufacture of multicharge guns, and testing the same.

The amendment was agreed to.

The reading of the bill was concluded.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CHRISTOPHER PHILLIPS.

Mr. MORGAN submitted the following resolution; which was ordered to lie on the table:

Resolved, That the sum of \$41 be paid to Christopher Phillips out of the contingent fund of the Senate for labor performed for the Senate under employment of the Sergeant-at-Arms from November 10 to December 1, 1884.

RAILROAD BRIDGE IN TENNESSEE.

On motion of Mr. CONGER, and by unanimous consent, the bill (H. R. 8102) to give the assent of Congress to the construction of a railroad bridge by the East and Middle Tennessee Railroad Company over the Cumberland and Caney Fork Rivers was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. CAMERON, of Pennsylvania. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-one minutes spent in executive session the doors were reopened.

RECESS.

Mr. HAWLEY (at 7 o'clock and 40 minutes p. m.). I move that the Senate take a recess till 9 o'clock p. m.

The motion was agreed to; and the Senate took a recess until 9 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 9 o'clock p. m. and resumed its session.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7785) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1886, and for other purposes.

The message also announced that the House had agreed to the concurrent resolution of the Senate for the printing of 9,500 additional copies of the treaties and conventions transmitted to the Senate by the President in his message of January 23, 1885.

PEOPLE'S NATIONAL BANK, LAWRENCEBURG, IND.

Mr. SHERMAN. I ask consent that the Senate proceed to the consideration of Order of Business 1466, being a bill to authorize the issue of a duplicate certificate.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the Senate now proceed to the consideration of Order of Business 1466, being the bill (S. 2669) to authorize the Secretary of the Treasury to issue a duplicate certificate of deposit to the People's National Bank of Lawrenceburg, Ind. The question is on agreeing to the motion of the Senator from Ohio.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. SHERMAN. I will say that this is like the ordinary case of lost bonds where the proof is clear and the Secretary of the Treasury

recommends it, the amount being beyond the authority of the Department to grant relief.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NATHAN H. DUNPHE.

Mr. HOAR. I move to proceed to the consideration of Order of Business 1047, House bill 754.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the Senate proceed to the consideration of Order of Business 1047, being the bill (H. R. 754) for the relief of Nathan H. Dunphe, of Bridgewater, in the State of Massachusetts.

Mr. CONGER. I feel it my duty to ask the Senate to consider the river and harbor bill, as I am instructed by the Committee on Commerce to do.

Mr. HOAR. This will take but a moment.

Mr. CONGER. If the Chair recognizes—

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Massachusetts that the bill named by him be now considered.

Mr. BLAIR. I ask unanimous consent to be allowed to say a word to the Senate.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks unanimous consent to be heard on this question. Is there objection? The Chair hears none.

Mr. BLAIR. I rose with the design of asking unanimous consent that the Senate now proceed to consider all unobjected House bills favorably reported and upon the Calendar. That, I think, would be in accord with the general sentiment of the Senate, and it is very evident that unless some understanding of that kind is arrived at we shall have nothing but a maelstrom of confusion and very little accomplished.

Mr. McMILLAN. You had better confine your request to pension bills.

Mr. BLAIR. I would be glad to do so, but I can not without meeting objection.

Mr. MORGAN. I ask the Senator from New Hampshire what is the meaning of "unobjected?"

Mr. BLAIR. Bills that are unobjected will be those that on being presented to the Senate will not be objected to.

Mr. MORGAN. What becomes of the bills that are objected to?

Mr. HOAR. I hope my little motion will now be put.

The PRESIDENT *pro tempore*. Debate is proceeding by unanimous consent.

Mr. HOAR. I ask the Chair to put the question.

Mr. MORGAN. With that understanding—

The PRESIDENT *pro tempore*. Debate is proceeding by unanimous consent. The Chair hears no objection.

Mr. MORGAN. I wish to say that with the understanding that the objection may be made at any time, I shall not object to the suggestion of the Senator from New Hampshire. What I wish to understand is whether if an objection is made it will be treated as under Rule VIII, so that the Senate can proceed notwithstanding an objection to consider a bill.

Mr. BLAIR. There is no such understanding as that.

Mr. MORGAN. Then I will object.

Mr. BLAIR. But an objection would carry a bill over.

Mr. HOAR. I call for the regular order.

The PRESIDENT *pro tempore*. The regular order is called for. The Senator from Alabama objects to the proposition of the Senator from New Hampshire. The question is on the motion of the Senator from Massachusetts that the Senate proceed to the consideration of the bill named by him.

The motion was agreed to; and the bill (H. R. 754) for the relief of Nathan H. Dunphe, of Bridgewater, in the State of Massachusetts, was considered as in Committee of the Whole. It provides for the payment to Nathan H. Dunphe of \$2,400, in full compensation for twenty-five hogheads of sugar which were seized in the State of Louisiana, in the year 1863, by the military authorities of the United States, turned over to the Quartermaster's Department, and properly accounted for by that department.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN B. DAVIS.

Mr. WILLIAMS. I desire to call up a bill that is on the Calendar improperly marked as a Senate bill on the Calendar, Order of Business 1043. It is marked Senate bill 568.

The PRESIDENT *pro tempore*. The Senator from Kentucky moves that the Senate now proceed to the consideration of Order of Business 1043, the title of which will be read.

The SECRETARY. A bill (S. 568) for the relief of John B. Davis.

Mr. WILLIAMS. I ask the chairman of the committee—

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. WILLIAMS. The chairman of the Committee on Claims reported the bill.

The PRESIDENT *pro tempore*. Debate is not in order except by unanimous consent.

Mr. WILLIAMS. I want to substitute the House bill.

Mr. CAMERON, of Wisconsin. First get this bill up.

Mr. WILLIAMS. I thought it was up.

Mr. CAMERON, of Wisconsin. No; the Senator from Kentucky desires to substitute a House bill for the Senate bill 568.

The PRESIDENT *pro tempore*. The bill has not been taken up. The motion of the Senator from Kentucky applies to the bill the title of which has been read. The question is on agreeing to the motion.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 568) for the relief of John B. Davis.

It provides for paying to John B. Davis, late contractor on mail-route No. 7506, Arkansas, \$10,943.16, in full payment for transporting the United States mails between Memphis, Tenn., and the mouth of White River, Arkansas, and from thence to Devall's Bluff, in Arkansas, in the years 1863, 1869, and 1870.

Mr. WILLIAMS. Now I ask to take up the House bill and substitute it for the Senate bill. The chairman of the Committee on Claims knows all about the case. I know it passed the House.

The PRESIDENT *pro tempore*. The House bill is not in possession of the Chair or the Secretary. It is supposed to be in possession of the committee to which it has been referred.

Mr. WILLIAMS. I ask that the committee be discharged.

The PRESIDENT *pro tempore*. Does the Senator know whether the bill has been reported?

Mr. WILLIAMS. I move that the Committee on Claims be discharged from the further consideration of the House bill and that it be substituted for the Senate bill.

The PRESIDENT *pro tempore*. Will the Senator from Kentucky send to the Chair a copy of the bill from which he desires the Committee on Claims to be discharged?

Mr. ALDRICH. While that bill is being looked for I ask leave to call up a joint resolution.

The PRESIDENT *pro tempore*. The Senator from Kentucky is entitled to the floor.

Mr. ALDRICH. The Senator from Kentucky yields to me for the purpose of asking consent to take up Senate joint resolution 135. It is on the table now.

Mr. CONGER. I object to giving place to any one else if the Senator from Kentucky is not to go on. If not, I desire to make a motion to take up the river and harbor bill.

The PRESIDENT *pro tempore*. The Senator from Michigan objects to the bill now before the Senate being laid aside informally to proceed to the matter mentioned by the Senator from Rhode Island. Senate bill 568 is now before the Senate.

Mr. WILLIAMS. While the clerks are hunting for that bill, I ask the Senate to take up House bill 1198, Order of Business 762.

The PRESIDENT *pro tempore*. The Chair will state to the Senator from Kentucky that a copy of the House bill to which he refers is now here, but the bill itself is in possession of the Committee on Claims, having been referred to that committee by order of the Senate.

Mr. WILLIAMS. I move that the committee be discharged from its consideration and that the bill be taken up by the Senate.

The PRESIDENT *pro tempore*. The Senator from Kentucky asks unanimous consent that the Committee on Claims, to whom was referred the bill (H. R. 653) for the relief of John B. Davis, be discharged from its further consideration. Is there objection? The Chair hears none. The committee is discharged from the further consideration of the bill. It is now before the Senate. Is there objection to its present consideration?

Mr. PLATT. Let it be read for information.

The PRESIDENT *pro tempore*. The bill will be read for information.

The Chief Clerk read the bill, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to consider it.

Mr. PLATT. Is there a report?

The PRESIDENT *pro tempore*. There is a report on the Senate bill.

Mr. PLATT. I ask that it may be read.

The PRESIDENT *pro tempore*. The Senator from Connecticut demands that the report of the committee be read. It will be read.

The Secretary read the following report, submitted by Mr. JACKSON January 21, 1885:

The Committee on Claims, to whom was referred the bill (S. 568) for the relief of John B. Davis, having examined the same, make the following report:

That this claim has been repeatedly examined and favorably reported upon by committees of the Senate and House. At the third session of the Forty-fifth Congress it was considered and favorably reported by the Senate Committee on Post-Offices and Post-Roads. At the second session of the Forty-sixth Congress it was again favorably reported by the same committee. At the third session of the Forty-sixth Congress it was favorably reported by the House Committee on the Post-Office and Post-Roads. At the first session of the Forty-seventh Congress it was favorably reported by the Senate Committee on Claims (Report No. 202). And at the first session of the Forty-eighth Congress the House Committee on Claims reported upon it favorably.

The facts of the case are clearly and correctly set forth in Senate Report No. 737, third session of Forty-fifth Congress, which your committee adopt, as follows:

"The Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 1857) for the relief of John B. Davis, having had the same under consideration, ask leave to report:

"That in the year of 1867 John B. Davis was a contractor with the Post-Office

Department for the transportation of the mails by steamers from the mouth of White River to Jacksonport, in Arkansas.

"The mail matter for the central and western portion of the State of Arkansas, and for the northern part of Texas, was chiefly collected and concentrated at Memphis, in the State of Tennessee, carried by a line of steamers to the mouth of the White River, and from that point by petitioner's steam vessels to Devall's Bluff, on the White River, and thence by rail to Little Rock and other points west."

"The schedules for arrivals and departures of the vessels were so arranged, and by contract with the Post-Office Department, that the mails from Memphis and the West reached the mouth of White River ten or twelve hours after the petitioner's boats left that point, thus causing three or four days' delay in the entire mail service of all points west of Devall's Bluff."

"Great complaint was made by the press and people of Arkansas and Texas on account of these delays. In this state of affairs a special agent of the Post-Office Department directed Mr. Davis to extend his service and carry all the Arkansas mails through from Memphis to the mouth of White River. This service was performed once each week from the 1st July, 1867, until the 31st day of the same month, and from the 1st August, 1867, until the 31st March, 1868, twice each week, the petitioner having purchased another steamer to enable him to do this work."

"The Post-Office Department recognized this service, and in the month of May, 1868, paid Mr. Davis for the weekly service at the rate of \$5,000 per annum, and for the semi-weekly at the rate of \$10,000 per annum."

"Mr. Davis continued to carry these mails semi-weekly until the 21st March, 1868, but has never been paid therefor."

"In reply to a communication addressed by the committee to the Postmaster-General, asking information as to the nature of the service rendered, and the authority under which Mr. Davis acted, the Second Assistant Postmaster-General, on the 29th May, 1878, stated 'that the certificate of the postmaster at Memphis shows the service to have been performed' from the 1st April, 1868, to the 31st March, 1868, 'but no payment was made after 31st March, 1868, as no satisfactory evidence of proper authority for the performance of the same was presented to this office until after the time had elapsed within which the appropriation for those years could have been used.'

"And in a letter dated 13th June, 1878, the same officer says that his predecessor 'deemed the authority from the special agent for the service was exhausted when' payment was made to the 31st March, 1868, and therefore declined further recognition of it."

"The committee is convinced that a valuable service was rendered by Mr. Davis, and with the knowledge of the Post-Office Department, and that some compensation should be made to him; but the committee has no means of ascertaining all the facts connected with these transactions, nor is it able to determine what would be a reasonable compensation."

"Since that time the Second Assistant Postmaster-General, in a letter addressed to the attorney for the claimant, states that 'should the contractor be paid for service between Memphis and the mouth of White River at the same rate as paid him for the service within the route under contract, the compensation would be at the rate of \$5,837.50 per annum,' and, according to this estimate, there should be paid to the claimant the sum of \$10,943.16."

"The committee are of opinion that the rate of compensation is reasonable, and recommend the payment of said sum, and the passage of the accompanying bill as a substitute for the bill referred."

"The bill thus recommended was identical with that under consideration, directing that Davis should be paid the sum of \$10,943.16, in full payment for transporting the United States mails between Memphis, Tenn., and the mouth of the White River, Arkansas, and from thence to Devall's Bluff, in Arkansas, in the years 1868, 1869, and 1870."

Your committee believe that this conclusion reaches the merits of the case, and report the bill back to the Senate with the recommendation that it be passed."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

POST-OFFICE APPROPRIATION BILL.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House requested the return of the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes.

The PRESIDENT *pro tempore* laid before the Senate the following message from the House of Representatives; which was read:

IN THE HOUSE OF REPRESENTATIVES, March 2, 1885.

Ordered, That the Clerk be directed to request the Senate to return to the House the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes.

The PRESIDENT *pro tempore*. Does the Senator from Kansas make any motion?

Mr. PLUMB. It is proper that the bill should go back to correct an error which was made in the last message accompanying the bill.

The PRESIDENT *pro tempore*. The bill can not be returned except by an order of the Senate.

Mr. PLUMB. I move then that the bill be returned on the request of the House of Representatives.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Kansas.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the amendments of the Senate numbered 3, 4, 5, and 6 to the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes; that it further insisted on its disagreement to the amendments of the Senate to the said bill numbered 16, 17, 18, 19, and 20; that it agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that it had appointed Mr. R. W. TOWNSEND of Illinois, Mr. WILLIAM S. HOLMAN of Indiana, and Mr. R. G. HORR of Michigan managers at the further conference on its part.

The message also announced that the House had passed a concurrent resolution for the printing of 5,000 copies of the report of Capt. M. A. Healy, United States Revenue Marine, upon the cruise of the revenue

steamer Corwin in the Arctic Ocean in the year 1884, and its accompanying documents and illustrations.

CRUISE OF THE CORWIN.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing.

IN THE HOUSE OF REPRESENTATIVES, March 3, 1885.

Resolved by the House of Representatives (the Senate concurring), That there be printed at the Government Printing Office 5,000 copies of the report of Capt. M. A. Healy, United States revenue marine, upon the cruise of the revenue steamer Corwin in the Arctic Ocean in the year 1884, and its accompanying documents and illustrations, of which 1,000 shall be for the use of the Senate, 2,000 for the use of the House of Representatives, and 2,000 copies for the use of the Treasury Department.

RIVER AND HARBOR BILL.

Mr. CONGER. I move that the Senate take up the bill (H. R. 8280) making appropriations for the preservation and continuation of certain public works on rivers and harbors, and for other purposes.

The PRESIDENT *pro tempore*. The Senator from Michigan moves that the Senate now proceed to the consideration of House bill 8280.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CONGER. I ask unanimous consent that the bill be read by paragraphs for amendment.

The PRESIDENT *pro tempore*. The Senator from Michigan asks unanimous consent that the bill be read by paragraphs for amendment, and that the amendments of the Committee on Commerce be considered as the reading proceeds. Is there objection? The Chair hears none.

Mr. BLAIR. I ask that the bill may be laid aside informally in order that the Senate may proceed to the consideration of House bill 7718, Calendar number 1357, restoring John Snyder to the pension-roll.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks—

Several Senators objected.

Mr. BLAIR. I desire to modify my request. I ask unanimous consent that this bill be laid aside informally temporarily, and that the Senate proceed to consider the unobjected House pension bills favorably reported and upon the Calendar.

Mr. MORGAN. I object.

The PRESIDENT *pro tempore*. Objection is made.

The Secretary proceeded to read the bill (H. R. 8280) making appropriations for the preservation and continuation of certain public works on rivers and harbors, and for other purposes.

The first amendment of the Committee on Commerce was, in line 5, after the word "direction," to strike out "and with the approval;" in line 6, after the words "for the," to strike out "preservation and continuation of such" and insert "construction, continuation, repair, and preservation;" in line 8, before the word "public," to strike out "uncompleted;" and in the same line, after the word "designated," to strike out "for improvement;" so as to read:

That there is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, and to be expended under the direction of the Secretary of War, for the construction, continuation, repair, and preservation of the public works mentioned and designated in an act entitled, &c.

The amendment was agreed to.

Mr. HARRISON. I want to ask the Senator from Michigan whether the amendment which has just been agreed to, striking out the words "for improvement," would not include, by its reference to the act making appropriations approved July 5, 1884, rivers and harbors that were designated by that act simply for survey. I think the language used in the House bill would discriminate between objects named in the river and harbor bill to which reference is made for improvement and other rivers and harbors designated for survey, and that by the amendment which the committee have recommended, and which the Senate has now agreed to, these appropriations would be extended to objects named in the river and harbor bill referred to simply for survey.

Mr. CONGER. I think not, and by the terms of this bill the appropriation made in this bill is to be distributed proportionately to the amounts appropriated in the last bill. There was no appropriation in the last bill for any of the works which came under the head of surveys and examinations. The appropriations for surveys are made in a round sum, to be expended by the Secretary of War for various purposes, and that appropriation remains; but when you turn to this bill none of the money appropriated here would go to the objects there designated for surveys and examinations, because no appropriation was made for them.

The PRESIDENT *pro tempore*. The reading will proceed.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in line 13, before the word "millions," to strike out "five" and insert "ten;" and in the same line, before the word "millions," to strike out "five" and insert "ten;" so as to read:

The sum of \$10,000,000, which sum of \$10,000,000 shall be applied by the Secretary of War to each of said public works, respectively, in proportion to the sums appropriated for such works in and by the said act.

Mr. MORRILL. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. CONGER. In reporting this bill we increased the amount of the appropriation. The committee considered that the appropriation

of five millions to carry on works for which almost fourteen millions were appropriated last year—

Mr. MAXEY. We are all very anxious to hear the Senator from Michigan explain the bill, but we can not hear a word, there is such a noise and buzz in the galleries and on the floor.

The PRESIDENT *pro tempore*. Senators will please cease conversation and be seated. Senators and others in the rear of the seats will cease conversation. There must be absolute silence in the galleries. There are a great number of persons present and a very slight conversation among them makes a loud noise in the Chamber. The Senator from Michigan will proceed.

Mr. CONGER. I remarked that in the appropriation bill for rivers and harbors last year there were thirteen million and in the neighborhood of nine hundred thousand dollars appropriated; in round numbers about \$14,000,000. I think I may say with the approval of all who carefully examined that bill during the last year that both in the House and in the Senate as far as the results go the examination of the several objects of appropriation was very full and unusually complete. On the re-examination of the bill in the Senate there were less at least than the usual number of appropriations made for unworthy objects in the usual sense of the word.

In the examination of the bill last year by the Senate Committee on Commerce it was the opinion I think of all the members of that committee that the examination of the several items of appropriation was very thorough, and that the appropriations were properly made. Liable to some objections as all appropriation bills frequently are for some inconsiderate appropriation, the Committee on Commerce are of opinion, and I join in that opinion myself, that the appropriation made in last year's river and harbor bill on the whole, saying nothing of the amount but the distribution of the sum total, was as judiciously and carefully made as in any bill that had ever passed Congress.

Now there comes to us from the House of Representatives not an itemized appropriation bill—and I regret very much that a proper itemized bill should not have come to the Senate—but an amount in gross by the terms of the bill to be apportioned to all the uncompleted works mentioned for appropriation in the last bill in the same proportion that appropriations were made for the several works in that bill except in the case of Galveston Harbor, Tex., where by the request of the Senators from that State and the Representatives in the House of Representatives no appropriation was put in the bill, the gentlemen from that State hoping to pass a separate bill for Galveston Harbor, and therefore in this bill there is a proviso that the appropriation for Galveston shall be as though \$250,000 had been appropriated in last year's bill, and another provision is that where works have been completed with the money appropriated during the last year sufficient to complete the work, the money appropriated last year for them shall remain in the general account to be apportioned among the remaining works.

If it be true that the \$14,000,000 appropriated last year was appropriated with reasonable care and prudence in proportion to the necessities and merits of the different works, then the appropriation made this year when apportioned pro rata to the several remaining works will also be properly and fairly distributed. At any rate that is the only alternative. The bill has come to us with this appropriation of \$5,000,000. It came here on Friday night last, was laid over until Saturday under the rules, was referred to the Committee on Commerce on Saturday last, and yesterday the Committee on Commerce devoted all the time they could spare from their duties in the Senate in the examination of the bill. The result of the conclusion to which the committee came, although I think the regret was universal in the committee that a specific appropriation for each work had not been made in the bill sent from the House, was that no bill could now be prepared with an itemized statement, and that the only way to secure any appropriation whatever to carry on these great public works in all parts of the country during the ensuing year depended upon taking the House bill, amending it as the committee might think best, and reporting it to the Senate for its consideration.

The appropriation of \$5,000,000 would give a trifle over one-third of the appropriations of last year to the several works named in last year's bill. In the smaller appropriations there would hardly be appropriation enough to warrant the continuation of work upon the improvement, and in all other cases, large or small, the preparations for work, the plant required, the distribution of the officials of the Engineer Department through the several works and their care would seem to absorb so much of it as to make it hardly worth while to stop there. Then if the appropriation of \$5,000,000 was proper and correct in principle, or as near correct as any bill could be prepared, the appropriation of enough more to make the appropriations that were made available for the large and small improvements throughout the country was thought to be more desirable.

I may say, Mr. President, that in the appropriations of last year the rule of the committee was to give from one-quarter to one-third in the general run of the estimates of the engineers. So in round numbers one-third of the estimates of the engineers for the necessary work on all the great improvements throughout the country was contributed by the bill of last year. By the House bill about one-third of the amount appropriated last year is appropriated, or a little more than one-third. Last

year we appropriated \$14,000,000, and this year by the House bill \$5,000,000 is appropriated. The committee thought, and I think, that if the appropriations were reasonably right and proper in the bill of last year, and if the uncompleted works are apportioned in the same proportion of those appropriations, extending the total amount to \$10,000,000, there would be a sufficient sum to carry on with economy and with real benefit to the country as to each of these improvements the work for the ensuing year.

It is proper that I should say to the Senate that upon inquiry at the Engineer Department it has been found that owing to the lateness of the season when the last river and harbor bill was passed there remains on hand for the several works for which the expenditure was authorized somewhere in the neighborhood of \$9,000,000, which is as yet unexpended. I think the 5th of July was the time when the last bill was passed, but before the bill had become a law and before the appropriations could be arranged for distribution and the work commenced upon them, especially in the North, the cold weather and stormy season had commenced, and in many cases but little work was done. With some of the Southern appropriations, where work could be done longer in the season, more has been done; but there will be a great balance of appropriation; and with this appropriation, whether it be \$5,000,000 or \$10,000,000, there will be money in the hands of the Secretary of War to prosecute vigorously, economically, and successfully the work on those great improvements for which the commerce of the country is so desirous.

Another inducement with me—I do not speak in behalf of the committee—is that if no appropriation bill should be passed this year except for the expenditure of the amount remaining on hand, there will be no further work upon these several improvements. Perhaps there has been no year for the last decade where the necessities of making these improvements for the benefit of commerce, for cheapening transportation, for giving safety and security in harbors to the vessels which carry the freight of the country, were more apparent than this year.

In addition to that there has been no time when such works could be carried on more economically in my opinion than during the coming season. All over this land, throughout all the regions where these appropriations are expended, business languishes, labor for the laboring man is scarce. There is no time when it would be more of a Godsend to the workingmen in every part of the country where these appropriations will be expended, and they will gladly work for less wages in these hard and troublesome times than they would demand at other times. And I confess that I am influenced somewhat in my desire to have this bill passed from the consideration that it will give at least \$10,000,000 of work scattered through every part of the country to those who are lacking employment and lacking bread.

Mr. LAPHAM rose.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from Michigan yield to the Senator from New York?

Mr. CONGER. Yes, sir.

Mr. LAPHAM. I desire to know if the Senator is informed as to what amount of the appropriation of last year is unexpended?

Mr. CONGER. I have just made a statement of that; the Senator did not hear me. As we learn at a late date, within a few days, February 23, from the Secretary of War or the Engineer Department, the amount unexpended and ready to be expended on all the public works of the country is about \$9,000,000.

Mr. LAPHAM. Then with this ten millions there will be nineteen millions appropriated.

Mr. CONGER. That would extend until another river and harbor bill shall take effect, which will be probably in the usual way at the long session some time late in the summer of next year, giving for the two seasons about \$19,000,000.

Almost from the necessity of the case the appropriations for making these improvements throughout the great extent of our country in view of the great number of them carried on at the same time have been small. They have been too small for economic work by the Government on these improvements; and the people of the country have waited year after year for such improvements in the navigable rivers, for such harbors of refuge as should bring safety to its commerce, for the deepening of channels, for all the improvements embraced in this bill. They have been waiting year after year for the completion of these works, so that the produce of the farmer and the mechanic may be cheapened in its transportation and that the monopoly of the railroads may be met and counteracted by these great highways of the people in the transportation of their produce.

I feel an assurance that, with the increased appropriation which the Senate Committee on Commerce have recommended and with the amount now on hand, the work of carrying on these improvements by the Secretary of War and the Engineer Department will be commenced with vigor, will be pushed forward with success, and that the people scattered as they are all through this land who desire work and desire labor will receive the benefit from this expenditure which results so directly in the improvement of the water courses and harbors of the United States.

Now, sir, each Senator will judge for himself whether the reasons which I have suggested should have any weight, and will judge whether this be a good year, a proper time in which a liberal appropriation

should be made for these works, both for the finishing of the works themselves and for furnishing in that act the means of living to labor and the wages of labor to so many thousands of people not in one locality but scattered through every State and every Territory of the land.

I submit, sir, these suggestions for the consideration of the Senate. I have said already that this bill does not come to the Senate in the form I could have desired. I have said already that for myself I would much rather, if we could have had the time to have it prepared, have a bill as a substitute for this looking over all the reports of the engineers, studying them as carefully as we are wont to do in other years, with which we could come to the Senate with every single appropriation fortified by the reports of the engineers and sanctioned by the judgment of the committee and of the House. That can not be. Either this bill must, in some form, amended or otherwise, receive the sanction of the Senate, or we shall have no additional appropriations to carry on these great works, which I believe are so desirable and so necessary for the growth and welfare of the commerce of the United States.

Mr. FRYE. Mr. President, I disagreed with the majority of the Committee on Commerce and was opposed to the report of any river and harbor bill as such at this session. I was not opposed to it because I am opposed to improving our rivers and harbors. I was born a Whig, and that was one of the early doctrines of the Whig party, and I adhere to-day to that early doctrine, the importance of improving our rivers and harbors. But, sir, I regard this bill as bad legislation, unintelligent, and unintelligible; and there is no excuse in the world for it in my judgment. There have been three months for the preparation of a river and harbor bill by a committee elsewhere, whose only business was to prepare a river and harbor bill, an intelligent river and harbor bill, and send that to the Senate. No such bill has come to the United States Senate; but as the distinguished Senator from Michigan well says, within the last three days of the session a proposition comes here to appropriate \$5,000,000 to be expended according to a river and harbor bill passed one year ago.

Suppose only \$5,000,000 are appropriated. There are from seventy-five to one hundred items in the river and harbor bill referred to below \$10,000 each; there are a dozen or twenty down to \$1,000, \$2,000, and \$2,500; and if the Secretary of War is obliged to follow out the behest of this bill, then he is to put on these rivers and harbors from two hundred to six hundred dollars each. What important rivers they must be if such an amount of money can be of any commercial use!

There are, I say, from seventy-five to one hundred items less than \$10,000. The proposition to appropriate \$10,000,000 does away in part with that argument; but after a consideration of two months the river and harbor bill reported to the House of Representatives at this session left out from forty-eight to fifty of the items contained in the old river and harbor bill. Then if the Secretary of War is obliged to follow the law of Congress he will be compelled to appropriate of the \$10,000,000 a portion to from forty-eight to fifty rivers that the River and Harbor Committee after two months' consideration decided were not entitled to a dollar.

I say you may look at it as you please, and there is no excuse to be offered to this country for making a lump sum appropriation by a river and harbor bill. The Senator says there are nearly \$10,000,000 left of the old bill to-day. If so, nothing will suffer. It may be said that this money is necessary to keep improvements in repair. That is not true, because in the river and harbor bill passed at the last session we put in a provision as section 4 which says:

And for the purpose of preserving and continuing the use and navigation of said canals, rivers, and other public works without interruption, the Secretary of War, upon the application of the chief engineer in charge of said works, is hereby authorized to draw his warrant or requisition from time to time upon the Secretary of the Treasury to pay the actual expenses of operating and keeping said works in repair, which warrants or requisitions shall be paid by the Secretary of the Treasury.

So, Mr. President, if there are works to-day that are suffering or that will suffer next year for want of repair and proper attention, there is a provision which authorizes the engineer in charge to make his demand upon the Secretary of the Treasury, and the Secretary of the Treasury to pay without limit any sums of money that may be necessary to preserve the Government works and keep them in repair. So there is not that excuse for this haste.

I am not going to weary the Senate with discussion; I am going to conclude with simply this proposition: It seems to me that the United States Senate owes to itself a duty in these premises, and it owes to this great country another duty in the premises, and that is to see to it when five or ten millions of dollars are appropriated that every item of appropriation shall have received proper, judicious, careful consideration by some committee of the Congress of the United States. It seems to me that the Senate owes a duty to itself, and that duty certainly can be performed without stopping the functions of this great Government. Where no Department is to suffer, where you do not take the Army or the Navy or the Judiciary by the throat and tell them to stop their lives, where nothing can suffer, surely the Senate owes to itself the duty not to make into law that which has received not one single hour's consideration by either the Committee on Commerce or the Committee

on Rivers and Harbors in either branch of Congress, and can not receive in this branch over two hours' consideration, and did not receive in the House of Representatives thirty minutes of consideration.

For these reasons, sir, I oppose any appropriation whatever.

THANKS TO PRESIDENT PRO TEMPORE.

Mr. PENDLETON. I desire unanimous consent at this time to offer a resolution, and I ask its immediate consideration.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The resolution will be read for information, when the Chair will ask for objection.

The Chief Clerk read the resolution, as follows:

Resolved, That the thanks of the Senate are due, and are hereby tendered, to the Hon. GEORGE F. EDMUNDS, a Senator from the State of Vermont, for the courteous, impartial, and able manner in which he has presided over its deliberations and fulfilled the duties of its President *pro tempore*.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution? The Chair hears none. It is before the Senate.

The resolution was agreed to unanimously.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8280) making appropriations for the preservation and continuation of certain public works on rivers and harbors, and for other purposes.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Commerce, in line 13, striking out "five" and inserting "ten."

Mr. COKE. Mr. President, the bill reported from the Committee on Commerce is not such a bill as I would have preferred. I am not at all enamored of it, but I do believe it is better than no bill at all. It is not the fault of the Committee on Commerce of the Senate that a better bill is not before this body, that we have not here an itemized and specific bill. That committee has had no time to perfect such a bill. It is presented here as it came from the House, with amendments in accord with the theory of the bill, as the best the committee was able to do under the circumstances.

The last river and harbor bill passed amounted, I will say, in round numbers, to \$14,000,000. The pending bill, as reported from the Senate committee, appropriates ten million of dollars, to be apportioned among the different public works in proportion to the amounts given to them in the last river and harbor bill. That something is necessary to be done, that some appropriation ought to be made, no Senator here, no member of either House questions. We have a system of public works embracing all the rivers and harbors in the country, works progressing to-day and dependent upon the appropriation to be made at this session of Congress for their continuance. Not only that, but the Government has at all these points property or plant which it is necessary shall be protected and preserved from waste and destruction which will ensue from non-use. An appropriation for this purpose is absolutely necessary.

The House has failed to send us a specific bill making an appropriation severally for each one of these public works. The Senate Committee had not the time and the Senate has not the time to make specific appropriations for each one of them, and there is no other alternative left us than to accept the bill before us or have nothing. We can do nothing else but make an appropriation as this bill makes it, *in solido*, trusting to the discretion of the Secretary of War and the Engineer Department to expend the money judiciously for the conservation of the great interests for which it is appropriated.

The honorable Senator from Maine says that he opposes any river and harbor bill constructed in the lump as this is. Mr. President, can we afford to throw away the large percentage of the work already done, to be lost from the failure of an appropriation? Can we afford to devote to destruction and waste the Government plant and property employed in every river and in every harbor of the United States in carrying on these public works? We can not. If we can not, then we must appropriate; and as we can not make specific appropriations, we must appropriate in the lump, as is done in this bill.

Shall we cease to improve our rivers and harbors? We can not afford to do this. Let it be remembered that cheap transportation is the one thing needful in this country, and that how to break down railroad monopoly and secure reasonable freight rates for our products is the great question of the day.

The recent debates in this and the other House of Congress, and especially before the Commerce Committee of the House, participated in by the ablest men in the country in and out of Congress, and especially by the most distinguished experts in railroad and other transportation, while showing great variety and difference of opinion in every other respect, all concur in ascribing to the navigable waters of the country a greater influence as competing factors in bringing down freight charges on railroads than all other agencies combined.

Water competition is universally admitted to be the best, most reliable, and most certain regulator of railroad charges of any other, and where it exists the most desirable. This is a great fact which can not be controverted or ignored. The producers of this country, the people

who create its wealth, are suffering from being compelled to give too large a proportion of their products as consideration for carrying the remaining part to market. The people of Kansas, of Nebraska, and other States are giving one bushel of corn for carrying another bushel to market. This instance is only an illustration of what is being done in a greater or less degree in respect to all the products of this country, and the wisdom of Congress is loudly invoked for relief. The cost of transportation to market is burdening the producers and taxing the consumers almost beyond their powers of endurance. We have endeavored during this session to legislate in the interest of these people in the regulation of interstate commerce, but have failed to accomplish anything. All concur in the opinion that a large measure of relief will come from opening up and clearing out our navigable waters. Is not this great object a worthy one, and ought we not to pursue it and reap for our people the benefits of its accomplishment? If there are those who doubt, are not the opinions of enlightened men who entertain no doubt such as impose the duty upon Congress to make the effort—to try the experiment if they choose to so term it? There can be no question about this.

It is true, Mr. President, that the House of Representatives has sent us a bill that we do not prefer, that we do not like, yet it is better than no bill at all. It has been amended—"five million" stricken out and "ten" inserted. Why can we not pass that bill? We can intrust the matter to the Secretary of War, to the Chief of Engineers. We abide by their discretion in all the river and harbor bills we pass to a considerable extent. Why can we not trust them on this bill as we have done on others when we have so great a stake at issue?

There is no reason in the world why we should not pass this bill. If it was a specific bill making specific appropriations for each public work, I should prefer it as you would, sir; but we can not have that. There is no time to perfect such a bill.

Mr. KENNA. Will my friend from Texas allow me to ask him a question?

Mr. COKE. Certainly.

Mr. KENNA. I do not understand the position occupied by my friend from Texas in his statement that this is not a bill specific in its application to every work provided for by the last river and harbor bill passed by this Congress. My understanding of the provisions of the present bill is that it appropriates \$10,000,000, to be expended in proportion for the prosecution of every work provided for in the last bill.

Mr. COKE. Certainly.

Mr. KENNA. The only difference, therefore, as I understand the situation, is that this bill appropriates ten millions and the last bill appropriated \$14,000,000 for the prosecution of identically the same general works on rivers and harbors; and I deny that this bill vests any discretion whatever in any officer in any Department of this Government which was not vested in that same officer, in that same Department, by the provisions of the last river and harbor bill. The only difference on earth is the difference in amount. By the last bill we appropriated an aggregate sum of \$14,000,000, the bill describing in detail the particular works to be prosecuted under it and the expenditure of the money provided for. By this bill in a lump we appropriate \$10,000,000 to be expended in proportion for the several works throughout the country provided for in the last bill.

Mr. COKE. There is no difference of opinion between the Senator from West Virginia and myself. I supposed that the Senate understood that this bill appropriated in the lump, as I stated in the commencement of my remarks, for apportionment among the several works specifically appropriated for in the last river and harbor bill, and I stated in the last observation I made before the Senator from West Virginia rose, that we reposed, in every river and harbor bill yet passed, to a certain extent, in the judgment and discretion of the engineers and of the Secretary of War, and no more in this than in the others, but the same in this as in the others.

Mr. KENNA. I did not exactly understand my friend before as I understand him now. We are not exactly on the same line in the discussion of this bill, and my object in interposing was not so much to interrupt my friend the Senator from Texas as to make understood the fact that this bill does not invest the Secretary of War or any officer of this Government with any discretion whatever in the expenditure of any dollar appropriated by it.

Mr. COKE. I take issue with the Senator from West Virginia. I read from the bill the following provision:

That there is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, and to be expended under the direction of the Secretary of War—

Mr. KENNA. If my friend will allow me to continue the reading of the same section—

Mr. COKE. I will continue the reading.

Mr. KENNA. If you please.

Mr. COKE. It continues:

For the construction, continuation, repair, and preservation of the public works mentioned and designated in an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes."

Mr. KENNA. And now will my friend allow me to continue the reading? The same section of the same bill continues:

In proportion to the sums appropriated for such works in and by the said act.

So that there is no discretion whatever vested in the Secretary of War, except to expend the \$10,000,000 appropriated by this act upon the same works whose improvement is provided for by the last act in proportion to the sums appropriated by the last act for the said works.

Mr. COKE. The Senator from West Virginia has stated simply what I had stated before, but now I call attention to a fact to show that the Secretary of War has discretion and that he exercises discretion. In the very bill to which the honorable Senator refers by which \$14,000,000 was appropriated at the last session of Congress, which the Secretary of War was directed to expend, there is of that appropriation now on hand nearly \$10,000,000 unexpended, because in his discretion the Secretary of War has chosen not to expend it.

Mr. KENNA. Oh, Mr. President, if the Senator will pardon me—I do not want to interrupt my friend—

The PRESIDING OFFICER. The Senator from West Virginia will not interrupt until the Chair has an opportunity of learning whether the Senator from Texas yields.

Mr. COKE. I do.

Mr. KENNA. I certainly do not wish to interrupt my friend from Texas, but the statement which he submits to the Senate now of the amount of money on hand for the prosecution of these various works is a statement based upon the report of the Secretary of War of the 1st of July last. We all know that, and we all know that since that time the demands of the current fiscal year have come into requisition, and none of us know to-day what amount is still on hand.

Mr. FRYE. The report was made February 23, and covered up to that date.

Mr. COKE. Yes, sir; February.

Mr. KENNA. But pardon me one moment further. If the Senator refers to the recent special report, then he omits from the calculation of that report the amount engaged by contracts entered into prior to and up to last July, and, therefore, the same application applies. The contracts for all the great works that are being prosecuted by contract were entered into prior to the 1st of July last, and every dollar that applies to the consummation of those works and the satisfaction of those contracts up to that time, not actually paid, is still on hand even to this very moment.

Mr. COKE. Now I hope, Mr. President, that I shall not be interrupted further.

I repeat my assertion that the Secretary of War and the Chief of Engineers have under this bill the same discretion that they have under all other river and harbor bills, and that under all river and harbor bills they have discretion to expend or not to expend the money, because it is a notorious fact that they do absolutely refuse to expend money under appropriations made under directions like those contained in this bill when in their judgment the expenditure of the money would result in no public good. Nothing is more common than this, and a volume of the Engineer's reports can not be found which does not show repeated instances of it.

I know that in my own State under a bill like this there are appropriations which have lapsed repeatedly because the engineers have decided that the money ought not to be expended, that the appropriation was not large enough for instance to justify the expenditure of the money, and in that fact is found the reply to the argument of the honorable Senator from Maine against this bill, where he says there are so many of these appropriations which will be whittled down so under this bill that it will be useless to attempt to expend them. In reply to that I have to say that this very discretion exercised by the Engineer Department and by the Secretary of War will prevent an expenditure of a dollar of those appropriations which are believed to be insufficient to accomplish any real good. So that so much of the argument of the honorable Senator from Maine as is directed against this bill on account of the smallness of some of the appropriations which will be brought down so low that no good can be accomplished with them fails.

I repeat I would have preferred that each one of the public works appropriated for had been named in the bill, but they could not be named. There was no time for it; there was no time for amendment. We could do nothing else but bring in a bill in the lump, *in solidò*, and we have got to take that sort of a bill or have no appropriation for the improvement of rivers and harbors at all; and I do contend, Mr. President, that the object for which this Government first commenced the great work of improving the rivers and harbors of this country is too great, too far-reaching in importance, and affects too large a proportion of the people of this country, to be abandoned or deferred for any light or transient cause, and that if we can not get the best bill that can be made for the purpose we ought to be willing to accept the best that under the circumstances can be brought before the Senate at this time, and such a one is the bill which has been reported from the Committee on Commerce.

DEFICIENCY APPROPRIATION BILL.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 8255) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1885, and for prior years, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon.

and had appointed Mr. SAMUEL J. RAYDALL of Pennsylvania, Mr. JAMES N. BURNES of Missouri, and Mr. JOHN D. LONG of Massachusetts managers at the conference on its part.

Mr. COCKRELL. I ask the Chair to lay before the Senate the action of the House of Representatives on the deficiency appropriation bill.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 8255) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1885, and for prior years, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. COCKRELL. I move that the Senate insist upon its amendments and agree to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the presiding officer was authorized to appoint the conferees on the part of the Senate, and Mr. HALE, Mr. ALLISON, and Mr. COCKRELL were appointed.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 7785) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1886, and for other purposes; and it was thereupon signed by the President *pro tempore*.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8280) making appropriations for the preservation and continuation of certain public works on rivers and harbors, and for other purposes.

Mr. MORRILL. Mr. President, I am always glad to support any river and harbor bill, but I think this bill is perhaps one of the most preposterous that was ever presented. It is true we have sometimes had bills proposed in bulk to pay a lumpsum and leave it in the discretion of the Secretary of War. I believe that would be much better than the bill now presented, for this bill is hampered by the river and harbor act of last year. If Senators will look at the act we passed last year, ten pages long in close print, and then look at the estimates this year, they will find that in many instances there has been a less sum asked for this year than was appropriated last year. Of course it follows that works which are progressing and which have arrived at any near degree of completion do not require as much money in the succeeding year as in the past. It will be noticed also that a considerable number of the ports and harbors that were appropriated for last year are omitted this year in the estimates.

Mr. HOAR. I should like to ask the Senator from Vermont whether the point which he makes, that it might take a small sum to complete works which are near completion, is not provided for in the proviso, beginning in the sixteenth line of section 1 of the bill:

Provided, That no more shall be thus allotted than is sufficient for the completion of said works under the present estimates.

Mr. MORRILL. The Senator from Massachusetts knows that none of these works are ever completed. There is always room for the expenditure of a little more money. Who is to decide whether they are completed or not? The bill now before us provides that the money shall be expended in exact proportion to what was appropriated for each work in the former bill.

There is another difficulty about the bill. Throughout the whole act of last year there were various provisos and conditions upon which the appropriations were made. In the present bill there are no conditions whatever. If the port or place has been barely mentioned, then the money may be expended there.

Under these circumstances it seems to me that the bill is a bill that will work badly. Some of the places which require very little money may get enough and perhaps too much; while others which require more will hardly get a pittance. In the estimates of this year there are many points where appropriations are asked for which are not even named in the bill of last year, and it ought to be supposed that the expenditure of last year would diminish largely the amount required to be appropriated this year.

Again, the bill as now proposed to be amended appropriates a larger sum than the Department have estimated would be requisite. They have only asked for \$8,000,000, and now it is proposed by the Committee on Commerce to increase the sum to \$10,000,000, although by the statement of the Senator from Maine no longer ago than the 23d of February there was not less than \$9,000,000 on hand. Last year the appropriation was for \$14,800,000, and now, with the amount on hand and what is proposed there will be \$19,000,000 to expend—a larger sum by \$4,000,000 and over than was appropriated last year.

Under these circumstances I do not feel at liberty to vote for the bill. I think the committee should have distributed the appropriation where it was most needed; but under the conditions of the bill, without any discretion left to the Secretary of War, it must be distributed exactly according to the act of last year.

Mr. HOAR. The Senator from Vermont has made two objections to the bill.

Mr. MORRILL. I make three.

Mr. HOAR. One is that there are many works mentioned in the act of last year which a small sum only will be required to complete, and that the allotment made under the bill may be considerably more than those works need. I am surprised, knowing the usual candor of my honorable friend, at the answer he made when I called his attention to the proviso in the bill which reads:

Provided, That no more shall be thus allotted than is sufficient for the completion of said works under the present estimates.

How could the honorable Senator think of his answer to that proposition when he says we all know that these works are never completed? Who is to determine the matter? The Secretary of War will not spend more than he thinks is necessary to complete the work, and he can not spend as much as he thinks is necessary to complete it unless it is a sum within the limit of the appropriation for the present year.

Mr. MORRILL. I should like to have the Senator refer me to some document which will show the exact amount necessary to complete any one of these works.

Mr. HOAR. The present Book of Estimates is the document.

Mr. MORRILL. The estimates are not for completion, but for continuation in a majority of cases.

Mr. HOAR. Yes, they are, largely. The original estimate of a work is always an estimate which gives the amount necessary to its completion. Then it goes on from year to year giving the amount that could wisely and profitably be expended in a particular year.

The Senator says that there are conditions and provisos in the last act and they are not repeated here. I think any lawyer would say that the legal effect of the bill is to leave the appropriation under existing conditions.

Mr. MORRILL. It does not say so.

Mr. HOAR. That is the legal effect. The sums being appropriated for such works conditionally, the condition would attach. I suppose the Senator would have no sort of objection to adding after the words "in proportion," in the fifteenth line of section 1, the words "and upon the condition therein expressed," or words the effect of which would carry over the condition of the appropriation.

Mr. MILLER, of New York. Mr. President, it is a matter of personal regret to myself that I feel compelled to oppose the passage of the present river and harbor bill. It is well known to my associates on this floor that I have hitherto favored such bills which have been brought before this body, and that I have given much labor and study to the improvement of the rivers and harbors of our country. I have held, and still hold, that all proper appropriations for the improvement of our rivers, our harbors, and the canals which are under the control of the General Government are the wisest expenditures of public money that can possibly be made. Outside of the Post-Office Department no appropriations which we make bring back so sure and so quick a return to the people in actual profit as proper appropriations for our rivers and harbors.

But with my sense of public duty as a legislator I can never consent to give my vote or my voice for a measure which has received no consideration at the hands of the appropriate committee of this body. That is the condition of this bill. I do not stand here to charge dereliction of duty upon the co-ordinate branch of the Legislature, but for one I should be glad to see the rules of the Senate so amended that this body would never give a moment's consideration to any general appropriation bill which did not come to this body from the other House at least thirty days before the day of final adjournment.

If the Senate of the United States is to be charged with the duty of legislation, if we as the representatives of our several States are to be held responsible for public legislation, and particularly for the appropriations of money out of the Treasury, then certainly we should exercise our constitutional right of originating appropriation bills and passing them through this body; or if we are to follow the custom which has hitherto prevailed and permit the other House to originate all general appropriation bills, we should insist now and at all times that the co-ordinate branch of this Legislature should send us those bills in time, so that we may give them careful consideration.

No appropriation bill that comes before this body requires so much time, so much consideration, so much examination by committees and experts, so much study, thought, and work on the part of the committee having it in charge as does the river and harbor bill. It requires an accurate knowledge of every harbor, of every important river, and of all the canals which are under the control of the Government before the committee can act intelligently.

It does not follow that we can this year take the bill of last year and appropriate money in accordance with the provisions of that act. The engineers who have the work in charge are continually learning from month to month and from year to year that many of the appropriations and much of the work hitherto done have been experimental, and that a change is required in plan, or that the work should be entirely abandoned. By no possibility, in my judgment, could any general appropriation bill be so illy taken as the criterion for a coming year as the ordinary river and harbor bill.

It is an open secret that the committee in the other branch of this Legislature which considered this question from the opening of the session in December down to last week, instead of adopting and following the act of last year, failed to make any appropriations for nearly—

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Chair must remind the Senator from New York that it is not in order to refer to the action of the other House.

Mr. MILLER, of New York. It has already been referred to here by every speaker who has spoken. I am not referring to the action of the House, but I am referring to what is known and what every one knows to have been the action of a certain committee having this matter in charge. I think I may say within the parliamentary rule that certain persons attempting to make up a river and harbor bill left out of it nearly fifty distinct appropriations which were contained in the bill of last year, showing most conclusively that by their investigations and by the light which had come to them during the past year it was found that we did not need any bill like the bill of last year, but that we needed a new bill, with new provisions, with a large number of new appropriations in it, and with a large number of the old appropriations left out of it.

I gave my support to the bill of last year. As a member of the Committee on Commerce I took great interest in its consideration in that committee, and labored long and heartily upon it. The Committee on Commerce of this body made many radical changes in it. The committee struck out very much of what was generally believed to be unwise appropriations, but I regret to say that in the final consideration of that bill by the conference committee of the two Houses very much of the legislation which the Committee on Commerce had stricken out of it was put back, and that in that shape it finally passed this body and became a law.

But it needs no particulars in my judgment to condemn this bill. We are coming in my opinion to a condition in legislation upon rivers and harbors which calls for a halt. The people of this country are demanding not that the appropriations for rivers and harbors shall be limited to \$5,000,000 or \$10,000,000 or \$15,000,000 per annum, but they are demanding that the appropriations shall be made for the great public works according to the necessities of the country.

A great change has come about in our merchant marine within the past fifteen or twenty years. In short, within the past five years the draught of nearly all sea-going vessels has increased from sixteen or eighteen feet to twenty, twenty-two, twenty-six, twenty-eight, or even thirty feet of draught of water. The result is that nearly all of our great harbors, or what were known as great harbors a few years ago, upon the Atlantic coast are now not able to admit into them the great ships of the merchant marine which come to them. At the port of New York, through which three-quarters of all the foreign commerce of this country passes, a large number of the foreign steamers running to and from that port to-day are not able to pass over its bar with more than three-quarters of a load. If that obstruction should be removed it would reduce the cost of transporting every bushel of wheat and corn which is sent abroad. To do the work there the appropriation carried in a river and harbor bill should be not less than \$1,000,000 per annum. To give it a paltry \$150,000, as it would have under this bill, would amount to nothing. It would be a waste of the money.

I appeal to the Senator from Texas in regard to his own great port of Galveston, to say to this body of what value will be the \$200,000 which would go to that port under the provisions of this measure as it now stands if it should pass. If the Senator were to answer that question he could only say that it would be of no avail whatever. The works contemplated at Galveston require an expenditure of several million dollars. We have spent there a large sum already. It seems to be the opinion to-day and the growing opinion of civil engineers that the work at Galveston Harbor has thus far been largely a mistake—a mistake either in plan or in construction, it matters not which. If anything is to be done for the great State of Texas, which is an empire in itself—and certainly it should have a harbor into which the greatest ships floating from the sea could come at all times—the appropriation for Galveston Harbor should not be \$150,000 or \$200,000, but it should be all the money which the engineers can wisely expend in a fiscal year. Less than that is folly; less than that is wastefulness. It is a waste to spend only \$200,000 a year upon Galveston Harbor. It would scarcely keep the work moving; it would scarcely keep it in proper repair.

Shall we go on in this way from year to year scattering our appropriations upon little rivers, many of which may be of value to their localities, many of which undoubtedly are, if not all of them, but certainly many of them are simply of local importance? They are streams which can be used for rafting lumber. Surely that is an industry demanding our consideration perhaps, but notwithstanding, the people of this country claim and will demand at our hands that in the distribution of the public moneys upon our rivers and harbors the great ports of this country shall be opened, and shall be opened in such a way that the ships of the present day can find easy ingress and egress.

What I have said of Galveston is true of the great works which are going on at the mouth of the Saint John's River. The Saint John's River is the artery of the State of Florida. The mouth of that river ought to be opened so that all the large steamers which desire to go

there can get in. The appropriation which would come to that river by this bill would be of little or no avail. The appropriation for that river should be such that the work can be pushed to speedy completion, and then the great State of Florida will be developed. But we give it a paltry \$150,000 or \$200,000 under this bill—I do not know the exact amount—which will scarcely keep the dredges and the machines of the Government going. In other words, the money will be squandered, and this appropriation will be unwisely expended.

What is true of the mouth of the Saint John's River is true of Charleston Harbor. There we have undertaken large works, to deepen the water over the bar and to admit large ships to come into that port so as to carry the cotton grown in the adjacent country to England. The appropriation made under this bill, if it shall become a law, will do little or no good there.

Thus I might go on and specify item after item. I believe also that the large sum given in this bill to the Mississippi River and to the Missouri River will be largely wasted. I believe that the present condition of the improvements of both those rivers calls for a halt; that it calls for a full consideration as to whether the money heretofore expended has been wisely expended.

I want to say for myself that I am for the improvement of the Mississippi River and its navigation; I have always voted for it; but I believe that no bill should pass until that matter is fully considered by the Committee on Commerce, and until we have fully satisfied ourselves in regard to the criticisms which are now being made throughout the length and breadth of the country upon the improvement of the Mississippi River. Statements are made which require our careful consideration, going to show that very much of the work which has been done under these large appropriations has proved a failure; that it has shown that the work laid out by the commission and the engineers is to-day largely experimental. If it is experimental it can do no harm to make it wait for another year, until the money has been expended which is now in the hands of the Secretary of War for it, and that then we may carefully and considerably determine whether we shall continue the improvement of the Mississippi River upon the present plan. It is well known to every member of the Senate that the great engineering authorities of this country and of the world are not in harmony upon this question; that there is a great dispute going on as to the wisdom of the present system of improving the Mississippi River.

Now as to the Missouri River. Last year in the river and harbor bill we created a commission for the Missouri River, thus to a certain extent taking it out of the hands of the engineers of the Army and out of the control of the Secretary of War. I am satisfied that that was unwise. I am satisfied that in the very near future we shall substantially abandon all improvements upon the Missouri River. I understand that at the present day—I am so told by a Senator who knows—there is not running upon the Missouri River a single through steamer, that what is called through trade or traffic upon it has been substantially abandoned, and that the traffic upon the river now in steamboats is carried on only in stretches between some important places. If this be true, then certainly we ought to go slowly in appropriating large sums for that river. It is undoubtedly true that in the development of that country to the present time the river has been of much value, but it seems now that it is largely supplanted by the great number of railroads which have been built throughout that country, and which have shortened the distance of transportation over that hitherto upon the river.

Be that as it may, I hold it to be the duty of the Senate to see to it that no important legislation, certainly no bill carrying \$10,000,000, shall pass this body without having proper time for consideration in the Committee on Commerce to which it was committed. The bill came to this body on Friday last. It did not fully reach the committee, printed and by reference, until Monday of this week. As the Senator from Texas said, there was no alternative left us save to take the bill with a few general amendments upon it, or to abandon it for this session.

But certainly the blame does not lie at our doors. The Committee on Commerce have been waiting for this bill for weeks and weeks, asking in our own way when it would come to us, until finally one Senator not a member of the committee took the liberty of introducing a complete river and harbor bill and sending it to the committee. But as this body has, I believe, in nearly all its past history waited for these bills to come to it from the co-ordinate branch of the Legislature, so we waited for this bill. It comes to us in the closing hours of this session.

Two years ago when a bill came to us not in this shape, when a bill came to us from the House of Representatives in complete and full detail, item for item, if I remember correctly, it reached us some three or four days earlier in the session than this bill reached us. That bill went to the Committee on Commerce, and what was the result? The Committee on Commerce reported back to this body that it had not sufficient time to consider that bill, and that it would make no report upon it, and the bill failed. However, no great evil effects came to the country from the failure of that bill. That bill, like this, contained petty appropriations by the hundred. It did not contain proper and

sufficient appropriations for the great works of this country and I do not know that its failure occasioned great loss to the works. I have seen no report tending to show that any great loss came to the public works of this country by the failure of that bill.

Certainly the House of Representatives should have taken warning by that action of this body and should have sent us this bill two months ago. It could easily have done so. It could have sent us a bill which we could have considered fully and definitely; but now it comes to this, that another body, sitting in another portion of this Capitol, can take into its own hands all the appropriations for the management of this great Government, including every department, the Army, the Navy, the Post-Office, the legislative, executive, and judicial departments, and it can hold the bills until within twenty-four or forty-eight hours of the adjournment under the Constitution, and it can then bring in those bills here and say to us: "Take them; pass them as we have made them, or there shall be no bills, or you take the responsibility of forcing an extra session."

We are not sent here to legislate in any given number of days. We do not hold our offices for months; we hold them for years. If the public business of the country demands that this national Legislature should remain in continuous session for three hundred and sixty-five days in the year in order to complete properly the public business, then I hold it to be our duty to stay here and to give to the public business all our time. It is for that purpose that the States which have sent us here have given us our commissions. We can not excuse ourselves in the manner suggested by the Senator from Texas. It is no reason whatever in my judgment to say that this bill must pass as it is or there will be no appropriation for rivers and harbors and that the great works of this country will go to ruin and destruction.

I believe that it is in the interest of all the public works of this country, I believe it to be in the interest of Galveston Harbor, in the interest of the Saint John's River, in the interest of the Mississippi River, of Charleston, of Baltimore, of Philadelphia, of New York, of Boston, of Portland, and of all the great lakes that this bill should fail here and now. If it does fail here, if the Senate says to the other branch we shall not consider a bill sent to us in this manner, then the House will hereafter give us time for pause and consideration, and when another Congress shall meet, whether it shall be in December or within thirty days, then I think any committee of either House having this matter in charge will take it up in entirely a different temper and spirit from that which they have exercised in preparing this measure, and they will come to view these great works in their proper light, and when they make appropriations they will be made properly.

Mr. President, can we not adopt the plan followed by our near neighbors across the border in Canada? When any great public work there is devised and money is appropriated for it, there is appropriated at one time sufficient to furnish and complete the work. If it should be discovered that it required \$20,000,000 to complete any harbor in that country and the engineers could use but \$5,000,000 per annum, the appropriation would be for \$20,000,000 to be used at the rate of \$5,000,000 per annum. Then the work could go with speed and with proper consideration for economy, and such appropriations as that would be in my judgment wise and economical.

It is not the amount of money carried in this bill which forms the objection to it. The amount of money carried in this bill is not one-third of what it should be for the great harbors and rivers of this country. The waste, the absolute waste of this measure is that it gives out the money in dribbles to great works. It gives it out in such dribbles that it barely maintains the work.

We have been working at Galveston Harbor now for a number of years, I do not know just how many. We have increased the depth of water over the bar I think three inches by the last measurement. If we shall go on with the appropriations here to be made in this way, the successor of the Senator from Texas, or his successor in the third or fourth generation, will be in his seat before a steamship drawing thirty feet of water can cross the bar at Galveston Harbor. Nothing can be done in this way.

The Republic of France appropriates in round numbers \$20,000,000 for her rivers and harbors, but when she wants to make a great improvement she puts down the money in an appropriation bill for the whole thing and orders it to be done in the shortest time possible. That is economy; that is wisdom; that is business. If any business man wanted to improve his plant, if any great railroad corporation wanted to improve its plant in order that it might do its business more profitably and cheaply, it would make its improvements at once. It would not make them as we are making these appropriations.

I say then the time has come to call a halt in appropriations for rivers and harbors, and to set ourselves to work in this body and in the other branch of the Legislature to see if we can not revolutionize the entire system of making these appropriations. Let us take up the great public works, many of which I have mentioned and many others quite as important which I have not mentioned, and see to it if we can not devise means by which they shall be pushed to rapid completion. For instance, if the depth of water over the bar at New York could be increased from twenty-four feet to thirty feet, it would save to the farmers of the West more in one year than all the money which has been ap-

propriated for rivers and harbors in the past four or five years. So with the other great ports of our country.

I am not making any attack upon the smaller ports or upon the less important points. They are undoubtedly necessary to their people. No bill probably will pass which does not carry wise and just appropriations for smaller rivers and for smaller harbors; but in making this distribution I hold it to be necessary for the good of the whole country that these appropriations should be made in such a way and in such a manner as to enable these great works to be prosecuted rapidly to completion. Otherwise we are constantly losing the interest upon the money put into them. We get no benefit from the moneys thus expended until the work is substantially completed.

Mr. President, I shall detain the Senate but a few moments longer upon this question. I hold that if this bill should fail here by the action of the Senate, the Senate can in no way be held responsible to the country for the failure of a proper river and harbor bill. I believe there is not a Senator upon this floor who has not had from his constituents numerous applications by commercial bodies to be heard upon this measure, and to be heard upon new appropriations proposed to it. For one I have had a large number of communications from the people of my State asking to be heard upon the river and harbor bill, suggesting amendments and improvements over the action of last year. I have said to them all, when the river and harbor bill is properly before the committee the committee will hear you and will decide upon the claim which you may propose. What is to be the answer now that I shall give to my constituents? That the river and harbor bill came into our hands forty-eight hours before the final adjournment of Congress, and that this body, equal in power in the legislation of this country, yielded all its rights of amendment, all its rights of consideration in the committee, that it denied its doors and its committee-room to the people of this country who desired to be heard upon it, and that we took this bill ready-made to our hands.

It can not be argued that if this bill shall fail the great public works upon our rivers and harbors will suffer for repairs or by damage by the storms or elements. The river and harbor act of last year in section 4, as read to this body a short time ago by the Senator from Maine, shows that the Secretary of War has absolute power to maintain all the present works in their entirety and to repair any and all damage which may be done to them by the elements. Therefore the argument that if we fail to pass this bill the public works will greatly suffer by damage, by decay, falls to the ground; there is absolutely nothing in it.

I repeat that I believe it to be in the interest of the improvement of our great public works that this bill should fail. If I did not so believe I should be compelled to give it my assent, for I hold that no one of the great States of this Union is so much interested in the improvements of rivers and harbors as my own State, the State of New York. There is not a dollar of all the money carried in these bills to be properly and wisely expended upon any river throughout the entire length and breadth of this country which does not bring an immediate profit to the State of New York. We send our ships to every port upon the Atlantic coast, upon the Gulf, and upon the Pacific; we send our commerce and our produce to every port upon the great lakes, and whatever is done by Congress to improve these great water ways and these great harbors brings profit to the commercial interests of the State of New York.

The advancement of the interests of commerce has made the Erie Canal absolutely free. It has demanded, however, and has asked through its Legislature this winter, that Congress shall provide for the building of the Hennepin Canal. I believe that to be a wise recommendation to this body. I believe that that work should be done by the Federal Government. Certainly the State of New York, after having expended more than \$60,000,000 on the Erie Canal and having made it free to the commerce of the country, has a right to ask that other great works which shall be a benefit to the whole people shall be prosecuted by the Federal Government. It has done this. It has asked through its Legislature for many other important works.

Resolutions have come to me as one of the representatives of that State. Shall my answer be that, as Senator from the State of New York, I consented to the passage of a river and harbor bill without giving it thirty minutes' consideration in the committee, without being able to add any item of appropriation to it, without hearing any of the delegates of the great commercial bodies of the city of New York upon the necessity of deepening the water over the bar at the entrance of New York Harbor?

Shall I give that answer to my constituents? Mr. President, I can not. I stand here, though I say it with great regret, opposed to this bill; for hitherto I have supported these bills. I have labored for a proper river and harbor bill at all times, and I regret that this bill did not come to us in time at this session of Congress in order that the Committee on Commerce might give it careful consideration, and that every section and portion of our country might be heard, and properly heard and properly cared for.

I believe, then, that this bill should fail for the best interests of the whole country. I believe it should fail for the interests of this body, if hereafter we are to exercise our just right and control in the public legislation of this country.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 8279) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1886, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHN HANCOCK of Texas, Mr. WILLIAM H. FORNEY of Alabama, and Mr. WILLIAM D. WASHBURN of Minnesota managers at the conference on its part.

The message also announced that the House had passed the joint resolution (S. R. 114) to provide for printing the annual reports of the Smithsonian Institution.

The message further announced that the House had passed a joint resolution (H. Res. 347) to provide for the printing of additional copies of the report of the Committee on Military Affairs on the investigation of the National Home for Disabled Volunteer Soldiers; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 754) for the relief of Nathan H. Dunphe, of Bridgewater, in the State of Massachusetts; and it was thereupon signed by the President *pro tempore*.

FORTIFICATION APPROPRIATION BILL.

Mr. DAWES. I ask that the message from the House in reference to the fortification bill be now laid before the Senate.

The PRESIDING OFFICER (Mr. HARRIS in the chair) laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 8279) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1886, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. DAWES. I move that the Senate insist upon its amendments and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent the presiding officer was authorized to appoint the conferees on the part of the Senate; and Mr. ALLISON, Mr. DAWES, and Mr. COCKRELL were appointed.

The PRESIDING OFFICER subsequently said: The Chair substitutes the Senator from Kansas, Mr. PLUMB, for the Senator from Iowa [Mr. ALLISON] as a conferee upon the part of the Senate upon the disagreeing votes of the two Houses on the fortification appropriation bill.

INDIAN APPROPRIATION BILL.

Mr. DAWES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House (7970) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the fiscal year ending June 30, 1886, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 27, 28, 74.

That the House recede from its disagreement to the amendments of the Senate numbered 110, 111, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: Strike out section 11 of the bill of the House and insert the following in lieu thereof, to wit:

"That immediately upon and after the date of the passage of this act all Indians committing against the person or property of another Indian or other person any of the following crimes, namely, murder, manslaughter, rape, assault with intent to kill, arson, burglary, and larceny, within any Territory of the United States, and either within or without an Indian reservation, shall be subject therefor to the laws of such Territory relating to said crimes, and shall be tried therefor in the same courts and in the same manner, and shall be subject to the same penalties, as are all other persons charged with the commission of said crimes respectively. And the said courts are hereby given jurisdiction in all such cases. And all such Indians committing any of the above crimes against the person or property of another Indian, or other person, within the boundaries of any State of the United States, and within the limits of any Indian reservation, shall be subject to the same laws, tried in the same courts and in the same manner, and subject to the same penalties as are all other persons committing any of the above crimes within the exclusive jurisdiction of the United States."

And the Senate agree to the same.

H. L. DAWES,
P. B. PLUMB,
M. W. RANSOM,
Managers on the part of the Senate.
E. JOHN ELLIS,
WM. S. HOLMAN,
THOMAS RYAN,
Managers on the part of the House.

Mr. VEST. As I understand the report—

Mr. DAWES. The Senator does not want to make his motion until after the report is concurred in.

Mr. VEST. No, I do not want to make my motion now, but I want to understand the report. As I understand it the House recedes from all its amendments except what is known as the Oklahoma amendment. Is that correct?

Mr. DAWES. That is correct.

Mr. VEST. There was so much talking I could not hear the reading of the report.

The PRESIDING OFFICER. The question is on concurring in the report of the committee of conference.

The report was concurred in.

Mr. DAWES. I will state the condition of the bill at this time. On this last conference report the Senate recede from its amendments numbered 27 and 28 in reference to the Otoe and Omaha Indians, and also the North Carolina appropriation. The House recedes from its disagreement with the Senate in all of the legislative matter except the one called the crimes act. In that they agree with the Senate with an amendment which has been read and concurred in. There is nothing now open except the amendment of the Senate striking out the provision called the Oklahoma matter, and upon that the two committees propose to take again the judgment of their respective bodies.

Mr. VEST. I move that the Senate recede from that amendment.

The PRESIDING OFFICER. The Senator from Missouri moves that the Senate recede from its amendment numbered 112.

Mr. SHERMAN. I should like to have the amendment read.

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. Amendment No. 112 is to strike out section 10, as follows:

SEC. 10. That the President is hereby authorized to open negotiations with the Creeks, Seminoles, and Cherokees for the purpose of opening to settlement under the homestead laws the unassigned lands in said Indian Territory ceded by them respectively to the United States by the several treaties of August 11, 1866, March 21, 1868, and July 19, 1866; and for that purpose the sum of \$5,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated; his action hereunder to be reported to Congress.

Mr. DAWES. I do not wish to consume the time of the Senate a single moment except merely to state this case. The proposition in the bill is to open negotiations with the Indians in the Indian Territory for the session of this land.

Mr. SHERMAN. That is the House proposition.

Mr. DAWES. That is the House proposition. The Senate have stricken out that proposition. The conferees on the part of the Senate have been from the beginning willing to take that proposition if there would be annexed to it a provision to keep people off from that land until the negotiation is consummated. To that the House conferees refused to agree, and the question is whether we shall open negotiations for that Territory under circumstances such as were described here this afternoon, that will invite thousands of people down there in advance to take possession of that land, so that when the title become ours there will not be left a foot of it for an honest homesteader.

All that the conferees on the part of the Senate ask is that a provision shall go along with the negotiation which shall keep trespassers and marauders and lawbreakers from the land. If the negotiation has an honest purpose, a purpose in an honest way to extinguish the Indian title and open up to homesteaders that land, I can not understand why any one objects to keeping trespassers off it until the honest homesteader can go and take his land. I do not understand why it is that people insist upon the negotiation but refuse to keep the land from the trespasser while the negotiation is going on. If the House provision remains in the bill, when the negotiation shall have been consummated there will be five men already there for every one hundred and sixty acres of land.

Mr. BROWN. Is the provision just read the House proposition?

Mr. DAWES. The provision just read is the House proposition and the Senate struck it out. The Senate conferees offered to take it provided there was added to it the provision which has passed the Senate twice, making trespass upon the Indian lands a misdemeanor, declaring that until these men can lawfully go upon this land it shall be a misdemeanor for them unlawfully to enter upon it and take possession of it.

The whole trouble has arisen from the fact that the existing law has only imposed a fine upon trespassers upon the Indian land, and this man Payne and this man Couch have gone on there with their followers, making their followers believe that they could obtain homesteads there, and when the United States has taken them to Fort Smith and imposed the fine upon Payne and upon Couch they would take the poor debtor's oath the next day, and turn around and go to Kansas and in a week have another body of deluded men ready to go down there. They have gone through with that ceremony week after week and month after month, and the President in his messages has asked Congress to make it a misdemeanor. The Senate has twice passed that proposed law, and all that the conferees on the part of the Senate ask is that that shall be a part of the negotiation. Yet those who claim that their only desire is to fairly negotiate to open this land to the honest settler refuse to give the honest settler a chance, and I cannot understand how it is.

Mr. VEST. Suppose the conferees on the part of the Senate succeed in striking out the provision which was placed in the bill by the House of Representatives, what is the condition then of this Oklahoma question? It is exactly in the condition it has been in for the last five years, subjected annually to these raids on the part of these lawless and desperate men. What do we propose ourselves if we strike out the provision of the House and force this legislation, as the Senator from Massachusetts would have it? Do we make this thing any better? Does he give us any remedy? Does he stop these lawless raids?

Mr. DAWES. I will state to the Senator that we propose the remedy, but those who want this provision of the House refuse to take the remedy along with it.

Mr. VEST. I have never from the beginning of this discussion six years ago failed to declare that those people had no right to go into that territory. I offered the first resolution which was offered in the Senate which is now embodied in the bill reported by the Senator from Massachusetts and for which I voted, declaring that these raids were unlawful, in violation of the statutes and in violation of the treaties made with the Indians.

Mr. DAWES. I understand the Senator to take that position. I have no complaint to make of the Senator's position, but I do not understand why those who insist upon the negotiation without the remedy say that all they want is to give the honest homesteader a chance. He would have no chance.

Mr. VEST. I hold that it is wise statesmanship to take the best you can get. We can not force the House of Representatives, and I am not here to argue that question. We can not force them, it seems, to give up this provision. They adhere to it; and now the alternative is presented to us to let this thing stay as it is or to attempt a partial remedy when we can not achieve a complete one. Couch and his men, who now lead this desperate invasion into that Territory, assert that there is no Indian title to the land. We assert upon the contrary that there is one. The provision of the House of Representatives says that there is an Indian title, and says we shall treat these Indians fairly and purchase whatever right they may have. Is there nothing in that? For the life of me I can not understand how the provision of the House invites them to go into that Territory.

The Senator from Kansas [Mr. INGALLS] stood here to-day and told us that 20,000 armed men were hovering upon the border of Oklahoma ready to go in upon the 5th of March, and yet we are to do nothing. When we say to those people there is an Indian title, when the Congress of the United States says by the House provision you must wait until we have negotiated with the Indians and purchased their title, how is it possible that we invite immigration? Does anybody suppose that if we do nothing those men will stay out of that Territory? Do we not know, did not the Senator from Kansas himself declare on this floor that unless we passed the provision of the House, those people are ready and are claiming that the new administration would protect them in this lawless invasion of the territory of Oklahoma?

Mr. President, if we recede from the amendment we simply assert what is the law, and if those people then go in they go in over the United States Army. After all, it is not the law of Congress, it is the armed force of the country that must keep them out. They propose to go. They propose to resist this Army. They were ready during the past winter to resist it and nothing drove them out except famine. If General Hatch had risked an engagement he would have found that those men would have willingly gone into battle with his troops, but the unusual inclemency and rigor of the winter, unparalleled before in that latitude, and the want of provisions drove those people out. Now we are told, as we have been told for six years, "Let this thing alone; let those people go; can not we still keep the Army there; can not we fully rely on the Army?"

All I propose is to start in the right direction by extinguishing the Indian title. I am in favor of using as much force as any Senator on this floor in order to preserve the peace and see that the laws of the United States are respected and enforced; but I say if you can not get the full remedy, take all that is possible; and unless we take the remedy the House proposes we get nothing.

Mr. MAXEY. I can not see why it is that the chairman of the Committee on Indian Affairs, who is the Senator in charge of the Indian appropriation bill, should object so strenuously to the action of the House proposed to be stricken out by the Senate. It is conceded by him, it is conceded by all, that this country, which formerly belonged to the Creeks, the Cherokees, and Seminoles, and which is assigned and specified in the clause inserted in the bill by the House, is unnecessary for the Indians and ought to be used for homestead purposes. The Senator in charge of the bill states that; the Senator from Missouri states that.

Now, why should this provision be stricken out? Whatever title, if there be any left in the Cherokees, the Creeks, and the Seminoles, the provision proposes that the United States shall acquire by a fair and lawful treaty. The Senator from Massachusetts does not object to that, he says, but he thinks the provision should go further and embrace a clause laying a heavy penalty upon those who enter into that country. That is his objection to it. If the Senate does not recede and this paragraph is stricken out what becomes of his proposed amendment? As the Senator from Missouri has well said, you leave things in the exact condition they have been in for the last six years, and which has caused such great disturbance.

But has not the Government of the United States the power now to get those people out? It has been proven conclusively during the present session of Congress that this Territory is not subject at public or private sale to entry for homestead or any other purpose. It is conceded that it is unlawful for any one to enter upon or attempt to occupy that country. That is conceded everywhere. If it be unlawful now

for that to be done, it is the duty of the President, in the faithful execution of the laws, to keep all persons out. That he has done, and the strong arm of this Government properly exercised can continue to do that. In the mean time here is a lawful measure not to deprive the Indians, if they have any right, of that right by a lawless method, but a fair and honorable proposition to invest the President of the United States with the lawful power to enter into negotiation to acquire whatever title those Indians may have.

In my judgment the provision of the House is a proposition in the interest of peace; it is a proposition in the interest of the Indians. It is a proposition which, carried into operation, will produce the very effect which the Senator from Massachusetts says he desires to produce; it will open up this vast country to settlement by honest, upright, hard-working people who seek homes.

It is idle for any man to close his eyes and say that that great country unoccupied by a human being should be kept for all time to come in that situation when there are so many laboring, toiling, poor men anxious to secure a home for themselves, their wives, and their children. It should be done, and it is in the book of fate that it shall be done, and if done let it be done lawfully. The House have so provided. The provision of the House is a wise provision.

But the Senator from Massachusetts has changed front on this Indian bill since the other day. When some of us wanted to have depredations committed by these Indians paid for he insisted that it should not be done. He said that was legislation on an appropriation bill and a violation of the rule of the Senate. Now he comes forward and proposes legislation upon this same appropriation bill, just as in the same bill he proposed legislation pointing out a new mode and method for settling for those depredations, still insisting when the other side wanted legislation that that was a violation of the rules of the Senate.

Mr. President, it would be a wise thing to do as proposed by the House, and for one, detesting lawlessness in every shape and form, having no sympathy with these boomers in any sense of the word, having no sympathy with lawlessness in any sense of the word, I say here is a lawful method pointed out for a peaceable settlement of this difficulty, and in the mean time the power of the Government is ample to protect that country. The Senator from Kansas himself stated that there was not a single head of stock in all that Oklahoma country belonging to a white man, and the charge that this country was sought to be held up and kept for the Western cattle-men is untrue in fact, for there are no cattle there and no cattle-men there.

The Secretary of the Interior states that no contract has ever been made for that country. That is a matter of official note. So these stories designed and intended to enable men by the strong arm to go in there and unlawfully hold that country are not true. The Government has had the power to keep them out. The Government has exercised that power and exercised it wisely. Take your 20,000 men in buckram—at least I presume those to be so who are talking about going in there on a raid in forty-eight hours—and I venture to say that the President of the United States will keep off those men. If this measure is passed as it was designed to be passed a peaceful and lawful acquisition of the entire title of those Indians will be obtained by the President of the United States. Then the country will be opened out for homestead purposes and be in a thriving, a prosperous, and a habitable condition, occupied by men who have acquired their homes by honest and lawful obedience to the law and by the exercise of honest industry.

Mr. President, I hope the Senate will recede from that. We have heard a great deal said about the course of the House, and many criticisms have been made upon it here. What is this? Here is a proposition, a lawful proposition, and the attempt is to drive the House of Representatives into doing that which they tell you they will not do. Can you drive them any more than they can drive you? No. You ought to put something more in the provision, it is said; that is all. You want to increase, in other words, the penalty which now exists by law. There is a penalty now. The act forbidden is unlawful now. You want to increase the penalty, because you assume that which is not true, that the Government has not both the will and the power to protect that country. It has both the will and the power. It has done it hitherto successfully, and it will do it again. Adopt this, and the title of the Indians is extinguished honestly and lawfully for a sufficient consideration paid them from the Government, and then the country will be opened to homesteads, and the great object, which the Senator from Massachusetts says he desires, that these lands shall be secured to citizens for homestead purposes, is accomplished.

The PRESIDING OFFICER. The question is, Will the Senate agree to the motion of the Senator from Missouri [Mr. VEST] that the Senate recede from its amendment?

Mr. DAWES. On that I call for the yeas and nays.

The yeas and nays were ordered.

Mr. HARRISON. Will the Chair state the question again?

The PRESIDING OFFICER. The question is on the motion of the Senator from Missouri [Mr. VEST] that the Senate recede from its amendment to the Indian appropriation bill.

The Secretary proceeded to call the roll.

Mr. SEWELL (when his name was called). On this question I am paired with my colleague [Mr. MCPHERSON].

Mr. SAWYER (when his name was called). I am paired on this vote with the Senator from Delaware [Mr. SAULSBURY]. If he were here, I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 33, nays 27; as follows:

YEAS—33.			
Bayard,	Cullom,	Jonas,	Pugh,
Brown,	Fair,	Jones of Nevada,	Vance,
Butler,	Garland,	Kenna,	Van Wyck,
Call,	George,	Lamar,	Vest,
Camden,	Gibson,	Mahone,	Walker,
Cameron of Pa.,	Gorman,	Manderson,	Williams,
Cockrell,	Hampton,	Maxey,	
Coke,	Hill,	Miller of Cal.,	
Colquitt,	Jackson,	Plumb,	
NAYS—27.			
Aldrich,	Dolph,	McMillan,	Platt,
Allison,	Frye,	Miller of N. Y.,	Ransom,
Blair,	Harris,	Mitchell,	Riddleberger,
Cameron of Wis.,	Harrison,	Morgan,	Sabin,
Chace,	Hawley,	Morrill,	Sherman,
Conger,	Hoar,	Palmer,	Wilson,
Dawes,	Lapham,	Pike,	
ABSENT—16.			
Beck,	Groome,	Logan,	Sawyer,
Bowen,	Hale,	McPherson,	Sewell,
Edmunds,	Ingalls,	Pendleton,	Slater,
Farley,	Jones of Florida,	Saulsbury,	Voorhees.

So the motion was agreed to.

HOUSE BILL REFERRED.

The joint resolution (H. Res. 347) to provide for the printing of additional copies of the report of the Committee on Military Affairs on the investigation of the National Home for Disabled Volunteer Soldiers was read twice by its title, and referred to the Committee on Printing.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the joint resolution (S. R. 100) authorizing the printing of certain naval and military reports.

The message also announced that the House had concurred in the amendments of the Senate to the joint resolution (H. Res. 342) to authorize the printing of 400,000 copies of the annual report of the Commissioner of Agriculture for the year 1885.

THE RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8280) making appropriations for the preservation and continuation of certain public works on rivers and harbors, and for other purposes.

Mr. CONGER. I have but one or two remarks to make in reply to the statements which were made first by the Senator from Vermont—

Mr. ALLISON. I ask the Senator from Michigan to yield.

Mr. CONGER. I should have been through with my few remarks if other Senators would stop talking, and when I say a few words I shall yield.

The PRESIDING OFFICER. The Senator will suspend until gentlemen resume their seats in the rear of the bar of the Senate and Senators resume their proper seats and cease loud conversation.

Mr. CONGER. Mr. President, I should like very well, if time would permit and the patience of the Senate would allow it, to discuss still further some of the propositions which have been made by the Senator from Vermont and the Senator from New York; but the Senator from New York did so happily put his opposition to this bill into an argument in its favor, in every sentence he uttered showing the necessity of an increase of the amount of the appropriation in this bill, that I was thankful to him with humble reverence for having done better and made a more forcible and effective speech in favor of my bill in the desperate energy with which he opposed it than I could do it. So much for the Senator from New York.

With the Senator from Vermont I have another question to settle. The father of the Senate, the man to whom I look with upturned eyes, when he is standing, and to whom I bow with reverence when he is sitting, the embodiment of truth, the perfection of all comity and fair-dealing, tells the Senate that the estimates for river and harbor appropriations this year are only \$8,000,000. He is not here, or else I should say some pleasant things in regard to him. I have in my hand the Book of Estimates submitted to Congress on the 1st of December, and here are the items of the river and harbor bill that were then estimated for, the amount estimated as necessary and proper to carry on the works for this year, and the footing is \$34,507,630 instead of \$8,000,000. Added to those are over five millions of estimates sent in as special estimates from the Engineer Department by the Secretary of War, making the total estimates for these very works, rivers and harbors, for this year's bill, over \$40,000,000 instead of \$8,000,000.

I enter into no controversy with the Senator from Vermont. I know he must have inadvertently and unadvisedly made this statement, that in his zeal to attack this bill and to belittle it he found somewhere in the Book of Estimates, at the end of some calculation, the figures \$8,000,000, and he thought they applied to rivers and harbors. I do not believe he would misrepresent by one cent's worth the amount of any

estimate or of any appropriation. I believe it would be impossible for him knowingly or willfully to do anything of that kind, but it is none the less due that I should say to the Senate that here [exhibiting] is the Book of Estimates, and if they will look on the one hundred and sixty-ninth page they will find the footing of the estimates for river and harbor appropriations necessary for this year, and they amount to over \$34,000,000.

Now, sir, I shall not detain the Senate by further remarks. I should like to have an expression of the sentiment of the Senate. I should like to know it as early as possible, that I, too, may take my rest as the others do. If the Senate decline to take further consideration of this bill, if they are ready to tell the country that all these great improvements shall languish, shall die, I want to know it. If the Senate are ready to-night or at any other time to say that these works which have done more to extend population and immigration and improvement and to build up our country clear through from the Atlantic to the Rocky Mountains than all other means put together, I want to know it. Beginning with our Atlantic harbors and threading up the streams and the rivers and the lakes far up even to the Yellowstone and to the foot-hills of the Rocky Mountains this system has proceeded; and on the other side there are the improvements of the Columbia and the Snake which make the means of communication between the Pacific and the interior portions of the Atlantic slope, thus becoming for a year or for ten years or for fifty years the means of unheard progress and comfort and growth and prosperity to the people and of cheapness of transportation and the means of immigration into the vast unsettled regions which yet demand assistance.

The Senate of course can do it if they choose. I have no other interest in it than the rest of the Senate. I thank God that around the State in which I live are the deep waters of the great lakes. From the center outward of the two peninsulas of Michigan there are distances to be traversed by land of but one hundred miles, or forty miles, or twenty miles, or ten miles, or five miles to reach the borders of these lakes, and we have communication by short railroads and by great lakes by which we can go out from our beautiful State into all the surrounding world with our products cheaper than similar products can be brought from the interior States of the West. And yet we need constant improvement, and we have the expense of the transportation of our products reduced one-half by the very bills which have been passed from year to year, and the prosperity which we have received is beginning to be felt in all the Southern States in the regions where there are no railroads. Such rivers as the Tennessee and the Cumberland and the Warrior and all those streams that glide through the interior parts of those States, as well as the great water courses, are gradually being opened up, until produce and coal and iron, which are found in abundance in Georgia and Alabama and on these minor streams, the Tennessee and the Cumberland and other rivers, can now be transported to market and have a value where ten years ago the coal-mines themselves were utterly worthless, because the black diamonds slept in the hills and there was no way of transporting them to market.

But, sir, I do not design to dwell upon this subject. I say now, once for all, all that I desire to say. By the order of the Committee on Commerce I have reported the bill to the Senate. By their action, whether wise or unwise, such amendments have been proposed to the bill as that committee thought proper; and every member of the committee has been for years conversant with every single appropriation that has been heretofore made, and has read the great text-books of the engineers page by page, report by report, not only of the principal engineers in charge, but of every one of their assistants. Members of the committee know all these and have read them as a child would read his hornbook. They are not ignorant of these works.

The Senator from New York could draw with his pencil on paper, so often has he looked over these reports and so often has he studied them, a plan of all these improvements, and, if his memory served him, he could put down the amounts appropriated each year and the improvements made each year. He talks about little streams. Sir, the Mississippi River in its grand, magnificent flow is the result of the million little rills and creeks and rivers and streams that flow from all that great empire of the Mississippi Valley. They unite and form the magnificent Father of Waters. So with commerce: commencing in the little rills, flowing into larger streams of commerce, it swells and grows in its progress to the markets of the world until it becomes the grand, magnificent commerce of the United States of America, unequalled in all the broad world; for there is no internal and coastwise commerce of any nation on the globe, fed as it is by the little streams from the counties and the States of this Union, that compares in grandeur and magnificence and benefit to the people at large with the commerce of our country.

We can smother it, but we can not dam up the big streams; we can not by words, even by the speeches of the Senator from New York, powerful as his speeches are and gigantic as his lungs are, split off the rocks. To make Hell Gate navigable takes time; it takes blasting of rocks; it takes penetrating into the cavernous recesses of Hallet's Point to blow away those obstructions; and the Senator is impatient that we can not remove these rocks in a year; he is impatient that we can not make appropriations enough to deepen the bar at the lower entrance of New

York Harbor to thirty or thirty-two feet in a year. We commenced it for him; we gave him liberal appropriations for it.

I do not like to say that it was mean in him to talk as he has spoken about this bill. I would say of myself, without fear of contradiction, that because Hallet's Point has not appropriation enough in this bill, and because the outer harbor and the bar at Sandy Hook do not have appropriation enough in this bill, I oppose it, if I opposed it as he does; but I will not say it of the Senator from New York. I believe he is moved by higher motives than I dare ascribe to myself. It is the good of the whole country, the grandeur of the great streams of commerce and great rivers to be improved, that are the cause of the unconcern with which he looks on the humble, feeble things in this way which contribute to the great whole. It is that which makes him oppose this bill.

Now, Mr. President—

Mr. ALLISON rose.

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Iowa?

Mr. ALLISON. I have not asked the Senator to yield.

Mr. CONGER. The Senator from Iowa is one of those men to whom I am compelled to yield, because he is chairman of the Committee on Appropriations, and I want a thing or two in the appropriation bills sometimes. [Laughter.]

Mr. ALLISON. I am very much obliged to the Senator. I wish to make a report from the Senate conference on House bill 8256, being the sundry civil appropriation bill.

SUNDRY CIVIL APPROPRIATION BILL.

The PRESIDING OFFICER. Does the Senator submit a report from a conference committee?

Mr. ALLISON. Yes, sir. I submit the report of the committee of conference on the sundry civil bill, House bill 8256.

The PRESIDING OFFICER. The report will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the House on the amendments of the Senate to the bill of the House 8256, making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 21, 45, 46, 70, 71, 73, 78, 84, 92, 102, 103, 104, 105, 106, 118, 126, 128, 137, 138, 143, 148, 154, 156, 159, 160, 167, 168, 170, 172, 175, 182, 185, 186, 199, 201, 204.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 8, 9, 10, 15, 28, 29, 30, 31, 32, 44, 65, 67, 68, 69, 72, 76, 77, 79, 80, 81, 83, 85, 86, 87, 89, 94, 95, 96, 97, 98, 99, 111, 112, 113, 114, 116, 117, 121, 122, 123, 127, 133, 134, 135, 139, 144, 145, 147, 149, 151, 152, 153, 155, 161, 163, 164, 169, 171, 174, 177, 178, 181, 183, 184, 187, 188, 189, 190, 191, 200, 202, 203, 205, 206, 207, 208, 209, 210, 211, 213, 214, and 231, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$5,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with amendments as follows: In lieu of the sum proposed insert "\$594,288.04;" and strike out from said amendment the words "subject to" and insert in lieu thereof "being the amount of said awards after," and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$4,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$4,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "Extensive repairs to roof, \$6,400; and annual repairs to Treasury building, \$3,600; in all, \$10,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$162,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$40,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$17,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$40,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$40,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$580,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$225,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$60,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 100 and 101, and agree to the same with an amendment as follows: In lieu of the sums proposed insert "\$145,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,200;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$127,078.82;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$30,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$55,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: Strike out in lines 10 and 11, page 32 of the bill, the word "annually;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$17,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$220,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$276,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$20,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$20,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 162, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$49,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$95,000;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the Senate numbered 176, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$12,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 179, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$138,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 180, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$41,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 192, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$10,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 212, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$355,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 215, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,250,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 216 to 229, inclusive, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following: "For printing and binding for Congress, including the proceedings and debates, \$1,215,562.50; for the State Department, \$9,450; for the Treasury Department, \$264,150; for the War Department, \$138,600 (of which sum \$12,000 shall be for the catalogue of the library of the Surgeon-General's Office); for the Navy Department, \$59,512.50; for the Interior Department, \$329,400 (of which sum \$10,000 is appropriated for rebinding tract-books for the General Land Office); for the Department of Justice, \$7,087.50; for the Post-Office Department, \$178,312.50; for the Agricultural Department, \$17,662.50; for the Supreme Court of the United States, \$7,312.50; for the supreme court of the District of Columbia, \$900; for the Court of Claims, \$11,812.50; and for the Library of Congress, \$10,237.50; and no more than an allotment of one-half of the sum hereby appropriated shall be expended in the two first quarters of the fiscal year, and no more than one-fourth thereof may be expended in either of the two last quarters of the fiscal year, except that in addition thereto in either of said last quarters the unexpended balances of allotments for preceding quarters may be expended;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 230, and agree to the same with an amendment as follows: Add at the end of the amendment the following: "Provided, That the building now occupied for storage purposes shall be surrendered as soon as the building provided for in this act is ready for occupancy;" and the Senate agree to the same. On amendments numbered 4, 6, 12, 13, 14, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 59, 61, 62, 63, 64, 66, 120, 121, 131, 132, 136, 140, 141, 142, 166, 173, 193, 194, 195, 196, 197, and 198 the committee have been unable to agree.

W. B. ALLISON,
EUGENE HALE,
JAMES B. BECK,
Managers on the part of the Senate.
SAM. J. RANDALL,
WILLIAM H. FORNEY,
THOMAS RYAN,
Managers on the part of the House.

Mr. ALLISON. As this is an important bill perhaps I should state briefly the amendments disagreed to.

It will be observed by looking at the bill that all the amendments of the Senate relating to public buildings have been disagreed to with three or four minor exceptions, those being the buildings in Alaska, and one or two merely verbal amendments with reference to other public buildings.

There is also a disagreement with reference to the survey of the Mexican boundary, and a disagreement with reference to the several propositions in the bill looking to the sale of property belonging to the Government.

Mr. MORRILL. May I ask the Senator from Iowa whether the conference on the part of the Senate disagreed to the provisions of the House bill in relation to public buildings?

Mr. ALLISON. Unfortunately the bill is in such shape by the votes

of the Senate that all the House provisions are beyond the control and direction of a committee of conference. Every provision I believe with reference to public buildings inserted in the bill originally by the House of Representatives was agreed to by the Senate; and I might add by way of suggestion to the Senator from Vermont that most of the amendments on this subject were put on in the Senate over the judgment of the Committee on Appropriations as originally reported in the bill.

With the exception of public buildings most of the other matters in dispute have been either compromised or adjusted. I could go into detail on several amendments, but I will not occupy the time of the Senate in doing so, though I shall be glad to answer any question that may be suggested by any Senator in reference to any amendment to the bill.

The PRESIDING OFFICER (Mr. INGALLS). Will the Senate agree to the report of the committee of conference?

The report was concurred in.

Mr. ALLISON. I move that the Senate further insist on the amendments left undisposed of by the conference report and ask a further conference with the House.

The motion was agreed to.

By unanimous consent the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. ALLISON, Mr. HALE, and Mr. BECK were appointed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 8102) to give the assent of Congress to the construction of a railroad bridge by the East and Middle Tennessee Railroad Company over the Cumberland and Caney Fork Rivers;

A bill (H. R. 8183) to remove the political disabilities of W. H. Murdaugh, of Virginia; and

A bill (H. R. 653) for the relief of John B. Davis.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8280) making appropriations for the preservation and continuation of certain public works on rivers and harbors, and for other purposes.

Mr. CULLOM. I do not know whether the Senator from Michigan has concluded his remarks or not.

Mr. CONGER. I said, sir, that the estimates were \$34,000,000 instead of \$8,000,000. I have the record to show it. I mean the estimates of the engineers who by the law of Congress are required to report to Congress the estimates of the amount that, in the language of the law, can be profitably expended in each fiscal year on each of the uncompleted works mentioned. When these go to the Secretary of the Treasury, who is not supposed to know anything of these bills, he gives a lump estimate for rivers and harbors. His lump estimate is \$8,000,000. The Secretary of War and the board of engineers, on whom we rely in regard to the river and harbor bill, say \$34,000,000. I presume that is the explanation of the mistake of the Senator from Vermont. That is all I have to say.

Mr. CULLOM. Mr. President, I shall not undertake to detain the Senate by a general discussion of this subject at any great length, but I desire to say that I have been unable to see any substantial reason why this bill ought to pass. And it does seem to me that appropriating millions of dollars and spreading the money over places which have been surveyed and examined years ago is not the proper manner of legislation in disposing of such large sums of money collected from the people by taxation. I have been impressed since I have been in the Senate with the fact that every year the Congress of the United States is becoming less and less careful in the manner of appropriating money. There seems to me to be less disposition to deliberate, to consider and discriminate carefully in the consideration of such bills than there used to be years ago in the Congress of the United States. I believe it is true that this is the first time, for many years at least, that the Senate of the United States has been willing to come forward, or has shown any disposition to come forward, and pass a river and harbor bill appropriating five or ten million dollars in the lump, to be distributed on the basis of a pro rata distribution based upon a bill previously passed.

So far as I am concerned, while I am for rivers and harbors, while I believe and have always believed that it was important to the commerce and business interests of this country that the rivers and the lakes and the canals and the harbors surrounding and distributed through this country should all be cared for and improved, yet I do not believe that we ought to adopt the plan which has been suggested by this bill.

Then, sir, there is another thing. Even though the last river and harbor bill did not appropriate a sufficient amount of money to care for and keep in a state of repair all the rivers and harbors and canals, yet if Senators will refer to the law that we passed a year ago they will observe that there is a provision in that law which gives the Secretary of War absolute authority to any extent that may be necessary

to expend whatever may be required in keeping in repair the rivers and harbors and canals that are mentioned in the law then passed. I am of the opinion that the Senate has not had its attention called to the fourth section of the law that we passed one year ago, and I desire to read it for the information of the Senate:

SEC. 4. That no tolls or operating charges whatsoever shall be levied or collected upon any vessel or vessels, dredges, or other passing water-craft through any canal or other work for the improvement of navigation belonging to the United States; and for the purpose of preserving and continuing the use and navigation of said canals, rivers, and other public works without interruption, the Secretary of War, upon the application of the chief engineer in charge of said works, is hereby authorized to draw his warrant or requisition from time to time upon the Secretary of the Treasury to pay the actual expenses of operating and keeping said works in repair.

That provision of law gives the Secretary of War absolute power without stint, without limit as to amount, with nothing upon which to base his action under this section except the report of the engineer. I say that for every single piece of work that is mentioned in the law of 1884 the Secretary of War can draw upon the Treasury of the United States for whatever amount of money is needed for the purpose of keeping the rivers, canals, and harbors, the public works mentioned in that law, in absolute and perfect repair. If that is true and that is the letter of the law, I submit to the honorable Senator from Michigan and to every other Senator on this floor whether so far as relates to the question of keeping in repair these works, which have been the burden of the argument of gentlemen in favor of this bill, there is any occasion for its passage at all, because I say under section 4 of the law we passed last year the Secretary of War has a right to draw from the Treasury millions of dollars, if he chooses to do so, where the engineers say the money is needed, in order to keep those public works in repair.

Then I insist that so far as that argument goes there is no necessity for this new bill which has been brought in here, passed by the House of Representatives, appropriating \$5,000,000, and doubled by the committee of the Senate, making it \$10,000,000, placing it in the hands of the Secretary of War to be distributed pro rata under the law of last year. So far as concerns the repair and preservation of the works, there is no occasion for the bill at all, not one single iota of need for it, as I insist.

Mr. CONGER. Will the Senator yield to me to answer?

Mr. CULLOM. I have no objection to the Senator answering now.

Mr. CONGER. Section 4 of last year's act provides:

That no tolls or operating charges whatsoever shall be levied or collected upon any vessel or vessels, dredges, or other passing water-craft through any canal or other work for the improvement of navigation belonging to the United States—

No toll collected—

and for the purpose of preserving and continuing the use and navigation of said canals, rivers, and other public works without interruption, the Secretary of War, upon the application of the chief engineer in charge of said works, is hereby authorized to draw his warrant or requisition from time to time upon the Secretary of the Treasury to pay—

What?—

the actual expenses of operating and keeping said works in repair.

Who operates a lake, who operates a river? Canals are operated by locks. It is only such kind of works as are operated by laborers employed on them that this provision applies to.

Mr. CULLOM. This provision of the law provides that all the public works shall be kept in preservation by the Secretary of War, or he has the right to do it under this law.

Mr. CONGER. "Said works," not all works.

Mr. CULLOM. The law says—

Mr. CONGER. "Said public works." That is, canals—

Mr. CULLOM.

And for the purpose of preserving and continuing the use and navigation of said canals, rivers, and other public works.

What does that mean? That means any other public works that are mentioned in the law of 1884.

Mr. CONGER. Works that are operated.

Mr. CULLOM. I do not care whether a public work is upon the coast or upon Lake Michigan, whether it is a canal or the Mississippi River improvement, if it is a public work mentioned in the law of 1884, and if it needs preservation, if it needs repair, the Secretary of War has a right to draw his warrant upon the Treasury, and the Secretary of the Treasury is authorized and directed by law to pay it; and the Secretary of War is authorized under that statute to spend twice as much as is proposed by the liberal Committee on Commerce of the Senate when they come into the Senate, after a half-hour's consideration of the bill, and report a measure doubling up what the other branch sends over to us to be appropriated.

Sir, I insist that there is no occasion for any bill being passed at all this year so far as the preservation of the public works is concerned, and the burden of the speech of the Senator from Michigan who brings this bill in here is that unless we appropriate \$10,000,000—not five, but ten millions—the public works of this country are going to wreck and ruin.

Now, sir, while I am in favor of harbors and their improvement and enlargement where necessary, while I desire to see the Mississippi River improved and cleared out so far as its navigation is concerned, so that steamboats upon that river can run with safety, while I am in

favor of the improvement of whatever harbors there may be upon the lakes or the coast, yet I am not willing as one Senator, however much my own State may be interested in the subject, to come in here and support this sort of omnibus bill appropriating \$10,000,000 without any consideration whatever from the Senate committee or from anybody else so far as the Senate knows.

I say, sir, it is an unheard of thing for a Senate committee to bring in a bill of this kind with scarcely a moment's consideration of it, and then double up the amount the other branch of Congress has sent to us. Not only that; but other Senators have referred to another feature in connection with this subject. This bill, as I have said, and as every other member who has talked about it has said, appropriates money based upon the law of 1884. In other words, the harbors, the canals, the rivers on which money was to be spent by the law of 1884, where the works are not completed, are to get their pro rata share of the \$10,000,000 proposed to be appropriated by this bill. Another committee of this Congress which has sat and investigated this subject for three months we are told—or at least I find that statement in the RECORD—after deliberate investigation, after months of investigation, after reading and rereading perhaps the reports of the engineers and of the Secretary of War upon this question, concluded that there was no propriety in appropriating for a portion of the places that are specified in the law of 1884. I find a list in the CONGRESSIONAL RECORD upon this subject of a river and harbor bill, and it is to be read in connection with the remarks made by a distinguished member of Congress of the United States, who said:

I submit to the House a list of the forty-three public works to which I refer.

These public works are works which a committee of the Congress of the United States has determined after investigation ought not to have any more moneys spent upon them at all; and yet under this bill, if we pass it, those different places as well as others get their pro rata of the \$10,000,000 we are sending out to them to be expended. This is the list:

Portland, Me.....	\$30,000
Scituate, Mass.....	10,000
Black Island, R. I.....	15,000
Black Rock, Conn.....	30,000
Oak Orchard, N. Y.....	5,000
Pensacola, Fla.....	55,000
Cedar Keys, Fla.....	5,000
Neches River, Texas.....	7,000
Harbor of refuge, near Cincinnati.....	17,000
Ice-harbor, at Belle River, Mich.....	2,000
Pennsauke, Wis.....	5,000
Stockholm, Lake Pepin, Wisconsin.....	15,000
Harbor, Redwood, Cal.....	3,000
Coot Bay, Oregon.....	30,000
Cocheco River, New Hampshire.....	28,000
Merrimac River, at Rock's Bridge, Massachusetts.....	3,500
Taunton River, Massachusetts.....	26,500
Gedney's Channel, through Sandy Hook Bar, New York.....	200,000
Corsica Creek, Maryland.....	5,000
Harbor at entrance Saint Jerome's Creek, Maryland.....	15,000
Harbor at Beaufort, N. C.....	20,000
Edenton Bay, North Carolina.....	10,000
Trent River, North Carolina.....	10,000
Contentines or Moccasin River, North Carolina.....	5,000
New River, North Carolina.....	5,000
Scuppernon River, North Carolina.....	2,000
Saint Jones River, Delaware.....	10,000
Savannah River, Florida.....	3,000
Black Warrior River, Alabama.....	50,000
Horn Island Pass, Mississippi.....	5,000
Bayou Pierre, Louisiana.....	5,000
Loggy Bayou, do., Louisiana.....	5,000
Tangipahoa River, Louisiana.....	2,000
Survey of Arkansas River from Little Rock.....	19,000
Arkansas River at Pine Bluff.....	55,000
Saline River, Arkansas.....	5,000
Grand River, below Grand Rapids, Mich.....	25,000
Mouth and harbor, Cedar River, Michigan.....	15,000
Mokelumne River, California.....	8,500
Colorado River.....	25,000
Mouth of Columbia River, Oregon and Washington Territory.....	100,000
Lake City, Minn.....	15,000
Falls of Saint Anthony, Minnesota.....	10,000
Total.....	910,000

Here are forty-three works where, under the law of 1884, we are to go on making expenditures of money after a committee of Congress have investigated the subject until they have become thoroughly satisfied, and they say that in all those places there should be no more money spent; and yet in our liberality we come in here with a bill of \$10,000,000 and we propose to give them the money, to place the money in the hands of the Secretary of War, as one Senator has stated, without qualification and making it obligatory upon him to spend the money in these places, and yet after thorough investigation it is decided by an honorable committee that has the subject in charge in the Congress of the United States that no one of them ought to have a single dollar this year.

Is that the way to legislate the people's money out of their pockets? Ought we not to take our stand and say and declare to the country that we will not make these great appropriations of five or ten million dollars without knowing for what the money is to be spent, and whether in the interest of the public it ought to be spent at the places where it is to be spent?

I repeat again that I am in favor of appropriations for rivers and harbors and canals, and all the water-way improvements of the country where the National Government rightfully under the Constitution ought to take hold of them and make the improvements necessary. I believe for one, as the honorable Senator from Texas [Mr. COKE], I think, stated to-night, that it was one of the most potent means of controlling the question of transportation in this country, cheapening transportation in the interest of the great mass of the people of the country who are to be fed, and who have to buy the goods and products of the producers of the land.

Mr. WILLIAMS. Will the Senator from Illinois allow me to draw his attention to the proviso at the end of the clause?

Provided, That no more shall be thus allotted than is sufficient for the completion of said works under the present estimates.

I want to know of him if he understands that by this provision any of these works can get any more money than is necessary to complete them. None of these old works that are not embraced in the present estimates can get a dollar.

Mr. CULLOM. I understand that if a work is completed according to the original estimates and the original design, the Secretary of War can not spend any more money there; but if a committee or the Congress of the United States should determine that the enterprise was not one that ought to be prosecuted further and the people's money spent in improving it further, the Secretary of War has no discretion in the premises, but he must go on and complete the work whether it ought to be done or not—even though in the judgment of the standing committee of the Congress of the United States it should stop—unless we succeed in passing a law to stop it. That is the trouble about this bill. We start in here upon the idea that the law we passed last year was perfect, that it was right in all its provisions and particulars, and that we ought to follow it up and make whatever appropriations are necessary to carry out the original design in connection with each one of the places named, while the fact is that it is the duty of the Congress of the United States to examine actually every one of these places, these harbors or canals or rivers or whatever they may be, and see whether it is the duty of Congress to make any further appropriation or not. We do not do it for the sake of getting rid of work. I do not say that with any reference to our honorable committee in the Senate, because they have had no opportunity of considering this bill, I know very well, as the bill only came to them yesterday or the day before, and they could do but one of two things: one was to report the bill as they have done, perhaps without adding to it another \$5,000,000, and the other, was to report what I think they ought to have done, that they had not had time to consider such a bill as ought to be passed and therefore report against any river and harbor bill during the present session of Congress. That would be my idea of it; but the honorable committee have done what they thought was best, I have no doubt, and I have no fault to find with them, but I do not agree with them.

But I say, Mr. President, that it seems to me the time has come, and I know of no better time than this very year 1885, at the close of this short session of Congress, for the Senate of the United States to say, and say unqualifiedly, that we will not pass a river and harbor bill appropriating \$10,000,000 unless we are given time to investigate every item of it and see whether what we are doing is right or wrong; but if it goes over, and if that provision that I read were not in the law and the works had to stand still, if you please, for six or eight or ten months, until the next session of Congress, we would still be acting wisely, and the people would see the fact that we were not in a condition to determine this great question in the twenty-four hours left us, and that we insisted upon what every man in this nation, in my opinion, should insist upon, that no such bill as this ought to pass appropriating this much money unless we had more knowledge of what we were doing in reference to it.

The Senator from Michigan insists that there are \$34,000,000 estimated for appropriations for rivers and harbors and canals, &c. The Senator from Vermont insists as I understand it—and I think he is correct about it—that while the estimates of the engineers scattered over these places, including little rivers and rivulets and harbors and lakes and canals, figure up \$34,000,000, yet the Secretary of War, as I understand, only comes in here with estimates for \$8,000,000. Is that so or not?

Mr. MORRILL. Let me read to the Senator the estimate. It seems that sometimes gentlemen who undertake to explain the estimates have not read the book. I understand the statement was made that the estimates for this year were \$34,000,000. If the Senator who said that had looked at the heading and the notes he would have found this:

The following statement is not furnished as a part of the "annual estimates for the public service" required by the act of March 3, 1875 (18 Statutes, page 370), to be furnished by the Secretary of War to the Secretary of the Treasury, but is inserted as a convenient and customary summary of items taken from the annual report of the Chief of Engineers for the year 1884, showing, under the provisions of the act of Congress approved March 2, 1867 (14 Statutes, page 421), the amount that can be profitably expended in the next fiscal year "on each of the uncompleted works mentioned."

For the amount that can be profitably expended in the next fiscal year the Secretary only submits as his estimate for this year \$8,000,000.

Mr. CULLOM. Now what is the situation? In the face of the estimate of the Secretary of the Treasury we come in here and propose to

give \$10,000,000 in a lump without investigation, when the Secretary only recommends \$8,000,000, and in the face of the fact, too, as has been stated, and I suppose correctly, that we have nearly \$10,000,000 of the old appropriation under the law of 1884 on hand. That is the situation.

I submit whether, under this state of facts, we should rush headlong and make an appropriation of this sort without the investigation or consideration which I think it demands. I should like to see every dollar appropriated, I repeat, for every river, harbor, and canal, either inland, or on the lakes, or on the seashore, that is necessary to the public interest. I repeat that I am in favor of improving the rivers and I am in favor of improving the harbors on the lakes and on the seacoast, and I am in favor of digging canals wherever they may be necessary in the interest of the commerce of this country. I assert that the water ways of the country are, after all, the main reliance upon which the people of this country must depend in regulating the commerce of the country.

The Senate has had something to do this winter upon the question of regulating inland commerce. It was my privilege to bring in a bill here from the Committee on Railroads for that purpose. That bill went through the Senate of the United States after amendment, and I had hoped up to this hour almost that we might secure some legislation upon that subject which would secure some sort of control of the railroad transportation of the country. I suppose, however, that any bill upon that subject is going to fail for the present session. While that kind of legislation is, in my judgment, important in the interest of the people of the country, yet it is of as much importance that the water ways, the rivers, lakes, and canals of the country should be improved as well, because after all they are the regulators of the railroad companies of the country. The statistics show that during the period when we have lake transportation for instance from the West to the East, the rate of freights is very much cheaper than during the winter season when the lakes are closed with ice. I wish to give a brief statement upon that subject.

The gentleman who has been referred to frequently this winter in the discussions upon the subject of interstate commerce—I refer to Albert Fink, who is the great railroad man of the country; I do not mean as the owner, but who perhaps knows as much about the control and management of railroads as any other man in the nation—testifies that water transportation after all is the great regulator of the price of freights upon railroads. Let us see what the statistics show. The Committee on Transportation Routes to the Seaboard has been at work during the past vacation a part of the time and during the present session of Congress collecting statistics upon this subject, a portion of which was submitted by the chairman of that committee this afternoon. In looking over those statistics I find that the average rate charged for wheat per bushel by the water routes from Chicago to New York for the period from May to December during the year 1883 was 9 cents; the average all-rail charge for the same period was 15 cents. The average all-rail charge for the period from January to April, which is during the winter months, and November and December, 1883, was 18 cents. The rate was 9 cents by water and 15 by all rail during the open season and 18 cents by all rail during the winter season of the year. In 1876 the averages were, respectively, 15.6 by water, while they were 25.8 by rail from January to April, and 18 cents from April to December.

These statistics show the importance to our people of improving the water ways of the country as a means of regulating commerce, or, in other words, regulating between the East and the West on the railroads the freight rates of our corn and wheat, our products and manufactures coming this way, and the goods and other articles which are manufactured in the East and transported to the West. So, no man can say that as a matter of fact the improvement of the water ways of the country is of no importance to the people of this country.

I insist that we ought to do everything that can be done in the direction of the improvement of the water ways and the harbors of the country, but I am not willing to fold my arms and vote for a bill appropriating \$10,000,000 when, by the very testimony before the Senate, a portion of the money will be spent where it is not needed, and when, under the law which we passed last year, the Secretary of War has absolute power already to preserve the public works of the country from now on for all time so far as I know, or until that law is repealed.

Mr. President, I shall not detain the Senate any longer.

Mr. FRYE. I move to lay the pending amendment on the table. The motion was not agreed to.

PENSION BILLS.

Mr. MITCHELL. Mr. President, within eleven hours the Forty-eighth Congress will terminate. There are upon the Calendar of the Senate a little over one hundred private pension bills.

I desire in this connection, while not strictly pertaining to the subject under consideration by the Senate, but with a view to making a motion, to give a report of the condition of the pension business of the Senate during this Congress.

The whole number of pension cases introduced during the Forty-eighth Congress was 1,294. Of these 571 were Senate bills, 611 were House bills, and 112 were petitions. There were 587 cases reported

favorably—139 Senate bills, 439 House bills, and 9 petitions. There were reported adversely 410 cases—267 Senate bills, 104 House bills, and 39 petitions. The total number of reports amounts to 997—on Senate bills, 406; on House bills, 543; and on petitions, 48. During the Forty-sixth Congress the whole number of reports was 674, as compared with 997 during this Congress. In the Forty-seventh Congress the whole number of reports was 479. There are still undisposed of pending in the Committee on Pensions 165 Senate bills, 68 House bills, and 64 petitions—in all, 297. Of these 927 pending claims, there is evidence before that committee in only 50 of them.

I should state that since these figures were made, five or six additional reports have been submitted to the Senate, so that there have been more than 1,000 reports made from that committee. Of the 1,000 cases reported a little over one hundred remain undisposed of, and I think it is due to the claimants, it is due to the Senate, it is due to the House of Representatives, where these bills were considered, for every one of them is a House bill, that we now proceed to the consideration of those bills. Therefore, I move that the Senate now proceed to the consideration of the bill (H. R. 7718) restoring John Snyder to the pension-roll.

Mr. COCKRELL. Do I understand the Senator to ask to proceed to the consideration of favorably reported House bills?

Mr. MITCHELL. I move to proceed to the consideration of this one particular bill; but if the Senate will consent I shall be very glad to go on with the favorably reported House bills in their order.

The PRESIDING OFFICER (Mr. INGALLS in the chair). The Senator from Pennsylvania moves that the Senate proceed to the consideration of the bill indicated by him.

Mr. CONGER. If that motion is carried will it set aside the consideration of the river and harbor bill?

The PRESIDING OFFICER. It will.

Mr. CONGER. Then I desire to say—

The PRESIDING OFFICER. The motion is not open to debate.

Mr. CONGER. I ask permission to make a remark.

The PRESIDING OFFICER. The Senator from Michigan asks permission to make an observation on the pending question, which is not debatable. Is there objection?

Mr. MITCHELL. If I may have an opportunity to reply, I shall have no objection; otherwise I must object.

The PRESIDING OFFICER. The Chair can not make any bargains. Does the Senator from Pennsylvania object?

Mr. MITCHELL. I am not disposed to object under the circumstances.

The PRESIDING OFFICER. The Senator from Michigan will proceed.

Mr. CONGER. I have been anxious, and am still as anxious as any one can be, for the passage of the pension bills. I have offered repeatedly, if consent could be given, that the river and harbor bill should be set aside informally in order to take up the pension bills. The Senate has declined to do that. I have since learned from one of the clerks at the desk that all the House pension bills favorably reported have been enrolled on the supposition that they would not be amended; so that the hurry there was to pass those bills that they might be enrolled is removed, and I think we can go on with the river and harbor bill and dispose of it one way or the other.

Mr. FRYE. But at the present rate of speed we shall not get through with the bill until next March.

Mr. CONGER. We can vote on the bill, I suppose, one way or the other.

Mr. FRYE. I do not know about that.

Mr. CONGER. In order that these pension bills may be disposed of I will agree to do what I have offered to do heretofore at any time. If the Senate will consent to set aside the river and harbor bill informally and take up House pension bills favorably reported and proceed with their consideration, I shall make no objection. I myself have offered that the bill be laid aside informally and that the House pension bills be taken up.

Mr. MITCHELL. In view of the statement made by the Senator from Michigan, I will now ask unanimous consent that the Senate proceed to the consideration of House pension bills reported favorably, laying aside the pending bill informally.

SIGNAL REGULATIONS AT SEA.

Mr. VEST. I ask unanimous consent to make a statement. I believe it is the first time I have ever asked to make a statement out of order.

The PRESIDING OFFICER. If there is no objection, the Senator from Missouri will proceed.

Mr. VEST. I deem it a public duty to ask the Senate, without reference to any other bill that is pending, to consider a bill reported from the Committee on Commerce, passed unanimously by the House, which places the ocean signal service of the United States in accord with that of the other maritime nations of the world. The State Department has particularly requested the passage of the bill. If it is not passed to-night, the result will be that the signals of our ships upon the ocean will be isolated and not in accord with those of other maritime nations.

It is in the interest of property and life. The bill has been standing back this entire session and part of the last session; I have never been able to get it up.

Mr. MITCHELL. I shall have no objection to the consideration of the bill to which the Senator refers, but after that is disposed of, I think if we can go on with the pension bills, all of us can get some favors of that kind and do everything that ought to be done.

Mr. VEST. I ask the Senate to consider the bill to which I have referred.

The PRESIDING OFFICER. The Senator from Missouri asks unanimous consent that the Senate may now consider the bill (H. R. 5692) to adopt the Revised International Regulations for Preventing Collisions at Sea.

Mr. CONGER. Setting aside the river and harbor bill informally.

Mr. FRYE. Unanimous consent does that.

Mr. CONGER. I have no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Missouri? The Chair hears none, and the bill is before the Senate as in Committee of the Whole.

Mr. SEWELL. I call the attention of the Senator from Missouri to the fact that I have an important amendment to offer to the bill, one which I submitted to the Senator from Missouri some time ago. The bill leaves out an important provision which I desire to correct by offering a substitute for the second section. The amendment requires that sailing vessels shall give notice of their approach to a steamer or other vessel at night by the flash of a torch. That is a very important provision, owing to the fact that sailing vessels can not very well signal at night under international regulations. The regulations are made more with a view practically to steam service. I will read for the information of the Senate the syllabus of an important case decided by the Supreme Court lately, where a Norwegian bark was run down by the steamer *Belgenland*:

This reasoning, however, will not apply to the bark; those on board that vessel knew that their side lights were invisible to the steamer, because those of the steamer were invisible to them. They knew also that the steamer had not the knowledge of the vicinity of the bark, because the bark carried no masthead light.

The appearance of the steamer's masthead light alone was notice to them of the necessity of giving some warning by rocket, fog-horn, or flare-up light of the approach of the two vessels, and no attempt was made to notify the steamer. (The *Milanes*, 43 Law Times, N. S., page 107, a case which will be presently referred to.) This necessity created the statute which makes the exhibition of a torchlight obligatory, on American vessels, to steamers approaching at night. Under those circumstances the courts of this nation to which the owners of the Norwegian bark have applied for redress recognize, as a rule of reasonable precaution for safety at sea, that some action should be taken by the sailing vessel to notify an approaching steamer.

The statutes of this nation enforce by fine and penalty on their own vessels the precaution which safely requires. But the American statute did not create a new and an artificial rule like some adopted by common consent, which requires one or another of the vessels to give way or hold its course; but it enforces a precaution which experience has shown to be requisite to avoid collision at night.

The fine imposed by the American statute is not enforceable upon foreign vessels; but although its penalties can not be enforced against them, yet a foreigner who seeks redress in the courts of the United States submits that his conduct and that of the party impleaded shall be construed by those rules which that forum applies to the case.

I submit that as a decision of the Supreme Court, showing the absolute necessity to navigation on the high seas of retaining the provision. Therefore I offer as a substitute for the second section the following:

SEC. 2. That nothing in this act shall be construed to repeal any of the provisions of section 4234 of the Revised Statutes requiring all sail-vessels on the approach of any steam-vessel during the night-time to show a lighted torch upon the point or quarter to which such steam-vessel shall be approaching, and that all other laws or parts of laws inconsistent with the foregoing Revised International Rules and Regulations for the navigation of all public and private vessels of the United States upon the high seas and in all coast waters of the United States are hereby repealed, except as to the navigation of such vessels within the harbors, lakes, and inland waters of the United States; and that this act shall take effect and be in force from and after the 1st day of September, A. D. 1884.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from New Jersey [Mr. SEWELL].

Mr. VEST. The object of the bill reported by the Committee on Commerce is to do away with the very evil—for it is an evil—which is embodied in that amendment. At present we have a signal service upon the ocean which is confined to the United States alone. If the amendment should be adopted, it simply preserves a section of the Revised Statutes which provides for a signal which no other nation has. What the bill seeks to bring about is uniformity, and I can not better explain that than by reading a very brief communication from the Secretary of State:

On the 3d of October last a note was received by this Department from Hon. J. S. Sackville West, Her Britannic Majesty's minister at this capital, announcing that the international regulations for preventing collisions at sea, which have been adopted by all the leading maritime powers of the world except this country, came into force on the 1st day of September last.

As the statutes of the United States regulating the sailing of American vessels conflict in important particulars with the international regulations now observed by all other civilized nations, there is constant danger of the occurrence of collisions involving serious loss of life and property, owing to the fact that American ships are required by our statutes to conform to rules in conflict with those observed by the ships of all other maritime powers.

As it is understood that the international regulations in question are entirely acceptable to American ship-owners, it is highly important that Congress should with as little delay as possible bring the provisions of our statute into conformity with the international regulations for preventing collisions at sea.

A copy of the note from the British minister is annexed.

Mr. SEWELL. I will say to the Senator from Missouri that that does not apply in any way to the torchlight signal.

Mr. VEST. No, it does not; it is not intended to apply to it.

Mr. SEWELL. I have some knowledge of the torchlight signal, having spent several years at sea, and I know what it is.

Mr. VEST. The very object is that the vessels of the United States shall not have signal-lights different from those of other nations. I do not pretend to have any maritime knowledge such as the Senator from New Jersey has, but suppose that an American vessel has its torchlight, and a Norwegian or a French ship is approaching, they will not know the meaning of the torchlight.

Mr. SEWELL. They will know that a torchlight is there, and that it indicates that there is something on the ocean.

Mr. VEST. They will know by the international signal code which we are attempting to adopt in this country. Here we are running under signals peculiar to ourselves. The very object which the State Department has in view is to have a system of signals known to the whole maritime world. Now the Senator from New Jersey wants to put in a provision for a torchlight which is found in a section of the Revised Statutes and is found nowhere else. The result would be that an American ship would have a torchlight; a foreign pilot does not know what that means; he does not know any such signal.

Mr. SEWELL. The torchlight certainly does not indicate anything except that there is an obstruction on the water; that there is a vessel approaching. It does not indicate what the other regulations are provided for. There can be no objection to the amendment. It will not hurt the bill.

Mr. VEST. We can not pass the bill into a law if it is amended here now.

Mr. SEWELL. There is no reason why the Senator from Missouri could not ask for a committee of conference with the other House.

Mr. VEST. That would be equivalent to the loss of the bill. I shall abandon it if it is amended. The provisions of the bill specify the lights which are to be carried both by steamships and by sailing-vessels. This article covers any case:

ART. 6. A sailing ship under way or being towed shall carry the same lights as are provided by article 3 for a steamship under way, with the exception of the white light, which she shall never carry.

These lights are known to the whole maritime world. The bill is recommended by the State Department after conference with the British minister and the authorities of other maritime nations. The only question presented to Congress is whether we shall have a system of signals peculiar to ourselves, or whether we shall have the signal-lights which are known to all other nations, the meaning of which is evident to them. If the bill is amended now, that is the end of the bill; it can not become a law at this Congress.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Jersey.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FORTIFICATION APPROPRIATION BILL.

Mr. DAWES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House 8279, making appropriations for fortifications and other works of defense and for the armament thereof, for the fiscal year ending June 30, 1886, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, and 6, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the said amendment insert the following: "And for the necessary and proper expenses of the said board and for the compensation of two civilians at \$10 per day while so employed in the discharge of said duties the sum of \$40,000, to be immediately available, is hereby appropriated; and the report of said board shall be transmitted to Congress by the Secretary of War;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the House numbered 5, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "For the construction of testing experimental wagon-carriages, for the purchase or manufacture of a multicharge gun and testing the same for;" and the Senate agree to the same.

H. L. DAWES,
F. M. COCKRELL,
P. B. PLUMB,

Managers on the part of the Senate.

JOHN HANCOCK,
WILLIAM H. FORNEY,
W. D. WASHBURN,

Managers on the part of the House.

The report was concurred in.

ORDER OF BUSINESS.

Mr. HAWLEY. I wish to move, or I shall ask unanimous consent, if there is a pending order, to take up a bill. I shall not be able to be here after 9 o'clock, and my chances are getting very bad. I have been waiting for a long time.

The PRESIDING OFFICER. The Chair will state that the condition of business is somewhat complicated. The river and harbor bill having been laid aside, the Senator from Pennsylvania [Mr. MITCHELL] moved to proceed to the consideration of a pension bill. That was

laid aside informally, at the request of the Senator from Missouri [Mr. VEST], to take up the bill which has just been passed.

Mr. HAWLEY. I now stand where the Senator from Missouri stood.
Mr. MITCHELL. I should be very glad to yield to the Senator from Connecticut, but I fear if that is done other Senators will desire to have the floor and there was a sort of understanding that we should go on with pension bills, get through with them, and then be liberal to each other. So far as I am concerned, I should be glad, after the pension business is disposed of, that the names of Senators should be called in alphabetical order, and that each Senator should have the right to ask unanimous consent for the consideration of a bill, and in that way we can clear the Calendar very rapidly of those measures which ought to pass.

The PRESIDING OFFICER. This debate can only proceed by unanimous consent.

Mr. MITCHELL. I ask unanimous consent that the Senate proceed to the consideration of the pension bills.

The PRESIDING OFFICER. That is not necessary. The Senator has already moved to proceed to the consideration of the first pension bill on the Calendar. Does the Senator desire an agreement to take up all the pension bills?

Mr. MITCHELL. Yes; I ask that the Senate proceed now to the consideration of all House pension bills favorably reported.

The PRESIDING OFFICER. The Senator from Pennsylvania asks unanimous consent that the Senate now proceed to the consideration of pension bills from the House favorably reported by the Senate Committee on Pensions.

Mr. MITCHELL. Laying aside the pending measure informally.

Mr. MAXEY. Am I in order in saying a word on that request?

The PRESIDING OFFICER. If there is no objection, the Senator from Texas will proceed.

Mr. MAXEY. I only wish to say that I belong to two committees which have very important bills pending. I am very willing that the request of the Senator from Pennsylvania shall be carried into effect if it is understood then that other Senators will have more of a fair show than we have had on account of pension bills during the present session. All I want is to secure the consideration of other House bills which are important and ought to be passed.

Mr. HARRIS. If the Senate will indulge me for a single moment—

The PRESIDING OFFICER. The Chair hears no objection.

Mr. HARRIS. I am quite satisfied that if we get the pension bills favorably reported out of the way we shall accomplish a good deal more than by scrambling along in an attempt to get other measures up while the pension bills have not been considered.

Mr. MAXEY. I agree with that, and I have so stated.

Mr. HARRIS. I hope the Senate will proceed to the consideration of pension bills favorably reported.

Mr. MITCHELL. I trust so; I think we can get through with them in an hour.

Mr. HAMPTON. The Senator from Pennsylvania was kind enough to say that he would waive his request for a moment until I called up a bill, but I think the plan he suggests is so much the best that I shall not avail myself of his kindness, hoping that when we get through with the pension bills we may dispose of some of the other House bills which are on the Calendar.

Mr. MITCHELL. I am very much obliged to the Senator. I hope that we shall now proceed to the consideration of the first pension bill on the Calendar.

Mr. JACKSON. Has it been agreed that the pension cases shall be taken up?

The PRESIDING OFFICER. The Chair understands that unanimous consent has been asked and given by the Senate that the House pension bills favorably reported and now upon the Calendar shall be considered.

Mr. CONGER. The river and harbor bill being informally laid aside.

The PRESIDING OFFICER. That is the understanding, that the river and harbor bill be informally laid aside.

MARY ALLEN.

Mr. JACKSON. I will ask then to take up House bill 2100.

Mr. HARRIS. Let them be taken up in their regular order.

Mr. JACKSON. But this is a bill which will be passed over under the order to consider bills favorably reported, and I wish to make an explanation in reference to it.

Mr. MITCHELL. Very well. Let that bill be taken up first.

Mr. JACKSON. The bill stands upon the Calendar as adversely reported. Since the adverse report was made it has been called to my attention by one of the Senators from Kansas, and he has shown me evidence of the fact which removes the ground on which it was adversely reported. That ground was that the militia regiment of which the husband of the claimant was a member was not called out and in the service of the United States at the time the disability was contracted; but it is evident that that was a mistake; and instead of recommitting the bill I ask that it be taken up and passed.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Chief Clerk will report the bill referred to.

The Chief Clerk read the bill (H. R. 2100) granting a pension to Mary Allen, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension-roll the name of Mary Allen, widow of John Allen, late a private in Company H, Seventy-second Regiment Missouri Enrolled Militia.

The PRESIDING OFFICER. Did the Chair understand the Senator from Tennessee to say that the bill had passed and stood on a motion to reconsider?

Mr. JACKSON. No, sir; it stands on an adverse report; but facts which have since come to my knowledge show that the report ought not to have been adverse and that the bill should be passed.

The bill was reported to the Senate without amendment; ordered to a third reading, read the third time, and passed.

JOHN SNYDER.

The PRESIDING OFFICER. The pension bills on the Calendar favorably reported will now be considered in their order, under the unanimous agreement of the Senate.

The bill (H. R. 7718) restoring John Snyder to the pension-roll was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of John Snyder, formerly of Company I, One hundred and twenty-ninth Regiment of Indiana Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARION D. EGBERT.

The bill (H. R. 2975) granting a pension to Marion D. Egbert was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Marion D. Egbert, late of Company K, Eighty-sixth Regiment Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CALVIN L. KNICK.

The bill (H. R. 1866) granting a pension to Calvin L. Knick was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Calvin L. Knick, late a private in Company E, One hundred and forty-fifth Regiment Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHRISTIAN BAUMAN.

The bill (H. R. 6357) granting a pension to Christian Bauman was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Christian Bauman, late a private in Company A, Fifty-eighth Regiment Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. F. M. NORTON.

The bill (H. R. 8189) granting a pension to Mrs. F. M. Norton was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. F. M. Norton, widow of James H. Norton, deceased, late a private in Company G, Eighty-sixth Regiment New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES STOCKTON.

Mr. COCKRELL. I ask consent to make a short statement, and then to ask action on a bill which is on the Calendar.

The PRESIDING OFFICER. If there be no objection, the Senator from Missouri will proceed.

Mr. COCKRELL. I call the attention of the Senate to the bill (H. R. 2377) granting a pension to James Stockton, which was some time ago reported adversely by the Senator from Tennessee [Mr. JACKSON] on the ground that Mr. Stockton was not acting under orders of United States officers. There is no question on earth about the disability and his being entitled to a pension. He was pursuing a bushwhacker when his horse was shot, and his arm which was hurt has since been amputated. There is no question about that. We have since discovered evidence showing that the force under which he was acting was acting under the authority of United States officers. I ask that the bill be taken up and passed.

Mr. JACKSON. That evidence has been shown since the adverse report was made, and it stands as does the Mary Allen case.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2377) granting a pension to James Stockton. It proposes to place the name of James Stockton, formerly of Company D, Thirty-first Regiment Missouri State Militia, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALEXANDER WEIDE.

The bill (H. R. 7485) granting a pension to Alexander Weide was considered as in Committee of the Whole. It proposes to place on the

pension-roll the name of Alexander Weide, late captain of Company C, Third West Virginia Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS JEFFRIES.

The bill (H. R. 200) granting a pension to Thomas Jeffries was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Thomas Jeffries, late a private in Company C, of the One hundred and twenty-sixth Regiment of Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES MILK.

The bill (H. R. 5309) for the relief of Charles Milk was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Charles Milk, late a member of Company B, One hundred and fifty-second Regiment of Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LINA J. STEARNS.

The bill (H. R. 8082) granting a pension to Lina J. Stearns was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lina J. Stearns, widow of Oliver F. Stearns, late a private in Company F, Sixteenth Regiment New Hampshire Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY MILKEY.

The bill (H. R. 5378) granting a pension to Henry Milkey was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Henry Milkey, late a private in Company I, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FERDINAND HERCHER.

The bill (H. R. 8048) to increase the pension of Ferdinand Hercher was considered as in Committee of the Whole. It proposes to increase the pension of Ferdinand Hercher, late a hospital steward in the United States Army, to \$24 per month, in lieu of the pension now allowed him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OCTAVIA A. NEWHALL.

The bill (H. R. 5330) granting a pension to Octavia A. Newhall was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Octavia A. Newhall, widow of Everett Newhall, late a private in the Fifth Regiment of Massachusetts Volunteers, Company F.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROSANNA RILEY.

The bill (H. R. 7810) granting a pension to Rosanna Riley was considered as in Committee of the Whole. It proposes to place the name of Rosanna Riley on the pension-roll at \$18 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET FLAHERTY.

The bill (H. R. 7853) granting a pension to Margaret Flaherty was considered as in Committee of the Whole. It proposes to place on the pension-roll, at the rate of \$8 per month, the name of Margaret Flaherty, dependent stepmother of Bartlett Flaherty, late a private in Company F, Third Maine Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. BEAN.

The bill (H. R. 1710) granting a pension to George W. Bean was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George W. Bean, late a private in Capt. P. W. Cannon's company of Utah militia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM W. THOMAS.

Mr. HALE. I ask the indulgence of the Senate, as I can be absent only a few minutes from a conference committee, to take up two bills which I may not have any other opportunity to ask to have taken up. If they give rise to any debate I shall not press their consideration. The first is House bill 691, which has been reported favorably by the Finance Committee.

Mr. JACKSON. Is that a favorable report?

Mr. HALE. Yes; it is a unanimous report in favor of the passage of the bill.

By unanimous consent, the bill (H. R. 691) for the relief of William W. Thomas was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to William W. Thomas, of Portland, Me., \$309, being the amount of coupons of United States bonds lost by him, and now unpaid.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLERK OF COURT OF ALABAMA CLAIMS.

Mr. HALE. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 7034) to increase the salary of the clerk of the Court of Alabama Claims. I wish to say that while the bill appears to be adversely reported, it has been reconsidered, and it now stands on the Calendar as a favorable report, I understand.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that the salary of the clerk of the Court of Commissioners of Alabama Claims shall hereafter be at the rate of \$4,300 per annum.

Mr. JACKSON. I should like to inquire what salary the clerk is now receiving.

Mr. FRYE. Two thousand five hundred dollars; but the court is to last only about nine months more, and for four months it only had two judges, and there is an enormous amount of work to do. The claimants pay the salary themselves, and nine-tenths of them ask that the salary of the clerk shall be increased as proposed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAPT. VINCENT PHELPS.

Mr. PLUMB. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 7805) granting a pension to Capt. Vincent Phelps.

Mr. MITCHELL. How many more members of the Committee on Appropriations will come in with special requests?

Mr. PLUMB. This is the pension bill about which I spoke to the Senator. He will not object.

Mr. MITCHELL. Is it not one of those to be reached?

Mr. PLUMB. No; it will not be reached under the order in which the Senate is proceeding.

The PRESIDING OFFICER. The question is not debatable except by unanimous consent. Is there objection to the consideration of the bill indicated by the Senator from Kansas [Mr. PLUMB]?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension-roll the name Vincent Phelps, late a captain and assistant quartermaster in the United States Army.

Mr. PLUMB. I will state that, while the bill appears on the Calendar as having been reported adversely, the Senator from Iowa [Mr. WILSON] who reported it assures me that since it was reported testimony has been laid before him which removes the objection there was to it, and that if that testimony had been before the committee at the time the report was made the bill would have been reported favorably.

Mr. WILSON. The statement of the Senator from Kansas is correct. If the testimony which has come to my notice since the report was prepared and presented to the Senate had been before us at that time I should have reported the bill favorably.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEGAL REPRESENTATIVES OF A. J. GUTHRIE.

Mr. BECK. I ask unanimous consent for the consideration of two little bills which have been reported favorably by the Committee on Claims. There is less than \$500 in each of them, and I am afraid I shall not have much chance to be in the Senate again before final adjournment. The first is the bill (H. R. 2154) for the benefit of the legal representatives of A. J. Guthrie, deceased.

The PRESIDING OFFICER. Is there objection?

Mr. MITCHELL. We have proceeded now only ten minutes under the order of the Senate, and I do not think we can get through with the pension bills if we go on in this way.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky?

Mr. MITCHELL. I am not disposed to object to the application of the Senator, because he is on the Committee on Appropriations.

Mr. BECK. It will not take five minutes, and I am obliged to be out on the business of the Committee on Appropriations.

Mr. MITCHELL. Very well.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to the legal representatives of A. J. Guthrie, deceased, of Louisville, Ky., \$302.20, for services rendered and money advanced in taking care of property of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN TAYLOR & SON.

Mr. BECK. I ask unanimous consent for the consideration of another little bill, which appropriates only a little over \$100, House bill 1198.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1198) for the relief of John Taylor & Son. It directs the Secretary of the Treasury to pay to John Taylor & Son \$149.50, as full compensation for lumber used by the United States Army, as appears from evidence on file in the Third Auditor's Office, Treasury Department.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. H. HAMMOND.

Mr. MAXEY. The Senator from Pennsylvania [Mr. CAMERON] feels an interest in a bill unanimously reported from the Military Committee, not a dozen lines long, and on account of his sickness he has requested me to ask unanimous consent for its consideration. It is a Pennsylvania case. I ask unanimous consent to consider the bill (H. R. 1327) for the relief of J. H. Hammond.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to J. H. Hammond, of Philadelphia, \$2,000, in full for the loss of the barge William T. Anderson while in the military service of the United States by charter, as fully appears by papers now on file in the office of the Third Auditor of the Treasury.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JONATHAN C. HARRISON.

Mr. MITCHELL. I hope that the Senate will now proceed to dispose of the remaining pension bills on the Calendar.

The PRESIDING OFFICER. That is the order of the Senate. The House pension bills will be laid before the Senate in their order on the Calendar.

The bill (H. R. 5998) granting an increase of pension to Jonathan C. Harrison was considered as in Committee of the Whole. It proposes to place on the pension-roll, at the rate of \$30 per month, the name of Jonathan C. Harrison, late a private in Company B, Fifty-second Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH PARRY.

The bill (H. R. 5554) granting a pension to Sarah Parry was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah Parry, widow of Thomas Parry, late a private in Company F, Thirtieth Regiment Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHINESE INDEMNITY FUND.

Mr. PENDLETON. I ask unanimous consent to proceed to the consideration of House bill No. 1004.

Mr. MITCHELL. There is not a Senator here whom I should like more to oblige than the Senator from Ohio if it were possible for me to do so.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Ohio?

Mr. MITCHELL. I must object.

Mr. PENDLETON. I hope the Senator will not insist on his objection. The bill will not lead to much discussion, I am certain. It is a very short bill and it ought to be passed.

Mr. MITCHELL. I will yield with the understanding that we shall then proceed with the pension bills.

Mr. PENDLETON. If the Senator has only a certain number of pension bills that he wishes to have passed at this time, I shall not press my request.

Mr. MITCHELL. I do not desire to object.

The PRESIDING OFFICER. The Chief Clerk will report the bill by title, and the Chair will then ask if there is objection to its consideration.

The CHIEF CLERK. "A bill (H. R. 1004) relative to the Chinese indemnity fund."

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. BLAIR. That bill must lead to discussion, it seems to me. If it does not lead to discussion I shall not object; but I must reserve the right to object.

The PRESIDING OFFICER. Is there objection to proceeding to the consideration of the bill? The Chair hears none.

Mr. BLAIR. Can I not reserve the right to object if the bill leads to discussion, and then call for the regular order?

Mr. FRYE. It will not lead to discussion.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the President to cause the residue of the indemnity received from China, which is now in the custody of the Secretary of State and known and designated in the accounts and reports of the Department of State as the Chinese indemnity fund, to be converted into coin, and provides that \$583,400.90 shall be returned to the Chinese Government, and the balance of the fund, if any, be covered into the Treasury of the United States, and the Secretary of

State is to pay from the fund to the executors of Charles E. Hill \$130,000 upon receipt of a release in full for all claims upon China for the use and loss of the steamer Keorgeor in or about the year 1863.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNIE E. BAILEY.

Several Senators addressed the Chair.

Mr. MITCHELL. Regular order.

The PRESIDING OFFICER. The Chief Clerk will report the next House pension bill.

The bill (H. R. 1235) granting a pension to Annie E. Bailey was announced as next in order, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension-roll the name of Annie E. Bailey, widow of First Lieut. William C. Bailey, of Company B, Fourth Regiment West Virginia Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. IDA P. BELCHER.

The bill (H. R. 7836) for the relief of Mrs. Ida P. Belcher was considered as in Committee of the Whole. It proposes to place the name of Ida P. Belcher, widow of the late Capt. Edwin Belcher, of Company E, Seventy-third Pennsylvania Volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB LAFFERTY.

The bill (H. R. 5148) granting a pension to Jacob Lafferty was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Lafferty, a private soldier in the late war of the States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVENPORT AND ROCK ISLAND STREET RAILWAY COMPANY.

Mr. ALLISON. I ask the Senator from Pennsylvania to yield to me for one moment that I may ask the Senate to pass a bill which has passed the House unanimously and has received a unanimous report from the Senate Committee on Military Affairs. I think it will take but a moment. It is House bill 445, Order of Business 1257.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 445) to empower the Secretary of War to permit the establishment, under certain conditions, of a horse-railway upon and over the island of Rock Island, and the bridges erected by the United States connecting the cities of Davenport and Rock Island therewith.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TERRITORIAL SUPREME COURT APPEALS.

Mr. EDMUNDS. I ask that the Senate take up for consideration House bill 6220, reported favorably from the Committee on the Judiciary.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6220) regulating appeals from the supreme court of the District of Columbia and the supreme courts of the several Territories. It provides that no appeal or writ of error shall hereafter be allowed from any judgment or decree in any suit at law or in equity in the supreme court of the District of Columbia, or in the supreme court of any of the Territories of the United States, unless the matter in dispute, exclusive of costs, shall exceed the sum of \$5,000. But this shall not apply to any case wherein is involved the validity of any patent or copyright, or in which is drawn in question the validity of a treaty or statute of, or an authority exercised under, the United States; but in all such cases an appeal or writ of error may be brought without regard to the sum or value in dispute.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEIRS OF LANGLEY B. CULLEY.

Mr. GROOME. Mr. President—

Mr. CONGER. I now ask in behalf of the poor soldiers that they may have a chance. We have gone around once. I will not make the request though until the Senator from Maryland [Mr. GROOME], who is sick, has a chance.

Mr. GROOME. I ask the Senate at this time to proceed to consider the bill (H. R. 1615) for the relief of the heirs of the late Langley B. Culley.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to the heirs of the late Langley B. Culley, a naval constructor in the Navy, \$2,300, in payment for all services now due the heirs of Culley from the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMOS McDOWELL.

Mr. CONGER. Now I hope we shall go on with the pension bills. Mr. MITCHELL and Mr. HAWLEY. Regular order. The PRESIDING OFFICER. The next House pension bill will be stated.

The bill (H. R. 7572) granting a pension to Amos McDowell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Amos McDowell, late a member of the Forty-sixth Iowa Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. LUCRETIA G. RIPLEY.

The bill (H. R. 3556) granting a pension to Mrs. Lucretia G. Ripley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lucretia G. Ripley, widow of Edward F. Ripley, deceased, who enlisted as a private in Company H, Eighteenth Regiment of Connecticut Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. LYDIA S. HUGGINS.

The bill (H. R. 838) granting a pension to Mrs. Lydia S. Huggins was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Lydia S. Huggins, mother of Rufus A. Huggins, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLEN EDMISTON.

The bill (H. R. 4605) granting a pension to Ellen Edmiston was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ellen Edmiston, widow of Elias Edmiston, late of Company A, Fifty-fifth Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID SEARS.

The bill (H. R. 8091) granting a pension to David Sears was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of David Sears, late a private in Company D, Eighty-first New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES DYE.

The bill (H. R. 8229) to grant a pension to James Dye was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James Dye, late an assistant surgeon in the service of the United States, of the Twenty-first Regiment of Missouri Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH KALER.

The bill (H. R. 7169) granting a pension to Elizabeth Kaler was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth Kaler, foster-mother of George W. Kaler, late a private in Company E, Eighty-seventh Regiment Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CREET H. DOUGHERTY.

The bill (H. R. 383) granting a pension to Creet H. Dougherty was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Creet H. Dougherty, late of Company E, Tenth Regiment Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INCREASE OF PENSIONS.

The bill (H. R. 5509) for the benefit of soldiers and sailors who have lost an arm at the shoulder-joint was considered as in Committee of the Whole. It proposes to increase the pensions of all soldiers and sailors of the United States who have had an arm taken off at the shoulder-joint, caused by injuries received in the service of their country while in the line of duty, and who are now receiving pensions, to the same amount that the law now gives to soldiers and sailors who have lost a leg at the hip-joint.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHARINE HELTON.

The bill (H. R. 8009) granting a pension to Catharine Helton was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Catharine Helton, dependent mother of Calvin Helton, late of Company I, Twenty-fourth Kentucky Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SYLVESTER GREENOUGH.

The bill (H. R. 7434) granting a pension to Sylvester Greenough was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sylvester Greenough, a soldier of the Mexican war, Black Hawk war, and Florida war, and late a private in Company E, Thirty-seventh Regiment Iowa Volunteer Infantry (Gray Beard Regiment), at the rate of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLARK G. MAINE.

The bill (H. R. 7000) for the relief of Clark G. Maine was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Clark G. Maine, late a private in Battery E, First New York Light Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMANDA ALLEN.

The bill (H. R. 7938) granting a pension to Amanda Allen was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Amanda Allen, mother of Charles F. Allen, late of Company B, One hundred and fifty-fourth Regiment New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICHARD W. BARNES.

The bill (H. R. 7502) granting a pension to Richard W. Barnes was considered as in Committee of the Whole. It proposes to place the name of Richard W. Barnes, late a private in Company A, Eighth Regiment Iowa Volunteer Cavalry, on the pension-roll, at \$30 per month in lieu of the pension now paid him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

L. W. PITTS.

The bill (H. R. 7803) granting a pension to L. W. Pitts was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of L. W. Pitts, late of Company B, Third Regiment Kentucky Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID N. BRYAN.

The bill (H. R. 4216) granting a pension to David N. Bryan was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of David N. Bryan, late a private in Company D, Seventy-eighth Regiment Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRISON MITCHELL.

The bill (H. R. 1901) for the relief of Harrison Mitchell, late of Company K, Forty-eighth Indiana Volunteers, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBERT HARPER.

The bill (H. R. 8090) granting a pension to Albert Harper was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Albert Harper, late of Company G, Ninth New York Heavy Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN BOYLE.

The bill (H. R. 389) granting a pension to John Boyle was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Boyle, late a private in the Tenth Battery Indiana State Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

W. H. H. COLEMAN.

The bill (H. R. 6982) granting a pension to W. H. H. Coleman was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of W. H. H. Coleman, late a private of Company B, Eleventh Regiment Pennsylvania Reserve Corps.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH TYLER.

The bill (H. R. 4055) granting a pension to Sarah Tyler was considered as in Committee of the Whole. It proposes to place the name of Sarah Tyler, dependent mother of William Tyler, deceased, late of Company B, Fifty-second Indiana Volunteer Infantry, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTHER HUDSON.

The bill (H. R. 2645) granting a pension to Esther Hudson, mother of William H. Hudson, deceased, late of Company G, Twenty-sixth Regiment Pennsylvania Volunteers, and Company E, One hundred and ninety-first Regiment Pennsylvania Volunteers, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AUGUSTUS JONES.

The bill (H. R. 5191) granting an increase of pension to Augustus Jones was considered as in Committee of the Whole. It proposes to increase the pension now allowed to Augustus Jones, a soldier of the war of 1812, from \$8 to \$20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY BIEDERBICK.

The bill (H. R. 7933) granting a pension to Henry Biederbick was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Henry Biederbick, late a hospital steward in the United States Army, and one of the survivors of the late Greeley expedition to Lady Franklin Bay.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH RAIBLE.

The bill (H. R. 3947) granting a pension to Joseph Raible was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Joseph Raible, of Indiana, who lost an arm above the elbow, during the war, while firing a salute, at the city of Indianapolis, under the direction of the quartermaster-general of Indiana, and to pay him \$30 per month, in lieu of all other pensions now paid him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATHANIEL JOHNSON COFFIN.

The bill (H. R. 4393) for the relief of Lient. Nathaniel Johnson Coffin was considered as in Committee of the Whole. It proposes to increase the pension now granted to Nathaniel Johnson Coffin, late first lieutenant of Company K, Thirteenth New Hampshire Volunteer Infantry, in the late war of the rebellion, to \$20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. KINMAN.

The bill (H. R. 7177) granting a pension to William H. Kinman was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William H. Kinman, formerly of Company F, Thirty-fourth Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN O. GARDNER.

The bill (H. R. 7178) granting an increase of pension to John O. Gardner was considered as in Committee of the Whole. It proposes to increase the pension of John O. Gardner, formerly of Company A, Ninth Maine Volunteers, to \$20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL McALPIN.

The bill (H. R. 7503) for the relief of Daniel McAlpin was considered as in Committee of the Whole. It proposes to remove the charge of desertion against Daniel McAlpin, Sixteenth United States Infantry, war of 1812, and directs the Secretary of the Interior to place his name on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH McINTOSH.

The bill (H. R. 2085) granting a pension to Joseph McIntosh was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Joseph McIntosh, late of the Thirty-ninth Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHANCEY G. DARRAH.

The bill (H. R. 8187) granting a pension to Chancey G. Darrah was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Chancey G. Darrah, late of Company E, Sixteenth Regiment New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN SPARR.

The bill (H. R. 7340) granting a pension to John Sparr was considered as in Committee of the Whole. It proposes to place on the pen-

sion-roll the name of John Sparr, of Batavia, N. Y., late of Company C, Third Regiment New York Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARLAN JACKSON.

The bill (H. R. 4458) granting a pension to Harlan Jackson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Harlan Jackson, late of Company I, Sixth Regiment Kansas Militia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADDISON M. COPEN.

The bill (H. R. 8136) for the relief of Addison M. Copen was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Addison M. Copen, late of Company I, Third United States Dragoons, in the Mexican war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMMA O. ZEIGLER.

The bill (H. R. 4878) granting a pension to Emma O. Zeigler was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Emma O. Zeigler, widow of W. A. Zeigler, late captain of Company —, First Regiment West Virginia Infantry Veteran Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GRIGSBY FOSTER.

The bill (H. R. 5740) for the relief of Grigsby Foster was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Grigsby Foster, late a private in Company E, Seventh Regiment West Virginia Volunteer Cavalry, now a resident of Lucas, Lucas County, Iowa.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH CONNOR.

The bill (H. R. 411) granting a pension to Elizabeth Connor was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth Connor, widow of William Connor, deceased, late a private in Capt. Paterson Bain's company in the war of 1812.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NELLY ROBERTS.

The bill (H. R. 1142) granting a pension to Nelly Roberts was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Nelly Roberts, dependent mother of Fred Sawyer, alias Bond, late a private in Company G, First United States Colored Troops.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROSE DOUGHERTY.

The bill (H. R. 6173) for the relief of Rose Dougherty was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Rose Dougherty, widow of John Dougherty, late of Company B, Thirty-seventh Regiment New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH W. CREIGHTON.

The bill (H. R. 5086) for the relief of Elizabeth W. Creighton was considered as in Committee of the Whole. It proposes to place the name of Elizabeth W. Creighton, widow of J. Blakeley Creighton, late a rear-admiral, on the pension-roll at the rate of \$50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD WILCOX.

The bill (H. R. 6775) granting a pension to Edward Wilcox was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Edward Wilcox, an imbecile son of Leonard Wilcox, late of Company A, Twenty-first Regiment Connecticut Volunteer Infantry, and to pay his legally appointed conservator, for his use and benefit, a pension of \$18 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSHUA F. JUSTICE.

The bill (H. R. 5103) granting a pension to Joshua F. Justice was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Joshua F. Justice, late a private in Company H, Second North Carolina Mounted Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATHANIEL POND, JR.

The bill (H. R. 4668) for the relief of Nathaniel Pond, jr., was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Nathaniel Pond, jr., now of Faribault, Minn., formerly a private soldier in Capt. James Gray's company of Vermont militia in the war of 1812.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. ELIZABETH A. RANDALL.

The bill (H. R. 1587) granting a pension to Mrs. Elizabeth A. Randall, widow of Capt. Fernando Randall, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Elizabeth A. Randall, widow of Capt. Fernando Randall, late captain of Company G, Seventh Regiment of Vermont Veteran Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICHARD DILLON.

The bill (H. R. 2457) granting a pension to Richard Dillon was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Richard Dillon, late a private in Company B of the One hundred and first Regiment of New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES M. PIKE.

The bill (H. R. 3340) granting a pension to James M. Pike was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James M. Pike, late second corporal of Company C, Fifth Regiment Vermont Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS M. MCCHESNEY.

The bill (H. R. 7863) granting a pension to Thomas M. McChesney was considered as in Committee of the Whole. It directs that the name of Thomas M. McChesney, of the township of Cranbury, in the county of Middlesex, New Jersey, shall be placed upon the list of invalid pensioners, as though he had been regularly mustered into the service as an enlisted man in Company M, Ninth New Jersey Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN F. CHASE.

The bill (H. R. 6904) for the relief of John F. Chase was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John F. Chase, formerly a member of Company B, Eighteenth Regiment New York State Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JESSE C. BUCK.

The bill (H. R. 5146) granting a pension to Jesse C. Buck was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jesse C. Buck, late a private in the Third Pennsylvania Heavy Artillery, One hundred and fifty-second Regiment Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM D. FARNSWORTH.

The bill (H. R. 8152) for the relief of William D. Farnsworth was considered as in Committee of the Whole. It proposes to place the name of William D. Farnsworth, dependent father of Edward Farnsworth, late of Company E, Twentieth Indiana Volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM STANSBERRY.

The bill (H. R. 7993) for the relief of William Stansberry was considered as in Committee of the Whole. It proposes to place the name of William Stansberry, late of Company A, Third West Virginia Cavalry, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHRISTIAN ARNDT.

The bill (H. R. 7902) for the relief of Christian Arndt was considered as in Committee of the Whole. It proposes to place the name of Christian Arndt, late of Company H, Ninth Minnesota Infantry, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES L. ALDEN.

The bill (H. R. 6960) for the relief of Charles L. Alden was considered as in Committee of the Whole. It proposes to place the name of

Charles L. Alden, of Company C, Second Minnesota Infantry, on the pension-roll, at the rate of \$30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SEBERT TONEY.

The bill (H. R. 7447) granting a pension to Sebert Toney was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sebert Toney, late a private in Company B, Thirty-seventh Iowa Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. LUCY PARR.

The bill (H. R. 8142) granting a pension to Mrs. Lucy Parr was considered as in Committee of the Whole. It proposes to place the name of Lucy Parr, widow of Samuel B. Parr, late of Company I, Fourth Regiment Iowa Volunteer Infantry, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY ROYAL.

The bill (H. R. 5304) for the relief of Mary Royal was considered as in Committee of the Whole. It proposes to place the name of Mary Royal, widow of William Royal, deceased, late a private in Company I, Fifty-ninth Regiment of Indiana Volunteer Infantry, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK HUTTEN.

The bill (H. R. 7170) for the relief of Frederick Hutten was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Frederick Hutten, formerly of Company K, Thirtieth Regiment Indiana State Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JUDSON BOSTWICK.

The bill (H. R. 7334) granting a pension to Judson Bostwick was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Judson Bostwick, of Arcade, N. Y., late of Company F, Fifth Regiment New York Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PATRICK MURPHY.

The bill (H. R. 7047) granting a pension to Patrick Murphy was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Patrick Murphy, late a private in the Second Independent Battery, Ohio Light Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PARDON H. MOREY.

The bill (H. R. 7728) for the relief of Pardon H. Morey was considered as in Committee of the Whole. It proposes to allow to Pardon H. Morey, of Chautauqua, Chautauqua County, New York, late a private in the Seventh Company, First Battalion New York Sharpshooters, a pension for single inguinal hernia, in addition to that now received by him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEMUEL J. BENNETT.

The bill (H. R. 552) granting a pension to Lemuel J. Bennett was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lemuel J. Bennett, late of Company —, First Illinois Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RACHAEL A. QUEEN.

The bill (H. R. 8132) to restore to the pension-roll the name of Rachael A. Queen, was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of Rachael A. Queen, dependent sister of Jonathan Queen, late of Company F, Fifth California Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABRAHAM COVER.

The bill (H. R. 4021) granting a pension to Abraham Cover was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Abraham Cover, late first lieutenant of Company M, Sixth Regiment Illinois Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNA BECK.

The bill (H. R. 5728) granting a pension to Anna Beck was consid-

ered as in Committee of the Whole. It proposes to place the name of Anna Beck, widow of August Beck, late of Company F, Seventh New York Volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JANE D. BRENT.

The bill (H. R. 7248) to increase the pension of Jane D. Brent was considered as in Committee of the Whole. It proposes to increase the pension of Jane D. Brent, widow of Thomas L. Brent, late captain of Company—, Fourth Regiment Artillery of the regular Army of the United States, to a rating of \$50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD KRAEMER.

The bill (H. R. 1873) for the relief of Edward Kraemer was considered as in Committee of the Whole. It proposes to increase the pension of Edward Kraemer, formerly a member of Company F, Twelfth Regiment Illinois State Volunteers, to \$24 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M. MILTON.

The bill (S. 2663) granting a pension to John M. Milton was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John M. Milton, dependent father of Charles A. Milton, late a private in Company B, Second Regiment New Hampshire Volunteers, and at the time of his death a medical cadet.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY A. GRENNON.

The bill (H. R. 3735) granting a pension to Mary A. Grennon was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary A. Grennon, widow of William H. Grennon, late of Company M, Fourteenth New York Heavy Artillery, at the rate of \$16 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHILDREN OF F. F. KISLINGBURY.

The bill (H. R. 7618) granting a pension to Harry H. G. Kislingbury, Walter F. Kislingbury, Wheeler Schofield Kislingbury, and Douglas E. L. Kislingbury, respectively, children of the late Frederick F. Kislingbury, a lieutenant in the Eleventh Regiment United States Infantry, was considered as in Committee of the Whole. It proposes to place on the pension-roll the names of the minor children of the late Lieut. Frederick F. Kislingbury, Eleventh United States Infantry, and to pay to each of them a pension at the rate of \$10 per month, and until they severally attain the age of 21 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB FUNKHOUSER.

The bill (H. R. 2872) granting a pension to Jacob Funkhouser was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jacob Funkhouser, of the county of Preston, West Virginia, a private soldier of the war of 1812.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RACHEL NICKELL.

The bill (H. R. 603) granting a pension to Rachel Nickell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Rachel Nickell, widow of Asbury Nickell, late of Company I, Forty-seventh Regiment Kentucky Mounted Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MATILDA CODY.

The bill (H. R. 7907) granting a pension to Matilda Cody was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Matilda Cody, widow of John Cody.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY J. DICKSON.

The bill (H. R. 8237) granting a pension to Mary J. Dickson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary J. Dickson, dependent sister of Sylvester R. Dickson, late a private in Company A, Eighty-third Regiment Illinois Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADDIE L. MOORE.

The bill (H. R. 8155) granting a pension to Addie L. Moore was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Addie L. Moore, widow of Camillus A. Moore,

late a private in Company E, Seventy-fourth Regiment Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH SANSOM.

The bill (H. R. 7990) granting a pension to Joseph Sansom was considered as in Committee of the Whole. It proposes to place the name of Joseph Sansom, late of Company F, Twenty-sixth Regiment Kentucky Volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COL. HENRY J. HUNT.

Mr. HAWLEY. I ask unanimous consent for the consideration of the bill (H. R. 78) to provide for the retirement of Col. Henry J. Hunt.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the President to nominate and, by and with the advice and consent of the Senate, to appoint and place Col. and Bvt. Maj. Gen. Henry J. Hunt on the retired-list as a major-general, with the rank, pay, and emoluments of a major-general of the United States Army on the retired-list, to date from September 14, 1883.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER (Mr. HOAR in the chair). The question is on agreeing to the preamble.

Mr. HAWLEY. I do not care about the preamble except that a change would send the bill back to the House. The preamble is true, though verbose.

The preamble was agreed to.

Mr. INGALLS. I ask unanimous consent that House bill 8236, Order of Business 1435, which was under debate last evening, may be now considered.

The PRESIDING OFFICER. Will the Senate consent to the present consideration of the bill?

By unanimous consent, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8236) relating to sales for taxes in the District of Columbia.

The PRESIDING OFFICER. The bill has been read, and the question is on agreeing to the amendments proposed by the Committee on the District of Columbia. Several amendments proposed in the Senate, the Chair understands, have been agreed to.

Mr. INGALLS. I move in accordance with a suggestion made by the Senator from Alabama [Mr. MORGAN] who objected last night, to strike out in line 5, before the word "levied," the words "or assessments;" so as to read:

That hereafter sales of real estate, after advertisement as required by law, by the collector of taxes for the District of Columbia, for taxes levied by the commissioners of said District, or by other lawful authority, shall entitle the purchaser.

The amendment was agreed to.

Mr. CONGER. Is there any other place where the words "or assessments" occur?

Mr. INGALLS. No, there is no other place.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. INGALLS. I move that the Senate insist on its amendments and ask for a committee of conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the presiding officer was authorized to appoint the conferees on the part of the Senate; and Mr. HARRIS, Mr. ALDRICH, and Mr. INGALLS were appointed.

APPEALS IN HABEAS CORPUS CASES.

Mr. McMILLAN. I ask unanimous consent to take up the bill (H. R. 5691) amending section 754 of the Revised Statutes. The bill allows an appeal in habeas corpus cases to the Supreme Court.

The PRESIDING OFFICER. The Senator from Minnesota asks unanimous consent for the consideration of the bill named by him. Is there objection?

Mr. CONGER. I desire to say that I see almost every Senator here—

The PRESIDING OFFICER. The Senator from Michigan may proceed by unanimous consent, there being no objection.

Mr. CONGER. If the bill is taken up I suppose I may proceed.

The PRESIDING OFFICER. The question of taking up the bill by unanimous consent is not debatable, but the Chair will hear the Senator from Michigan if there be no objection.

Mr. CONGER. I see Senators all around the floor with their hands full of bills and with more vigor and energy than I have ever seen heretofore in the Chamber, in the four years I have been a member of the Senate, in getting bills through. I stand here as the representative

of the Committee on Commerce with a bill which should be disposed of one way or the other, and I am not responsible for the manner. I wish to make a proposition, and if the Senate will accede to it, very well. If it can be agreed that at a quarter past 3 the consideration of the river and harbor bill shall be resumed without further interruption until the Senate disposes of it in some way, I shall yield to any Senators who want to pass their little bills, subject to conference reports; and I will agree also that the time occupied by conference reports may be taken out.

The PRESIDING OFFICER. The Chair will ask unanimous consent.

Mr. CONGER. I will say half past 3.

Mr. PLUMB. I think the Senator from Michigan makes the request a little more sweeping than he intends. He does not mean to propose that the river and harbor bill shall remain before the Senate and displace all other business, appropriation bills and reports of committees of conference and things of that kind, but he simply desires that the consideration of the bill shall be resumed or continued at that time, subject to the necessary interruptions.

Mr. CONGER. I do not claim that the Senate shall make any particular disposition of the bill, but that it shall be resumed and not be displaced again by these appeals for unanimous consent, subject to reports of conference committees always.

The PRESIDING OFFICER. Is there unanimous consent to the request of the Senator from Minnesota [Mr. McMILLAN] to take up the bill named by him?

Mr. CONGER. Is the understanding which I proposed one which the Senate adopts?

Mr. MILLER, of New York. I do not see how the Senate can make any agreement of that kind. The Senator from Michigan can call up his bill at any time he sees fit. All the business being done is being done by unanimous consent. The Senator can call up his bill at any time he sees fit. Why not wait until he decides to call it up?

Mr. CONGER. We may as well have an understanding now, and then I should feel better satisfied.

Mr. MILLER, of New York. Some measure we desire to pass may be pending at that time. There is no object in giving unanimous consent now.

The PRESIDING OFFICER. The Chair will ask unanimous consent for the request of the Senator from Minnesota to take up the bill named by him, after which the Chair will recognize the Senator from Michigan.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5691) amending section 764 of the Revised Statutes. It proposes to amend section 764 of the Revised Statutes so as to read:

From the final decision of such circuit court an appeal may be taken to the Supreme Court in the cases described in the preceding section.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE.

Mr. McMILLAN. The other bill to which I referred was House bill 6760, in which the chairman of the Committee on Appropriations is interested.

The PRESIDING OFFICER. The Chair promised to recognize the Senator from Michigan [Mr. CONGER].

Mr. CONGER. I will yield on the supposition that the Senate will accede to my request.

Mr. McMILLAN. This House bill will take but a short time.

Mr. CONGER. I yield once more to the Senator from Minnesota.

Mr. ALDRICH. I object to this manner of farming out the floor.

The PRESIDING OFFICER. There has been no farming out of the floor. The Chair recognized the Senator from Michigan, who was in charge of the matter which was before the Senate and which has been laid aside by these formal applications.

Mr. McMILLAN. The Senator from New York has had several opportunities—

The PRESIDING OFFICER. The question is not debatable. The Senator from Minnesota asks unanimous consent that the Senate proceed to the consideration of Order of Business 1329, being the bill (H. R. 6760) to authorize the construction of a bridge across the Mississippi River at Rock Island, Ill., and Davenport, Iowa, and to establish it as a post-route.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDING OFFICER. There is an amendment proposed by the Committee on Commerce inserting an additional section.

Mr. McMILLAN. I shall ask the Senate to non-concur in that, as the provisions contained in the proposed section I find are embraced in section 8 of the last river and harbor act.

The PRESIDING OFFICER. If there be no objection the reading of the amendment will be dispensed with. The committee withdraw the amendment, the Chair understands.

The bill was reported to the Senate without amendment.

Mr. SEWELL. I ask the Senator from Minnesota whether that is a bill for a bridge across a Government reservation?

Mr. McMILLAN. No, sir; it is across the Mississippi River at Rock Island—a railroad bridge.

Mr. CULLOM. It is entirely separate from the Government reservation.

The bill was ordered to a third reading, read the third time, and passed.

STATE NATIONAL BANK OF BOSTON.

Mr. JACKSON. I ask the Senate to take up House bill 2263, Order of Business 1068.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2263) for the relief of the State National Bank of Boston, Mass. It refers to the Court of Claims the claim of the State National Bank of Boston for the sum of \$100,000, in gold, deposited by the bank in the subtreasury of the United States at Boston, February 28, 1867.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DR. THOMAS J. JONES.

Mr. MAXEY. I ask unanimous consent to call up House bill 6533, order of Business 1425, unanimously reported by the Committee on Military Affairs without amendment.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6533) for the relief of Dr. Thomas J. Jones. It directs the Secretary of the Treasury to pay to Dr. Thomas J. Jones, of Warren County, Kentucky, \$300, for medical services rendered the Eleventh Regiment Kentucky Infantry Volunteers during the months of October, November, and December, 1861.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DR. JOHN B. READ.

Mr. PUGH. I ask the Senate to take up House joint resolution 170, Order of Business 542.

The PRESIDING OFFICER. The Senator from Alabama asks unanimous consent to call up a joint resolution the title of which will be read.

The CHIEF CLERK. "A joint resolution (H. Res. 170) in relation to the claim made by Dr. John B. Read against the United States for the alleged use of projectiles claimed as the invention of said Read, and by him alleged to have been used pursuant to a contract or arrangement made between him and the War Department, and for which no compensation has been made."

Mr. CAMERON, of Wisconsin. Let the joint resolution be read for information.

Mr. PUGH. The facts are stated in the report. The joint resolution commits the Government to nothing. It was unanimously reported by the Committee on Military Affairs.

The PRESIDING OFFICER. The joint resolution will be read for information.

The Chief Clerk read the joint resolution, as follows:

Resolved, &c., That the Secretary of War be, and he is hereby, authorized and directed to organize a board of officers, of not less than three in number, selecting the same from the ordnance and artillery arms of the United States service, who shall examine all the facts relative to the said claim of Dr. J. B. Read, and ascertain whether the United States have made any use of any invention of the said Read in projectiles; whether the same, if so used, were used under any contract, express or implied; whether he consented to the use of said projectiles by the confederate government against the United States, and whether his invention was used by the United States; to what extent, if any, his invention was so used, and whether such use was valuable to the United States, and if so, what sum, if any, under the circumstances of the use, the United States ought in justice to pay for the same; and that such board do make their report thereon with all convenient speed to the Secretary of War, to be by him transmitted to Congress, for its action in the premises; and that such report be accompanied by a statement of all the proofs submitted to and considered by them.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. CONGER. I have objected on two or three occasions against the consideration of this measure. Since that time I have examined the papers in regard to it, and as I find it is proposed to refer the claim to a board for examination and for report to Congress, I have no further objection to the passage of the resolution.

Mr. HARRISON. There is an amendment proposed by the Committee on Military Affairs, I think.

Mr. PUGH. There is no amendment.

Mr. HARRISON. Is this a House resolution?

The PRESIDING OFFICER. It is a House resolution.

Mr. HAMPTON. The amendment referred to is embodied in the text of the resolution.

Mr. HARRISON. I move then to amend after the words "United States"—I have not the House resolution before me—

Mr. HAMPTON. At line 12.

The PRESIDING OFFICER. The Chair is informed by the Secretary that the amendment which was proposed to the Senate print of the resolution is incorporated in the House resolution now before the Senate.

Mr. HARRISON. So I understand, but I desire to move an amendment. Not having the Senate print of the resolution before me I am

not able to indicate the place except by reading the clause. I see here the words:

Whether he consented to the use of said projectiles by the confederate government against the United States.

The Secretary will notice that clause. After the words "United States," I move to insert:

Or otherwise gave aid and comfort to the rebellion.

The PRESIDING OFFICER. The Senator from Indiana moves an amendment, which will be read:

The CHIEF CLERK. On page 2, line 12, after the word "States," it is proposed to insert:

Or otherwise gave aid and comfort to the rebellion.

So as to read:

Whether he consented to the use of said projectiles by the confederate government against the United States, or otherwise gave aid and comfort to the rebellion, &c.

Mr. HAMPTON. I was about to say to my friend from Indiana that if an amendment is put upon this resolution now it will insure its defeat. We, after full discussion in the Military Committee, and I think on the suggestion of the Senator from Illinois [Mr. LOGAN], the chairman of the committee, put in these words:

Whether he consented to the use of said projectiles against the United States.

After this amendment in committee, and after this resolution has come to us having passed the other branch of Congress with this amendment, I submit to the Senator from Indiana that an amendment now will defeat the whole measure. I think that it is so guarded that when the report is made to Congress there is no possibility of the Government being implicated in any improper expense. I trust he will not press the amendment.

Mr. HARRISON. Mr. President—

Mr. PUGH. Will the Senator allow me to make a statement?

Mr. HARRISON. Certainly.

Mr. PUGH. Dr. Read was over 60 years of age when the war commenced. During the war he was surgeon in the University of Alabama of the cadets. This claim of his had its origin in a patent that was granted by this Government in 1856, and it grows out of a contract with the Government of the United States by which he surrendered his patent for experiment by the Government of the United States until it became satisfied that it would be of value. It was left to an Army board which was created by the Secretary of War to ascertain whether the invention was a success and what its value would be to the Government. It is the first instance in history where an inventor has surrendered to the Government a patent to experiment with until it became satisfied of its use and the value of the use. This claim is founded on a contract with the Government where there has been no compensation. The Read shell was used by the confederate government during the war. He never has received one dollar's compensation from this Government or the confederate government. It is a great discovery, and all the projectiles now in use by the Government of the United States are founded upon the discovery of Dr. Read.

This resolution creates a board of Army officers in pursuance of the terms of the contract, and that is the reason this resolution authorizes the creation of the board. It is required by the contract he made with the Government, and the only power this board has is to ascertain the facts, report them to Congress, and let Congress act upon the facts. It commits the Government to nothing on earth. It is harmless at any rate. I know this old gentleman well. He is a man of high character, a man of science and education. He is now over 75 years of age, and if this resolution fails to pass now the feeling of disappointment will go with him to the grave.

Mr. HARRISON. It seems to me that as this was to be submitted to a board, and Congress was to act on the report of the board, the scope of the inquiry should be enlarged and that we should know not only whether this gentleman consented to the use of his projectile by the confederate government against the United States, but what his attitude was toward the Government of the United States during the war. As this question is yet to come before Congress, and as that point can be discussed at that time and investigated by the committee if necessary, I withdraw the amendment at the solicitation of the Senator from California [Mr. MILLER].

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. PUGH. There is a Senate resolution which has become the House resolution, and I simply ask for the indefinite postponement of the Senate resolution.

The PRESIDING OFFICER. The House resolution has not yet passed.

Mr. PUGH. It is Senate resolution No. 67.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. PUGH. Now, I move that the joint resolution (S. R. 67) in relation to the claim made by Dr. John B. Read against the United States for the alleged use of projectiles claimed as the invention of said Read, and by him alleged to have been used pursuant to a contract or arrangement made between him and the War Department, and for which no compensation has been made, be postponed indefinitely.

The motion was agreed to.

JOHN P. PETERSON.

Mr. PIKE. I desire to call up and have disposed of House bill No. 6270, Order of Business 1290.

The PRESIDING OFFICER. The Senator from New Hampshire moves that the Senate proceed to the consideration of the bill (H. R. 6270) for the relief of John P. Peterson.

The motion was agreed to; and the bill was considered as in Committee of the Whole. It provides for the payment to John P. Peterson, late a private of the Capitol police, of \$237.60, being the 20 per cent. additional compensation allowed him under joint resolution giving additional compensation to certain employees in the civil service of the Government at Washington, approved February 28, 1867.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

WILLIAM H. DAVIS.

Mr. PIKE. I offer the following order:

Ordered, That the vote of the Senate of January 7, 1866, transmitting the claim of William H. Davis, together with all papers, vouchers, and proofs connected therewith, to the Court of Claims under the provision of article I, section 1059 of the Revised Statutes of the United States, for consideration and final adjudication, be rescinded and annulled; and that the said court be requested to return to the files of the Senate all papers, vouchers, and proofs which have been transmitted to them under said vote.

The order was agreed to.

PAY OF PASSED ASSISTANT ENGINEERS, UNITED STATES NAVY.

Mr. MAHONEY. I ask that the Senate proceed now to the consideration of House bill No. 1401, Order of Business 766.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1401) to amend section 1556 of the Revised Statutes, giving longevity-pay to certain officers of the Navy. It provides that passed assistant engineers of the Navy shall receive during the third five years after the date from which they take rank as passed (first) assistants, when at sea, \$2,450; on shore duty, \$2,250; on leave or waiting orders, \$1,900; during and after the fourth five years from such date, when at sea, \$2,700; on shore duty, \$2,350; on leave or waiting orders, \$1,950.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CITIZENS OF MARION COUNTY, TENNESSEE.

Mr. HARRIS. I ask unanimous consent of the Senate to proceed at this time to the consideration of House bill No. 4684, Calendar No. 1423.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4684) for the relief of certain citizens of Marion County, Tennessee. By its terms the claims of certain citizens of Marion County, Tennessee, for quartermaster's stores and commissary supplies alleged to have been taken from them by United States troops during the late war, and known as claims filed before the "Jasper board," so called, are referred to the Quartermaster-General of the Army, who is to have full jurisdiction to examine and consider the claims, and make report thereon to Congress as in cases provided for in the second and third sections of the act to restrict the jurisdiction of the Court of Claims, &c., approved July 4, 1864.

The bill was reported from the Committee on Military Affairs with an amendment.

Mr. HARRIS. I ask that the Senate disagree to the amendment. It is not material.

Mr. CONGER. Let it be read.

Mr. HARRIS. It will be read, of course.

The CHIEF CLERK. In line 7, after the word "referred," it is proposed to insert "to;" so as to read:

And they are hereby referred to the Quartermaster-General, &c.

The amendment was rejected.

Mr. HAWLEY. What committee is this from? I do not recall it.

Mr. HARRIS. The Committee on Military Affairs.

Mr. HAWLEY. I did not recall the bill.

The bill was reported to the Senate without amendment.

Mr. DOLPH. I should like to have the Senator in charge of the bill make a statement in regard to it.

Mr. HARRIS. The Senator from South Carolina [Mr. HAMPTON] reported the bill from the Committee on Military Affairs. If the Senator from Oregon will look to the bill he will see that it simply refers the claim to the Quartermaster-General, and he is only authorized to report to Congress whatever he may find to be the merit or want of merit in the claim.

Mr. DOLPH. I do not know what this is. We do not have these bills in hand when they are jumped upon us in this way before we know what the order of business is. We do not always hear it. I ask to have the bill read again.

The PRESIDING OFFICER. The bill will be read.

The bill was read.

Mr. DOLPH. I should like to know who these "certain citizens" of Tennessee are and what the "Jasper board" is. Not having been on the committee or seen the report, I do not know anything about the bill.

Mr. HARRIS. The report of the committee is No. 1519. I have it

in my hand. The "Jasper board" is evidently a military board organized by the general commanding for the purpose of investigating these claims, which did investigate them and report upon them. The only effect of this bill is to remove the statute of limitations and allow the Quartermaster-General to investigate them, and when he has investigated them to report to Congress the result of the investigation.

Mr. DOLPH. I should like to have the report read.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. HAMPTON February 27, 1885:

The Committee on Military Affairs, to whom was referred the bill (H. R. 4684) "for the relief of certain citizens of Marion County, Tennessee," have considered the same, and beg leave to report the bill back to the Senate, recommending its passage.

In the seventh line of the printed bill the word "to" has been accidentally omitted, and the proper correction is made by the committee.

Accompanying the bill is the report from the Committee on War Claims of the House of Representatives, which is made a part of this report, as explanatory of this case.

[House Report No. 230, Forty-eighth Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 1492) for the payment of certain awards in favor of parties therein named, submit the following report:

It appears from the records and evidence in reference to the subject-matter of this bill, obtained from the War Department and filed in this case, that Maj. Gen. George H. Thomas, commanding the Department of the Cumberland, on the 8th day of February, 1864, issued the following order, viz:

[Special Field Orders No. 329.—Extract.]

HEADQUARTERS DEPARTMENT OF THE CUMBERLAND,
Chattanooga, December 8, 1863.

A board of commissioners, consisting of the following-named officers and citizens, is hereby appointed for the purpose of adjusting the claims of the citizens of Marion County, Tennessee, against the United States Government for damages done their property in the occupation of said county by the United States troops.

Details for the board.—Brig. Gen. James B. Steedman, U.S.V.; Colonel Post, Fifty-ninth Illinois Volunteers; Lieut. Col. I. P. Kerr, Seventh Illinois Volunteers; William Pryor, esq.; A. Kelly, esq.

The assistant adjutant-general of Brigadier-General Steedman will act as recorder.

The board will commence at Jasper, Tenn., December 10, at 9 a. m., or as soon thereafter as practicable.

By command of Major-General Thomas.

WM. M. MICHAEL, A. A. G.

This order was issued in pursuance of the policy of the Government recognizing individuals who were public enemies by laws of war by reason of their residence as friendly to the Government, for the purpose of encouraging a sentiment of loyalty to the Federal Government within the insurrectionary territory.

Before any proceedings were had under the order, except the receipt of claims for adjudication, a supplementary order was issued, as follows:

[Special Field Orders No. 81.—Extract.]

HEADQUARTERS DEPARTMENT OF THE CUMBERLAND,
Chattanooga, March 21, 1864.

XI. The following-named officers and citizens are relieved from further duty as members of the board of claims instituted by Par. XVI, S. F. O. No. 39 (C. S.), from these headquarters: Capt. J. W. Moore, Twenty-third Missouri Infantry; Lieut. H. A. Ford, Nineteenth Michigan Infantry; Mr. J. P. Thompson.

XII. The following-named officers and citizens are detailed as members of the board of claims instituted by Par. XVI, S. F. O. No. 39 (C. S.), from these headquarters: Maj. E. A. Griffin, Nineteenth Michigan Infantry; Lieut. Leroy Cahill, Nineteenth Michigan Infantry; Dr. John B. Armstrong.

By command of Major-General Thomas.

W. D. WHIPPLE,
Assistant Adjutant-General.

The docket of cases heard by and before this board, and the awards made therein, now on file in the War Department, shows that there was filed with me for hearing four hundred and seventy-three claims.

The hearing before the board commenced March 23, 1864, and seems to have been concluded April 18, 1864; and there was awarded for quartermaster's stores and commissary supplies to the several persons who could prove their loyalty and the taking and use of the stores.

The committee do not regard the payment of these awards as a question submitted to their decision upon the original facts on which the awards are based. They have been determined and allowed by a military board, called under the apparent sanction of the Government, and whose action seems to have been approved not only by the major-general commanding, but by the War Department, and they have not all been paid. The committee use the term "seems to have been approved," because the papers and record remaining in that Department show no disapproval, which may be said to be a negative pregnant, almost as strong as affirmative proof.

This board was composed of officers in actual service. It held its sessions in the vicinity of the claimants, and its facilities for proof were better than any civil tribunal that has been constituted to hear such claims; and your committee think its findings are entitled to credit.

It may be said, in addition, the Government afterward furnished tribunals to hear this class of claims. These claimants, presumably relying on the awards made by this board, have not prosecuted their claims elsewhere, and statutes of limitations have run against them. But the committee prefer to stand upon the awards made, as an adjudication of a court created by authority of the Government to hear and adjudicate claims of individuals against it, and to hold such adjudications not formally disapproved by the authority convening the court as final.

A small number of these claimants have been paid by special acts of Congress, the exact number the committee are unable to say. The proceedings of the "Jasper board" are now in the hands of the Quartermaster-General, and it seems to your committee that an investigation by the Quartermaster-General is a matter of necessity before intelligent action can be had upon these claims. The committee therefore report a substitute for the bill, conferring authority upon the Quartermaster-General to investigate these claims and to report the result, with his recommendation thereon, to Congress for its action in the premises.

We annex hereto a letter from General W. S. ROSECRANS, addressed to the committee, in reference to these claims.

APRIL 7, 1882.

Respectfully referred to the Committee on War Claims.

When the campaign of Chattanooga was planned the vital question of subsisting the army until the Tennessee River and the railroad could be opened

was fully considered, and it was deemed necessary to look to Sequatchie Valley for such supplies as it could furnish—beef in small quantities and corn and grain were expected, to furnish the trains hauling supplies of provisions.

In fact, the movement of these trains was a supreme exigency, and added that Wheeler's and Forrest's raid across the country to Shelbyville to destroy our railway communication in October, made it necessary to send our cavalry up the Sequatchie Valley to follow the enemy across to McMinnville. They, of course, subsisted on the country, and had no time to make accounts of much that they took.

The commission ordered by General Thomas to make account and report on claims for supplies so taken is what I should have ordered had I remained in command. I should have made it as soon as the railway and river were opened. My reasons for it would have been those above mentioned, and the fact that the Marion County people were by me considered as Unionists in sentiment.

W. S. ROSECRANS.

The bill was ordered to a third reading.

Mr. DOLPH. I do not like to vote for a bill of this magnitude, containing so many claims and involving so large an amount, at so late a day in the session, without an opportunity to examine it as it ought to be examined, and without discussion. I fear we are opening a door that will prove troublesome hereafter, making a precedent that we shall not want to abide by.

Mr. HARRIS. I beg to say to the Senator from Oregon that he need have no apprehension of a precedent like this, for I repeat and I undertake to say that no Senator on this floor can read this bill and doubt the fact that all that it does is to authorize the Quartermaster-General to investigate and report to Congress, and when his report comes the Senator from Oregon and every other Senator can determine for himself whether there be merit or want of merit in the facts so reported.

Mr. DOLPH. That may be, but that is all we did under the act of July 4, 1864, and if this is a class of claims excluded by that act we ought not now at this late day to enlarge the scope of it to let in four hundred claims from the State of Tennessee.

Mr. HARRIS. The Senator from Oregon relies on the statute of limitations alone. I am willing to abide the vote of the Senate.

The bill was read the third time, and passed.

JOSEPH F. WILSON.

Mr. PLUMB. I ask unanimous consent that the Senate proceed to the consideration of the House bill 7522. It is a bill that passed both Houses of Congress at the last session, but was not signed by the President simply through mistake. It has passed the House unanimously at this session.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent that the bill (H. R. 7522) for the relief of Joseph F. Wilson be now considered.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides for the issue to Joseph F. Wilson, of Peoria, Ill., or his legal representatives or assigns, of a number of warrants equal to eighty acres, in tracts not less than the subdivisions provided for in the United States land laws, to be located by Wilson, or his legal representatives or assigns, on any of the unoccupied and unappropriated public lands of the United States subject to preemption or homestead settlement, in lieu of the west half of the northeast quarter of section 19, in township 35 north, of range 5 west, situate in Porter County, Indiana, which tract was entered by and patented to Josiah Smith, of Macon County, Missouri, under and by virtue of the provisions of the acts of Congress approved June 8, 1872, and March 3, 1873, relating to additional homesteads, and by Josiah Smith, after his entry, sold and conveyed to Wilson, and of the title to and possession of which Wilson was divested and dispossessed by the judgment and decree of the circuit court of the United States for the district of Indiana, at the November term, 1880, by reason of a prior disposal of or a prior equitable title in and to the tract, as the court held and decided, to or in persons other than Josiah Smith.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SILVER COINAGE NEGOTIATIONS.

Mr. ALDRICH. I ask the Senator to take up the joint resolution (S. R. 135) requesting the President to enter into negotiations with foreign powers to secure an agreement for the free coinage of silver.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. CONGER. Will the Senator tell us what the object is?

Mr. ALDRICH. The resolution itself states better than I can. It is very short.

Mr. CONGER. Let it be read.

The PRESIDING OFFICER. The resolution will be again read.

The joint resolution was read, as follows:

Resolved, etc. That the President of the United States is hereby requested to enter into negotiations with the states of the Latin Union, and such other foreign powers as he shall deem advisable, with the purpose of securing such treaties with them as shall bind the nations agreeing thereto to open their respective mints to the free coinage of silver with full legal-tender power, at such uniform ratio to gold as shall be agreed upon.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its

Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes.

The message also announced that the House had passed the joint resolution (S. R. 122) authorizing the Secretary of War to loan twelve hospital tents and outfits to the American Society of the Red Cross for use in New Orleans.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bill and joint resolutions; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes;

Joint resolution (H. Res. 342) to authorize the printing of 310,000 copies of the annual report of the Commissioner of Agriculture for the year 1885;

Joint resolution (S. R. 100) authorizing the printing of certain naval and military reports; and

Joint resolution (S. R. 114) to provide for printing the annual reports of the Smithsonian Institution.

JOSEPH W. PARISH.

Mr. CULLOM. I ask leave to call up Order of Business 1275, being the bill (S. 2366) for the relief of Joseph W. Parish.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides for the payment to Joseph W. Parish, late of Peoria, Ill., of \$58,341.85, being the balance of money laid out and expended by him in the purchase of 17,232 tons of ice for the use and at the request of the Government of the United States, which were not afterward called for or taken by the Government, but were wholly lost to Parish.

Mr. HARRISON. From what committee does that bill come?

Mr. CULLOM. From the Committee on Claims, reported by the honorable Senator now in the chair [Mr. HOAR].

Mr. PLATT. Is there a report?

Mr. CULLOM. There is a written report.

Mr. HAWLEY. The Senator offered to yield to me. I should like to pass a resolution for printing—a matter of current business.

Mr. CULLOM. This bill will be disposed of in a moment. I will state to the Senator from Connecticut that the Senator from Massachusetts, who is a member of the Committee on Claims, made a written report, which is on file.

Mr. HARRISON. Is it a House bill?

Mr. CULLOM. No.

Mr. HARRISON. What then is the object of passing it here now?

Mr. PLATT. I understood that the order was to take up House bills.

Mr. HOAR. I think this is a House bill.

Mr. CULLOM. I hope there will be no objection to this bill. This man has been absolutely on the point of starvation trying to get the little sum that is due him.

Mr. HARRISON. Is this a Senate bill?

Mr. CULLOM. I think it is.

Mr. HARRISON. Then if it is, I object, because certainly there is no use at 3 o'clock in the morning of taking up a Senate bill here.

Mr. CONGER. I must insist on the river and harbor bill.

Mr. HOAR. I am quite confident this is a House bill.

The PRESIDENT *pro tempore*. The bill at the desk and on the files is a Senate bill, and the report shows it to be a Senate bill.

Mr. CULLOM. That was my understanding.

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. HOAR. I have charge of the bill. I hope the Senator from Illinois will withdraw it.

Mr. CULLOM. If the Senator who reported the bill asks me to withdraw it, I shall do so.

Mr. HOAR. It is a very plain case, and two minutes' statement would satisfy the Senate, but I do not see why we should take two minutes for a Senate bill now.

Mr. CULLOM. I do not know nearly as much about the case as the Senator from Massachusetts does, but I have been informed by the chairman of the Committee on Claims of the House that if we would take it up and pass it here, he thought he could get it through the House, and I feel that it is my duty to do everything I can to secure that end, because of my actual knowledge of the condition of the man and his family who is trying to get this little money. I hope the bill will be passed now.

Mr. HARRISON. If it is subject to objection I enter an objection, because it certainly is past belief that this bill can be got through the House in the condition of business there.

Mr. CONGER. Now I demand the regular order.

Mr. HOAR. I hope the Senator from Illinois will not persist in urging this bill.

Mr. CULLOM. I withdraw it with the understanding that if a corresponding bill should come over from the House I may be allowed to call it up for action.

Mr. HARRISON and others. Of course there will be no objection to that.

Mr. CULLOM. Now will the Senator from Michigan allow me to introduce a resolution?

Mr. CONGER. I do feel that I have yielded fifteen minutes more than was asked of me, and I must insist on the consideration of the river and harbor bill. I had agreed to yield to the Senator from Connecticut about a matter of printing which ought to be passed.

Mr. CULLOM. But I wish to offer a resolution.

Mr. MILLER, of New York. I ask to take up Order of Business No. 1337, being the bill (H. R. 4679) for the relief of Sarah E. Webster, administratrix.

The PRESIDENT *pro tempore*. There is one bill now before the Senate.

Mr. MILLER, of New York. I understood that was withdrawn.

Mr. CULLOM. I withdraw the Parish bill.

The PRESIDENT *pro tempore*. But the bill has been taken up and is before the Senate. The Senator can move to lay it on the table or to postpone it until to-morrow.

Mr. HOAR. I suggest that the bill be laid aside.

The PRESIDENT *pro tempore*. It can be restored to the Calendar.

Mr. CULLOM. That will do.

The PRESIDENT *pro tempore*. The bill will be restored to the Calendar.

ISAAC A. VERPLANK, DECEASED.

Mr. MILLER, of New York. Mr. President—

Mr. CONGER. The bill of which I have charge was informally laid aside for the passage of pension bills only. All these other bills have come in by a kind of understanding that at half past 3 we should resume the consideration of the river and harbor bill. If there is any faith in agreements, I want to go on with that bill now.

The PRESIDENT *pro tempore*. The Senator has a right to call for the regular order.

Mr. HOAR. I should like to appeal to the Senator from Michigan in regard to one matter of justice. The Senator from New York I think rose about the first, when I was in the chair, of the gentlemen who were recognized, but other gentlemen applied one after the other. I hope the Senator will allow him to make his motion. If he does, I shall feel relieved. It will not take two minutes, I understand, to dispose of his bill.

Mr. MILLER, of New York. I want House bill 4679 acted on.

The PRESIDENT *pro tempore*. The Senator from New York asks unanimous consent that the Senate proceed to the consideration of the bill (H. R. 4679) for the relief of Sarah E. Webster, administratrix. Is there objection to the present consideration of this bill?

There being no objection, the bill (H. R. 4679) for the relief of Sarah E. Webster, administratrix, was considered as in Committee of the Whole. It provides for the payment to Sarah E. Webster, of Buffalo, N. Y., administratrix of Isaac A. Verplank, deceased, late a judge of the superior court of Buffalo, of the sum of money which was assessed as the income tax and was collected from and paid by Isaac A. Verplank to the Government of the United States, upon his salary as a judge of the superior court of Buffalo, N. Y., such tax having been declared unconstitutional by the Supreme Court.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

C. A. CILLEY.

Mr. VANCE. I ask the consent of the Senate to call up—

Mr. CONGER. Now I claim the right to go on with the river and harbor bill.

The PRESIDENT *pro tempore*. The Senator from North Carolina has the floor to state his proposition.

Mr. VANCE. I ask unanimous consent to call up House bill No. 4856, Order of Business 1084.

The PRESIDENT *pro tempore*. The Senator from North Carolina asks unanimous consent that Order of Business 1084, being the bill (H. R. 4856) granting a pension to Bvt. Col. C. A. Cilley, of North Carolina, be now considered. Is there objection?

Mr. CONGER. Is it an adverse report?

The PRESIDENT *pro tempore*. An adverse report.

Mr. VANCE. Yes, sir; there is an adverse report.

Mr. CONGER. Then I object to taking up the bill.

Mr. FRYE. It was an adverse report, because in the opinion of the committee the Commissioner of Pensions could grant the pension, but afterward on going down to see whether that could be done he persisted in refusing to grant it. There is no sort of question about the propriety of the pension.

Mr. VANCE. The committee expressly say that they report adversely without prejudice to the bill, because they think relief ought to be granted at the Department.

Mr. FRYE. The committee thought he ought to have arrears. The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill? The Chair hears none.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place the name of C. A. Cilley, of North Carolina, late a major and assistant adjutant-general of United States volunteers and brevet colonel of United States volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INVESTIGATION OF SOLDIERS' HOME.

Mr. HAWLEY. The Committee on Printing—
The PRESIDENT *pro tempore*. If the Senator from Michigan wishes to call for the regular order, the Chair will recognize him.

Mr. CONGER. I promised to let the Senator from Connecticut make his report, and then I shall call for the regular order.

Mr. HOAR. Let us have until 4 o'clock for general business.

Mr. CONGER. Oh, no; I can not.

Mr. HAWLEY. The Committee on Printing instruct me to recommend concurrence with the House in the passage of House joint resolution No. 367.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. Res. 367) providing for the printing of additional copies of the report of the Committee on Military Affairs on the investigation of the National Home for Disabled Soldiers.

Mr. HAWLEY. The allotment of copies is quite disproportionate, but it is hardly worth while to send the resolution back with an amendment now.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. B. CORNELL AND OTHERS.

Mr. MILLER, of California. The Committee on Naval Affairs, to whom was referred the bill (S. 1172) for the relief of J. B. Cornell and others, have instructed me to report, in accordance with the resolution of the Senate of February 7, 1884, that they have referred this bill to the Court of Claims under the provisions of the act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883.

The report was ordered to be filed.

RIVER AND HARBOR BILL.

Mr. CONGER. Now, I call for the consideration of the bill which was laid aside informally.

The PRESIDENT *pro tempore*. The Senator from Michigan calls for the consideration of the regular order, the title of which will be read.

The CHIEF CLERK. "A bill (H. R. 8280) making appropriations for the preservation and continuation of certain public works on rivers and harbors, and for other purposes."

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Commerce, in section 1, line 13, before the word "million," to strike out "five" and insert "ten," increasing the total appropriation from \$5,000,000 to \$10,000,000. The Chair understands that the Senator from Maine [Mr. FRYE] has moved to lay the amendment on the table. The question is on the motion to lay on the table.

Mr. CONGER. I thought there was a motion to lay the bill on the table, which motion was lost.

Mr. FRYE. I moved to lay the amendment on the table. A vote was taken and I did not question the vote. I made the motion for the purpose of stopping further discussion at that time. The question is now on the amendment.

The PRESIDENT *pro tempore*. The question, then, after the explanation, is on agreeing to the amendment of the Committee on Commerce to strike out "five" and insert "ten," so as to read "\$10,000,000."

A division was called for.

Mr. CONGER. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. PENDLETON (when his name was called). I am paired with the Senator from Florida [Mr. JONES]; otherwise I should vote "nay."

Mr. PLATT (when his name was called). On this amendment and on this bill I am paired with the Senator from West Virginia [Mr. CAMDEN].

The roll-call having been concluded, the result was announced—yeas 27, nays 18; as follows:

YEAS—27.

Beck,	Dolph,	Jones of Nevada,	Pugh,
Blair,	Gibson,	Kenna,	Sabin,
Butler,	Hampton,	Lamar,	Sawyer,
Call,	Hawley,	Mahone,	Vance,
Chase,	Hoar,	Miller of Cal.,	Vest,
Coke,	Jackson,	Morgan,	Walker,
Conger,	Jones,	Palmer,	

NAYS—18.

Bayard,	Frye,	Manderson,	Sewell,
Cameron of Wis.,	Harris,	Miller of N. Y.,	Van Wyck,
Colquitt,	Harrison,	Mitchell,	Wilson.
Cullom,	Ingalls,	Morrill,	
Edmunds,	Lapham,	Plumb,	

ABSENT—31.

Aldrich,	Fair,	Jones of Florida,	Ransom,
Allison,	Farley,	Logan,	Riddleberger,
Bowen,	Garland,	McMillan,	Saulsbury,
Brown,	George,	McPherson,	Sherman,
Camden,	Gorman,	Maxey,	Slater,
Cameron of Pa.,	Groome,	Pendleton,	Vorhees,
Cockrell,	Hale,	Pike,	Williams.
Dawes,	Hill,	Platt,	

So the amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was to insert as section 2:

SEC. 2. That the Secretary of War is hereby directed, at his discretion, to cause examinations or surveys, or both, and estimates of cost of improvements proper to be made at the following points, namely:

Harbor at Portland, Me.: To ascertain and report what further work, if any, is necessary at that locality.

Harbor at Camden, Me.

Big Rapids of Saint John's River, Maine.

Harbor at Wellfleet, Mass.

Taunton River, Massachusetts.

Vineyard Haven, Mass.

North River, in Salem, between Essex and North Bridges, Mass.

Duck Island Harbor, with a view to a harbor of refuge, Connecticut.

Susquehanna River between Owego and Binghamton, N. Y.

Channel between Jamaica Bay and Rockaway Inlet, Queens County, New York.

Harbor at Waddington, N. Y.

Mouth of the Patchogue River, New York.

Pond River, Kentucky.

The Secretary of War is directed to report to the next Congress whether or not the Government dry-dock at the Louisville and Portland Canal, Kentucky, is adequate for the purposes of commerce, and what alterations, if any, are necessary, and the cost of making the same.

Farm Creek, Illinois, with a view to changing its course.

The west channel of the Saginaw River opposite West Bay City, Mich., from the point where it intersects with the channel of said river heretofore excavated by the Government, and extending southerly on the west side of the middle ground.

Little River, Louisiana.

Bayou Rouge, Louisiana.

Harbor at Sandusky, Ohio, with a view to a straight channel from the north end of Cedar Point to the east end of the existing channel in front of the city.

Punta Rasa Harbor, Florida.

Kennebec River, from Augusta to Richmond, Me.

Biddle Point, at Mackinac Harbor, Michigan, with a view to a breakwater.

Pigeon River, Michigan.

Osage River, Missouri, from its mouth to Osceola.

Kaskaskia River, Illinois, from New Athens to mouth.

Islas Creek, California, off San Francisco Bay. A survey is directed to be made regardless of the fact of existing obstruction by the construction and maintenance of a bridge across the channel of said creek by the Protrero and Bay View Railroad Company.

Harbor of San Luis Obispo, Cal.

During the reading of the amendment,

Mr. VAN WYCK. Where is the item about Binghamton, N. Y.

The SECRETARY. In section 2, line 16.

Mr. VAN WYCK. I see.

Susquehanna River between Owego and Binghamton, N. Y.

The PRESIDENT *pro tempore*. The reading of the amendment is not yet completed. After it is read debate will be in order.

The reading of the amendment was concluded.

Mr. CONGER. In line 39 the word "Rasa" should be "Rassoe;" so as to read:

Punta Rassoe Harbor, Florida.

The PRESIDENT *pro tempore*. That correction will be made.

Mr. HOAR. I move to amend the amendment by inserting between the eighth and ninth lines the words:

Harbor at Duxbury, Mass.

Mr. FRYE. I understood the Senator in charge of the bill to ask that the committee amendments should first be acted on.

Mr. HOAR. This is an amendment to a committee amendment.

Mr. FRYE. So it is.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Massachusetts to the amendment of the Committee on Commerce.

Mr. HOAR. This is assented to by the chairman of the committee, who was going to move it himself.

The amendment to the amendment was agreed to.

Mr. FRYE. I desire to offer an amendment in line 7 of this section, after the word "Maine," to insert:

Harbor at Bath, Me.

Mr. CONGER. There is no objection to that.

The amendment to the amendment was agreed to.

Mr. DOLPH. I desire to offer an amendment also. After line 51 of the proposed section 2, I move to insert:

Vancouver Harbor, Washington Territory.

The amendment to the amendment was agreed to.

Mr. SAWYER. I offer an amendment to add at the end of the proposed section 2:

Chippewa Harbor, in the State of Wisconsin, at and below Eau Claire, with a

view of ascertaining if the channel is changing, or the banks giving way to the injury of navigation, and, if so, what is necessary to remedy the same.

Mr. ALLISON. I ask the Senator from Wisconsin what he proposes to accomplish by this plan of a survey?

Mr. SAWYER. It is reported that the channel is changing there to the great injury of navigation. We want to ascertain that. That is all.

Mr. ALLISON. I think the engineer in that district could ascertain that very easily, without making special provision here.

Mr. SAWYER. They say they want a permission of law in order to do that.

Mr. ALLISON. Very well; I do not object to it. The amendment to the amendment was agreed to.

Mr. BLAIR. I move to amend by inserting, after the word "Maine," at the end of line 8 of the proposed section 2:

Harbor at Portsmouth, N. H., from the sea to the wharves. Little Harbor at Portsmouth, N. H., with a view to its improvement as a harbor of refuge.

Winnepiscogee Lake at the point called The Wiers, N. H. The amendment to the amendment was agreed to.

Mr. SEWELL. I move, as an amendment to the proposed section 2, for surveys, to add after line 51:

For survey to determine cost of connecting Barnegat and Tuckerton Bays, New Jersey, by a channel six feet in depth.

The amendment to the amendment was agreed to. Mr. MAHONEY. After line 22 I move to insert:

Nansemond River, Virginia.

The amendment to the amendment was agreed to.

Mr. VAN WYCK. I am directed by the Committee on the Improvement of the Mississippi River and its tributaries to propose a few amendments to this bill, but I presume it is only section 2 which we are now considering. One is—

Mr. CONGER. Does it relate to a survey?

Mr. VAN WYCK. No; to actual business.

Mr. CONGER. That would come under section 3.

Mr. VAN WYCK. It is no survey; it has been established a long while.

Mr. CONGER. If it is not for a survey it ought not to be in this section.

Mr. VAN WYCK. It has got beyond that point.

The PRESIDENT *pro tempore*. The Senator from Nebraska proposes an amendment, which will be read.

The CHIEF CLERK. It is proposed to insert:

That the sum of \$50,000 be, and is hereby, appropriated, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, for the improvement of the Mississippi River at or near Eastport, opposite Nebraska City, which sum shall be expended under the direction of the Secretary of War.

Mr. CONGER. That is not proper in this section.

Mr. VAN WYCK. Is not this section 2?

Mr. CONGER. This section is for surveys entirely.

Mr. VAN WYCK. I beg pardon. I will present it wherever the Senator suggests. It comes from the Committee on the Mississippi River Improvement, and is therefore not subject to any point of order.

Mr. CONGER. It ought not to come in this section.

Mr. VAN WYCK. I withdraw it for the present.

Mr. CONGER. This section is only directing the Secretary of War to cause examinations and surveys to be made.

The PRESIDENT *pro tempore*. Does the Senator from Nebraska withdraw his amendment?

Mr. VAN WYCK. I withdraw it.

Mr. CONGER. I offer an amendment to come in between lines 43 and 44 of section 2:

For a channel connecting Traverse Bay and Torch Lake, near Eastport, Mich.

The amendment to the amendment was agreed to.

Mr. CONGER. I ask for a vote now on the section as amended.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on Commerce as amended.

Mr. CULLOM. What is the state of the bill?

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole, and section 2 is under consideration.

Mr. CULLOM. Has the reading of the bill been completed?

The PRESIDENT *pro tempore*. Not yet.

Mr. VAN WYCK. I do not like to call for a separate vote on all these propositions, but the Chief Clerk read one of the amendments of the committee about the Susquehanna River, I think, somewhere near the neighborhood of Binghamton, N. Y., and I felt curious to know what the point was for a survey of the Susquehanna River between Owego and Binghamton. It would seem to be idle. In high water you might raft logs up there. I hardly know what the object is.

Mr. CONGER. Section 2 and section 3 are amendments taken from the House river and harbor bill which was laid aside, but which the House had agreed upon for surveys and examination.

Mr. VAN WYCK. Then this committee know nothing about it except what the other committee told them?

Mr. CONGER. I do not know the object of making such an inquiry as that.

Mr. VAN WYCK. I was seeking to find out what the committee did know. I trust now the Senator will consent that that item be stricken out.

Mr. CONGER. I have no interest in it in the world. The New York members wish it in.

Mr. VAN WYCK. I suggest—the Senator may not know it—that the New York members must have intended that as a dry joke. [Laughter.] No, I do not want to press for a separate vote on a little matter of that kind.

Mr. CONGER. If the Senator moves to strike out that item I shall make no objection.

Mr. VAN WYCK. I move to strike it out. There is no reason for it, as the Senator when he comes to examine the matter will certainly see.

The PRESIDENT *pro tempore*. The Senator from Nebraska moves to amend the amendment by striking out in lines 16 and 17 of section 2 the words:

Susquehanna River between Owego and Binghamton, N. Y.

A division was called for on the amendment, and the ayes were 2.

Mr. CONGER. I withdraw the call for a division.

The PRESIDENT *pro tempore*. Did the Senator from Michigan demand the division?

Mr. CONGER. I simply wish no further count.

The PRESIDENT *pro tempore*. Did the Senator from Michigan demand the division?

Mr. CONGER. The Senator from Michigan did not.

The PRESIDENT *pro tempore*. Then the Chair can not allow the Senator from Michigan to withdraw the call.

Mr. CONGER. I suppose it was a little irregular, but I expressed my own opinion that there was no necessity for a further count.

Mr. HOAR. I withdraw the call for a division.

The PRESIDENT *pro tempore*. Did the Senator from Massachusetts call for the division?

Mr. HOAR. He did.

The PRESIDENT *pro tempore*. The call is withdrawn. The "noes" have it, and the amendment to the amendment is disagreed to. The question recurs on the amendment of the Committee on Commerce as amended, being section 2.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was to insert as section 3 the following:

SEC. 3. That for examinations, surveys, and contingencies, and for incidental repairs, for which there is no special appropriation, for rivers and harbors, \$100,000: *Provided*, That no survey shall be made of any harbors or rivers until the Chief of Engineers shall have directed a preliminary examination of the same by the local engineer in charge of the district, or an engineer detailed for the purpose; and such local or detailed engineer shall report to said Chief of Engineers whether, in his opinion, said harbor or river is worthy of improvement, and shall state in such report fully and particularly the facts and reasons on which he bases such opinion, including the present and prospective demands of commerce; and it shall be the duty of the Chief of Engineers to direct the making of such survey if, in his opinion, the harbor or river proposed to be surveyed be worthy of improvement by the General Government; and he shall report to the Secretary of War the facts, and what public necessity or convenience may be subserved thereby, together with the full reports of the local engineer. Said reports of preliminary examinations and surveys shall be made to the House of Representatives, and are hereby ordered to be printed when so made.

Mr. VAN WYCK. If it be in order now I would move my amendment.

Mr. FRYE. No; your amendment ought to go on the first section.

The PRESIDENT *pro tempore*. The amendment of the Senator from Nebraska to the amendment will be read.

The CHIEF CLERK. The proposed amendment to the amendment is to insert:

That the sum of \$50,000 be, and is hereby, appropriated, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, for the improvement of the Missouri River at or near Eastport, opposite Nebraska City, which said sum shall be expended under the direction of the Secretary of War.

Mr. CONGER. There is an appropriation in this bill and there was a large appropriation in the last bill for the different points on the Missouri River where the river commission desired that improvements should be made. They have the full power, as the Senator will see by looking at the river and harbor bill of last year, to direct at what points the improvements shall be made, and if I remember aright Eastport is one of the places in the last bill; and therefore as the appropriation in this bill is \$10,000,000, to be apportioned to the same places as were named in last year's bill, I think he will find that the provision in the last law covers the case. If that is so, there is no necessity for the amendment.

Mr. VAN WYCK. I think the Senate will understand one thing right there in connection with that. It will illustrate a point which was made some time ago in the discussion of this matter, that there is a great deal of ingenuity about this bill. It is true, as the Senator says, that the last river and harbor bill appropriated \$800,000 to be expended on the Missouri River from its mouth to Sioux City, a distance of a little over eight hundred miles. That bill provided for the creation

of a river commission for the Missouri River, and under the authority of the law the commission have met, and they have determined how this money shall be expended, and the commission, I will say to the Senator from Michigan, have provided that all moneys subject to their control and disposition shall be expended commencing at Kansas City and going toward the mouth of the river. Kansas City is about three hundred and eighty miles from the mouth of the river, while from the mouth of the river to Sioux City is a distance of eight hundred miles. So the river commission have resolved that whatever money they have to expend shall be expended commencing three hundred and eighty miles from the mouth and proceeding toward the mouth, leaving over four hundred miles, a wide river, a dangerous river, that has always required attention from the Government, with no sort of care and protection on the part of the Government.

This bill provides a pro rata amount of last year's appropriation, it is true, but suppose this bill gives \$700,000 for the Missouri River, which would be the pro rata, it goes into the hands of the river commission, and they spend this money from Kansas City toward the mouth of the river; and I ask my friend if there will be a dollar for four hundred miles of the river between Sioux City and Kansas City. This illustrates the argument made a little while ago that there are places absolutely neglected by this bill and forty-three places provided for that do not need any further protection. There may be other places that ought to be brought forward in this connection, but my attention is called to this because I am interested in it.

Mr. CONGER. I think I am not mistaken. In the last river and harbor bill is this provision:

Improving Missouri River from its mouth to Sioux City, Iowa, including such harbors on said river as in the judgment of the board of engineers herein created will benefit commerce and navigation, \$500,000.

Then it provides for the commission, a board of engineers to be created to consist of five members, three to be appointed from the Corps of Engineers of the Army and two from civil life; and it then continues:

That the said commission shall, under the direction and with the approval of the Secretary of War, superintend, control, and expend for the purposes of this act all appropriations or unexpended balances heretofore made for the improvement of said river, and which may hereafter be made for said river, or so much thereof as may be necessary, and shall prepare and submit, through the Chief of the Engineer Corps to the Secretary of War, to be by him transmitted to Congress at the beginning of the regular session in December of each year, a full and detailed report of all their proceedings and actions, and of all such plans and systems of work as may now be devised and in progress and carried out by them, and of all such additional plans and systems of works as may be devised and matured by them, with full and detailed estimates of the cost thereof, and statements of all expenditures made by them.

The commission have charge of the river far above Eastport, and the commission have full power to expend the money on harbors or for improvements of the river at any point they deem necessary. I should dislike very much to take away a part of the power of the commission. It will have about \$900,000 for that river if the bill passes as proposed. The bill under which the commission were created provides that they shall expend the money not only for the improvement of the river but for such harbors upon it as require improvement. I think it is very full upon that point. I hope the Senator will withdraw his amendment.

Mr. VAN WYCK. The Senator will see how full it is when I read to him what the commission created by the act has done. It has the whole power of expending money on the river and saying how the work shall be done. The Senator will see my point if he will give me his attention for a moment. I read from the report of the Missouri River Commission under date of December 9, 1884. After explaining how this money is to be expended and how the work shall be done, the commission say:

Holding these views, the commission have determined to concentrate their means and to apply them where there is the best promise of obtaining substantial benefits to the general commerce of the United States, at the earliest practicable date, and before the entire completion of the improvement. Evidently useful results can be most quickly obtained by improving the lower end of the river, providing an outlet to the Mississippi. Engineering necessities require that the work should progress down stream. The initial point must, therefore, be at some distance above the mouth. The commission have selected Kansas City, three hundred and eighty-six miles above the mouth, because it is the first important commercial center to be met with in proceeding upstream. They would have preferred an initial point at a less distance from the mouth than three hundred and eighty-six miles, but believing that no very great benefit would be conferred upon the commerce of the United States before the improvement shall extend from the mouth to Kansas City, they have allowed the following considerations to control, namely, that it was desirable to begin the work near a good base of supplies, and that some detached work had already been done here under previous appropriations which could be utilized as part of a general scheme of improvement.

My friend will see that while they have control of this river and the control of the money, they have actually resolved to commence work upon the river at a point three hundred and eighty-six miles from its mouth and then work toward its mouth.

Mr. CONGER. The bill allows them outside of the work generally on the river to improve particular harbors like this at Eastport.

Mr. VAN WYCK. They have this money for improving the river between the mouth and Sioux City; that is the appropriation, and they have a right to use that appropriation for improving the river and the harbors upon it. There is another appropriation for the rocks at Sioux

City. Between Kansas City and Sioux City, four hundred miles, there is no provision available.

Mr. CONGER. The law gives them \$500,000 to expend on the river and improving such harbors as require improvement on the whole length of the river.

Mr. VAN WYCK. Precisely; but they say that their purpose is, and they have so resolved, that they will expend that money by commencing three hundred and eighty-six miles from the mouth of the Missouri. That is the difficulty about the matter; and here we are to-day. These harbors may be washed away and commerce ruined. We use the term "commerce" in a Pickwickian sense principally in connection with this bill. It is not like the Susquehanna, that the Senator insisted upon. It is the other extreme. The Susquehanna is too dry and the Missouri is too wet; that is the trouble; and yet they must all be provided for in the same way. It seems the Missouri is a wet stream. That is the trouble. There is too much water there. We do not complain much of that about Washington, it is true, but on the Missouri they do complain of too much water.

Mr. CULLOM. Will the Senator from Nebraska allow me?

Mr. CONGER. I object to anybody being allowed to come in and interfere with this bill at present. I am tired of watching.

The PRESIDING OFFICER (Mr. PLATT in the chair). The Senator from Nebraska has the floor.

Mr. VAN WYCK. I desire to show further from this report that what I say is correct.

Mr. CONGER. I will admit it all; I will admit everything you say.

Mr. VAN WYCK. Well, then, I will explain. They propose to expend the whole sum appropriated between Kansas City and the mouth of the river. It is true, as the Senator says, that the act of last year provided for improving Missouri River from its mouth to Sioux City, Iowa, including such harbors on said river as in the judgment of the board of engineers herein created will benefit commerce and navigation, \$500,000.

I read the argument of the commission and their action in establishing the commencement of the work at Kansas City. They say:

The larger portion of the appropriation for the portion of the river below Sioux City has been allotted to the works to be executed at and below Kansas City. The programme which the commission have adopted is to make the improvement continuous, working downstream from Kansas City to the mouth of the river, applying all the means placed at their disposal, as far as possible, to this purpose, protecting land and building up new banks as this becomes necessary for the preservation of the channel.

Now I want to call the attention of the Senator from Michigan to the fact that there is only one exception between Kansas City and Sioux City. They intend to spend money on the portion from Kansas City to Sioux City, and they make only one exception.

The report continues:

It was found, however, that at Saint Joseph, Mo., a cut-off was threatened, which, if made, would have a far-reaching and injurious effect upon the stream, and that moreover there was a considerable amount of work there in place, executed under former appropriations, which, if left to itself, would be lost. These two circumstances combined seemed to justify making an exception in this case.

Now mark, they have examined the whole river, and they conclude to spend the money from Kansas City to the mouth of the river, and then they make an exception at Saint Jo.

These two circumstances combined seemed to justify making an exception in this case to the general rules established, and it was accordingly determined to complete the revetment of the banks in this vicinity. One or the other circumstance alone occurs elsewhere, but does not, in the judgment of the commission, justify a departure from the systematic plan proposed.

There is the plan. They have charge undoubtedly of this river, as the House and the Senate have so said, but they have in advance proclaimed how they will expend the money, and there is no provision anywhere for improving this river at Eastport where the Government has been protecting the harbor for years; there is no provision for protecting the river at Omaha where the Government has been protecting it for years; and instead of using the money appropriated for the eight hundred miles of river, this entire amount is to be used at the point I have designated.

What more need be said? If I have satisfied the brethren and they see the importance of this amendment, I am satisfied. Now I will say to my friend that the commerce of some of the rivers named in these bills is a myth. There are logs that float down the Susquehanna in high water. We have logs that float down the Missouri in high water, and we float other things besides logs; but I would say to my friends from the Susquehanna region that this matter of commerce on the rivers named in these bills is a myth.

I say to the Senator from Michigan that I think not a single steamboat has dared invade the waters of the Missouri during the last year. Look! a river like that, a little larger than the Mississippi, and yet its commerce is so shamefully neglected that not a single steamer paddles its way up and down that stream in a year! Look at the position we are left in. Beyond the Missouri River this Committee on Commerce can give no heed. The river needs aid; but it will not receive it at the hands of this commission, and the effect, I say to the Senator, will be the same upon the Mississippi River. After the Mississippi River Commission spend a few million dollars more, you will hear nothing of a steamboat coming up the Mississippi River; they will manage to impede the commerce.

Mr. HAWLEY. Will the Senator from Nebraska yield to me a moment?

Mr. VAN WYCK. For a moment.

Mr. HAWLEY. I would not in the slightest degree depreciate the value of his speech, but I beg leave to suggest that this Hall is to be put thoroughly in order, swept, many chairs brought in, the gallery swept, and various arrangements that I need not discuss made, before 9 o'clock. The attendants tell me they will need two hours or two hours and a half to put the place in order for a becoming appearance.

Mr. VAN WYCK. I do not propose to interfere with them.

Mr. HARRISON. I do not suppose the Senator from Nebraska intends to speak until 7 o'clock.

Mr. HAWLEY. I do not know what the arrangements might be about his speech. It is merely my duty as a member of the committee on arrangements for the inauguration ceremonies to make the suggestion. That is all.

POST-OFFICE APPROPRIATION BILL.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the sixteenth amendment of the Senate to the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes, further insisted upon its disagreement to the amendments of the Senate numbered 17, 18, 19, and 20, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. R. W. TOWNSEND of Illinois, Mr. WILLIAM S. HOLMAN of Indiana, and Mr. R. G. HERR of Michigan managers at the further conference on its part.

Mr. VAN WYCK rose.

The PRESIDING OFFICER. Does the Senator from Nebraska desire to proceed?

Mr. VAN WYCK. If the Senator from Michigan can suggest to me a way in which we can get some relief on the Upper Missouri beyond the point fixed by the river commission, I shall be content, but I have reports here from the engineers of the Army—

The PRESIDING OFFICER. If the Senator from Nebraska will suspend for a moment the Chair will lay before the Senate a message from the House of Representatives. The Chair lays before the Senate the action of the House of Representatives agreeing to the sixteenth amendment of the Senate, and disagreeing to the amendments numbered 17, 18, 19, and 20, to the Post-Office appropriation bill, and asking for a further conference.

Mr. PLUMB. The only remaining ground of disagreement between the two Houses on the Post-Office appropriation bill is upon the provision inserted by the House in the bill providing for a special stamp for the immediate delivery of letters in cities of a certain size. This was rejected by the Senate Committee on Appropriations, in the first instance, on account of its being legislation, and also on account of some doubt as to the propriety of it as an original proposition.

The House has insisted on it somewhat strenuously, and by a vote just taken has still declined to agree to the Senate amendment striking it out. There is some necessity, I am told, for cleaning out this chamber before 7 o'clock, which will interrupt legislative proceedings somewhat, and after consultation with the conferees on this bill I feel constrained to make a motion that the Senate recede from its amendments striking out these provisions in the Post-Office Bill.

The PRESIDING OFFICER. The Senator from Kansas moves that the Senate recede from its amendments numbered 17, 18, 19, and 20.

Mr. MORRILL. May I inquire of the Senator from Kansas whether the House has accepted what has been sometimes called the subsidy provision of the bill?

Mr. PLUMB. The House has accepted that amendment at last by a vote a few moments ago.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kansas to recede from the amendments 17, 18, 19, and 20, disagreed to by the House.

The motion was agreed to.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8280) making appropriations for the preservation and continuation of certain public works on rivers and harbors, and for other purposes.

Mr. CAMERON, of Wisconsin. I have an amendment I desire to propose to this bill, and I will ask my friend from Nebraska to withdraw his amendment so as to enable me to propose my amendment in order.

Mr. VAN WYCK. I suppose my amendment is in order.

The PRESIDING OFFICER. Does the Senator from Nebraska withdraw his amendment?

Mr. VAN WYCK. No, sir. I very much dislike that we should be left entirely to the mercy of the elements on the Missouri River when it is the duty of the Government to protect us there certainly as much as from Kansas City to the mouth of the river. What may be the result of the labor of this commission is extremely doubtful. It is becoming very doubtful as to any good results from the Mississippi River

Commission except the expenditure of millions of dollars without very much to show for it.

I fear very much that while these Army engineers are experimenting with theories on a small reach of the river the rest of that river and the inhabitants along its banks and their property will be subject to devastation by its ravages. Commerce, as I say, is being injured by the fact that there is no protection to the river except at a certain locality, and these men are possessed of the idea that by artificial banks built upon the margin of these streams they will restrain them within certain limits. That is the theory these men have, and we are paying millions of dollars to experiment, and these gentlemen are expending the money within a small limit that they may test their theory. They even propose to-day to test the effect of their experiment after they have for years been spending millions of dollars, and now, forsooth, they desire to take every dollar of the appropriation and put it within a few miles on the river to test an experiment.

Mr. GEORGE. Will the Senator from Nebraska allow me to interrupt him?

Mr. VAN WYCK. Certainly.

Mr. GEORGE. It is very late at night, or rather early in the morning, and I can not speak in a very loud voice, but I will try to make the Senator from Nebraska and the Senate understand me. The statement I desire to make to the Senator from Nebraska is that I think he is mistaken in supposing that the Mississippi River Commission is building or has built any very considerable amount of levees on the Mississippi River of late years. The few levees that are there were built in the main by the people who live in the delta.

Mr. VAN WYCK. Will the Senator tell us where they have been spending the large amount of money we have appropriated for the Mississippi River?

Mr. GEORGE. I believe if the Senator would see—and he has plenty of time now to do it—the reports of the Mississippi River Commission, he would find out all about that.

Mr. VAN WYCK. I ask the Senator if it is not the fact that the Mississippi River Commission are insisting upon spending the money within small spaces for the purpose of testing the effect of their experiment? Is that not the fact?

Mr. GEORGE. I do not know about that. This bill requires them to spend all the money granted under it at two points, Plum Point and Lake Providence reaches. I do not know whether that is important or not.

Mr. VAN WYCK. They are asking now to test this experiment.

Mr. DAWES. Will the Senator allow me to get a resolution passed?

Mr. CONGER. I object to the introduction of a resolution?

Mr. DAWES. I am sure the Senator will not object to it after a statement.

Mr. CONGER. There will be time enough for that after we dispose of this bill. I presume after the Senator from Nebraska has done, the Senate will dispose of the bill by a vote one way or the other. I have yielded all night long, and now I throw the responsibility upon the Senate. I intend to perform my duty by insisting that no other business shall be done until the Senate by a vote throw overboard this bill or adopt it.

Mr. DAWES. I have been necessarily absent from the Senate all the evening.

Mr. CONGER. The Senator can wait a few minutes. I have waited seven hours continuously.

The PRESIDING OFFICER. The Senator from Nebraska will proceed.

Mr. VAN WYCK. The commission say in their report:

The duties prescribed to the commission by the same act were—To superintend and direct such improvement of said river, and to carry into execution such plans for the improvement of the navigation of said river from its mouth to its headwaters as may now be devised and in progress, and to continue and complete such surveys as may now be in progress, and to make such additional surveys, examinations, and investigations, topographical, hydrographical, and hydrometrical, and to consider, devise, and mature such additional plan or plans, and all such estimates as may be deemed necessary and best, to obtain and maintain a channel and depth of water in said river sufficient for the purposes of commerce and navigation [and], under the direction and with the approval of the Secretary of War, superintend, control, and expend for the purpose of this act all appropriations or unexpended balances heretofore made for the improvement of said river, and which may hereafter be made for said river, or so much thereof as may be necessary.

There is no question as to what these commissions are endeavoring to do upon the Missouri River and upon the Mississippi River. What I ask is that a great portion of the Missouri River shall not be left powerless. These men are claiming the right and are exercising it to spend this money for the purpose of testing an experiment. That experiment is by levees, by banks to hold the river in check, and that they have never been able to do.

Now I will ask the Senator from Mississippi a question. He says that many levees have not been built by the Mississippi River Commission.

Mr. GEORGE. I said recently.

Mr. VAN WYCK. I was speaking about what the Mississippi River Commission had done. I did not say "recently."

Mr. GEORGE. I did.

Mr. VAN WYCK. The gentleman is very careful to speak that word

in a whisper. It was not understood. If they have not done it, it is because their money gave out; it was only then that the word "recently" applies. When they had the money to spend they spent it in the way I have stated.

Mr. GEORGE. There was very little money granted to the Mississippi River last year, only about \$1,300,000.

Mr. VAN WYCK. Certainly not; we were reforming last year. Last year was the year of reform. Before that they had abundance.

Mr. GEORGE. I have never seen the abundance.

Mr. VAN WYCK. My friend evidently knows what the Mississippi River Commission have spent. He knows that for many years the people in that section have spent money in building levees, their own people, the communities have spent it. I will ask the Senator roughly how much has probably been expended for the purpose of building levees on the Mississippi River?

Mr. GEORGE. By whom?

Mr. VAN WYCK. Everybody outside of the Mississippi River Commission.

Mr. GEORGE. I do not know.

Mr. VAN WYCK. Millions?

Mr. GEORGE. Yes; several.

Mr. VAN WYCK. The people have spent several millions and the Government has spent several millions. Do the levees protect that country or the river?

Mr. GEORGE. But sometimes they break.

Mr. VAN WYCK. Precisely; they break. That is the point. Now I ask my friend how often do they break?

Mr. GEORGE. They break whenever the water gets strong enough.

Mr. VAN WYCK. Just as I say, the trouble with the Western rivers is that they have too much water, and when the water comes it gets over that country and floods the Mississippi, and from the earliest days you have been trying to dam it out.

Mr. GEORGE. Is there much damming done down that way?

Mr. VAN WYCK. I think likely. The Senator from Wisconsin [Mr. SAWYER] was engaged in the lumber business. He knows. I will accept his amendment which he makes to me *sotto voce*. He says we have been trying to dam it in for years.

Mr. GEORGE. At this hour I do not regard it as exactly fair for the Senator from Nebraska to attack the levee system of the Mississippi River.

Mr. VAN WYCK. I only attack the levee system because I am speaking of the system of this commission. That is their system, the levee system. I ask my friend if that is not what they are proposing to do to-day, to apply the levee system? Is not that the proposition of this Mississippi River Commission?

Mr. GEORGE. The bill, as I understand it, proposes to take the work on the Mississippi River out of the hands of the commission and give it to the Secretary of War. That is the way I look at this bill. The commission are to have no duties, as I understand, after this bill is passed, except to draw their salaries. That is the plain meaning of this bill as I understand it. I call the attention of the Senator from Nebraska to the reading of the bill on that subject.

Mr. VAN WYCK. I have not time to read the bill just now. I will accept the gentleman's statement, if he says it is true.

Mr. GEORGE. I say it is true.

Mr. VAN WYCK. I do not so understand it. The commissions are continued in full force, both the Missouri River and the Mississippi River Commissions. We have been getting on the Missouri what they have been enjoying on the Mississippi for some years—spending money and doing no good.

Mr. GEORGE. Will the Senator let me read him part of this bill, so as to inform him on that very point?

Mr. VAN WYCK. Certainly.

Mr. GEORGE. On page 2 of the bill I call the Senator's attention to the second provision, which reads:

And provided further, That any money which shall be allotted under this act for the improvement of the Mississippi River below Cairo, except so much thereof as it shall be necessary to expend in preventing the works in progress on other portions of the river from waste and injury, shall be expended in the continuation and completion of the works on the Plum Point and Lake Providence reaches of the river now in progress of improvement, as established by the commission—

Mr. VAN WYCK. Precisely; "as established by the commission."

Mr. GEORGE. Let me read further. It continues:

To the end that the proposed improvement of said two reaches of the river on which works are in progress shall be completed at an early day, and the plan of said commission for the improvement of the navigation of the river fully tested; and the money thus allotted by this act for the improvement of the Mississippi River shall be expended by the Secretary of War and in accordance with plans approved by him.

Mr. VAN WYCK. Certainly. That does not establish what my friend says.

Mr. GEORGE. I should like to know what the Mississippi River Commission is to do in reference to spending the money granted by this bill?

Mr. VAN WYCK. It leaves the commission in full blast.

Mr. GEORGE. To draw their salaries?

Mr. VAN WYCK. No; the Secretary of War has what he always

had, control over them. He has had control of them always. Their plans have been subject to his approval always.

Mr. GEORGE. I want to ask the Senator one question. What is left for the commission to do when the work has to be done under the direction of the Secretary of War and according to plans formed by him?

Mr. VAN WYCK. Under plans "approved" by him. My friend certainly understands the use of the language which is set forth so plainly. This Mississippi River Commission has always been subject to the control of the Secretary of War, as the Missouri River Commission has.

Mr. VEST. We have had that same provision in the river and harbor bill.

Mr. VAN WYCK. Yes; and yet my friend from Mississippi says the Mississippi River Commission is substantially abolished.

Mr. BUTLER. Except to draw their salaries.

Mr. VAN WYCK. Except to draw their salaries. I am surprised that the Senator, with his usual sagacity and acumen, should have made the mistake to suppose that the improvement of the river was to be taken from this commission when it is placed there more firmly than before. There is where I find the word "tested."

Mr. GEORGE. One of the remarkable virtues and beauties of this bill is that it undertakes to test the plans of the Mississippi River Commission by having the work done not by them, but by the Secretary of War, and not according to their plans, but according to the plans of the Secretary of War.

Mr. VAN WYCK. The gentleman will see, if he will examine, that this bill is drawn precisely as all other river and harbor bills. They are all under the control of the Secretary of War, to be expended by him, the money to be drawn through him and the plans to be approved by him.

Mr. GEORGE. Now, let us see about that.

Mr. VAN WYCK. This bill shows clearly; it provides as my friend read:

And provided further, That any money which shall be allotted under this act for the improvement of the Mississippi River below Cairo, except so much thereof as it shall be necessary to expend in preventing the works in progress on other portions of the river from waste and injury, shall be expended in the continuation and completion of the works on the Plum Point and Lake Providence reaches of the river—

Confining the expenditure of money to these points—

now in progress of improvement, as established by the commission, to the end that the proposed improvement of said two reaches of the river on which works are in progress shall be completed at an early day, and the plan of said commission for the improvement of the navigation of the river fully tested.

That is all. That is where I started some time ago, and I would have been further on it if the gentleman had not interrupted me by endeavoring to show that the commission were substantially wiped out, when they are in greater force and power. All this money is to be expended at those two points in order to test the correctness of the plan of improvement of the Mississippi River Commission.

Mr. GEORGE. Will the Senator from Nebraska allow me to correct an error into which he fell in supposing this bill is a copy of previous bills on that subject?

Mr. VAN WYCK. It may not be a copy, but it is in the same spirit.

Mr. GEORGE. I call the Senator's attention to the paragraph on page 146, section 1, chapter 229 of the acts of the last session of Congress, in which he will find these words:

Improving Mississippi River from the head of the passes to Cairo, including the improvement and preservation of the harbors of New Orleans, Natchez, Vicksburg, Greenville, Memphis, Hickman, and Columbus, the deflection of the waters of Red River from the Atchafalaya, and keeping open a navigable channel through the mouth of the Red River into the Mississippi River: Continuing improvement, \$1,350,000; which sum, together with the sums herein appropriated for the Mississippi River from the Des Moines Rapids to the mouth of the Ohio, shall be expended under the direction of the Secretary of War, in accordance with the plans, specifications, estimates, and recommendations of the Mississippi River Commission.

That is the way the last bill read. This bill provides that this expenditure shall be made according to the plans of the Secretary of War. By the last bill it was obligatory that the work should be done "in accordance with the plans, specifications, and estimates of the Mississippi River Commission." By the present bill the work is to be done according to plans approved by the Secretary of War. He is not obliged to follow the plans of the Mississippi River Commission. He may adopt the plans of any other person, provided only he approves them. The Mississippi River Commission having no power to do the work, and their plans not being obligatory on the Secretary of War, there is nothing left for them to do under this bill but to draw their salaries.

Mr. VAN WYCK. Not the plans of the Secretary of War, but it expressly provides that it shall be according to the plans of the commission. That is the point I was making, that the Mississippi River Commission have been expending money and producing practically no results.

Mr. CONGER. May I ask the Senator from Nebraska whether he is willing to have a vote on the amendment and let the bill either be passed or rejected?

Mr. VAN WYCK. In a few moments.

Mr. CONGER. Will he not now? He has spoken an hour. I wish

the country to know that every Senator here desires to vote, and the Senator from Nebraska, without talking to his amendment at all, occupies the time until it is too late to pass the bill.

Mr. VAN WYCK. Oh, no.

Mr. CONGER. I am ready to move to lay the bill on the table or to do anything to stop the waste of time which might be occupied with some useful legislation. The whole Senate is anxious for a vote, and the Senator from Nebraska comes in here just at the last end and by talking—without talking even to his own amendment, talking against time, which he has a right to do to defeat this bill—consumes time. All I desire is that the Senate and the country, from the remarks I make, shall see why I have not been able to press this bill to a vote.

Mr. VAN WYCK. What shall I do now? I should like the people to know also that there are four hundred miles of the Missouri River left out in the cold, and, at certain seasons of the year, out in the wet; four hundred miles that do not receive the fatherly care of this Government or of this Committee on Commerce; and I have a right to show that. This Government has neglected the river bank at Eastport until farms have been carried into the river—that is of no moment, I suppose—until hundreds of people like my friends in Mississippi have been driven from their homes; all they had on earth has been swept away by the ravages of that stream, and by the aid of their neighbors and friends they have received support, although they were not looked after so carefully as they would if an application had been made to the Government of the United States to furnish them with rations. That has never been done, although they suffered to an alarming extent, and that river has been left until its channel is ruined, and at this time, by reason of its having been left so, its course has changed and it has shot across a point of the country in a bend so that it devastates that country.

I do not put my amendment on the ground of the necessity of the people on the banks of the river, though I might properly do so. Evidently the channel of that portion of the river is to be ruined, and here are reports after reports establishing that fact. Year after year from 1877 to 1884 the Government has been making these improvements by appropriations meager it is true, but they have helped protect the channel of the river and keep it there, and protect the people living along its banks. I desire that the country should know that here money is to be expended in great sums, and when it is expended it goes to forty-three points where it is not called for, and many other points are left without receiving a dollar.

I only speak of what the Mississippi River Commission has been doing incidentally. I wanted to tell the Senate and the country that on the Missouri we desire not to be left to the tender mercies of a commission that wants to spend a million of dollars to test experiments and find out the correctness of theories, for that is all that has been done. My friend from Michigan will never live long enough, his children never will be old enough to see the Mississippi River protected in its channels by the scheme and project of the Mississippi River Commission. You will spend millions of dollars unless they are checked, enough to build a railroad on either bank of the Missouri and Mississippi Rivers from Sioux City to New Orleans, and you will have nothing then except the levees erected on the banks. You can build from Sioux City to New Orleans a railroad, you can build from Sioux City to the Atlantic a railroad, and you will then not have spent as much as the Mississippi River Commission will spend if they are allowed to go on testing their experiments and drawing million upon million from the Treasury of the United States.

I want the country to understand that men are not to be put down in this way by mere matter of trifling. Give, the House says, \$5,000,000 in a gross sum without any regard to where it shall go, make surveys on the Susquehanna River between Owego and Binghamton, and then without any particular explanation as to where the money is to go, or what the necessity, \$5,000,000 more is added by the Senate. We are asked to appropriate \$10,000,000 without knowing where it is to go, to put it into the hands of men to experiment and carry out their theories when nine-tenths of the people living in the Mississippi Valley know that the commerce of that river and its waters never can be held within bounds.

My friend from Michigan will see the significance of these last remarks. I think I have established the facts sufficiently, and I am willing to take a vote on the amendment.

Mr. GEORGE. Before the Senator takes his seat I should like to make a correction of an error into which the Senator has fallen.

It is very well understood down there by all persons who study and give thought to this question that the levee system can be made very perfect and protect the country.

Mr. VAN WYCK. Why have you not done it in the last fifty years?

Mr. GEORGE. We have not had the money.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The Chair must remind Senators that they should address the Chair and not each other.

Mr. GEORGE. That is the reason we have not done it.

Mr. VAN WYCK. Have not had the money! I think I have heard the gentleman and others from those States stand up in the Senate and say that those people in their municipalities, in their counties, and in

their States had extraordinary advantages in raising money to build levees on the banks of the Mississippi.

Mr. GEORGE. I never heard that statement made.

Mr. VAN WYCK. Yes, sir; that statement has been made in this Chamber, that they had done all they could and more than they should have done; and that now the only thing left was after they had exhausted their resources and built levees that did not stand till the next spring tide came, to make another levy on the great Treasury of the United States. That is the kind of levy designed. I say to my friend that I want the people of this country to understand that is the kind of levies that are sought upon the Treasury. Five million in gross, says the House, and the Senate adds five million more—a small matter; and yet you can not hear about paying an honest claim of \$100 to some poor fellow.

If you proposed to make reservoirs at the head of the Missouri River and the Mississippi, I could understand it; I think there would be something practical in that case. The trouble now is from too much water, and the reservoirs are to hold it, and damming it there would be a good deal better than damming it in the channel when you really have no channel. There will be a deeper damnation if this committee goes on expending \$10,000,000, not seeming to know, and apparently not caring, where it is to be expended; and I say to my friend he will not live long enough, nor I, to see the result, but you let us proceed in the same course which has been going on since the creation of the Mississippi River Commission, and generations to come after us will rise up and not call us blessed.

No, sir; I prefer, as far as I may be able, to remove just a little of these curses in advance, and I desire the people to know just what is being done with these eight millions of dollars. You want certainly to keep open the water ways. We are in favor of that; we desire to do that, and that is the only possible excuse for the expenditure of this large amount of money, that it keeps open the water ways, and they are there as a standing menace to the aggressions, to the greed, to the extortion of railway corporations. If those waters are open it is a warning to the corporations that are sapping what little of the substance and prosperity of the people is left after the ravages of the rivers have overcome them. But if we only had nerve and courage we could get rid of this extortion a good deal easier than by spending these millions of dollars. We could build a railroad from Sioux City to New Orleans, as I have said, or could build a railroad from Sioux City to the Atlantic and have something to show for the money. You have not for what you bury in the Mississippi River; you have not to-day except as you protected the poor dwellers along the banks down there, and that you do not propose to do any more. That is the principal benefit that has been done.

Now, Mr. President, I think I have said enough even to satisfy the Senator from Michigan, and I should like to have a vote on my amendment. It is important. I do not want the gentleman to say that there is no report from the Engineer Department. Here it is:

Mr. CONGER. Read it.

Mr. VAN WYCK. I am afraid I shall not have time to read it all on this amendment, but I have another amendment. I have satisfied the Senator that this measure has been recommended from 1877 to 1884, recommended by every engineer-officer who has been there spending money. I have the maps here. The Senate may be willing to see the maps. The maps show the course of this river and the necessity of this expenditure. Here they are, and if this does not satisfy the Senate then I may be under the necessity of reading these reports on another amendment, but I trust not.

I now ask for a vote on this amendment.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The pending question is on the amendment offered by the Senator from Nebraska [Mr. VAN WYCK].

Mr. GEORGE. Of course at this hour, now about 5 o'clock in the morning, and after the Senate has been in session about ten hours, I can not go into a defense of the levee system which has been so vigorously attacked by the Senator from Nebraska. Besides, it would be wholly unnecessary to do so.

I merely rose for the purpose of saying that according to my reading of the history of the Mississippi River it has been demonstrated to the reasonable satisfaction of every man who has given the subject attention that the levee system has proved a success, and that the water of that river can be easily kept within its banks if they are properly leveed.

In addition to that, the history of the river has shown that where the levees are on both sides the effect has been universally to deepen the channel of the river and to lower the flood-line, thereby improving greatly the navigation of the river and giving security from overflow to the adjacent country. That is all I will say now.

Mr. JONES, of Nevada. It seems to me apparent that any further discussion of this bill would be a mere waste of time, and I move to lay the bill on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada to lay the bill on the table.

Mr. CONGER. Upon that motion I call for the yeas and nays. The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. PLATT (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN]. If he were here, I should vote "yea" and he would vote "nay."

The roll-call was concluded.

Mr. WALKER. My colleague [Mr. GARLAND], I understand, is paired with the Senator from Vermont [Mr. EDMUNDS]. If my colleague were here, he would vote "nay."

The roll-call was concluded.

Mr. EDMUNDS (after having voted in the affirmative). The Senator from Arkansas [Mr. WALKER] has reminded me of a pair with his colleague [Mr. GARLAND] which I had forgotten. Our pair allows me to vote if it is necessary to make a quorum, but for the present I withdraw my vote, as I understand the Senator's colleague would vote differently from what I would vote. I beg to withdraw my vote.

Mr. KENNA. My colleague [Mr. CAMDEN] is paired with the Senator from Connecticut [Mr. PLATT]. If my colleague were here, he would vote "nay."

Mr. COCKRELL. I am paired with the Senator from Ohio [Mr. SHERMAN]. I believe the Senator from Ohio would vote "yea." I ask the Senator from Indiana [Mr. HARRISON].

Mr. HARRISON. I think the Senator from Missouri may be free to vote. The Senator from Ohio would vote against the bill, I think.

Mr. COCKRELL. The Senator from Ohio would vote "yea" and I should vote "nay" upon this question.

Mr. CALL. My colleague [Mr. JONES] is detained from the Senate by illness, but is paired. If he were here, he would vote "nay."

The result was announced—yeas 17, nays 31; as follows:

YEAS—17.

Allison,	Harris,	Miller of N. Y.,	Van Wyck,
Cameron of Wis.,	Harrison,	Mitchell,	Wilson.
Callahan,	Hawley,	Morrill,	
Frye,	Jones of Nevada,	Plumb,	
Hale,	Lapham,	Sewell,	

NAYS—31.

Aldrich,	Conger,	Jonas,	Pike,
Bayard,	Dawes,	Kenna,	Pugh,
Beck,	Dolph,	Lamar,	Sabin,
Blair,	George,	McMillan,	Sawyer,
Call,	Gibson,	Mahone,	Vance,
Chace,	Hampton,	Manderson,	Vest,
Coke,	Hoar,	Morgan,	Walker.
Colquitt,	Jackson,	Palmer,	

ABSENT—28.

Bowen,	Fair,	Jones of Florida,	Ransom,
Brown,	Farley,	Logan,	Riddleberger,
Butler,	Garland,	McPherson,	Saulsbury,
Cameron,	Gorman,	Maxey,	Sherman,
Cameron of Pa.,	Groome,	Miller of Cal.,	Slater,
Cockrell,	Hill,	Pendleton,	Voorhees,
Edmunds,	Ingalls,	Platt,	Williams.

So the motion was not agreed to.

SIOUX INDIAN LANDS IN DAKOTA.

Mr. DAWES. The Senator from Michigan consents to the offering of a resolution, which I send to the desk.

Mr. CONGER. I do not object to the offering of a resolution of inquiry.

Mr. DAWES. I ask that it may be acted upon at this time.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Interior be directed to inform the Senate what, if any, changes have been made in the boundary lines of the reservation heretofore occupied by the Sioux Indians at the Crow Creek agency in Dakota, and how much thereof, if any, has been opened for occupancy as public lands, how much remains in the occupation of said Indians, and the history of the title by which said reservation has been and still is occupied by Indians, and whether said Indians have been consulted in respect to, or have consented to, any change in such boundaries, together with copies of all orders and other papers in said Department concerning the same.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8280) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Nebraska [Mr. VAN WYCK].

Mr. VAN WYCK. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HARRIS. What is the amendment? Let it be read.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. At the end of section 3 it is proposed to add:

That the sum of \$50,000 be, and is hereby, appropriated, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, for the improvement of the Missouri River at or near Eastport, opposite Nebraska City, which said sum shall be expended under the direction of the Secretary of War.

The question being taken by yeas and nays, resulted—yeas 8, nays 34; as follows:

YEAS—8.

Cameron of Wis.,	Lapham,	Miller of N. Y.,	Plumb,
Callahan,	Manderson,	Mitchell,	Van Wyck.

NAYS—34.

Aldrich,	Dawes,	Jackson,	Sabin,
Bayard,	Dolph,	Jonas,	Sawyer,
Beck,	Frye,	Jones of Nevada,	Sewell,
Butler,	George,	Kenna,	Vance,
Call,	Gibson,	McMillan,	Vest,
Chace,	Hampton,	Morgan,	Walker,
Coke,	Harris,	Palmer,	Wilson.
Colquitt,	Harrison,	Pike,	
Conger,	Hawley,	Pugh,	

ABSENT—34.

Allison,	Farley,	Lamar,	Ransom,
Blair,	Garland,	Logan,	Riddleberger,
Bowen,	Gorman,	McPherson,	Saulsbury,
Brown,	Groome,	Mahone,	Sherman,
Cameron,	Hale,	Maxey,	Slater,
Cameron of Pa.,	Hill,	Miller of Cal.,	Voorhees,
Cockrell,	Hoar,	Morrill,	Williams.
Edmunds,	Ingalls,	Pendleton,	
Fair,	Jones of Florida,	Platt,	

So the amendment to the amendment was rejected.

COMMITTEE ON TRANSPORTATION ROUTES.

Mr. CULLOM. I ask the Senator from Michigan to yield for the introduction of a resolution.

The PRESIDING OFFICER. Is there objection?

Mr. CONGER. Let the resolution be read.

The PRESIDING OFFICER. The resolution will be read for information.

The resolution of Mr. CULLOM was read, as follows:

Resolved, That the Committee on Transportation Routes to the Seaboard be authorized to sit during the recess of Congress, by a subcommittee or otherwise, to employ a stenographer, and with the same authority given the committee under resolution of July 5, 1884.

The PRESIDING OFFICER. Is there objection to the consideration of the resolution?

Mr. PLUMB. I do not know that I object, but I should like to have the Senator from Illinois state what the purpose of the expedition is.

Mr. CULLOM. I will state it. The Senator may remember that during the last session of Congress the Committee on Transportation Routes to the Seaboard was given liberty to sit during the vacation and to make investigation so as to bring the report known as the Windom report from 1873 down to the present time. As every Senator knows, last year, after Congress adjourned, was not a period in which men could do very much work outside of the campaign. Hence, there was not a very considerable time spent in making the investigation, although the chairman of the committee, the honorable Senator from Rhode Island [Mr. ALDRICH], to-day made a considerable preliminary report, which, I think, when it is printed, will be found to contain a very great amount of useful information. There has been very little money indeed spent so far in making the investigation, and I hope there will not be very much spent, but still, for the purpose of completing the report, the committee ask that this liberty be given.

Mr. PLUMB. The Windom report was and is a very good document, but I had no idea it was a serial. I judge from the statement of the Senator from Illinois that it is to run in numbers through coming time. Of course, if it is to be continued for this year, next year we shall have another number added and so on.

I do not question that perhaps some investigation might properly be undertaken in regard to the very interesting subject which has been mentioned, but there is a confusion of jurisdiction, it seems to me. This whole subject was debated in the Senate somewhat exhaustively by the Senator from Illinois in a speech which he made on the interstate-commerce bill which bears his name, of which he need not be ashamed at all, and which passed the Senate. That bill came from the Committee on Railroads. If the Committee on Railroads had sufficient jurisdiction of this subject to report the bill which after ample discussion passed the Senate, it seems to me that we do not want to get another committee into that pasture.

Mr. CULLOM. I think if the Senator should examine the bulk of information, testimony, and statistics we have already gathered, he would find that they are very valuable, and if we had had that during this session of Congress we should have been much more enlightened on the subject of interstate commerce or its regulation than we were. I do not apprehend that there will be any conflict of jurisdiction of committees or anything of that sort; but when completed this will be a work which every Senator and the people of this country will be very glad to receive, I think.

Mr. PLUMB. That still does not meet the objection I make, which is that this subject has been committed by the recent action of the Senate to another committee. I do not know what is going to become of the Committee on Railroads in this matter. Is that committee to be laid on the shelf, or are they to carry on a similar investigation in the same field, with the power to report, &c.? If I may be permitted to do so, I suggest that if the committee of which the Senator from Illinois is a member have this useful information they might endow the Committee on Railroads with it, and we might therefore get all this very important subject together under one head.

The interstate-commerce bill which we passed, or a similar one, undoubtedly will be before us at the next Congress. Apparently that bill

can not now become a law. At once the question will arise in the Committee on Railroads, which has given this subject investigation and has made its report and submitted it on the floor of the Senate, shall that committee be ignored, and is the Committee on Transportation Routes to the Seaboard to take up that subject at the next session? It seems to me that this subject, as interesting as it is, as far-reaching as it is, and as proper for investigation as it is, ought to be committed to one committee, and that the committee once having had jurisdiction of it should retain it.

Mr. CULLOM. It has.

Mr. PLUMB. I do not see the force of having one committee to investigate the subject and another committee to consider and report a bill upon it.

Mr. ALDRICH. I have no doubt that the Senator from Kansas finds this a very interesting theme for discussion on the river and harbor bill, and I think his speech will apply about as well to the one as the other. The Windom report, to which he has alluded, contains certain very valuable statistics in regard to prices and rates of freight down to the year 1873. A great many things have happened since 1873, and in considering the question of interstate commerce it is very important, in my opinion, that all those statistics should be continued down to the present time. The space between 1873 and 1885 should be covered by the statistics in regard to the rates of freight and prices and receipts and shipments, so as to show the growth of the internal commerce of the country and to show the decrease or increase, whichever it may be, of the rates of freight from all the principal and from all the internal points.

The investigation so far continued has been entirely in regard to cereals, in which the State the Senator from Kansas represents has as large an interest as any State in the Union. If I had time to have the preliminary report read, which I presented to the Senate this morning, the Senator would find, I have no doubt, many very interesting facts in reference to the receipts and shipments of grain at various points in his own State, and the local and through rates of freight to other points contained in that report.

This matter has never been committed to the Committee on Railroads. It has never been under the jurisdiction of the Committee on Railroads. The investigation has been continued under the order of the Senate by the Committee on Transportation Routes to the Seaboard. It has never been in the charge or care of any other committee. There is no intention, I am sure the chairman of the Committee on Railroads knows, to trespass upon any of the rights or prerogatives of that committee.

It is a very interesting and important investigation, and if the Senate sees fit to put it in charge of the Committee on Railroads I am sure no member of the Committee on Transportation Routes to the Seaboard would find fault; but it is an investigation which should be continued and concluded by some one.

Mr. CULLOM. I have the honor of being a member of the Committee on Railroads, and I am sure that committee is not feeling at all jealous of the work of the Committee on Transportation Routes to the Seaboard. I hope the committee which now has charge of the subject will continue its investigation to the end.

Mr. PLUMB. Since I made the suggestion it has occurred to me that we might at least pacify the Committee on Railroads by giving them a similar junket.

Mr. CULLOM. They are not asking it.

Mr. PLUMB. A plaster of that kind goes a good ways. I presume some of the other committees, the Committee on Commerce, which deals with this question in part, as well as the Committee on Railroads and the Committee on Transportation Routes to the Seaboard, could partake of the same medicine.

Mr. CULLOM. There is no junketing in it.

Mr. PLUMB. I do not mean that offensively; but it all amounts to a certain degree of traveling.

Mr. CULLOM. Possibly not.

Mr. VAN WYCK. I will ask the Senator from Rhode Island whether all the information he desires is not to be found in the census reports?

Mr. ALDRICH. Not by any means. If it were there it would not be asked to have the investigation ordered. I am very sorry to say that no part of it is in the census reports.

The PRESIDING OFFICER. The question is on agreeing to the resolution proposed by the Senator from Illinois.

The resolution was agreed to.

RIVER AND HARBOR BILL.

The PRESIDING OFFICER. The Senate resumes the consideration of the river and harbor bill.

Mr. BLAIR. I trust that the Senator having charge of the pending bill, having due regard to all the circumstances which are so evident, will permit me to bring forward a few remaining pension bills for action by the Senate at this time. I wish to say that about two-thirds of the contested cases of widows of officers of high rank which have been considered by the committee at this session have already been passed by the Senate, and that all which have been brought to the attention of the Senate have been passed. Those which remain being of the same char-

acter, it seems to me just that they should be disposed of by the Senate. Some of them have been pending for nearly two years. These ladies have of course felt a very great anxiety in regard to the fate of their bills, and since the others have passed into law by the action of the Senate, of course they must feel a sense of injustice unless their cases are disposed of in like manner.

Mr. CONGER. I must insist on the regular order.

Mr. BLAIR. I hope the Senator will not insist on the regular order, for it is very evident the time consumed will be wasted, and this is really a very important matter. I have taken pains to see those members of the committee who have opposed the passage of these bills, or at least some of them, and they say that they must take the action of the Senate as equivalent to an instruction to the committee, and there is no danger of any opposition in the way of discussion. Nothing is necessary to be done but to call up the bills and take the action of the Senate upon them.

The PRESIDING OFFICER. The Senator from Michigan insists on the regular order.

Mr. BLAIR. I ask the Senator from Michigan to give me ten minutes.

Mr. CONGER. I have yielded to the Senator all this night long.

Mr. BLAIR. I beg the Senator's pardon.

The PRESIDING OFFICER. The Senator from Michigan insists upon the regular order. Does the Senator from New Hampshire ask for unanimous consent?

Mr. BLAIR. I move to lay the pending bill with its amendments on the table.

Mr. CONGER. That was the last motion.

Mr. BLAIR. There has been action since then.

The PRESIDING OFFICER. A question has been taken since that motion was made on the amendment offered by the Senator from Nebraska. The motion is in order. [Putting the question.] The "noes" appear to have it.

Mr. DOLPH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is the demand seconded?

Mr. BLAIR. It is not worth while, I suppose, to have a wrangle over the matter.

Mr. DOLPH. I withdraw the demand for the yeas and nays.

The PRESIDING OFFICER. The call for the yeas and nays is withdrawn. The motion to lay the bill on the table is lost.

Mr. BLAIR. The Senator from Michigan must know that time is going to waste, and that by objecting to my proposition to do a little act of justice, which would not take ten minutes, he does not hurry his bill any. I ask him once more to allow the pending order to be laid aside informally until these few pension matters can be acted upon by the Senate.

Mr. CONGER. I can not yield to that. The Senate has refused time and again to lay the bill on the table. A majority of the Senate has shown a disposition to act upon the bill in some way or other, and I should be unfaithful to the trust which is committed to me if I allow the time to pass on so, in case I can prevent it. I can prevent these things, and I must insist on the regular order.

Mr. BLAIR. The Senator should be consistent then. He permitted a resolution to come in which occupied more time than it would have taken to pass the bills which I am pressing upon the attention of the Senate.

Mr. CONGER. The Senator from Illinois said the resolution he desired to offer would take but one moment and would pass without opposition.

Mr. BLAIR. Precisely; and I say these bills will pass without opposition.

The PRESIDING OFFICER. The Senator from Michigan insists on the regular order.

Mr. BLAIR. I see that he does.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole, and open to amendment.

Mr. MORRILL. I have an amendment to offer. In section 1, line 16, after the word "act," I move to insert the words "and subject to any conditions therein contained;" so as to read:

Shall be applied by the Secretary of War to each of said public works respectively, in proportion to the sums appropriated for such works in and by the said act, and subject to any conditions therein contained.

Mr. CONGER. I have no objection to that amendment.

The PRESIDING OFFICER. That appears to be an amendment to the text of the bill. The Senate has not yet acted upon the amendments offered by the committee.

Mr. MORRILL. The Senator in charge of the bill does not object to it. I think it is obviously needed.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The Senator in charge of the bill accepts the amendment. The question recurs on the adoption of the third section proposed as part of the amendments offered by the Committee on Commerce.

Mr. HOAR. I rise to ask a question for the convenience of the Senate, whether any reason exists why we should not now take a recess until 9 o'clock.

Mr. PLUMB. I think it will be safer to wait for a few moments

until something is learned from the other House about the disposition of business there. That information has been sent for. It is manifest that a recess must be taken at some time before 12 o'clock, when the inauguration which is supposed to be impending is to occur, but the precise time is one of those things which ought to be pretty carefully considered.

Mr. HOAR. I suppose the engrossing and enrolling clerks can understand what is going to happen as well as any one else.

Mr. PLUMB. That information has been sent for, and will be here in a few minutes.

The PRESIDING OFFICER. The Chair thinks the chairman of the Committee on Appropriations will give the earliest possible information on that point. He has been conversed with several times. The question is on agreeing to the amendment of the Committee on Commerce to insert section 3.

The amendment was agreed to.

The PRESIDING OFFICER. This concludes the amendments of the Committee on Commerce.

Mr. VAN WYCK. I am instructed by the Committee on the Mississippi River Improvement to report another amendment to the bill providing for an appropriation of \$50,000 at Omaha. Omaha is on the Missouri River, I will state for the benefit of Senators who do not seem to know very much about the geography of that part of the country.

The PRESIDING OFFICER. Will the Senator from Nebraska put his amendment in form?

Mr. VAN WYCK. It is in the same form precisely as my former amendment reported from the same committee, except that I insert Omaha. While the clerks are preparing the amendment I will say that I was just a little surprised at the vote of gentlemen on the other side of the Chamber. I remember a few years ago our friends had a great deal of horror of water in the Mississippi River.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 445) to empower the Secretary of War to permit the establishment, under certain conditions, of a horse-railway upon and over the island of Rock Island, and the bridges erected by the United States connecting the cities of Davenport and Rock Island therewith;

A bill (H. R. 1198) for the relief of John Taylor & Son;

A bill (H. R. 1235) granting a pension to Annie E. Bailey;

A bill (H. R. 1327) for the relief of John H. Hammond;

A bill (H. R. 1901) for the relief of Harrison Mitchell, late of Company K, Forty-eighth Indiana Volunteers;

A bill (H. R. 2085) granting a pension to Joseph McIntosh;

A bill (H. R. 4055) granting a pension to Sarah Tyler;

A bill (H. R. 5148) granting a pension to Jacob Lafferty;

A bill (H. R. 5554) granting a pension to Sarah Parry;

A bill (H. R. 5998) granting an increase of pension to Jonathan C. Harrison;

A bill (H. R. 7803) granting a pension to L. W. Pitts;

A bill (H. R. 7805) granting a pension to Capt. Vincent Phelps;

A bill (H. R. 7938) granting a pension to Amanda Allen; and

A bill (H. R. 8090) granting a pension to Albert Harper.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments numbered 1 and 29 of the Senate to the bill (H. R. 8179) "making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes," having met, after full and free conference have been unable to agree.

W. B. ALLISON,

H. L. DAWES,

F. M. COCKRELL,

Managers on the part of the Senate.

W. S. HOLMAN,

J. G. CANNON,

Managers on the part of the House.

Mr. ALLISON. I move that the Senate further insist upon its amendments and ask for a further conference with the House.

Mr. PLUMB. Will the Senator from Iowa please state what the difference is about?

Mr. ALLISON. There are two amendments, I will state to the Senate, one only being material, the other being a summing up of the total of several items of appropriations. The amendment relates to the compensation of the clerks of Senators.

Mr. HARRIS. All of the other amendments have been agreed to in the bill?

Mr. ALLISON. Every other amendment has been agreed upon in the bill.

The PRESIDING OFFICER (Mr. HAWLEY). The Senator from Iowa moves that the Senate further insist upon its amendments 1 and 29, and ask for a further conference with the House on the disagreeing votes thereon.

The motion was agreed to.

By unanimous consent, the presiding officer was authorized to appoint the conferees on the part of the Senate, and Mr. ALLISON, Mr. DAWES, and Mr. COCKRELL were appointed.

PROPOSED RECESS.

Mr. HARRIS. I should like to inquire of the Senator from Iowa what he thinks of the propriety of the Senate taking a recess, and if a recess, from when to when?

Mr. ALLISON. I will state that the legislative appropriation bill is of course undecided; the sundry civil bill is now pending in the House of Representatives and under consideration there with reference to the disagreeing votes between the two Houses. The naval appropriation bill is pending in the House of Representatives on the disagreeing votes of the two Houses. It will be absolutely necessary for the naval bill and the sundry civil bill to be put in conference again before a recess is possible, unless both bills are to fail.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8280) making appropriations for the preservation and continuation of certain public works on rivers and harbors, and for other purposes.

The PRESIDING OFFICER. The pending question is on the amendment offered by the Senator from Nebraska [Mr. VAN WYCK], which will be read.

The CHIEF CLERK. It is proposed to add to section 1:

That the sum of \$50,000 be, and is hereby, appropriated, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, for the improvement of the Missouri River at or near Omaha, Nebr., which said sum shall be expended under the direction of the Secretary of War.

Mr. VAN WYCK. I do not desire to repeat the argument I made a little while ago in regard to my former amendment, but Omaha is decidedly as important as the other point named. Omaha is on the Missouri River. It is one of the termini of the Union Pacific Railroad. Opposite to Omaha is Council Bluffs, and between is the Missouri River. The channel and the current of the river at that point have for years needed protection from the General Government. At no time has the Government in its beneficence and liberality given sufficient to accomplish what ought to be done at that point, and the citizens of Omaha, like the citizens of Mississippi, have been under the necessity of contributing out of their surplus large sums of money for the purpose of keeping the river in check and control.

It follows as a necessary consequence if the bill is passed in its present form that Omaha will receive neither care nor attention from the General Government. I do not believe that even in the haste of passing this bill Senators desire to leave a strip of country four hundred miles in length along the Missouri River without any sort of care or protection on the part of the General Government. It does not seem possible. If that is to be the result, then this bill is wrong, and every Senator ought to admit it to be wrong, to reach the points sought to be reached by the bill in this blind way, the money to be divided pro rata among points provided for heretofore, when some of the points provided for heretofore are necessarily cut off by the action of the Missouri River Commission, which controls this matter. It is an injustice to that part of the channel; and I trust that the Senator having charge of the bill will excuse me if I feel it my duty to resist the appropriation of \$10,000,000 when I know that four hundred miles of this river which has heretofore been protected by the Government will be left without any sort of protection or expenditure of money.

Whatever may be the distribution under any river and harbor bill there ought at least to be protection given at the points which need protection. That should be done. There is enough money expended in places where there is no necessity for an expenditure, but where there is actual necessity, as there has been for years at both of these points, they should not be left unprotected under the operation of the bill and the action of the Missouri River Commission.

My friend will see the point as to why I should resist the measure as it stands. It affects the State of Iowa as much as it affects the State of Nebraska. The point at Eastport, where the ravages were made, was in the State of Iowa, I understand, and Omaha is the place now suggested as the point which needs protection, and which it will not get under the bill unless my amendment is adopted. With \$10,000,000 appropriated under the bill the people living at those two points will have to protect themselves in order to preserve the channel of the river. I can not for a moment conceive why the Senator in charge of the bill should object to my proposition. If he will look at the reports on this matter he will see the necessity of the proposed expenditure, and he will see that it can not be reached except by the adoption of the amendment which I have proposed.

It certainly seems a little strange that our brethren living along the Mississippi River, who are always ready and willing and anxious and persistent to get appropriations for their river, should deny justice by their votes, or that they should deny this necessary aid to four hundred miles of river front running from Kansas City to Sioux City. That may be all right. It is according to the view generally taken of the appropriation of money by a river and harbor bill. Certain points are selected to be benefited. Had not the Government been carrying on this

work for ten or a dozen years the question might be different; but it is no new matter.

I have made these suggestions to Senators because I supposed they did not exactly understand the locality there and the necessity of this work. That it is necessary can not be disputed by the Government itself, and when \$10,000,000 is appropriated certainly a small sum should be distributed to points where there is an absolute necessity for the expenditure.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Nebraska.

Mr. VAN WYCK. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. PLUMB (when his name was called). I am paired on all questions relating to this bill with the Senator from Missouri [Mr. VEST]. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. EDMUNDS. I am authorized by my friend from Arkansas [Mr. GARLAND] to vote whenever it is necessary to make a quorum, and I feel that it is necessary now. I vote "nay."

The result was announced—yeas 10, nays 29; as follows:

YEAS—10.			
Butler,	George,	Mitchell,	Van Wyck.
Call,	Manderson,	Morrill,	
Cameron of Wis.,	Miller of N. Y.,	Sabin,	
NAYS—29.			
Aldrich,	Dolph,	Hoar,	Pike,
Bayard,	Edmunds,	Jackson,	Pugh,
Beck,	Frye,	Jones of Nevada,	Sawyer,
Blair,	Gibson,	Kenna,	Vance,
Chace,	Hampton,	Lamar,	Walker.
Coke,	Harris,	McMillan,	
Colquitt,	Harrison,	Miller of Cal.,	
Conger,	Hawley,	Morgan,	
ABSENT—37.			
Allison,	Garland,	McPherson,	Sewell,
Bowen,	Gorman,	Mahone,	Sherman,
Brown,	Groome,	Maxey,	Slater,
Camden,	Hale,	Palmer,	Vest,
Cameron of Pa.,	Hill,	Pendleton,	Voorhees,
Cookrell,	Ingalls,	Platt,	Williams,
Cullom,	Jones,	Plumb,	Wilson.
Dawes,	Jones of Florida,	Ransom,	
Fair,	Lapham,	Riddleberger,	
Farley,	Logan,	Saulsbury,	

So the amendment was rejected.

Mr. PLUMB. I suppose the Senator from Michigan who has the bill in charge has some very good reason for pressing it upon the Senate at this quite inconvenient hour, and that he must have undoubtedly the impression that it will become a law. While I should regard that as a calamity of no mean proportions, I have no purpose of detaining the Senate for any great length of time, and do not do so at all with any view of impeding the passage of the bill, because there is plenty of time yet I observe by the movement of the clock, and there is not much of anything to do in order to get through with the business in time to avoid an extra session.

But it is just possible that, in the effort to pass this bill, that which we are now seeking to avoid and for which we are subjecting ourselves to a great deal of discomfort may come about. A little discussion now will not I think contribute either to that event or in any manner to the defeat of the bill, because I think a majority of the Senate are determined upon its passage; but the proportions of the bill and its terms are of that striking character which I think ought to have some comment.

Ever since I have had any familiarity with the river and harbor bills which have annually passed Congress, with the knowledge I have had of the manner in which the money has been spent, or rather mispent, and of the very meager results which have been obtained from that expenditure, I have felt that if there were any portion of the public moneys that were any worse in their expenditure and in the results obtained than another, it was in this matter of moneys that we appropriate for the rivers and harbors of the country. This is because there are certainly some very vital errors in the entire system.

In the first place, the money is spent by persons who are not civil engineers. We educate at West Point military engineers, and when a young man has graduated from the academy, for all the purposes for which an engineer is required, for the expenditure of large sums of money annually appropriated, he is called an engineer ready-made, and is assigned to duty upon some work of improvement of rivers or harbors, or both. It must be apparent to even the casual observer that for all practical purposes a large number of the young men who graduate at West Point as engineers can not be so except in name. Hundreds and thousands of men graduate from the law schools of this country who are not lawyers and never become such; and a man would be a rather poor client who would select any one as an attorney for the simple reason that that person had been graduated from a law school. Yet the United States Government commits from day to day and from month to month and year to year, as it has done for many years past, the erection of the public improvements of the character which are

provided for in the river and harbor bills, and the improvements of rivers and harbors, and the consequent expenditure of large sums of money, to these men upon the theory that they are not only engineers but civil engineers, when in the majority of cases they are neither for any practical purpose.

In addition to that they lack the incentive to effort which always more or less characterizes men upon whose effort must depend their livelihood, because these are men who have before them that statutory promotion which is independent of any merit on their part, and therefore that inducement which leads to great human effort, which is the foundation of genius as applied to all the affairs of life, is absolutely and unqualifiedly lacking. I am not denying that there are very many eminent men among these engineers, and that they are up to the ordinary average of men as to morals, as to character generally, and as to what may be ordinarily termed capacity; but I am speaking of them as a class, and of the fact that we commit to them as a class this great responsibility, practically without any kind of consideration as to their special qualification for the work which they are to do.

In the next place, the system of appropriation has always been vicious. Instead of appropriating for important works sufficient money to carry them on as fast as they can be economically constructed or the improvements made, a small sum of money is given. In fact, in the large majority of the cases in which appropriations are made the very meagerness of the appropriation constitutes the argument for making the appropriation, because when you come to consider a bill which appropriates from \$10,000,000 to \$20,000,000, any one proposing to take so small a sum, so few ounces of the loaf as \$10,000 or even \$20,000, is rarely refused. It is almost impossible to say "nay," while so much is going, to one who is willing to take so small a share and keep his peace.

The result is that these bills are what are termed log-rolling bills. Conscientiously or unconscientiously, they embrace among their supporters the men and only the men whose immediate section of the country receive some alleged or supposed benefit on account of the expenditure. Therefore the bill ceases to be a national bill or a national appropriation in any sense or to be viewed from a national standpoint, but is considered chiefly with reference to the local advantage to be derived from it.

I have in mind a harbor on Lake Erie which needs improvement, and which has needed improvement for the past twenty-five years. Some fifteen years ago an estimate was made by the engineer officer in charge that \$100,000 would construct jetties or parallel walls, extending outward into the lake from the shore to an extent which would enable the small creek which comes down from the hills to plow out a channel and keep that channel open. Considerable commerce has grown up at that point. It is a meritorious place so far as the necessities of the situation are concerned and the business to be done there. For the last ten years or more an appropriation varying from \$10,000 to \$20,000 annually has been made and spent at that particular place, and still \$100,000 is yet required in order to complete the original improvement.

Substantially nothing has resulted from all the expenditure of that money, and why? That harbor is on the south shore of Lake Erie. In the winter-time the storms from the north east into the mouth of the creek which forms the opening of the harbor sand and debris, generally filling it up in such a way as to make it almost if not quite impassable to the schooners which bring there during the summer iron ore from the Lake Superior country, and carry back the coal from Pennsylvania. So in the spring, when the weather will permit of the commencement of work, the first duty of the engineer is to dredge out the sand, gravel, mud, drift-wood, and so on, which has been cast into the harbor during the winter-time. That work takes up from one-third to one-half of the appropriation. It is a work which has to be done early in the season in comparatively inclement weather, because it must precede the doing of any business at that harbor.

In addition to that, as the walls have been advanced very slowly into the lake by reason of the insufficiency of the appropriations, they are left in a ragged and unprotected condition each fall. The storms which bring the debris into the harbor of which I have spoken also break down the walls and destroy a large portion of the work done the preceding year. So there must be undertaken a very considerable system of repair in order to put the whole even in the condition in which it was left the fall before, and by the time those two things have been done the major portion of the money has been expended, the season is gone, and the next year sees a repetition of the same thing, and the next year, and so on. That could be made a very interesting sketch by one who had an eye to the comic side of that sort of performance, but to me it looks like a criminal waste of money. That I am assured and believe to be true, not only of one improvement, but of hundreds of improvements for which we annually vote money.

I wish that were all, or that even it were the chief objection to appropriations for rivers and harbors as we make them; but unfortunately it is not. Last year we witnessed the extraordinary spectacle of the city of Galveston, in the State of Texas, deliberately petitioning Congress not to make any appropriation in the river and harbor bill for the continuation of the improvement at that great harbor. I say great harbor. I do not speak of it as great because of its size, or the depth

of water, or the shelter which naturally exists there for shipping, but I speak of it as a great harbor because it is the nearest point upon tide water for the products of four great and important States. It is the point at which the products of those great States would encounter the world's commerce, and in which those products would be loaded into the bottoms that were to carry them to the foreign market which they are constantly seeking, if that harbor were properly improved, and if it did give facilities equal to the capital which is engaged in commerce upon its banks, and which is there actively, industriously, energetically, and wisely engaged in seeking to extend into that great interior portion of the country the instrumentalities which will enable the grain of that great section to be brought there for foreign shipment and for consumption.

That, as I said, was an extraordinary spectacle. The cry "Give!" "Give!" had at last found a surfeit. Galveston wanted no more of it, and why? Because Galveston had realized that every year, notwithstanding ample and large appropriations had been made for every year for a quarter of the century, the harbor of Galveston had not been improved, and that if anything it had grown worse under the manipulation of the Army engineers. So Galveston was constrained to cry out for a halt, and to ask and beseech Congress to make no more appropriations to be expended as the former ones had been, and to humbly petition Congress to adopt some other method of improvement if that harbor was to be preserved to the commerce of the Gulf of Mexico and the States which lie back of it.

It has been stated in a most cogent report made by the Committee on Commerce of this body at the last session, the Senator from Texas [Mr. COKE] being the organ of the committee for the purpose of making the report, that all the millions of dollars which have been spent at Galveston might just as well have been dumped into the sand of the Gulf of Mexico and covered up or otherwise destroyed as to have been spent there as we have been doing.

It is more than insinuated that the condition of things existing at Galveston exist at more than one port upon the Atlantic, and that appropriations are sought for by those who represent these localities not with any very abiding faith that they will result in anything good, but because, the system having been adopted, they are afraid to let go, and are living along and seeking after appropriations in the hope that some time something better will come of it than has yet resulted from the expenditure which has been made.

Now, these things being true, not being denied, being apparent and potent to every one, it seems to me that it is time that we call a halt in regard to this class of expenditures. We ought to be able to adopt some plan whereby the money will not only be well spent but improvements and repairs at harbors be made final, or at all events that the improvements sought, the depth of water to be gained, the essential thing to be obtained as the result of the expenditure, shall be had, leaving nothing but the ordinary current work of repairs to be appropriated for in the annual appropriation bill.

So far we have not reached anything that is desirable. So far we have practically nothing to show for all the millions of money which we have spent. There is not a harbor on all our 6,000 miles of coast which is sensibly improved to-day as the result of all the expenditure that has been made. There is not one at which there is not the same urgent cry and demand for more money coming from the reports of the engineers having the work in charge, the cry being just as loud and just as deep and just as urgent as it has been year after year for the past ten or fifteen years, or ever since the particular improvement was undertaken.

This work is carried on substantially without system. Each engineer is a law unto himself. He buys such machinery, such appliances, such buildings as he thinks are necessary, and there is nowhere lodged in the Engineer Department of the Government or elsewhere any authentic knowledge of the amount of property of that kind which the Government to-day owns as the result of the appropriations thus made for the improvement of rivers and harbors.

It was not long since the chief engineer of a work was called on for a report as to the amount of property and the kind of property pertaining to these improvements in the possession of the Government, and he replied that he was totally unable to tell. As I said before, the engineer revolves in his own sphere; he is practically subject to no control. He lets his own contracts; he determines as to whether contracts shall be let to the advantage of the Government or whether the work shall be done by the day. Under the operation of this system there has grown up a network of contractors extending from Alaska to Nova Scotia, having influence in politics, having influence in every direction, and who are found to be powerful enough to constrain the Congress to do that which the Congress knows to be unwise in the way of the expenditure of public money.

Mr. President, I do not object to the amount of money contained in this bill. I have never objected to any river and harbor bill because it contained ten, fifteen, or twenty millions, more or less. Given the necessity for the money; given the ability and the willingness to expend it properly for the purpose of securing the results which are sought, and I am willing to make this bill \$50,000,000 each year; but I would rather vote \$50,000,000 to obtain results than I would vote

\$5,000,000 or \$10,000,000 to be cast away, the larger portion of it, as the result, I believe, of the present system of expenditure.

Why should we not select ten, twenty, fifty, or one hundred even, of the more important objects of expenditure, of the more important harbors upon our extended coast, of the more important rivers that traverse the country, and limit the expenditure to those until the improvements are completed, and spend as much money every single year as could be spent with economy in the direction of the completion of the particular improvements?

Mr. President, then, instead of having, as it is said now, millions and millions of dollars' worth of boats, derricks, and machinery of different kinds, and all the variegated plans that the ingenuity of these men with money without judgment has enabled them to get together, rotting and rusting upon more than 10,000 miles, yea, 20,000 miles, of ocean and lake coast and river border, we should have a compact plant, that could be moved from place to place as circumstances required, and the annual loss of which would not go up into the millions as it does now.

I think it is a confession of legislative incompetency to grapple with a subject of this kind, that Congress goes on year after year doing the idle, the vain, and the wicked thing that it does do.

But if the ordinary river and harbor bill is a confession of incompetency, what shall I say about this bill, a bill that contains no items of expenditure, that ignores everything which has been done heretofore, that proceeds upon the hypothesis that everything that was done last year was done illy and badly and so as to bring no results; and therefore that there is absolutely a sum required for each one of the items of expenditures of last year the present year.

We all know how this bantling came to be begotten. We know that after a struggle to satisfy the rapacious and hungry maws of all who clamored for some of the pork the banquet was found too small; there was not enough to go round. It was not within the sum of human ingenuity with all the millions in the Treasury to so adjust it as to satisfy the inordinate and extortionate demands of those who cried "give" and who wanted this money, not because of the public character of the work to be done, but because there was in it the element of local benefit; and thus in an effort to compromise among these contending factions, after giving away all pretense of any public concern or of any public object to be obtained in the bill, in this vain effort to satisfy everybody all being put upon one platform, the original bill had to be abandoned; and this monstrosity was sent to us with the statement accompanying it that it was expected the Senate would raise it. And then to avoid that same contention and scramble which had characterized the consideration of the original bill this was to be thrust upon the country by means of a committee of conference in the last hours of this session of Congress.

I had strong hopes that the Senate would not consent to such a piece of legislation. I felt as though I might from this vantage-ground properly characterize the action of other people elsewhere, but I do believe that I shall not do so without also characterizing this body, which seems to have given itself up to this same scramble, to this determination that there shall be a perpetuation of the old abuses, and that there shall be no reform in this method of expenditure of the public money.

I had it in mind to move some amendment, thinking possibly that in doing that I could make the bill better; but there are some expenditures in the West of a kind that can hardly wait that ought to be made, and yet I do not care to commit myself to anything, either to this bill as a work of art or to its plan or to any plan of any kind heretofore in use for this purpose. On the public grounds of the Fort Leavenworth military reservation there has been going on for years a great destruction of most valuable property by the ravages of the Missouri River. No attention has been paid to them. There have been found enough who would band themselves together to pass bills of this sort without giving any attention to a needed public improvement or to any sensible method of treating a great emergency.

Not only that, but at and near the second city of the State of Missouri, which unfortunately is also the commercial entrepôt for the State of Kansas, private property amounting to millions is daily threatened with destruction because of the fact that the men who have had charge of the improvement of that river, the money voted, as money has been voted for other places in these river and harbor bills, have loitered and lingered and magnified their office and dallied, as is their wont, year after year, doing nothing.

Three years ago when we made an appropriation for the Missouri River the engineer to whom that money was committed proceeded to purchase with it plant, and absolutely absorbed nearly every dollar of the \$100,000 appropriated for that river in the purchase of plant. One would have supposed that with the millions which had already gone into that turbid stream there would have been somewhere some adequate plant; but no, the first opportunity was availed of to buy more, more boats, more machinery, more of the appliances supposed to be useful, and when they were purchased there was no money left for the improvement of the river, and for two years that plant thus purchased rotted and rusted away. It was the old story of a dollar for the dress and \$10 for the trimming; millions for plant and not a cent for improvement.

That, I am satisfied, is not a solitary case; and while that has been going on this great river has been carrying away from its banks property to the amount of millions in value, and the people have been waiting and hoping and expecting that some time this circumlocution system would bring them a relief that has been often promised only to have the promise broken.

Mr. President, it would be a wise thing if Congress should refuse to pass this bill or any other such bill at this session, that it should then determine upon some plan whereby we may know what we need to do, and adapt the appliances necessary for the performance of the work; but so long as we go on appropriating money upon the basis on which we do appropriate it, giving every year millions of dollars to be thus sunk, thus wasted, we shall continue to do it, and nothing but a halt, nothing but a thorough investigation and overturning of the present system (which can only come when there is a halt) will ever bring us any nearer either to harbors or a fair, an honest, a decent administration of the public money.

I know I am talking to minds that are made up, and that this bill is ordained to go through and, I fear, become a law, and thus next year, and probably the succeeding year, we shall be confronted with the same condition of things; and yet, Mr. President, I do not feel as though I could discharge the duty that devolves upon me as one of those persons to whom is committed the responsibility of that portion of legislation which attaches to the Senate unless I did express my judgment, honest and as I believe not at all mistaken, in regard to the vice that inheres in this bill and all similar bills for the alleged improvement of rivers and harbors.

Mr. CONGER. Mr. President, I apologize to the Senator from Kansas for the wonderful effect he has been able to produce.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The Senator from Michigan will do better. [Laughter.]

Mr. CONGER. To most of us it was only a tiresome and nettling kind of a speech, but I suppose very likely to those who sympathize with his effort to talk against time and kill this bill by loud voice and loud talk it was soothing. It did not entice me to respond because I did not agree with the Senator.

Mr. President, the Senator has reported several appropriation bills, more or less, and some, I think, at this session, and has come in with conference reports here toward the latter end of the time, proposed them as conference reports in the discharge of his duty upon the order of the Senate, and pressed them to a vote and to a conclusion one way or the other in the regular order of business so that Senators might say whether they desired the passage of a bill by concurrence in a conference report. I want to know if I had stood here last night and yesterday when he was presenting those reports and had talked and talked and talked till God was ashamed of me and the Senate scorned me, and had thus prevented the passage of appropriation bills necessary to carry on this Government, what would the Senator have thought of me?

Senators here desire to vote on this bill one way or the other, I do not know how. They have refused on three several occasions by a ye-and-nay vote to lay this bill upon the table and dispose of it in that way. They wanted a vote. Just as fast as we approach a vote the Senator from Nebraska, himself a power, himself able to resist the whole Senate, ay, the whole universe, in his talk, must needs be backed up by the Senator from Kansas to talk against time.

I noticed that the Senator from Nebraska was compelled to leave the Chamber just at the moment the Senator from Kansas took the floor and talked until his return. Now I do not complain of that. The rules of the Senate permit this talking. I know of no rule that can prevent me talking until 12 o'clock to-day and defeating the passage of every conference report and every bill, even if the Senator from Kansas reported them himself. But does that give me and does that give the other Senators who desire to vote upon a bill, to vote one way or the other, some in favor of its passage and some opposed to it—does that give us any fair chance as Senators, an equal chance in legislation, or any opportunity to satisfy our constituents that we have tried to do according to our judgment what we think they desire.

If there is any one thing that in my judgment is not bold and is not courageous, it is to take advantage of the absence of law and of power to compel forward the business of the Senate, to defeat brother Senators and deprive them of the opportunity of expressing their will, and by talking against time to prevent a vote for or against a measure. But the Senator has the right to do it. We have no rule that will compel the immediate consideration and vote upon any proposition.

But I pass that subject. The Senator from Kansas talks modestly, as if he supposed this bill could be passed. He knows that it can not be passed. He knows that he has the power to stand here and prevent Senators from voting upon this bill, and it is a mockery to tell us that we can pass the bill. I do not complain of this. It is the method and the manner that I complain of.

Mr. President, I am not surprised at this result. I have been told by those who pretend to know that the great improvement in transportation by deepening the water courses and improving the harbors of our lakes and of our rivers that permit a vessel carrying coal or iron or lumber to be loaded down to fifteen and sixteen feet where a few years ago it could only carry eight or ten or twelve feet draught at the most is interfering with railroads so much that they are alarmed at the com-

petition which this great and grand system of improvements of water courses and river and lake navigation makes successful against railroads.

I do not know how they exert their influence; I do not know what measures they are taking to stop these grand improvements for the common people of the country; I do not know who their agents are—I have not been told; I do not know what kind of influences are thrown out and around to prevent the grand system of internal improvements from going forward and blessing the country as they have, but I was warned not only last year but this year that a combined effort would be made by some of the railroad monopolies to break down this system of competing water-line improvements. I think the work is going on.

A little bird whispers in my ear that the powers are moving—how, by what means, through whose energies I am utterly unable to say or even to conjecture. But the time has come now when this system of improvements for the people of the country against the monopolies of the country is having its effect in the Senate and in Congress. How long it will last, whether another year we can have an appropriation, whether these improvements shall continue to bless the people and cheapen transportation I can not tell. In my humble judgment the great conflict has commenced and is being carried on between the tremendous monopolies of the United States and the people's right of way over the water courses, God's highway on the land.

Somebody influences the opposition to these bills, somebody is to be hurt by the passage of these bills, somebody under one pretense or another urges the influence throughout the country, which you see in the newspapers and which you hear in conversation, urging that the improvement of rivers and harbors is a failure in this law, that it is all so badly managed, all so inefficient, there is so much waste, that the system had better be abandoned.

I had hoped we might come to a vote upon this bill; I had hoped even the bare chance of sending it back to the House for concurrence in the amendment might have been given to its friends, who are a majority of the Senate; but that seems not to be possible. I desire, however, the friends of this measure, as far as they feel disposed to do so, to stand by the bill in the interest not of monopolies but of the great improvements of the people of the United States, until it shall become evident who seeks to destroy it, so that the people in their own boats and on their own highways, free from toll to the capital of the nation, may discern who it is refuses to improve their highways and refuses to give them additional means of cheap transportation.

Why, sir, every eye is looking day by day to see what Congress will do, and whether all the legislation of this land is to be for the powerful and the wealthy and the corporations, or whether the rivers and the bays and the lakes and the harbors that give refuge to the poor sailor in the storm shall be improved and give greater facility of transportation, and give greater security in the tempest and in the storm.

But we are not to be permitted to have a vote. The great majority of the Senate are desirous to vote upon this question. I tell these Senators you are not to be permitted to have a vote. The debate is not for information, not to make amendments, not to improve the bill, but you are not to be permitted to vote upon it, and talking is the easiest way to prevent a vote.

Mr. PLUMB obtained the floor.

Mr. HALE. Will the Senator allow me to make a report?

Mr. PLUMB. Yes, sir.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I present the conference report on the deficiency appropriation bill.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8255) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1885, and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 9, 15, 16, 21, 28, 38, 39, 42, 45, 50, 63, 67, 69, 74, 76, 77, 79, 80, 81, 83, 87, 89, 180, 198, and 199.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 17, 19, 20, 23, 24, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, 37, 40, 41, 43, 44, 46, 47, 48, 49, 55, 56, 57, 58, 59, 60, 61, 62, 64, 65, 66, 68, 70, 71, 72, 73, 75, 78, 81, 82, 85, 86, 88, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 121, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 181, 182, 183, 184, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, and 200; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: After the word "depository," where it occurs in said amendment, insert the words "At Tucson, Arizona;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$15,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of said amendment insert the following:

"The Attorney-General of the United States is required to investigate the judgments and awards against the United States arising under an act of Congress entitled 'An act to aid in the improvement of the Fox and Wisconsin Rivers, in the State of Wisconsin,' approved March 3, 1875, and to report to Congress at its next session whether the liability of the United States therefor is established, and what amount is justly due thereon."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum named insert "\$25,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: Insert after the word "certified" the following: "during the current fiscal year;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: Insert after the word "certified" the following: "during the current fiscal year;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: Insert after the word "certified" the following: "during the current fiscal year;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: Insert after the word "certified" the following: "during the current fiscal year;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered from 115 to 119 inclusive, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employees of their respective Houses borne on the annual and session rolls on the 3d day of March, 1885, including the Capitol police, one month's extra pay at the compensation then paid them by law, which sums shall be immediately available."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: After said amendment insert as a new paragraph the following:

"For one page in the Clerk's office, under resolution of the House of December 3, 1884, from March 4 to December 7, 1885, at \$2 per day, \$536."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the sum proposed insert the following: "five thousand dollars; said sum to be payable on the draft of the chairman of said committee in sums not exceeding \$1,000 at any one time;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment as follows: In lieu of the sum proposed insert the following: "including all such claims readjusted up to February 14, 1885, \$178,481.23;" and the Senate agree to the same.

EUGENE HALE,

W. B. ALLISON,

F. M. COCKRELL,

Managers on the part of the Senate.

JAMES N. BURNES,

JOHN D. LONG,

Managers on the part of the House.

Mr. HALE. I move that the report be concurred in.
The motion was agreed to.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8280) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. PLUMB. At the close of nearly two days' consideration of the river and harbor bill, without having said a word or made a motion or done anything at all except to vote upon the various motions on which the yeas and nays were taken, I made a speech of thirty minutes. The Senator from Michigan, who was so anxious to pass this bill, started in with a speech, I think, of about two hours in length, and he replied to me, in what I can not but consider as complimentary to the effort I made, in a speech of about the same length as mine.

I would be willing to leave, on that mere statement, the facts to the judgment of the Senate as to which had been the best friend of the river and harbor bill. But I desire to go further and say that when, in commencing my remarks, I disclaimed any intention of doing anything that should unnecessarily detain the Senate from the consideration of this bill I said exactly the truth. I had no intention of talking against it to consume time, and I did not know but that the Senator from Michigan was expecting that it would pass and become a law, because I could not attribute to any other feeling than that his effort to have it passed.

I shall not now, or at any other time, I hope, bandy epithets with the Senator from Michigan or any other Senator. I did not think he would do himself the injustice—because he would not be unjust to any one else—to repeat in this Chamber the idle and unfounded rumors that from time to time have been uttered about influences which affect the action of men on this floor. I think as he reflects on that he will be less and less satisfied with what he has said, either as a matter of courtesy to a brother Senator or as a matter of what is due to a body of which he is a very important and prominent member.

EXECUTIVE SESSION.

Mr. HAWLEY. There is some executive business that ought to be transacted, as I am advised. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to.

The PRESIDENT *pro tempore*. The doors will be closed; and, pursuant to the order of the Senate, the Sergeant-at-Arms will clear the Senate wing of the Capitol of all persons not entitled to admission thereto.

The Senate proceeded to the consideration of executive business; and after thirty-two minutes spent in executive session, the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House further insisted upon its disagreement to the amendments of the Senate to the bill (H. R. 8239) making appropriations for the naval service for the fiscal year ending June 30, 1886, and for other purposes, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SAMUEL J. RANDALL of Pennsylvania, Mr. WALDO HUTCHINS of New York, and Mr. J. D. LONG of Massachusetts managers at the further conference on its part.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 200) granting a pension to Thomas Jeffries;
A bill (H. R. 389) granting a pension to John Boyle;
A bill (H. R. 691) for the relief of William W. Thomas;
A bill (H. R. 1004) relative to the Chinese indemnity fund;
A bill (H. R. 1615) for the relief of the heirs of Langley B. Calley;
A bill (H. R. 1710) granting a pension to George W. Bean;
A bill (H. R. 1866) granting a pension to Calvin L. Knick;
A bill (H. R. 2100) granting a pension to Mary Allen;
A bill (H. R. 2154) for the benefit of the legal representatives of A. J. Guthrie;
A bill (H. R. 2377) granting a pension to James Stockton;
A bill (H. R. 2645) granting a pension to Esther Hudson, mother of William H. Hudson, deceased, late of Company G, Twenty-sixth Regiment Pennsylvania Volunteers, and Company E, One hundred and ninety-first Regiment Pennsylvania Volunteers;
A bill (H. R. 2975) granting a pension to Marion D. Egbert;
A bill (H. R. 3947) granting a pension to Joseph Raible;
A bill (H. R. 4393) for the relief of Lieut. Nathaniel Johnson Coffin;
A bill (H. R. 4605) granting a pension to Ellen Edmiston;
A bill (H. R. 5086) for the relief of Elizabeth W. Creighton;
A bill (H. R. 5191) granting an increase of pension to Augustus Jones;

A bill (H. R. 5309) for the relief of Charles Milk;
A bill (H. R. 5330) granting a pension to Octavia A. Newhall;
A bill (H. R. 5378) granting a pension to Henry Milkey;
A bill (H. R. 5692) to adopt the Revised International Regulations for preventing Collisions at Sea;
A bill (H. R. 6173) for the relief of Rose Dougherty;
A bill (H. R. 6220) regulating appeals from the supreme court of the District of Columbia and the supreme courts of the several Territories;
A bill (H. R. 6357) granting a pension to Christian Bauman;
A bill (H. R. 6982) granting a pension to W. H. H. Coleman;
A bill (H. R. 7000) for the relief of Clark G. Maine;
A bill (H. R. 7034) to increase the salary of the clerk of the Court of Alabama Claims;
A bill (H. R. 7169) granting a pension to Elizabeth Kaler;
A bill (H. R. 7434) granting a pension to Sylvester Greenough;
A bill (H. R. 7447) granting a pension to Sebert Toney;
A bill (H. R. 7485) granting a pension to Alexander Weide;
A bill (H. R. 7502) granting a pension to Richard W. Barnes;
A bill (H. R. 7503) for the relief of Daniel McAlpin;
A bill (H. R. 7572) granting a pension to Amos McDowell;
A bill (H. R. 7718) restoring John Snyder to the pension-roll;
A bill (H. R. 7810) granting a pension to Rosanna Riley;
A bill (H. R. 7836) for the relief of Mrs. Ida P. Belcher;
A bill (H. R. 7853) granting a pension to Margaret Flaherty;
A bill (H. R. 7933) granting a pension to Henry Biederbick;
A bill (H. R. 8048) to increase the pension of Ferdinand Hercher;
A bill (H. R. 8082) granting a pension to Lina J. Stearns;
A bill (H. R. 8189) granting a pension to Mrs. F. M. Norton;
A bill (H. R. 8279) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1886, and for other purposes; and

Joint resolution (S. R. 122) authorizing the Secretary of War to loan twelve hospital tents and outfits to the American Society of the Red Cross for use in New Orleans.

ERNEST H. WARDWELL.

Mr. HAMPTON. I ask the Senate to take up House bill 3236.

Mr. DOLPH. I object. I call for the regular order.

Mr. VAN WYCK. The Senator from South Carolina [Mr. HAMPTON] was very earnest in his appeal at one time this evening to have a little bill passed which is not a pension bill but in the nature of one, being for the benefit of a Federal soldier. It will take only a moment to pass it, and I wish the Senate would consent to let the bill pass.

Mr. DOLPH. I have been here all night. I should like to have made a speech upon the bill that is regularly under consideration, but I have not opened my mouth, hoping to get a vote. If the Senator from South Carolina has a bill that he desires to call up and it will not interfere with the bill under consideration, I shall be glad to give way; but if the Senator from Nebraska has any interest in it, after what has transpired to-night, I shall not consent.

Mr. VAN WYCK. I would not either if I were you.

Mr. HARRISON. I do not want to say anything myself on this bill, but as it is known to the Senator from South Carolina the Senator from Missouri [Mr. COCKRELL] desires to be heard on it when it is taken up, I have sent to the committee-room to see if he is there, as I promised to do.

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). Is there objection to the request of the Senator from South Carolina? The Chair hears no objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3236) for the relief of Ernest H. Wardwell.

Mr. HARRISON. I ask that the report in that case made by the Senator from South Carolina [Mr. HAMPTON] may be read.

Mr. HAMPTON. I ask for the reading of the House report.

Mr. HARRISON. If the Senator is willing to wait until the Senator from Missouri [Mr. COCKRELL] comes in, I shall not take any part in this.

Mr. HAMPTON. The Senator from Missouri is coming in now.

Mr. COCKRELL. I ask for the reading of the report.

The PRESIDING OFFICER. Has the Senator from South Carolina the House report?

Mr. HAMPTON. Yes, sir.

The PRESIDING OFFICER. Will he send it to the desk?

Mr. COCKRELL. I would prefer that the Senator's own report be read.

The PRESIDING OFFICER. The Chair is informed by the Chief Clerk that there is no Senate report.

Mr. COCKRELL. If the Chair has not got it, I can send it to him.

The PRESIDING OFFICER. The report will be read.

Mr. COCKRELL. I ask the Senate now, in view of the attempt to pass this bill, to pay attention to the report made by the Senator from South Carolina, which states the facts and the record in this case. The report is not very long.

The Chief Clerk proceeded to read the report submitted by Mr. HAMPTON, from the Committee on Military Affairs, April 16, 1884.

Mr. HAMPTON. I ask that the reading of that report may be dispensed with, for I find the bill will lead to opposition and I am not disposed to take up the time of the Senate in a discussion which I suppose will cause the defeat of the bill. But before doing so I wish to say that the report which was being read was made in April last, at the last session, an adverse report, before papers were referred to the committee which changed my mind, and when they were recommitted changed the opinion of the committee who authorized and directed me to make favorable report. This man, while technically not entitled to pay, I believe by all the rules of justice and right is entitled to it; and I think if the function of the Senate is to sit as a court of equity to do justice in such matters, the bill ought to pass. I withdraw the bill.

The PRESIDENT *pro tempore*. The bill will be returned to the Calendar if there be no objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8255) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1885, and for prior years, and for other purposes.

ORDER OF BUSINESS.

Mr. ALLISON. I desire to state that information from the House indicates that it will be impossible for perhaps an hour and a half, or at least an hour, to have returned to the Senate the sundry civil appropriation bill, which is the only appropriation bill now in conference, except the navy bill, which will probably be disposed of shortly. I therefore ask unanimous consent—

Mr. COCKRELL. What about the legislative bill?

Mr. ALLISON. The legislative bill will take no further time. I ask unanimous consent now that the Senate may be considered in session only for the purpose of appointing committees of conference.

Mr. CONGER. I object to unanimous consent being granted, and demand the regular order.

The PRESIDENT *pro tempore*. The Senator from Michigan demands the regular order, which is the river and harbor bill.

Mr. BLAIR. Mr. President, we came to the understanding before we went into executive session that three or four pension bills about which we had arrived at a substantial agreement should be passed, in analogy to the action of the Senate on other like bills. There are but four of them which should be taken up and disposed of. I ask that that may be done now. I have watched and waited a long time, and I think it is perhaps due to me that these bills should now be disposed of. They are very short. It will not take over five minutes to dispose of them.

The PRESIDENT *pro tempore*. The Chair begs leave to state to Senators that the doors of the Senate will be open, and of course the Senate will have to go on with business; but the only time to put the Senate Chamber in order for the inauguration of the President of the United States is between now and the time when the Senate will begin

again its regular session, within an hour and a half. The Chair thinks it is his duty to call the attention of Senators to that fact. The Senate Chamber must of course be put in order; but having said that the Chair of course will make no motion or order.

Mr. BLAIR. Allow me until 8 o'clock and I will trouble the Senate no more with these bills. I only ask five minutes.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks unanimous consent that pension bills be considered for five minutes.

Mr. CONGER. I desire one more effort to have a vote on the pending bill. It has been said by gentlemen who oppose it that as far as they are concerned they will make dilatory talk no longer, and I desire a vote.

The Chair will appreciate how I feel about this. For ten or twelve long hours I have stood at my post seeking to perform my duty, having reported this bill from a respectable committee of this House, however poor a service they may have done in that business, yielding continually for all pension bills, so there is not a single unobjected pension bill on the Calendar, and I have yielded from time to time to every demand on the assurance of my friends, at least, that we would come to a vote before giving this up. I ask a vote. I do not think there will be a division on this bill.

Mr. ALLISON. I think that if we undertake to vote on this bill or any other bill that is controverted it will be disclosed by the vote that there is no quorum. If the Senator will yield to me I will venture to make a motion that the Senate take a recess until half past 9.

Mr. CONGER. I will consent to lay the bill temporarily aside not to lose its regular order, for two purposes, one to allow the Senator from Iowa to make the motion he wishes to make, and another to allow the Senator from New Hampshire to get through his pension bills.

The PRESIDENT *pro tempore*. If there be no objection the river and harbor bill will be temporarily laid aside, to be the regular order on call.

FRANCES M'NEIL POTTER.

Mr. BLAIR. I ask to take up Calendar number 1016, being House bill 4822.

Mr. COCKRELL. I should like to hear what the case is before we consent.

The PRESIDENT *pro tempore*. The title of the bill will be reported. The CHIEF CLERK. "A bill (H. R. 4822) for the relief of Frances McNeil Potter."

Mr. BLAIR. It is an increase of pension from \$20 to \$30 a month. It is the case of a lady now old. She has been pensioned at the rate of \$20. She lost her son in the late war, and was the daughter of a very distinguished officer in the war of 1812. She is quite old and feeble, and this is an increase of \$10 per month.

Mr. COCKRELL. The bill is reported adversely, and I hope the Senator will not insist on taking up these adverse reports.

Mr. BLAIR. It is one of the cases which were controverted by some members; but the Senate committee have substantially agreed to make no further contest, but take the action of the Senate as an instruction on this and three other like cases.

Mr. COCKRELL. The action of the Senate when there is no quorum means nothing, and I do hope the Senator will not press this bill with so much pertinacity. If he does I am compelled to stop the transaction of any business until there is a quorum. The Senate is not competent to do business unless there is a quorum, and if the Senator insists upon taking up these adverse cases I shall ask for a call of the Senate.

The PRESIDENT *pro tempore*. It is now 8 o'clock, and the Chair begs again to appeal to Senators to consent that business be suspended, except for the purpose of appointing conferees, in order that the Chamber may be put in order for the ceremonies the Senate has ordered to take place here. It is advisable, if it is to be done, that it should be done now.

DISCOVERY OF THE HUDSON RIVER.

Mr. HAWLEY. On the 28th day of February the Senator from Delaware [Mr. BAYARD] presented the petition of Gideon J. Tucker, an honorable citizen of New York, calling attention to certain alleged inaccurate statements in a book with which the Senate is very familiar: "The Public Domain: its history, with statistics. Public Land Commission; Committee on Codification. Prepared by Thomas Donaldson, of the commission and committee. * * * Prepared in pursuance of a joint resolution of Congress approved August 7, 1882. Washington: Government Printing Office, 1884."

The letter from Mr. Tucker was read in the Senate and referred to the Committee on the Library. Some of his remarks and criticisms were exceedingly severe. The gentleman, Mr. Donaldson, who prepared that book under the direction of the Secretary of the Interior, sends to me for presentation to the Senate and the Library Committee, with Mr. Tucker's letter, his brief and courteous response. I will not ask that it be read; I vouch for its being courteous and proper in every respect from a gentleman. I ask that this, with my statement, be inserted in the RECORD, and that the letter of Mr. Donaldson be then referred to the Committee on the Library.

The PRESIDENT *pro tempore*. If there be no objection it will be so ordered.
The letter is as follows:

WASHINGTON, D. C., March 3, 1885.

DEAR SIR: Answering the petition of correction of Mr. Gideon J. Tucker, a citizen of New York, referred to your committee by the Senate February 28, 1885, in relation to alleged errors in the work known as the Public Domain, compiled by myself, I have the honor to say that corrections of error in this work are a pleasure. My attention has before been called to errors, which have been promptly corrected, and I expect that more will be detected in the future.

The two clauses on page 30 which have stirred Mr. Tucker to become the tuncful muse of history and to be the vindicator of her truth will also be corrected. The summary of colonization on page 30 (part of two clauses of which are objected to) is merely illustrative of the rapidity of immigration to the New World and the rage to colonize, and was inserted to show in part why so many overlapping and duplicate grants were made. It relates to colonization by Dutch as well as English.

On page 42 will be found under title "New York—colonization," in detail, the main facts of her colonization. This and other similar statements were inserted to show how title was obtained to the lands of the Colonies (subsequently States) some of which transferred their western possessions to the United States, which possessions now form a large portion of the Public Domain.

The historical data it was intended should be correctly stated. The authorities cited on page 55, with the addition of O'Callaghan's History of New York, the publications of the New York Historical Society, and several others, were used for reference, and the alleged erroneous matter obtained from some of them. The limits of this paper prevent discussion of historical matters, neither would it be profitable or of interest to the integrity of the publication.

The corrections shall be made in the next edition on page 30, so as to conform to the data on page 42, to the end that it be shown that Mr. Tucker and his 2,000,000 friends, descendants of the Hollanders, who bought New York and Manhattan Island for \$24 from the Indians instead of obtaining license to settle from King James I, are Dutchmen who purchased land, and not Dutchmen who squatted on English land, or received favors from an English King.

Very respectfully,

THOMAS DONALDSON.

Hon. JOHN SHEPHERD,

United States Senate, Chairman Committee on the Library.

Mr. HAWLEY. I may add in passing just a word. Part of the controversy referred, if I recollect aright, to the alleged discovery of the Hudson River by Hendrick Hudson. A late history of Albany, by Mr. Weise, discloses the fact, I believe not fully announced before, that one Giovanni Verazzano, an Italian, under the patronage of the Dutch government, discovered the Hudson River some time before the famous Hendrick Hudson, in the year 1524. I wish to say that this letter is presented by me after consultation with the Senator from Delaware.

The PRESIDENT *pro tempore*. The paper will be printed in the RECORD and referred to the Committee on the Library.

SUSPENSION OF BUSINESS.

Mr. ALLISON (at 8 o'clock a. m., on Wednesday, March 4). I ask unanimous consent that no further business be done until half past 9 o'clock, but that the Senate in the mean time be considered in session for the purpose of appointing conferees only.

Mr. BLAIR. I object. There may be a quorum between now and half past 9. ["Oh, no!"]

Mr. COCKRELL. There will be no business done by the Senate even if there is a quorum.

The PRESIDENT *pro tempore*. If there be no objection it will be understood that there will be no other business done but receiving reports of conference committees until half past 9 o'clock, and that the Senate is to be considered in session for that purpose and for no other.

Mr. BLAIR. I withdraw the objection.

The PRESIDENT *pro tempore*. It is ordered accordingly.

SUNDRY CIVIL APPROPRIATION BILL.

At 8 o'clock and 45 minutes a. m. a message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, insisted on its disagreement to the Senate amendments undisposed of by the former conference, and agreed to certain amendments, accompanying the bill, to the sixty-sixth amendment of the Senate to said bill, agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SAMUEL J. RANDALL of Pennsylvania, Mr. WILLIAM H. FORNEY of Alabama, and Mr. THOMAS RYAN of Kansas managers at the further conference on the part of the House.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives on the sundry civil appropriation bill; which was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, March 3, 1885.

Resolved, That the House insist upon its disagreement to the Senate amendments undisposed of by the former conference, and agrees to certain amendments, accompanying the bill, to the sixty-sixth amendment of the Senate to said bill, and also agrees to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. RANDALL, Mr. FORNEY, and Mr. RYAN be the managers on the part of the House.

Mr. ALLISON. I move that the Senate disagree to the amendments proposed by the House of Representatives to the sixty-sixth amendment of the Senate to the bill, and agree to the conference asked by the House of Representatives thereon.

The PRESIDENT *pro tempore*. Will the Senate agree to the motion

of the Senator from Iowa? [Putting the question.] The "ayes" have it, and the motion is agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. ALLISON, Mr. HALE, and Mr. BECK were appointed.

NAVAL APPROPRIATION BILL.

Mr. HALE submitted the report of the conferees on the naval appropriation bill, which was read.

The PRESIDENT *pro tempore*. The Chair thinks that action on this report does not come under the agreement of the Senate. It will lie on the table for the present, to be called up hereafter.

LEGISLATIVE, ETC., APPROPRIATION BILL.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the twenty-ninth amendment of the Senate to the bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, and that it had concurred in the first amendment of the Senate to said bill with an amendment, in which it requested the concurrence of the Senate.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the first amendment of the Senate to the bill (H. R. 8138) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes; which was, in lieu of the sum proposed by the Senate, to insert "\$344,113.10."

Mr. COCKRELL. I move that the Senate concur in the amendment of the House.

The PRESIDENT *pro tempore*. The Senator from Missouri moves that the Senate concur in the amendment proposed by the House of Representatives as stated in the message. The question is on agreeing to the motion.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

At 9 o'clock and 10 minutes a. m. a message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8236) relating to sales for taxes in the District of Columbia, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHN F. FOLLETT of Ohio, Mr. WILLIAM L. WILSON of West Virginia, and Mr. LOUIS E. MCCOMAS of Maryland managers at the conference on its part.

The message also announced that the House had passed the bill (S. 2668) granting a pension to John M. Milton.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

- A bill (H. R. 838) granting a pension to Mrs. Lydia S. Huggins;
- A bill (H. R. 2872) granting a pension to Jacob Funkhouser;
- A bill (H. R. 4856) granting a pension to Bvt. Col. C. A. Cilley, of North Carolina;
- A bill (H. R. 7907) granting a pension to Matilda Cody; and
- A bill (H. R. 8237) granting a pension to Mary J. Dickson.

NAVAL APPROPRIATION BILL.

Mr. HALE (at 10 o'clock and 5 minutes a. m.). I call up the conference report on the naval appropriation bill and ask that it be read.

The PRESIDENT *pro tempore*. The report of the conference committee will be laid before the Senate.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill of the House 8239, making appropriations for the naval service for the fiscal year ending June 30, 1886, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 8, 12, 14, 15, 18, 19, 20, 32.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 7, 9, 11, 16, 21, 22, 23, 24, 27, 29, 31, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: At the end of said amendment insert the following:

"Provided, That nothing herein contained shall be construed to continue the existence of the naval advisory board or to prevent the Secretary of the Navy from constituting such other advisory board as he may deem necessary to aid in determining the plans and structure of such cruisers."

And the Senate agree to the same.

EUGENE HALE,

P. B. BLUMB,

J. B. BECK,

Managers on the part of the Senate.

WALDO HUTCHINS,

SAML. J. RANDALL,

JNO. D. LONG,

Managers on the part of the House.

Mr. HALE. I move that the report be concurred in.

The motion was agreed to.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its

Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore*:

- A bill (H. R. 78) to provide for the retirement of Col. Henry J. Hunt as a major-general in the United States Army;
- A bill (H. R. 383) granting a pension to Creet H. Dougherty;
- A bill (H. R. 411) granting a pension to Elizabeth Conner;
- A bill (H. R. 552) granting a pension to Lemuel J. Bennett;
- A bill (H. R. 603) granting a pension to Rachel Nickell;
- A bill (H. R. 1142) granting a pension to Nelly Roberts;
- A bill (H. R. 1401) to amend section 1556 of the Revised Statutes, giving longevity-pay to certain officers of the Navy;
- A bill (H. R. 1587) granting a pension to Mrs. Elizabeth A. Randall, widow of Capt. Fernando Randall;
- A bill (H. R. 1873) for the relief of Edward Kraemer;
- A bill (H. R. 2263) for the relief of the State National Bank of Boston, Mass.;
- A bill (H. R. 2457) granting a pension to Richard Dillon;
- A bill (H. R. 3340) granting a pension to James M. Pike;
- A bill (H. R. 3556) granting a pension to Mrs. Lucretia G. Ripley;
- A bill (H. R. 3735) granting a pension to Mary A. Grennon;
- A bill (H. R. 4021) granting a pension to Abraham Cover;
- A bill (H. R. 4216) granting a pension to David N. Bryan;
- A bill (H. R. 4458) granting a pension to Harlan Jackson;
- A bill (H. R. 4668) for the relief of Nathaniel Pond, jr.;
- A bill (H. R. 4679) for the relief of Sarah E. Webster, administratrix;
- A bill (H. R. 4878) granting a pension to Emma O. Zeigler;
- A bill (H. R. 5103) granting a pension to Joshua F. Justice;
- A bill (H. R. 5146) granting a pension to Jesse C. Buck;
- A bill (H. R. 5304) for the relief of Mary Royal;
- A bill (H. R. 5509) for the benefit of soldiers and sailors who have lost an arm at the shoulder joint;
- A bill (H. R. 5691) amending section 764 of the Revised Statutes;
- A bill (H. R. 5728) granting a pension to Anna Beck;
- A bill (H. R. 5740) for the relief of Grigsby Foster;
- A bill (H. R. 6270) for the relief of John P. Peterson;
- A bill (H. R. 6533) for the relief of Dr. Thomas J. Jones;
- A bill (H. R. 6775) granting a pension to Edward Wilcox;
- A bill (H. R. 6904) for the relief of John F. Chase;
- A bill (H. R. 6960) for the relief of Charles L. Alden;
- A bill (H. R. 7047) granting a pension to Patrick Murphy;
- A bill (H. R. 7170) for the relief of Frederick Hutton;
- A bill (H. R. 7177) granting a pension to William H. Kinman;
- A bill (H. R. 7178) granting an increase of pension to John O. Gardner;
- A bill (H. R. 7248) to increase the pension of James D. Brent;
- A bill (H. R. 7334) granting a pension to Judson Bostwick;
- A bill (H. R. 7340) granting a pension to John Sparr;
- A bill (H. R. 7522) for the relief of Joseph F. Wilson;
- A bill (H. R. 7618) granting a pension to Harry H. G. Kisingbury, Walter F. Kisingbury, Wheeler Schofield Kisingbury, and Douglas E. L. Kisingbury, respectively, children of the late Frederick F. Kisingbury, a lieutenant in the Eleventh Regiment United States Infantry;
- A bill (H. R. 7728) for the relief of Pardon H. Morey;
- A bill (H. R. 7863) granting a pension to Thomas M. McChesney;
- A bill (H. R. 7938) granting a pension to Amanda Allen;
- A bill (H. R. 7990) granting a pension to Joseph Sansom;
- A bill (H. R. 7992) for the relief of Christian Arndt;
- A bill (H. R. 7993) for the relief of William Stansberry;
- A bill (H. R. 8069) granting a pension to Catherine Helton;
- A bill (H. R. 8091) granting a pension to David Sears;
- A bill (H. R. 8136) for the relief of Addison M. Copen;
- A bill (H. R. 8132) to restore to the pension-roll the name of Rachael A. Queen;
- A bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes;
- A bill (H. R. 8142) granting a pension to Mrs. Lucy Parr;
- A bill (H. R. 8152) for the relief of William D. Farnsworth;
- A bill (H. R. 8155) granting a pension to Addie L. Moore;
- A bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes;
- A bill (H. R. 8187) granting a pension to Chancey G. Darrah;
- A bill (H. R. 8229) granting a pension to James Dye; and
- Joint resolution (H. Res. 170) in relation to the claim made by Dr. John B. Read against the United States for the alleged use of projectiles claimed as the invention of said Read, and by him alleged to have been used pursuant to a contract or arrangement made between him and the War Department, and for which no compensation has been made.

RIVER AND HARBOR BILL.

Mr. CONGER. What is the regular order of business?

Mr. FRYE. The river and harbor bill.

The PRESIDING OFFICER (Mr. COCKRELL in the chair). The reg-

ular order is the bill (H. R. 8280) making appropriations for the preservation and continuation of certain public works on rivers and harbors, and for other purposes.

Mr. CONGER. I ask unanimous consent that the bill be considered, read the third time, and passed.

The PRESIDING OFFICER. The Senator from Michigan asks the unanimous consent of the Senate that the bill the title of which has been named be taken up and passed.

Mr. CONGER. I ask unanimous consent that the bill just read by its title be taken up and by unanimous consent considered as read the third time and passed.

The PRESIDING OFFICER. The Senator from Michigan asks unanimous consent that the bill the title of which has just been read shall be taken up and considered as read the third time and passed.

Mr. PLATT. I raise the point of order that the bill can not be passed in that way.

The PRESIDING OFFICER. The point of order is sustained.

Mr. CONGER. I have not heard the point of order stated.

Mr. PLATT. The bill can not be passed in that way.

Mr. CONGER. I heard the Senator make a point of order, but I could not hear what it was so as to answer.

CHRISTOPHER PHILLIPS.

Mr. MORGAN. Mr. President, I move to take up the resolution I offered yesterday recommending the payment of a sum of money to Christopher Phillips for services.

The PRESIDING OFFICER. The Senator from Alabama asks unanimous consent that a resolution, which will be read for information, be taken from the table and considered.

The Chief Clerk read the following resolution, heretofore submitted by Mr. MORGAN:

Resolved, That the sum of \$41 be paid to Christopher Phillips out of the contingent fund of the Senate for labor performed for the Senate under employment of the Sergeant-at-Arms from November 10 to December 1, 1884.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. CONGER. Let the river and harbor bill be informally laid aside that this may be considered, not to lose its place in the order of business.

The PRESIDING OFFICER. Unanimous consent is asked. Is there objection to the present consideration of this resolution? The Chair hears none.

The resolution was agreed to.

RIVER AND HARBOR BILL.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the business pending when the active business of the Senate was suspended by unanimous consent. The title of the bill will be read.

The CHIEF CLERK. "A bill (H. R. 8280) making appropriations for the preservation and continuation of certain public works on rivers and harbors, and for other purposes."

The PRESIDENT *pro tempore*. The bill is still in Committee of the Whole and open to amendment.

Mr. CONGER. Now I ask for a vote on the bill.

The PRESIDENT *pro tempore*. If no further amendment be proposed the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

Mr. PLUMB. I move that the bill do lie on the table.

Mr. CONGER. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. HOAR. I ask consent that the bill be informally laid aside.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the bill be informally laid aside subject to call. Is there objection?

Mr. CONGER. Not with this motion pending.

Mr. PLUMB. I withdraw the motion.

The PRESIDENT *pro tempore*. The Senator from Kansas asks leave to withdraw his motion to lay on the table. Is there objection? The Chair hears none. The Senator from Massachusetts asks unanimous consent that the bill be informally laid aside.

Mr. CONGER. For what purpose?

Mr. HOAR. Because there is an obvious impropriety in attempting to take up time with it now.

Mr. CONGER. One Senator is responsible.

The PRESIDENT *pro tempore*. Is there objection to the bill being informally laid aside?

Mr. CONGER. I know of no other business to occupy the attention of the Senate, and I should like a vote on the bill. The Senate has been waiting during the whole of the last twenty-four hours for an opportunity to have a vote.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. PLUMB. I renew the motion that the bill do lie on the table.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the bill lie on the table.

Mr. CONGER. On that motion I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. COLQUITT (when his name was called). I am paired with the Senator from Alabama [Mr. PUGH].

Mr. COCKRELL (when his name was called). I am paired with the Senator from Ohio [Mr. SHERMAN]. Not knowing how he would vote if he were present, I shall not vote.

The roll-call having been concluded, the result was announced—yeas 28, nays 21; as follows:

YEAS—28.			
Allison,	Dawes,	Hoar,	Pike,
Bayard,	Edmunds,	Ingalls,	Platt,
Blair,	Fair,	McPherson,	Plumb,
Brown,	Frye,	Manderson,	Saulsbury,
Cameron of Pa.,	Hale,	Miller of N. Y.,	Sewell,
Cameron of Wis.,	Harrison,	Mitchell,	Van Wyck,
Cullom,	Hill,	Morrill,	Wilson.

NAYS—21.			
Beck,	Dolph,	Maxey,	Vest,
Butler,	Garland,	Miller of Cal.,	Walker,
Camden,	George,	Palmer,	Williams.
Chace,	Gorman,	Sabin,	
Coke,	Jackson,	Slater,	
Conger,	Jonas,	Vance,	

ABSENT—27.			
Aldrich,	Groome,	Lamar,	Pugh,
Bowen,	Hampton,	Lapham,	Ransom,
Call,	Harris,	Logan,	Riddleberger,
Cockrell,	Hawley,	McMillan,	Sawyer,
Colquith,	Jones of Florida,	Mahone,	Sherman,
Farley,	Jones of Nevada,	Morgan,	Voorhees.
Gibson,	Kenna,	Pendleton,	

So the motion to lay the bill on the table was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

A bill (H. R. 8239) making appropriations for the naval service for the fiscal year ending June 30, 1886, and for other purposes; and

A bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

The message also announced that the House had passed the bill (S. 723) for the relief of Eugene B. Rail and others.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore*:

A bill (S. 2668) granting a pension to John M. Milton;

A bill (H. R. 4684) for the relief of certain citizens of Marion County, Tennessee;

A bill (H. R. 7938) granting a pension to Amanda Allen; and

Joint resolution (H. Res. 347) to provide for printing additional copies of the report of the Committee on Military Affairs on investigation of national homes for disabled volunteer soldiers.

SUNDY CIVIL APPROPRIATION BILL.

Mr. ALLISON. From the conference committee on the sundry civil appropriation bill I make a report.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 12, 49, 59, 136, 142, 195, and 198.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 13, 14, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 47, 48, 50, 51, 52, 53, 54, 55, 56, 57, 61, 62, 63, 64, 124, 125, 140, 166, 173, 193, 194, 196, 197, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$100,000;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment numbered 66, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment as follows: Strike out of said amendment the words "to be used for an advance course of instruction for naval officers," and in lieu of the sum proposed insert "\$8,000;" and strike out also, after the word "dollars," the following: "For pay of one clerk to officer in charge of building, \$1,000; in all, \$12,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 141, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$200,000;" and the Senate agree to the same.

W. B. ALLISON,
EUGENE HALE,
JAMES B. BECK,
Managers on the part of the Senate.

SAM. J. RANDALL,
W. H. FORNEY,
THOMAS RYAN,
Managers on the part of the House.

Mr. ALLISON. I move that the Senate agree to the report.

Mr. CONGER. I desire the Senator to state what amendments the Senate yield in regard to public buildings.

Mr. ALLISON. None whatever. All the public buildings inserted by the Senate, I will say to the Senator, except the Washington city post-office, are retained in the bill.

Mr. CONGER. And as they were?

Mr. ALLISON. As they were inserted by the Senate.

The PRESIDENT *pro tempore*. The question is on agreeing to the report.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8236) relating to sales for taxes in the District of Columbia.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 8239) making appropriations for the naval service for the fiscal year ending June 30, 1886, and for other purposes; and it was thereupon signed by the President *pro tempore*.

DISTRICT TAX SALES.

Mr. ALDRICH. I present the conference report on House bill 8236. The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8236) entitled "An act relating to sales for taxes in the District of Columbia," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendment of the Senate numbered 2, substituting for the words stricken out by the Senate the words "and the affidavit hereinafter required," and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows:

Strike out the following words:

"Provided further, That where the commissioners are satisfied that any lot is the actual homestead of the owner and that it comprises the principal portion of his estate, they may accept a sum in full payment of the same, not less than one-half of the assessed value of the lot."

And insert the following:

"Provided, That nothing contained in this act shall be construed to affect pending suits." And the Senate agree to the same.

NELSON W. ALDRICH,
JOHN J. INGALLS,
Managers on the part of the Senate.
LOUIS E. MCCOMAS,
JOHN F. FOLLETT,
W. L. WILSON,
Managers on the part of the House.

Mr. MORGAN. I call for the reading of amendment No. 1, to which the House has disagreed.

The PRESIDING OFFICER (Mr. GARLAND in the chair). The Senator from Alabama calls for the reading of amendment No. 1. The Secretary will read the amendment.

The CHIEF CLERK. In line 3, after the word "taxes," the Senate struck out the words "or assessments;" so as to read:

That hereafter sales of real estate, after advertisement as required by law, by the collector of taxes for the District of Columbia, for taxes levied by the commissioners of said District, or by other lawful authority, shall entitle the purchaser, his heirs or assigns, if the property be not redeemed within two years from the date of such sale, as provided by law, to a deed from the commissioners of the District, &c.

The PRESIDING OFFICER. The motion of the Senator from Rhode Island is that the Senate concur in the report of the conference committee.

Mr. MORGAN. Mr. President, if I understand that, the agreement between the conferees of the House and the Senate keeps in the words in respect of special assessments. I object to the concurrence of the Senate in the amendment proposed by the conference committee.

Mr. ALDRICH. I am not able to hear what the Senator says.

The PRESIDING OFFICER. Will the Senate please be in order and cease conversation? The Senator from Alabama can not be heard.

Mr. MORGAN. The point I make is this: The Senate struck out so much of the bill as included "special assessments," and I understand that the report of the committee of conference restores those words to the bill. If that be the fact, I am opposed to concurring in the report. I do not know that I need to amplify the reasons; the Senate understands the reasons. It was somewhat discussed last night and I supposed it was thoroughly understood. I hope that the Senate will not concur in restoring the words stricken out by the Senate from the bill.

The PRESIDING OFFICER. The amendment will be read again for a better understanding of the point.

The CHIEF CLERK. In line 3, after the word "takes," the Senate struck out the words "or assessments."

Mr. MORGAN. Do I understand that the House refuses to strike out those words?

Mr. ALDRICH. Yes, sir.

Mr. MORGAN. The words are retained in the bill?

Mr. ALDRICH. Yes, sir.

Mr. MORGAN. Then I hope the Senate will not adopt the report, but that we shall further insist upon that amendment.

The PRESIDING OFFICER. The question is, Will the Senate concur in the report of the committee of conference?

Mr. MORGAN. I ask for a separate vote on the first amendment.

The PRESIDING OFFICER. The Chair understands that that vote can not be taken, but it must be taken on the motion to concur.

Mr. MORGAN. Then I hope the Senate will not concur in the report.

Mr. ALDRICH. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ALDRICH. The amendment is more important than any other part of the bill.

Mr. CONGER. That bill was passed this morning by the Senate with the express understanding that the words "or assessments" should be stricken out, and they were stricken out in the Senate, and then a conference was ordered on the part of the Senate, and the conference committee left the Senate and went into conference and agreed to restore the very words without the striking out of which the bill could not have passed the Senate to-day. It could not have been called up. It was only by consent and agreement that those words should be stricken out that the bill was enabled to be called up and acted upon. Now I ask the Senate to refuse to concur in the report, for I say it is contrary to the understanding and agreement and instruction to the conference committee.

Mr. ALDRICH. I was not present in the Senate at the time this bill was taken up and passed, and know nothing of any understanding in regard to this amendment. I was placed upon the conference committee, and found that the House would not agree to this amendment, and the Senate conferees were obliged to yield. The chairman of the Committee on the District of Columbia called the bill up, and if there was any such understanding in appointing the conferees he probably is aware of it. I know of no such understanding. I will say further, in reply to the Senator from Michigan, that the bill is right, and that it is worth nothing without those words. The bill might as well fail as to pass with those words left out.

Mr. BAYARD. I think it much better that the bill should fail than that it should pass without a very full understanding of its provisions. It affects the property of a great number of very poor people, and however desirable it may be to collect taxes it is not well to collect them at the cost of injustice. I hope the report will not be concurred in.

Mr. ALDRICH. All the amendments offered by the Senator from Delaware [Mr. BAYARD] are retained in the bill; all the amendments offered by the Senator from Tennessee [Mr. HARRIS], the Senator from Alabama [Mr. MORGAN], and all the other amendments affording additional protection and guards to tax-payers are retained in the bill.

Mr. MORGAN. The bill in the shape in which it is now presented to the Senate is simply a decree of forfeiture of the lands of some poor people in the city of Washington for the purpose of speculators. When this bill was called by the Senate last night objection was made to its being taken up. Thereupon Senators concerned on both sides agreed to take it up on the express understanding that these words were to be stricken out of the bill.

This bill has been pending in the Senate for several days. Amendments were offered and adopted by the Senate of an important character. When the bill was called up again for its final passage I had the honor of objecting to its being taken up out of its order for consideration. So the chairman of the Committee on the District of Columbia, in charge of the bill, had a conference with other Senators on this subject, and we agreed that these words should be stricken out of the bill; and under that condition this bill was taken up and put on its passage without further objection, and a committee of conference was immediately asked by the Senator who moved the bill. That is a somewhat novel proceeding; at the same time I think it is entirely legitimate; but the action of the Senate on the motion of the chairman of the Committee on the District of Columbia in striking out these words should have been considered and received by this committee of conference as an instruction that they should insist that these words should go out. This bill would never have passed the Senate with those words in it. The body of the Senate, I am quite satisfied, would have resisted the passage of a measure which would have taken from these people their homes.

Mr. VOORHEES. Will the Senator from Alabama allow me?

Mr. GEORGE. We can not hear a word the Senator from Alabama is saying. It is a very important question, and I should like to hear him.

Mr. MORGAN. I yield to the Senator from Indiana.

Mr. VOORHEES. I ask that the matter under consideration be laid aside informally for the purpose of taking up a bill which has just reached here from the House on a subject that the Senate has also passed a bill upon; but this is the only way in which to reach a conclusion. It is in regard to a lost certificate of deposit for one of the banks in Indiana, and is a matter in which the Finance Committee has been consulted and on which the House has acted. It is a bill to authorize the Secretary of the Treasury to issue a duplicate certificate of deposit to the People's National Bank of Lawrenceburg, Ind.

Mr. ALDRICH. In view of the evident intention to prolong the discussion upon the conference report, I will consent that it shall lay aside

and will not ask any action, disclaiming at the same time any understanding or agreement, so far as I was concerned and which came within my knowledge, that this amendment was to be yielded to in committee or elsewhere.

The PRESIDING OFFICER. Is the suggestion of the Senator from Rhode Island agreed to that the conference report submitted by him lie on the table? The Chair hears no objection, and such will be the order.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes; and it was thereupon signed by the President *pro tempore*.

PEOPLE'S NATIONAL BANK OF LAWRENCEBURG, IND.

Mr. VOORHEES. I now ask—

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 7706) to authorize the Secretary of the Treasury to issue a duplicate certificate of deposit to the People's National Bank of Lawrenceburg, Ind.

Mr. VOORHEES. I renew my request for the consideration of the bill just received.

The PRESIDING OFFICER. The Senator from Indiana [Mr. VOORHEES] asks the Senate to take up a bill on the table, the title of which will be read.

The CHIEF CLERK. "A bill (H. R. 7706) to authorize the Secretary of the Treasury to issue a duplicate certificate of deposit to the People's National Bank of Lawrenceburg, Ind."

By unanimous consent, the bill was read twice, and considered as in Committee of the Whole.

Mr. CONGER. I can not hear a word of the bill. Will the Senator state briefly what the bill is?

Mr. VOORHEES. It is a bill to authorize the Secretary of the Treasury to issue a duplicate for a lost certificate of deposit to one of the banks in Indiana.

Mr. CONGER. All right.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 6760) to authorize the construction of a bridge across the Mississippi River at Rock Island, Ill., and Davenport, Iowa, and to establish it as a post-route; and

A bill (H. R. 8255) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1885, and for prior years, and for other purposes.

WITHDRAWAL OF PAPERS.

On motion of Mr. GROOME, it was

Ordered, That J. H. Kelley have leave to withdraw from the files of the Senate the papers in support of the bill to incorporate the North Capitol and Glenwood Cemetery Horse Railroad Company, subject to the rules of the Senate.

RETIRED GENERAL OF THE ARMY.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 2530) to authorize an additional appointment on the retired-list of the Army.

Mr. INGALLS. I ask that the bill just received from the House of Representatives may be read at length.

The PRESIDING OFFICER (Mr. GARLAND in the chair). The Senator from Kansas asks that the bill just received from the House of Representatives be read at length. If there be no objection, the Secretary will read the bill at length.

The Secretary read as follows:

Be it enacted, &c., That the President of the United States be, and he hereby is, authorized, by and with the advice and consent of the Senate, to appoint on the retired-list of the Army of the United States, from among those who have been Generals commanding the Army of the United States or Generals-in-Chief of said Army, one person with the rank and full pay of such General or General-in-Chief, as the case may be; and the total number now allowed by law to compose said retired-list shall be, on such appointment, increased accordingly.

[Applause on the floor and in the galleries.]

Mr. INGALLS. Mr. President, the nation knows who that "one person" means. I ask unanimous consent that the reference of this bill to a committee be waived and that it now be considered by the Senate.

Several SENATORS. It is a Senate bill.

The PRESIDING OFFICER. It is a Senate bill, and the House has passed it without amendment. No further action, in the opinion of the Chair, is necessary. [Applause in the galleries.]

NOTIFICATION TO PRESIDENT.

Mr. MORRILL. Mr. President, I offer the following resolution and ask for its present consideration:

Resolved, That a committee of two members of the Senate be appointed to join such committee as may be appointed by the House of Representatives to wait

upon the President of the United States and inform him that Congress, having finished its business, is now ready to close its session by adjournment.

The resolution was considered by unanimous consent, and agreed to. By unanimous consent, the President *pro tempore* was authorized to appoint the committee on the part of the Senate; and Mr. MORRILL and Mr. HARRIS were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a resolution "that a committee of three members be appointed on the part of the House, to join such committee as may be appointed by the Senate, to wait upon the President of the United States and inform him that Congress, having finished its business, is now ready to close its session by adjournment," and that Mr. WILLIAM M. SPRINGER of Illinois, Mr. S. S. COX of New York, and Mr. T. B. REED of Maine were appointed the committee on the part of the House.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 2530) to authorize an additional appointment on the retired-list; and it was thereupon signed by the President *pro tempore*.

[The announcement of the signature of the President *pro tempore* was received with great applause on the floor and in the galleries.]

JOINT COMMISSION ON SIGNAL SERVICE, ETC.

The PRESIDENT *pro tempore*. The Chair will announce, in pursuance of the authority conferred by the sundry civil appropriation act in one of its clauses, that he appoints Senator MORGAN, of Alabama, to fill a vacancy in the joint commission, consisting of three Senators and three Representatives, to consider the present organization of the Signal Service, Geological Survey, Coast and Geodetic Survey, and the Hydrographic Office of the Navy Department.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the enrolled bill (S. 723) for the relief of Eugene B. Rail and others; and it was thereupon signed by the President *pro tempore*.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had this day approved and signed the following acts and joint resolutions:

- An act (S. 66) providing for allotment of lands in severalty to the Indians residing upon the Umatilla reservation, in the State of Oregon, and granting patents therefor, and for other purposes;
- An act (S. 84) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to June 1, 1861, and prior to the massacre of August, 1862, and providing for the payment thereof;
- An act (S. 544) granting increase of pension to Elijah W. Penny;
- An act (S. 723) for the relief of Eugene B. Rail and others;
- An act (S. 1113) granting a pension to Anne E. Manchester;
- An act (S. 1612) granting a pension to Bryson R. McCartney;
- An act (S. 1633) granting a pension to James Bond;
- An act (S. 1739) granting a pension to the widow and children of the late Byram Pitney;
- An act (S. 1811) granting a pension to Anne T. Dicks;
- An act (S. 1836) granting an increase of pension to Sarah Hague;
- An act (S. 1877) granting increase of pension to John Hall;
- An act (S. 1911) for the relief of Duncan L. Clinch, of the State of Georgia;
- An act (S. 2125) granting a pension to Sarah Jane Prince;
- An act (S. 2153) granting a pension to Benjamin F. Brockett;
- An act (S. 2245) granting a pension to William N. Morris;
- An act (S. 2262) granting a pension to Sedate P. Martin;
- An act (S. 2263) for the relief of Robert J. Ballort;
- An act (S. 2279) granting a pension to Lewis L. Canady;
- An act (S. 2302) granting a pension to John Lowe;
- An act (S. 2316) granting a pension to Mrs. Cordelia Brainerd Thomas;
- An act (S. 2367) granting a pension to Sarah A. White;
- An act (S. 2437) granting a pension to Mrs. Mary Gordon;
- An act (S. 2443) granting an increase of pension to Polly Young;
- An act (S. 2527) granting a pension to Robert Sheridan;
- An act (S. 2530) to authorize an additional appointment on the retired-list of the Army;
- An act (S. 2546) granting a pension to Charlotte C. B. Hatch;
- An act (S. 2607) granting a pension to Mary B. Holmes;
- An act (S. 2619) granting an increase of pension to Martha Hughes;
- An act (S. 2620) granting a pension to Thomas H. Boaz;
- An act (S. 2577) to authorize the printing of the eulogies delivered in Congress upon the late Henry B. Anthony;
- An act (S. 2668) to provide for the printing of the report and proceedings of the commission to provide suitable ceremonies for the dedication of the Washington Monument;

A bill (S. 2668) granting a pension to John M. Milton;
 Joint resolution (S. R. 100) authorizing the printing of certain naval and military reports;
 Joint resolution (S. R. 114) to provide for printing the annual reports of the Smithsonian Institution; and
 Joint resolution (S. R. 122) authorizing the Secretary of War to loan twelve hospital tents and outfits to the American Society of the Red Cross for use in New Orleans.

GENERAL ULYSSES S. GRANT.

A message in writing was received from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a message in writing from the President, which will be read:

The Chief Clerk read as follows:

To the honorable GEORGE F. EDMUNDS,
President pro tempore of the Senate of the United States:

SIR: The accompanying communication, although an executive message, may be read in open session.

CHESTER A. ARTHUR.

WASHINGTON, March 3, 1885.

The PRESIDENT *pro tempore*. The accompanying communication will be read.

The Chief Clerk read as follows:

To the Senate of the United States:

I nominate Ulysses S. Grant, formerly commanding the armies of the United States, to be General on the retired-list of the Army, with the full pay of such rank.

CHESTER A. ARTHUR.

EXECUTIVE MANNION,
 Washington, March 3, 1885.

[Great applause on the floor and in the galleries.]

The PRESIDENT *pro tempore*. Manifestations of applause are entirely irregular. The Chair asks unanimous consent that this nomination be now considered with open doors. Is there objection? The Chair hears none. The question is: Will the Senate advise and consent to this appointment? The Senators in the affirmative will say "ay."

The response was unanimously in the affirmative.

The PRESIDENT *pro tempore*. The "ayes" have it unanimously. [Great applause on the floor and in the galleries.]

Mr. CONGER. I move that the President be notified of the action of the Senate on that last nomination.

The PRESIDENT *pro tempore*. That order will be entered if there be no objection.

NOTIFICATION TO THE PRESIDENT.

Mr. MORRILL and Mr. HARRIS, of the joint committee who were appointed to wait upon the President of the United States and inform him that Congress was ready to adjourn, appeared at the bar of the Senate, and,

Mr. MORRILL said: Mr. President, the joint committee appointed to notify the President of the United States that the Senate and House of Representatives were about to close their business by a final adjournment have performed that duty, and have been informed by the President that he has no further communication to make.

SWEARING IN OF VICE-PRESIDENT.

The Vice-President-elect (Hon. Thomas A. Hendricks, of Indiana) entered the Chamber, accompanied by Mr. SHERMAN, Mr. RANSOM, and Mr. HAWLEY, members of the committee of arrangements for the inauguration.

The PRESIDENT *pro tempore*. Senators, the Chair has the pleasure to announce that the Vice-President of the United States elect is in the Senate Chamber, and, if agreeable to him, the Chair will administer to him the oath of office.

Thereupon Mr. HENDRICKS took and subscribed the oath prescribed by law, and was conducted to a seat at the right of the President *pro tempore*.

The PRESIDENT *pro tempore*. Senators, we now close another epoch in the course of the Republic under the Constitution. The brief period of our national existence has, by the exertion of the co-ordinated forces of national and State systems, brought the experiment of free social and political government to an established and secure triumph.

I think I may safely say for us all that we believe that the long years to come in the future of the Republic will more and more increase the peace, liberty, order, and security of all the people of our country.

But perhaps it may not be improper for me to say that, in view of our recent experience, it may be doubted whether Congress can congratulate itself on being the best example of a legislative body conducting its business with that deliberate and timely diligence which is the inseparable handmaid of wisdom and justice, as well in the making as in the administration of laws. It is I think an evil of large and growing proportions that measures of the greatest importance, requiring much time for proper examination and discussion in detail, are brought to our consideration so late that it is not possible to deal with them intelligently, and which we are tempted (overtaken I fear) to enact into laws in the hope that fortune rather than time, study, and reflection will take care that the Republic suffer no detriment.

The Chair has heard with deep sensibility of the resolution you have

kindly adopted concerning the administration of his duties, and he begs to express sincerely his gratitude for it. If, in the course of the execution of his duties, he has (as he sometimes may have done) wounded the feelings of any Senator or officer of the Senate, he can truly say that he has not intentionally given offense to any one; and in closing this session of the Senate he assures every Senator, whether retiring or continuing in public duty, that he wishes for him every friendly good wish, and hopes that he may long enjoy all the happiness that can be realized by citizen or Senator.

He now declares the Senate adjourned without day.

HOUSE OF REPRESENTATIVES.

TUESDAY, March 3, 1885.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

ORDER OF BUSINESS.

Mr. VALENTINE. Mr. Speaker, is it in order at this time, before the Journal is read, to move to take a recess? If so, I desire to make a motion to take a recess until 10 o'clock to-night.

The SPEAKER. The gentleman from Nebraska [Mr. VALENTINE] moves that the House take a recess until 10 o'clock to-night. The Chair desires to state that, owing to the fact that the House was in almost continuous session from 11 o'clock yesterday until 4 o'clock this morning, the Journal is not completed.

A MEMBER. How soon will it be completed?

The SPEAKER. In about two hours, the Chair is informed.

Mr. RANDALL. Mr. Speaker, I move that the reading of the Journal be dispensed with for the present.

The SPEAKER. If there be no objection, the reading of the Journal will be dispensed with until it is prepared.

There was no objection.

Mr. SPRINGER. I move to suspend the rules and adopt an amendment to the rules of the House, which I send to the Clerk's desk to be read.

Mr. VALENTINE. I ask that my motion be put to the House.

Mr. SPRINGER. Pending a motion to suspend the rules there is but one motion—to adjourn—in order.

The SPEAKER. But the motion to suspend the rules is objected to because the gentleman from Nebraska insists on the regular order, which is the motion to take a recess.

Mr. VALENTINE. I insist upon that motion, Mr. Speaker.

Mr. SPRINGER. Mr. Speaker, as soon as the reading of the Journal is dispensed with is not a motion to suspend the rules in order?

Mr. VALENTINE. Mr. Speaker, the gentleman from Illinois [Mr. SPRINGER] is out of order.

The SPEAKER. It is not in order. In the first place, a contested-election case is pending.

Mr. SPRINGER. Then the Chair holds that this is the pending question?

The SPEAKER. The Chair so holds. The House decided on yesterday to consider the case, and the question was stated to the House in the form provided by the rules, that is by the reading aloud at the Clerk's desk of the resolution reported from the Committee on Elections. Pending that question the gentleman from Nebraska [Mr. VALENTINE] moves that the House take a recess. Now, even if the motion to take a recess were not pending, a motion to suspend the rules could not be entertained at this time if the regular order were insisted upon.

Mr. SPRINGER. The regular order being the contested-election case.

Mr. VALENTINE. Regular order.

The SPEAKER. The regular order is before the House; but pending that, a motion to take a recess and a motion to adjourn are in order under the rules.

Mr. LEWIS. But can there not be a motion to suspend the rules?

The SPEAKER. The difficulty is that there is a motion pending before the House; and pending that, a motion to suspend the rules can not be made if objected to. It can be done by unanimous consent, and the Chair has, upon two or three occasions, recognized gentlemen connected with appropriation bills to ask for unanimous consent to suspend the rules and the unanimous consent has been granted. [Cries of "Regular order!"]

Mr. HEWITT, of Alabama. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HEWITT, of Alabama. I desire to inquire whether, under the new rule assigning an hour each day immediately after the reading of the Journal for the consideration of bills to which there are not ten or more objections, that hour does not take precedence over the unfinished business.

The SPEAKER. The Chair thinks a contested-election case, being a matter of the highest privilege under the Constitution, is in order at all times, unless by unanimous consent, after the House has once de-

termined to proceed with its consideration and after the question has been stated to the House, as was done in this case yesterday.

Mr. STOCKSLAGER. Does the Chair place that decision upon the ground that the election case is unfinished business?

The SPEAKER. Unfinished business, and also a privileged matter of the highest character, except reports from committees of conference.

Mr. STOCKSLAGER. Does either of these take precedence of the positive rule of the House that immediately after the reading of the Journal there shall be an hour set apart for the consideration of bills to which not more than ten members object?

The SPEAKER. The Chair thinks that it is a matter of the highest privilege, and, if insisted upon, it must be regarded as entitled to the floor. That has been the universal practice of the House. When the House has once engaged in the consideration of the contested-election case, it has gone on with it day after day immediately after the reading of the Journal.

Mr. STOCKSLAGER. Is that the case as against the morning hour?

The SPEAKER. Against everything except reports from conference committees, which under another rule of the House are in order at all times except when the Journal is being read, when the roll is being called, and when the House is dividing. The regular order is insisted upon.

Mr. PETERS. I desire to inquire whether by unanimous consent a resolution could be introduced for reference to the Committee on Accounts.

The SPEAKER. By unanimous consent anything can be done.

Mr. PETERS. I ask unanimous consent—

Mr. O'FERRALL. I object.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 449) to provide for the appraisement and sale of lots in Peru, Dubuque County, Iowa;

A bill (H. R. 652) for the relief of Brannin, Summers & Co.;

A bill (H. R. 4089) to empower the commissioners of the District of Columbia to examine the claim of and providing for the payment of Outerbridge Horsey, assignee;

A bill (S. 2577) to authorize the printing of the eulogies delivered in Congress upon the late Henry B. Anthony; and

A bill (S. 2666) to provide for the printing of the report and proceedings of the commission to provide suitable ceremonies for the dedication of the Washington Monument.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate insisted on its amendments disagreed to by the House to the bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. ALLISON, Mr. HALE, and Mr. BECK.

LEAVE TO PRINT.

The SPEAKER. The Chair submits a personal request on behalf of a gentleman who is absent from the House on account of sickness.

The Clerk read as follows:

Mr. THROCKMORTON asks leave to print in the RECORD remarks on his educational bill.

There being no objection, leave was granted.

ORDER OF BUSINESS.

The SPEAKER. The question is upon the motion of the gentleman from Nebraska [Mr. VALENTINE] that the House take a recess until 10 o'clock this evening.

Mr. HEPBURN. I move to amend that motion by striking out "10" and inserting "9."

Mr. CONVERSE. I rise to a point of order. My point is that after the motion was made last evening to take a recess until 9 o'clock the House adjourned, and therefore that motion is not the pending question.

The SPEAKER. It is not.

Mr. CONVERSE. But the question is on the demand for the previous question, as made by the gentleman from North Carolina [Mr. BENNETT].

The SPEAKER. The gentleman from North Carolina has not demanded the previous question.

Mr. CONVERSE. I so understood him.

Mr. VALENTINE. He never did make that motion. My motion is pending.

The SPEAKER. The Chair will state the situation; there is no difficulty about it under the rules. When the House took a recess until 9 o'clock this morning all other motions for a recess of course fell; and certainly when the House adjourned this morning all motions then pending for a recess fell. But as soon as the House reassembled, and immediately after the reading of the Journal was for the present dis-

passed with, the gentleman from Nebraska [Mr. VALENTINE] made a motion that the House take a recess until 10 o'clock this evening. That motion is now pending.

Mr. CONVERSE. I understood the gentleman to claim that it was unfinished business.

Mr. VALENTINE. Oh, no.

The SPEAKER. No; the Chair decided that the contested-election case was unfinished business. The gentleman from Iowa [Mr. HEPBURN] moves to amend the motion of the gentleman from Nebraska by striking out "10" and inserting "9."

Mr. PETTIBONE. I move to amend the amendment by striking out "9" and inserting "8."

The question being taken on Mr. PETTIBONE's amendment to the amendment there were—ayes 4, noes 41.

Mr. VALENTINE. No quorum.

Tellers were ordered; and Mr. VALENTINE and Mr. SPRINGER were appointed.

The House again divided; and the tellers reported none in the affirmative, 75 in the negative.

Mr. VALENTINE. No quorum.

Mr. BELFORD. I rise to a question of personal privilege. I demand that the rules of this House for which we have such a profound reverence shall be enforced; and I ask for the reading of the seventh paragraph of the fourteenth commandment of the House of Representatives. [Laughter.] I can not sit here and have gentlemen smoke all the time in the area in the rear of the seats.

The SPEAKER. The Clerk will read the clause of the rule indicated by the gentleman; and the Chair will call the special attention of members and officers of the House to this rule, because the matter to which the gentleman from Colorado has referred is one about which frequent complaints are made to the Chair.

The Clerk read as follows:

While the Speaker is putting a question or addressing the House no member shall walk out of or across the Hall, nor, when a member is speaking, pass between him and the Chair; and during the session of the House no member shall wear his hat, or remain by the Clerk's desk during the call of the roll or the counting of ballots, or smoke upon the floor of the House; and the Sergeant-at-Arms and Doorkeeper are charged with the strict enforcement of this clause.

Mr. BELFORD. Now I ask that the Speaker, who is the organ of this House, shall direct the Sergeant-at-Arms under that rule to enforce its requirement. The general place of smoking is right in the rear of where I sit; and I say we should be exempt from this nuisance at least until to-morrow at 12 o'clock.

The SPEAKER. The gentleman has a right to insist upon the enforcement of the rule. It is the duty of the officers of the House named in the rule to see that it is enforced; and the Chair has only a day or two ago directed those officers to see that it is rigidly executed, because there is very great complaint to the Chair almost every day of the session in regard to the violation of this rule. The Chair hopes that members will respect the rule of the House, and if they desire to smoke will leave the floor for that purpose.

Mr. BROWN, of Pennsylvania. I ask by unanimous consent, Mr. Speaker, that the House now proceed to the consideration of bills under the new rule for one hour to-day.

Mr. BUDD. I have been seeking the floor for the purpose of making that motion in order that I might call up for consideration the San Francisco post-office bill.

Mr. WELLER. I object.

POST-OFFICE APPROPRIATION BILL.

Mr. TOWNSHEND. I rise, Mr. Speaker, for the purpose of submitting a privileged report, which I send up to the Clerk's desk to be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill of the House (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 9.

That the House recede from its disagreement to the amendments of the Senate numbered 13 and 15, and agree to the same.

On the amendments of the Senate numbered 3, 4, 5, 6, 16, 17, 18, 19, and 20 they have been unable to agree.

R. W. TOWNSHEND,
WM. S. HOLMAN,
R. G. HERR,

Managers on the part of the House.

P. B. PLUMB,
WM. B. ALLISON,
JAS. B. BECK,

Managers on the part of the Senate.

The SPEAKER. The Clerk will now read the statement accompanying the conference report under the rule of the House.

The Clerk read as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8138) making appropriations for the postal service for the fiscal year 1886 submit the following written statement in explanation of the conference report:

The conference committee have agreed upon only three amendments of the Senate, and the action recommended thereon fixes the amount for railroad transportation at \$14,010,000; strikes out of the bill the provision to require bids from

the Bureau of Engraving and Printing for furnishing stamps, envelopes, and postal cards, and makes a verbal correction in the text of the bill.

The amendments disagreed upon relate to the rent of third-class post-offices, the question of foreign mail transportation, and the special stamp-delivery service.

R. W. TOWNSHEND,
WM. S. HOLMAN,
R. G. HERR,

Managers on the part of the House.

Mr. TOWNSHEND. Mr. Speaker, it will be seen from the reading of the report that the conferees on the part of the House and Senate have reached an agreement on all amendments to the Post-Office appropriation bill except three. The first of those amendments is the one inserted by the Senate, extending the authority of the Postmaster-General to make contracts for lease of premises at the expense of the Government for third-class offices as well as first and second class offices. The second is the disagreement with that amendment of the Senate making appropriations for the ocean mail service. The third relates to the other sections of the bill, providing for the issuance of 10-cent special delivery stamps.

The conferees have declined to yield on the first of the amendments I have mentioned relating to leases for third-class offices for the reason we believe it opens the door to a much larger expenditure than at this time ought to be permitted. The number of post-offices in the United States reaches nearly 50,000. The number already where the Postmaster-General is authorized to make leases of buildings does not exceed four hundred, and they are of the first and second classes.

The number of offices of the third class amount to nearly 1,900, and by next year no doubt will reach 2,000. If this amendment is adopted, in my judgment it will render necessary we shall increase the appropriation necessary for leasing buildings for the purpose indicated nearly four times as much as is now provided for in the bill as it left the House. In other words it is believed, Mr. Speaker, by those who understood it properly, it will require an increase not less than \$600,000, and may reach a million more than is provided by the amount named by the Senate.

It is claimed by those who advocate this extension of the power of the Postmaster-General for leasing buildings for post-offices of the third class that it is not proper that a postmaster who receives \$1,900 salary should be deprived of the privilege of having a post-office leased at the expense of the Government for his use and be compelled to pay rent out of his salary for the premises occupied by him as a post-office, whereas a postmaster receiving \$2,100 under the law is entitled to receive additional compensation for rent as well as fuel and light.

In answer I would say it makes no difference where you draw the line, there will be some apparent hardship. If the Postmaster-General is authorized to make leases for second and third class offices, then those occupying fourth-class offices will come to Congress and demand, inasmuch as they receive salaries less than postmasters of the third class, that the Postmaster-General should have the right to lease buildings for post-offices for them at the Government expense. It has been thought in the past to be wise the line should be drawn at \$2,000 salaried offices.

Mr. COSGROVE rose.

Mr. TOWNSHEND. I ask the gentleman from Missouri not to interrupt me now. When I have concluded my statement I will be glad to yield to gentlemen who desire to ask me any questions.

I wish, Mr. Speaker, the House fairly to understand the character of the legislation they are entering upon, for if you adopt this amendment of the Senate you should increase the appropriation three or four times as much as you have provided in this bill, and include four or five times as many offices as are now furnished at the Government expense.

I warn you now if you allow this number of post-offices to be provided at the Government expense for third-class offices it will not be long until the occupants of fourth-class offices in the United States will be clamoring for the same privilege. Then, of course, you will have to make provision, as I have already indicated, for nearly 50,000 post-offices. I will not dwell further on that point, as I wish to be brief in the remarks I make on this report, being conscious of the short time left us for the consideration of the great money bills, of which this is the largest in amount.

The next and most vital point of difference between the two Houses is that relating to the ocean mail service. The ground upon which the majority of the House conferees have declined to accede to the amendment of the Senate is that the legislation proposed is in the nature of a subsidy.

I am aware that many good and wise members upon this floor and in the Senate deny that this is in the nature of a subsidy. There is a difference of opinion upon that point; but I think reflection will convince fair minds that it is so. It is insisted that in the exercise of a wise and sound discretion on the part of the Postmaster-General he will not go to the full limit of 50 cents per mile, which the proposition authorizes, unless the amount of service to be rendered will fairly justify him in doing so; that he will necessarily take into consideration in awarding contracts for such service the character and actual value thereof. But, Mr. Speaker, that question is to be left in the hands of some one who is entirely unknown to us at present. We do not know what may be his

views on this question. We are groping in the dark in the adoption of such an amendment. We intrust to him an unwise and a dangerous power which will enable him to subsidize American lines if he shall be disposed to do so.

But, sir, we are met by the argument by gentlemen that as we have put the domestic mail service upon the basis of compensation for service rendered, and have intrusted to the Postmaster-General the discretionary power of making such contracts as he may in his judgment deem necessary for the interest of the public, that we could also with equal safety intrust to him the power to make contracts for mail service to foreign countries.

They insist that it requires no less ability and integrity for making contracts with the inland steamboat, the coastwise, and railway mail service than for making contracts to extend our foreign mail service on American vessels. One of the most forcible illustrations used for this argument was that of a gentleman, the other day, who asserted that if we can safely empower the Postmaster-General at his discretion to enter into contracts for the transportation of the mails from New York to Galveston upon an American steamer, we can with equal safety intrust to him the discretionary power of making contracts for the extension of that service across the Gulf of Mexico to Vera Cruz.

I admit that it is a very difficult question to answer, when gentlemen put the inquiry squarely: Why if you allow the Postmaster-General to exercise discretion in making contracts for the coastwise and inland steamboat service should there be any great apprehension of abuse of power in allowing him to exercise equal discretion in making contracts for conveying our mail to foreign countries? About the only answer I can make to that argument is that this amendment of the Senate is not of that nature exactly.

The proposition now under consideration raises the limit of the power of the Postmaster-General to contract, or rather puts it in his power to increase the compensation for mail service on American steamers to foreign countries from an aggregate of about \$55,000 to an amount not exceeding \$400,000. In other words, it repeals the present law fixing their pay at not exceeding the sea-going and inland postage for this service, and authorizes him to contract at a rate not exceeding 50 cents per mile.

It is contended, however, that the Government is paying some foreign lines of steamers carrying the mails from New York to Europe a higher rate per mile than that provided in this amendment—giving them more than 50 cents a mile. That is true in regard to one line—the North German Lloyd's; it was paid more than 50 cents per mile in 1883, and perhaps last year that line received nearly 70 cents per mile.

But gentlemen should remember that there is no comparison between the amount of mail carried on American mail steamers to the Southern and Pacific countries, to South America, Mexico, and Central America, to that carried on the North German Lloyd's line to Europe. Some gentlemen have not hesitated to advocate this proposition on the ground that even if there is a subsidy in this proposed increase of this ocean mail service it should be done for the encouragement and building up of the American merchant marine. They are willing to subsidize American steamers in order to secure for our flag a larger share of the commerce of the seas.

In answer to such suggestions, I want to say that I have full sympathy with every wise and just movement likely to increase our foreign commerce and the extension of our markets in the Southern and Pacific countries. It is well known that for more than a year I have been persistent in pressing upon the attention of Congress a proposition to form a commercial league of the nations on this continent, in character similar to the German Zollverein.

That scheme if carried into effect would far more effectually than subsidies rebuild and make prosperous our shipping interest, for it would provide that the maritime commerce between the United States and these countries should be carried on vessels owned by citizens of the countries embraced in the Zollverein. This would transfer to our flag nearly all the commerce among those countries which is carried on European vessels. If that proposition should be adopted there would be no possible need for subsidy.

If that is adopted the American merchant marine can not only successfully compete with the subsidized lines of Europe, but would enable us to rival if not outstrip any nation in the world in the commerce of the seas. For the purpose of showing the interest I have manifested in this subject before this amendment was offered, and to remove any impression that I am indifferent to the prosperity of our shipping interest, I will quote from my speech of January 10 last on the formation of an American customs union, as follows:

Perhaps there is no public question of paramount importance to that of rebuilding the American merchant marine and navy. I will not dwell here upon the causes which have produced the sad condition of our ocean commerce and the humiliating position of our flag on the seas. All recognize the insignificance of our shipping interest aside from our coastwise service. It has fallen from the proud position of rivalry with the greatest maritime powers under President Van Buren to the foot of the list under President Arthur. Then over 84 per cent. of our imports and exports were carried on American bottoms, now it has fallen to 15 per cent.

Twelve lines of steamers run to Europe from the Argentine Republic, but none to the United States.

It is stated in the daily press that last year only two American vessels sailed from New York to Europe, neither of which were steamers.

We are paying now over one hundred millions annually to foreign ships for carrying our commerce. Nothing can be done, in my judgment, which will more effectually and permanently rebuild our mercantile marine than the establishment of the American customs-unions.

One of the prime questions to be considered by members of the American customs-union would be the means of transit and intercourse, as between the United States and all those countries except Mexico the connection will be by water. Articles should be adopted by the Zollverein assembly which would apply the benefits of the freedom of commerce and exchange only to goods carried on vessels owned by the countries forming the union.

But by the establishment of an American Zollverein all countries outside of the Verein would be excluded from the benefits and privileges I have indicated. This would give us control of the carrying trade of this hemisphere. It would revive our languishing shipping interest, and lift it from the foot of the list to the highest degree. We would eventually dethrone England's sovereignty of the seas and become the great maritime power of the world. For the great increase which that trade would give to our shipping would enable our ship-owners to compete for a fair share of trade in all the seas. It would send our flag to ports where it is now a stranger, and transport American products under an American flag on American bottoms to the markets of the world.

But, sir, anxious as I am to accomplish that result, I am opposed to subsidies. The plan I have suggested can not, however, obtain favorable action during this session.

Now we must return to the point practically before us: What is the compensation paid? As is well known, the law to-day provides that the Postmaster-General may compensate our foreign ships by paying them 2 cents as sea-going postage upon each letter carried.

The law does permit the Postmaster-General to pay the American steamers engaged in the carrying our foreign mails both the inland and the sea-going postage. The officials of that Department have not, as I understand, however, ever exercised that power; and the reason assigned by them is that the appropriations made by Congress will only permit them to pay American steamers the same amount as is paid to European steamers, or 2 cents per letter. What is the result? By referring to the report of the Postmaster-General of last year you will find there is some truth in the statement that some of the American lines running to the southern countries are inadequately compensated. And the same report shows us there is an extravagant allowance for carrying of our mails by some foreign lines to European countries.

There are two classes of vessels engaged in carrying our foreign mails. One is a class owned by Europeans almost exclusively engaged in carrying the mails from our Eastern ports to European ports. No American steamer crosses the Atlantic with an American mail upon it. The other class are vessels built in America and owned by citizens of the United States. American steamers are almost exclusively engaged in transporting our mails to Mexico, Central and South America, the West Indies, China and Japan, Australia, and the Sandwich Islands.

The North German Lloyd's, a foreign line from New York to Bremen, received last year an average of over \$1,600 a trip for carrying the mail; whereas on American lines running to the southern and Pacific countries the compensation ran as low as \$30 a trip. The lines from San Francisco to Japan and China received on an average about \$125 a trip. The line running from New York to Aspinwall received about \$131 per average trip. The vessels from San Francisco to China, travel a distance of about 7,000 miles, while from New York to Bremen the distance is only some 3,000 miles. From this it will be seen as claimed by the advocates of this amendment that the American line to China received only about one-thirteenth as much as the foreign line to Bremen, although it carried our mails over twice as far.

Now, why is this? It is because the basis upon which you make the compensation for the carrying of foreign mails is uniformly 2 cents per letter, and produces that result. I do not believe the basis is right. For whereas 2 cents as a basis does give to the European lines an excessive and extravagant compensation, the basis of 2 cents for these lines running south and southwest furnishes in most instances inadequate compensation. But so long as this basis stands this unequal and unfair result will follow.

As I have heretofore said, the immense amount of mails carried to European ports results in giving the large compensation to the lines to Europe which I have mentioned, while the smallness of the quantity of mail carried to southern ports results in the small pay received for carrying those mails under the present law. This basis allows no more pay for carrying a letter 3,000 miles than for carrying it 7,000 miles. This is wrong. In all our domestic service we take into consideration the distance, weight, and character of service performed in fixing mail-pay, and should do so in our foreign service.

My colleagues on the committee and myself have seen the inequality and injustice of this basis of compensation and have endeavored to find the way by which a just and fair basis can be established. My friend from Indiana [Mr. HOLMAN] and myself earnestly desire to find some plan whereby honest, just, and fair compensation may be made for the amount of service rendered by American steamers. While I admit that we ought to take into consideration the distance carried, we should also take into consideration the weight of the mails and the amount of service the vessels perform for the Government.

My colleague on the committee, Judge HOLMAN, suggests as some remedy for the injustice of this basis to American vessels that we direct the Postmaster-General to pay the American steamers both the inland and foreign postage; but, sir, we find great difficulty in formulating a plan which will do justice both to the Government and the carrier.

I am opposed to subsidies as undemocratic and unrepugnant, as unsound governmental policy. I shall not vote for a subsidy for any purpose. I am told that England has built her up her merchant marine by means of subsidies in the nature of large mail-pay. Her main object, however, has been to keep open her communications with her colonies. I am told also that as soon as the Canadian-Pacific road is built she intends to subsidize a line running from Victoria to China and Japan, which will compete with the American line running from San Francisco. And we are told that she has now ships running from San Francisco to Australia, and that she is running a subsidized mail line to Brazil.

We are told that France has subsidized not only her foreign mail lines but also the commerce of her merchant marine by allowing 30 cents per ton for every mile of steam navigation by vessels built in her ship-yards carrying her flag, and 15 per cent. in addition thereto when the designs for the ships are submitted to and approved by the Navy Department. We are told the Brazilian Government subsidizes not only its own mail lines but English lines to the extent of over \$1,000,000 per annum, and that it has even subsidized one of the American lines to the extent of \$100,000 per annum.

But, sir, our institutions, our policy, and principles of government are antagonistic to the policies and the principles adopted and necessary in monarchies, which are founded largely on the idea of privileges to the few, and which lead to the building up of strong monopolies. I do not believe it wise that we should adopt such a policy. If we do not grant subsidies as inducements for carrying our mail in American steamers, what system should we adopt?

There is another plan suggested. It is that we shall empower the Postmaster-General to exercise the same discretion in compensating for our foreign mail service that he does in fixing compensation for our domestic mail service; that we shall give him power to make contracts for the service rendered on similar terms of our coastwise and inland service. That is a suggestion which, in my judgment, appeals much more forcibly to the sense of justice of those who wish to do their duty to the Government and the carriers of our mails on the ocean than does the idea of granting subsidies; but when you come to the consideration of this suggestion you find that as construed the statute limits the power of the Postmaster-General to making contracts for carrying the mails only to the extent of 2 cents and 5 cents per letter.

No such proposition, however, is before the House, and it is unnecessary for me to discuss it unless it is offered; but before I take my seat I want to call attention to another question regarding our foreign mail service. The Postmaster-General, in his report, and the superintendent of the foreign mail service both dwell with emphasis upon the act of last session repealing what is known as the compulsory law. The compulsory law that was in force until the last session of this Congress put it in the power of the Postmaster-General to force American steamers to carry our mails for the sea-going postage. He had the power to coerce them and he did coerce them at times when they insisted the compensation was inadequate.

It was claimed by the American steamship companies that this power of the Postmaster-General was exerted to an extent which caused actual loss upon some of the lines. I see that the report of the commission sent lately to Central and South America, just published, states that some of the lines to Central and South America and the West Indies have actually suffered loss on the mails they have handled. If this is true, no fair-minded person would deny that their compensation should be increased. I believe that is true of some of the lines, but not of all. The compensation for the line running to Brazil is perhaps sufficient; it gets over \$800 per trip.

The Postmaster-General and the superintendent of the foreign mail service warn us if no change is made in the law as it stands, and those steamers refuse to carry the mails, serious interruption will be produced in our commercial relations and correspondence with those countries. The superintendent of the foreign mail service states that threats have been already made that the mails will be thrown off some of the lines running from San Francisco.

But, on the other hand, it is insisted that those lines will never throw off the mails, that the carriage of the mails is almost a necessity to them in the conduct of their business, that they can not well conduct their general business unless they carry the mails which enable the merchants of the countries between which they ply to communicate easily with each other, and that therefore no such danger will arise as the Postmaster-General and the superintendent of the foreign mail service seem to anticipate.

But, be that as it may, we ought not to force any body or company to perform service for the Government without just and fair compensation for the service performed. Let me say again that the gentleman from Indiana [Mr. HOLMAN], as well as myself, desires that something shall be done which will give these steamship lines fair, just, honest compensation for carrying our mails on the ocean. We do not desire to force the carriage of the mails at a loss. I wish to give full compensation for the amount of service performed; but I think this empowers the Postmaster-General in many instances to go beyond what may be properly regarded as reasonable and fair compensation for the service. In the absence of an agreement for a satisfactory plan we reported to the general

committee the bill with provision for payment on the basis of the sea-going postage. And that action has been sustained by the House on a vote taken by yeas and nays.

The gentleman from Indiana [Mr. HOLMAN], as I have stated, at one time suggested that we might direct the Postmaster-General to give the American lines both the inland and the sea-going postage. I would be willing to accept such a proposition. If that were done, it would more than double the amount of their compensation. They are receiving now about \$55,000 for carrying the American mails, and that proposition would give them over \$130,000, nearly \$140,000.

I know that when gentlemen here call attention to the inequality between the compensation of American steamers and that received by foreign steamers for mail service they bring to bear an argument which works upon the sympathies of many gentlemen in this House who would feel a pride in building up the merchant marine of this country. The figures do show, as they have asserted, that last year foreign steamers received \$273,000 for carrying our mails to Europe, whereas the American ships received only about \$55,000.

If the proposition I mentioned a moment ago be adopted the American steamers would receive somewhere in the neighborhood of \$130,000 or \$140,000. If they were given the sea-going and the inland postage, it would be a step in the direction of giving them fair and just compensation—much fairer than they receive under the present law. But unless something of that kind be done the House conferees, in order to be consistent with their principles and to obey the vote which has been taken upon a proposition substantially the same as this, must stand upon the position they have heretofore taken. We went into conference, backed by a vote of some 15 or 20 majority, refusing to accept a proposition similar to the one that the Senate has placed upon this bill.

Mr. Speaker, I have endeavored dispassionately, calmly, impartially to put before the House the arguments used on both sides of this question in order that the situation may be fully understood. Unless this House reverses the action it has heretofore taken by a pronounced vote I shall, if I go back into conference, stand in opposition to the amendment of the Senate. At the same time, if some proposition giving American steamers fair and just compensation for the amount of service performed can be agreed upon I should be glad to see it done, in order that the Government may be relieved from the dilemma that the Post-Office officials and others think it will be in after April next when the compulsory law will cease to operate. I wish to avoid any danger of interruption of our correspondence or commerce with foreign countries.

It is said that these lines, if the Department fails to make contracts with them, will at once advertise that they are willing to carry letters for merchants and other correspondents, and will fix such scale of charges as they may determine. If that were done it would still be a very inconvenient mode of conducting correspondence with foreign countries, because no matter what amount of stamps may be put upon a letter destined, for instance, for China, it is necessary when it reaches San Francisco that there shall be some authority there to negotiate with the vessel and the Department for carrying the mail.

In such a condition the public would be left entirely in the power of the steamship companies, who might tax them unjustly and onerously for the service. But I am opposed to this amendment because it partakes of the nature of a subsidy; and I shall stand in opposition to it until this House shall otherwise direct.

Now, in regard to the last point of difference, the 10-cent specialty stamp. The proposition on that subject was put on this bill by a unanimous vote of the Appropriations Committee and by a unanimous vote of the House. The Senate has stricken it out upon the theory that it is general legislation. I find the construction of the Senate in that regard is this: Whenever any general legislation suits their views they have no hesitation in putting it upon an appropriation bill, as they did in regard to authorizing the Postmaster-General to lease premises for third-class offices; but when the Committee on Appropriations of the Senate, or the Senate itself, do not desire general legislation they fall back upon the technical rule and claim that they are not permitted under their rules to place general legislation upon an appropriation bill.

I do not desire to discuss this question further. How much time have I left?

The SPEAKER. Twenty-five minutes.

Mr. TOWNSHEND. I propose to yield the remainder of my time to the gentleman from Indiana [Mr. HOLMAN]. Before surrendering the floor I will make a motion to adopt the report. But I do not wish to cut off debate by other gentlemen. Does the gentleman from Michigan [Mr. HERR] desire to go on now?

Mr. HERR. I prefer to wait until I move to concur in the amendment as to mail transportation on American vessels. The first vote should be taken at once on adopting the report.

The SPEAKER. Does the committee of conference report a disagreement as to this amendment?

Mr. TOWNSHEND. As to three amendments.

The SPEAKER. Is this one of them?

Mr. TOWNSHEND. I am now moving to adopt the report.

The SPEAKER. The Chair is inquiring whether this is one of the amendments upon which the committee of conference has disagreed.

Mr. TOWNSHEND. It is.

The SPEAKER. Then it can not be disposed of until the report has been either agreed to or disagreed to.

Mr. TOWNSHEND. My motion is to adopt the report. I am not desirous, however, of cutting off debate on it.

Mr. BINGHAM. I desire to inquire whether if the conference report be first adopted we shall have debate distinctly upon this point?

The SPEAKER. The Chair can not state what debate will be allowed, because that is a matter which rests with the House. If the previous question should not be ordered, there will be debate as a matter of course.

Mr. TOWNSHEND. If it is not the desire to debate the motion, I will move the previous question.

Mr. BINGHAM. But we do desire to debate it.

Mr. HERR. And we do not wish to be cut off.

Mr. BINGHAM. We want our hour.

The SPEAKER. The Chair has stated that as soon as the House has disposed of the report of the conference committee, the amendments about which the committee disagree will then come up for consideration.

Mr. HERR. I will take the floor now, because I do not wish any question to arise afterward.

The SPEAKER. There can be no question as to the right of the House to consider each one of the amendments after the report has been agreed to.

Mr. HOLMAN. It seems to me, Mr. Speaker, it will be just as well to have the debate before the conference report is adopted as afterward.

The SPEAKER. That can be done, although it is not the regular order.

Mr. HOLMAN. I hope it will be granted.

The SPEAKER. If there is no objection that course will be pursued.

There was no objection, and it was ordered accordingly.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution (H. Res. 341) to authorize the printing of 50,000 copies of the second annual report of the Bureau of Animal Industry for the year 1885; when the Speaker signed the same.

RESIGNATION OF A MEMBER.

The SPEAKER also laid before the House the following communication:

HOUSE OF REPRESENTATIVES, March 2, 1885.

HON. JOHN G. CARLISLE,
Speaker House Representatives, Forty-eighth Congress, U. S. A.:

I have the honor to inform you that I have resigned the office of Representative in the Forty-eighth Congress from the fourth Congressional district of Alabama, from and after the hour of 12 m. of this the 3d day of March, 1885, and that said resignation has been forwarded to the governor of the State of Alabama, at Montgomery, Ala.

Most respectfully, your obedient servant,

GEORGE H. CRAIG.

POST-OFFICE APPROPRIATION BILL.

Mr. HOLMAN. I reserve my time.

Mr. HERR. Mr. Speaker, the amendment ingrafted upon this bill by the Senate in reference to the carrying of our foreign mails upon American steamships is the only one which I propose now to call the attention of the House to, and in doing so I wish to say that I hope the House in the end will agree in that Senate amendment, because I am satisfied it is a wise provision and one that ought to be adopted by the American Congress.

This bill as the Senate have amended it carries \$400,000 for the purpose of paying for carrying our foreign mails in American ships; and let me read the provision to show you how wisely it is drawn:

For transportation of foreign mails, including railway transit across the Isthmus of Panama, \$800,000. And the Postmaster-General is hereby authorized to enter into contracts for the transportation of any part of said foreign mails, after legal advertisement, with the lowest responsible bidder, at a rate not exceeding 50 cents a nautical mile on the trip each way actually traveled between the terminal points: *Provided*, That the mails so contracted shall be carried on American steamships, and that the aggregate of such contracts shall not exceed one-half of the sum hereby appropriated.

Mr. Speaker, this \$400,000 covers the carriage of the mails in round numbers 1,750,000 miles. Understand me, the whole distance aggregates 1,750,000 miles that these vessels will travel for this \$400,000.

How came we to be in the condition we are now in? I wish every member would give me his attention on this point. Formerly these ships received 40 cents a letter for over one-half of the ports to which they carried our letters; 25 cents a letter to China and Japan, and 30 cents a letter from the United States to Australia. September 15, 1874, a conference of nations met at Berne. There were twenty-one nations represented. They adjourned, and in 1875 reassembled at Paris, and there entered into an arrangement whereby this postage was cut down, and instead of being 25, 30, and 40 cents a letter, after that conference we have paid 2 and 3 cents only a letter.

Immediately after that conference every other nation of any dignity

or magnitude on the face of the earth except ours gave extra compensation to their ships for carrying these mails. We cut down the price—

The SPEAKER *pro tempore* (Mr. HATCH, of Missouri, in the chair). Gentlemen will suspend conversation upon the floor. Public business will be suspended until order is restored.

Mr. HERR. I was just about saying, Mr. Speaker, that international postal convention cut down the price, and while the American Government refused aid to her ships, England paid last year for this service over \$3,000,000. She has paid as high as \$6,000,000. She paid for her route to Japan and China alone last year \$1,800,000. England paid out last year for her ships to the West Indies \$400,000. The United States, this nation which we all feel so proud of, paid the magnificent sum of \$3,600, and compelled American vessels to carry the mails for that mere pittance, which the officers of the vessels swear did not cover the expense of transporting the mails on shore and getting them aboard from the post-offices, to say nothing about carrying them. We paid last year for carrying our entire foreign mails \$325,000. Italy paid \$2,000,000. The Republic of France paid about \$4,500,000, and England, as I have already stated, \$3,000,000. You must remember that our American vessels are compelled to compete with ships receiving these large sums for the carrying trade of the world.

Now, mark this: We collected one million and a quarter of dollars last year out of foreign mails more than we paid for their carriage. Let me show the House what we are doing to-day, because I wish to reach this question of subsidy, which is such a bugbear in the minds of so many members here.

Formerly, as I have said, the ships received 40, 30, and 25 cents for carrying each letter. We cut the prices of a letter down from here to Australia, which is 6,000 miles, and compelled them to carry it that distance for 3 cents, precisely the same amount that they got for carrying a letter from Boston to Halifax, 578 miles. We compelled them to carry the mail to New Zealand, 5,000 miles, for the same price per letter we paid from New York to Havana, 1,280 nautical miles. We compelled them to accept pay for the long haul just as they got for the short haul. [Laughter.] My friend from Texas [Mr. REAGAN] is not here; that was for his benefit.

Now, gentlemen, what is this proposition? My friend from Illinois [Mr. TOWNSHEND] stated it correctly. It is simply to permit the Postmaster-General to let a contract for carrying the mails 6,000 miles and pay for it what the service is worth; just as you do from New York to Havana, 1,280 miles. We adopt this principle all over the United States on land; we do not pretend to carry letters just where they will pay by their postage for their carriage, do we? We carry the letters to points in the West or the South where every letter cost from one to five dollars a letter to deliver it, and we charge 2 cents for that letter and no more. We run our mails on land on the theory that we should deliver all the letters for our entire people at a cheap rate of postage; and by this amendment which the Senate adds to the bill it is intended to adopt in a small way that same principle and apply it to ocean postage. Now I did want to state these facts to the House, but it seems that they are not inclined to allow me to do it. I can not talk while everybody else is talking.

Mr. REAGAN. Permit me just here to congratulate my friend from Michigan on having at last got right on the question of long and short hauls.

Mr. HERR. When you apply it to the mails I am with you, because it is right. Indeed, Judge, I am always apt to be right; that is a peculiarity of mine. [Great laughter.]

Mr. REAGAN. No doubt right sometimes and wrong sometimes on such questions; but the gentleman thinks he is always right.

Mr. HERR. I should dislike to act, when I thought I was wrong, on any question. I am not very particular, Mr. Speaker, as I said, about whether I give the House the facts that I have prepared, or not. [Cries of "Go on!"]

Mr. RANDALL. If there is no desire to debate further, perhaps we can have the previous question.

Mr. HERR. We are met right on the threshold of this attempt with the acknowledgment on the part of the gentleman from Illinois that this compensation ought to be allowed, and with the admission on the part of the bulk of the House that these ships are getting now nothing in the shape of adequate compensation for the work they do. But the moment the question is started they all begin to cry out "subsidy!"

My friend from Pennsylvania here [Mr. BAYNE] closed this debate in this House a few days ago by a pious, moral lecture to the Democrats in reference to subsidies, and I never heard a man whose bowels yearned so wonderfully over anything as his did over the good that he was disposed to hope for from the Democratic party in this House while warning them of their danger. It was cheering. He went into the whole length and breadth of this subsidy question. He appealed to them not to be entrapped into a subsidy thus early in their accession to power.

Now, in all kindness to my friend from Pennsylvania, I want to call his attention to a fact, and I do so for his speech was a good one. It lacks simply one element so far as I can learn, which was this: It did not state correctly a single fact; that is all. What he stated for facts

were every one of them untrue; and that, I say, was the only element that was lacking to make it complete. The next day after he did the mischief he admitted himself on the floor of the House, in that honest way he always has, that when he stated to the House that the Pacific Mail Steamship Company had made dividends of 20 per cent. a year, that he had made a slight mistake in his figures, and that it should have been 5 per cent. instead of 20.

Mr. BURLEIGH. And that for only one year out of fourteen.

Mr. HERR. I have looked it up, and I call the attention of the gentleman from Pennsylvania to it. For the last year the Pacific Mail Steamship Company has paid three dividends of $1\frac{1}{2}$ per cent. per quarter. That is at the rate of 5 per cent. per year, isn't it? You New York men are all right on percents, and can tell me. Now, what is the result? I say to my friend from Pennsylvania that those are the only dividends they have paid in fourteen years. What have they done in fourteen long years? I will tell you: They have been to your State of Pennsylvania and they have put \$9,000,000 into iron ships, building nineteen ironclads in the yards of your State, ranging from 2,500 registered tonnage to 5,000 registered tonnage; built nineteen as good ships as float in the merchant marine of the world, paid your manufacturers for them, you have got your money, and now the gentleman is afraid these ships will get a little something for their work. [Laughter.]

If there is anything a Pennsylvanian is boss at it is in always appreciating every kind of tax that comes into Pennsylvania's pocket. [Laughter.] I never knew one of them go back on his own State; and I like them for that. All they want is to broaden themselves out a little and do for this whole country what they never fail to advise for their State.

I have been in favor of the tariff on iron and things that have gone into those ships. I believe in it. You gentlemen of the Democratic party do not. But my friend General BAYNE and I agree upon that. Now, why should we compel them to build these ships in your yards and then deny them the right of fair compensation for carrying our mails?

"Oh, but," says my friend General BAYNE, "why Gould—yes, Gould owns some of this stock in that company." Supposing he does. Would the gentleman have the mails carried in American vessels owned by people who have not got anything? [Laughter.] That is what he intimates. How can you do that? He would have a big American marine built up by people who have not anything to build it with.

But, stop! I did not hear the gentleman make any vigorous speech against carrying the mails over the Union Pacific Railroad. We pay that railroad according to mileage just as I want to pay the ships. The gentleman's voice was silent as to that. But Gould owns, too, an immense extent in the Union Pacific, while Gould, Huntington, and the whole list the gentleman spoke of have not 5,000 shares to-day in the Pacific Mail Steamship Company out of the 200,000 shares. Who is it, Mr. Speaker, that owns the stock of this Pacific Mail Steamship Company?

Mr. KING. May I ask the gentleman from Michigan a question?

Mr. HERR. Certainly.

Mr. KING. I ask the gentleman if his proposition is to pay for the mails on steamships the same as for the mails on railroads?

Mr. HERR. This proposition is to let the Postmaster-General contract by the mile, just as we do with our coastwise vessels, just as we do with our railroad service, just as we do in the star-route service, provided he shall not give over 50 cents a mile; and he is to let it to the lowest bidder. As regards all other mail transactions we let the elements of weight and distance come in—do we not? Why, sir, on the star routes, if you should adopt this plan that you have adopted as to these American vessels, there would not be a letter carried through the West and South of this nation. There is not a Southern State, if I remember, that to-day collects postage enough to pay its share of the service. Suppose it does not, our theory is to deliver these mails to the people all over our country; and I would extend the principle and deliver them to every nation in the world at this low rate; but I would not take the money out of the poor American ships to pay the service with. I would pay it just as we do our railroad and star routes. Now another thing—

Mr. HUTCHINS. Will the gentleman from Michigan yield to me for a question?

Mr. HERR. Yes, sir.

Mr. HUTCHINS. What rate is paid the coastwise steamers?

Mr. HERR. The coastwise steamers now get, as I recollect, about 67 cents a mile on an average.

A MEMBER. Fifty cents a mile.

Mr. HUTCHINS. Why should there be that difference?

Mr. HERR. There should be no difference, except that coastwise steamers may carry a little more in weight than the vessels that go on those long routes.

Mr. ELLIS. But are they not protected against competition?

Mr. HERR. The American ships for which we are providing take a mail-bag and are gone twenty-six days with it. You compel them to receive for that work, for carrying a letter twenty-six days, just the same as they get for a day's travel from Key West across to Cuba.

Now what I want is simply this, that we should let the Postmaster-General pay these American vessels something near what they actually

earn. It is fair; it is honest. They should be paid for the distance they haul our mails.

But I started to refer to what my friend from Pennsylvania [Mr. BAYNE] said, that of the amount proposed to be appropriated by the bill, when it embraced the sum of \$600,000, the Pacific Mail Company would get \$320,000. Where did the gentleman get at that fact? I ask the gentleman from Pennsylvania to say where he got it.

Mr. BAYNE. That is ascertained by the number of miles traveled by that line.

Mr. HERR. The gentleman's mathematics are wrong.

Mr. BAYNE. Then the gentleman from Maine [Mr. DINGLEY] is wrong. I took that statement from the speech of the gentleman from Maine.

Mr. HERR. That is generally very good authority.

Mr. BAYNE. I find it stated in his speech that there were 634,000 miles run last year by the Pacific Mail Steamship Company.

Mr. HERR. I find this to be the fact with reference to this amount of \$400,000. If in a bidding the Pacific Mail Steamship Company should get the maximum amount, that is, simply get paid for the routes where there is no competition, at the maximum rate, it would get \$46,000. If it gets the entire routes on which the line ran last year at the maximum price, it would get only \$130,000.

I wish to say to the members of this House, after careful study of this question, that I believe the Senate has done a fair thing on this foreign carrying business. Can not we all of us rise to the dignity of doing a little something for American shipping? Can not we all of us consult and agree that right here and now at the close of this Congress we will commence a system of paying fair rates to the vessels that carry the American flag?

Why, gentlemen, this Pacific Mail Steamship Company that we hear so much about is owned by seven hundred different American citizens; it is almost all owned in this country. Now, Mr. Speaker, let me close by repeating what I have already said—that I hope we shall do justice to these vessels that carry the American flag; I do not care who owns them. This Pacific Mail Company that gentlemen talk about so much is the company that has carried our flag over one-third of the globe where it would not have been seen at any time within the last ten years but for that company's work. Should we be stampeded here because that steamship company gets a little pay? It has carried our mails for almost nothing for nine years—for less than enough compensation to pay the cartage at each end of its route. We have repealed that law. After the 1st of April next we can no longer compel these steamship lines to carry our mails for nothing. Now, this amendment of the Senate proposes that your Postmaster-General shall have the right to make contracts to pay these vessels what they really earn.

I appeal to this House, now approaching its close, to do this much for the American people and for American enterprise. I know that the gentleman from Pennsylvania [Mr. BAYNE] and all of you bandy the word "subsidy." That is a ghost that has no terrors for me. I would vote for this proposition if it was \$800,000, and I would do it from a sense of fairness. Why, sir, we made a million and a quarter dollars out of this service, taken as a whole, last year. Why then should we not let American ships that carry the American flag get pay for their work, when that entire service earns the money? I do believe that upon reflection this House will do justice to American shipping and give it at least what we give to foreign vessels for this mail service—because that is the Senate amendment. It divides the compensation evenly between the two. When we come to this vote I expect men who are always voting here to help England and against this country to vote against this amendment; but the men who believe in American commerce, in American shipping, in American prosperity, and in the American flag, ought to sustain this amendment, and so help to set our flag afloat once more upon the face of the ocean. I now yield ten minutes to the gentleman from New York [Mr. POTTER].

The SPEAKER *pro tempore*. The gentleman from Michigan [Mr. HERR] has thirty minutes of his time remaining.

Mr. DINGLEY. Mr. Speaker, I ask the gentleman from Michigan to yield to me for a moment to correct a misapprehension.

Mr. HERR. I yield to the gentleman for that purpose.

Mr. DINGLEY. In reference to the figures of the mileage of the Pacific Mail Steamship Company, I wish to state that the discrepancy between the figures presented by the gentleman from Pennsylvania [Mr. BAYNE] and those presented by the gentleman from Michigan [Mr. HERR] arises from the difference in the provisions of the two amendments. When the gentleman from Pennsylvania [Mr. BAYNE] spoke on this subject we had under consideration the amendment reported by the Committee on Appropriations which included American steamship lines running between the Atlantic and Pacific ports, and included only about one-half of the Pacific Mail Steamship Company's mileage; but this amendment as it comes from the committee confines the provision to the lines running to foreign ports, and they cover only the figures stated by the gentleman from Michigan [Mr. HERR]. So that both sets of figures are correct.

Mr. BRUMM. But the figures of the gentleman from Pennsylvania [Mr. BAYNE] do not apply to this bill, and the figures of the gentleman from Michigan [Mr. HERR] do.

Mr. POTTER. Mr. Speaker, I have listened with great attention to

the progress of this discussion, both when the bill was before the House previous to its passage and since it returned from the committee of conference. I have never for one moment doubted that it was and is the clear interest of this country and the clear duty of Congress to enable the Postmaster-General to make these contracts (originally proposed by this House, and now proposed in this Senate amendment in modified form) for the progress of the commerce and of every interest in this country. Sir, it is by the carrying of our mails and the carrying of our flag into the other nations of the earth and among them—the nations with which we are to build up our trade—that the hope of progress in the trade and commerce of this nation exists. It is by this more than in any other way that even the agriculturists and the producers of this country in every department of industrial activity are to be benefited and blest.

Let not those men who dwell upon the prairies, let not those men who participate in the magnificent and widely extended and growing interests of agriculture, fancy that ill is to come to them by opening the markets of the world, by carrying the American flag and sustaining it in every country and into every field of commerce and to every place where the products of their farms or the manufactures of our country (which are but the secondary and condensed products of their farms) are in demand. Sir, we can do nothing more important than to see to it that from this time forward there shall not be, on this continent at least, a nation or a port or a field of commerce where our flag is not seen, where it is not sustained, and sustained, I hope, upon American bottoms.

Now, sir, this is not a subsidy; it is not a proposition to bestow benefits upon a mail steamship company or upon any company. It is a proposition to take the initiative in advancing the commerce and the intercourse of this great nation of ours with the welfare and progress of which at this moment this American Congress is charged—it is that and nothing else. Are we to say that because this power may make it profitable for American citizens and American bottoms to carry the flag of our country and to maintain postal communication with the other nations of this continent, therefore we will not give the necessary authority? Why, sir, I hope these profits will be such that there will not be a port upon the continent, there will not be a field of commerce to which we can send our products where our flag will not go and our postal communications extend; and then as a necessary and an inevitable result the commerce of this country will spring up and we shall be repaid ten-thousand-fold. I hope, sir, that we shall concur without hesitation in this amendment of the Senate; and I only regret that it does not place a larger amount at the discretion of the Postmaster-General for the purposes of the amendment.

But, sir, this amendment is enough to start with; and I have no doubt that succeeding Congresses, with the approval and support of the united American people, will carry forward this policy until we shall have achieved what is our right and our duty—the possession and control of the markets and commerce of this continent, under our flag, for us and our children increasingly henceforth.

[Here the hammer fell.]

Mr. HERR. Mr. Speaker, I believe I have twenty-five minutes left. I would like to reserve that time until I hear from the opponents of the Senate amendment.

The SPEAKER *pro tempore* (Mr. HATCH, of Missouri). The gentleman has twenty-two minutes.

Mr. HERR. Well, I reserve that time.

Mr. BAYNE. Mr. Speaker, the gentleman from Michigan found fault with what I said the other day on the ground that in my remarks I did not correctly state the facts. One error into which he was led, because he had not taken into consideration the separate provision which was under consideration when we were discussing this matter before, has been rectified by the statement of the gentleman from Maine [Mr. DINGLEY]. Under the provision of this bill as it came from the Committee on Appropriations of the House, the Government was quite likely to pay to the Pacific Mail Steamship Company \$312,000; and it was inevitable that the Government should pay to that company about \$130,000, because the company has no competitor, no rival for the service over about 280,000 miles. Under the amendment adopted by the Senate, the amount which would be received by this steamship company from the Government is very considerably diminished. If the company gets the full 50 cents a mile, the amount in round numbers would be \$150,000; because it traveled last year about 300,000 miles outside of what is cut off by the Senate amendment, as shown by the statement published in the speech of my friend from Maine [Mr. DINGLEY]. That matter is therefore out of the way. A matter in which I was mistaken on that occasion was that the steamship company had declared a dividend of 20 per cent. I corrected myself on the floor that very day; I did not postpone the correction until the next day.

Mr. DINGLEY. But the gentleman did not make the correction until after the vote.

Mr. BAYNE. I did not; but if I had known of the error before the vote, I should have corrected myself at once.

I do not regard that, however, as a very influential factor in this matter. I do not consider it a proper question for the House to consider whether this company is paying big dividends or little dividends.

I have never learned that it is a part of the duty of Congress to help a corporation out because it is paying little dividends or to withdraw from a corporation just compensation for services rendered because it is paying big dividends; and therein the gentleman and I differ, and differ very widely, respecting this proposition.

Mr. HERR. Why, then, did the gentleman make use of that statement as an argument?

Mr. BAYNE. I did not propose to use it as an argument at all. The gentleman asked me what the capital stock was, with a view perhaps of showing that the company did not pay big dividends. I replied to him as best I could and according to the best information I had at the moment. I did not intend to use that statement as an argument, because I regard it as *ultra vires*, without any logical connection with the fair argument of this case, without any connection with the policy which should control in the legislation of this Government.

Whether a corporation pays a big dividend or a little dividend or no dividend is not a question that should decide the votes of members of Congress in making contracts on the part of the Government. We are not here to relieve insolvent or weak corporations; we are not here to give stocks in Wall street a "boom." That is none of our business here; at least it is not mine. And it is not my business here, although I am from Pennsylvania, to vote subsidies to corporations because they buy their iron in Pennsylvania. I hope I am influenced by larger motives than that. I should regard it as a bribe if I undertook to be governed by considerations of that kind in my public and official capacity here.

Mr. HUTCHINS. Every time you vote for a tariff you are recognizing such considerations.

Mr. BAYNE. Therein the gentleman grievously errs. Tariff and subsidy have no more connection than the antipodes. They are not at all alike in principle. They have no connection. One thing that I strenuously object to is that you adopt an odious policy and undertake to assimilate it with protection. The policy of protection in this country stands on its own feet.

Mr. HUTCHINS. Then why should you not protect the steamships?

Mr. BAYNE. Wait a moment.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. BAYNE] must not be interrupted without his consent.

Mr. BAYNE. One of the propositions I was anxious about was to save the tariff from the odium of subsidies. I regard the tariff for protection as identically the same thing applied to a nation which the law of every nation applies to every citizen, namely, that the citizen of the State is protected by the law in the enjoyment of property he may accumulate. The tariff law is nothing more than applying that same principle to this national family of ours. It is to protect our own people in the enjoyment of the property which they accumulate; and the relation of this nation to the other nations of the world is precisely analogous to that relation which exists between one family and another in our own social organism, or in the framework of our own ordinary society.

But when you levy taxes upon the people and get those taxes into the Treasury of the United States and pay them out in the shape of subsidies, you depart widely from the proposition that the American people should be protected as families are protected by the laws of society and by the laws of the land in the accumulation of the property each family may have.

Mr. HEWITT, of New York. Will my friend allow me to ask him a question?

Mr. BAYNE. I yield for a question to the gentleman from New York.

Mr. HEWITT, of New York. Does not the law and did not the law compel the Pacific Mail Steamship Company to buy American-built ships, or not?

Mr. BAYNE. I believe it did.

Mr. HEWITT, of New York. Very well; then if that is the fact were they not compelled to pay at least \$2,000,000 out of their \$9,000,000 in extra cost to the people of the State of Pennsylvania?

Mr. BAYNE. I do not think they were required to pay to the people of Pennsylvania.

Mr. HEWITT, of New York. No other iron ships—

Mr. BAYNE. My friend has asked me a question, and he will let me answer.

Mr. HEWITT, of New York. Certainly.

Mr. BAYNE. And, moreover, I do not think they were required to pay it to the people of Pennsylvania—

Mr. HEWITT, of New York. Where were they to go?

Mr. BAYNE. My friend must permit me to answer. I can not submit to that sort of interrogation. I say that they were not required to pay it to the people of Pennsylvania, because if we had no manufacturing industries in this country they would have to pay equal prices to Europe.

Mr. HEWITT, of New York. Why?

Mr. BAYNE. One moment. I will not yield if you do not let me answer without constant interruption.

Mr. HEWITT, of New York. Very well.

Mr. BAYNE. Let me say to you if it had not been for the doctrine of protection there would have been no commerce in this country for the Pacific Mail Steamship Company to make it worth while that they should continue running their ships.

Mr. HEWITT, of New York. Where is it?

Mr. BAYNE. This company is paying a dividend of 5 per cent. quarterly, which makes a handsome showing. And while I am on that point I will call attention to some data which I have gathered from the Commercial Chronicle, as I have not had access to the reports of that company. I find in 1881-'82 the gross earnings of the Pacific Mail Steamship Company were \$4,124,713; in 1882-'83, \$4,103,764; in 1883-'84, \$4,787,899. The expenses for the year first named were \$2,223,036; for the second, \$3,190,507; for the third, \$3,394,419. The net earnings were \$901,677 for the first, \$912,257 for the second, and \$1,393,480 for the third.

Mr. HERR. On a capital stock—

Mr. BAYNE. On a capital stock of \$20,000,000.

Mr. HERR. All paid in.

Mr. BAYNE. I do not know. I understand that the misfortune of the company is that which has attended many other great corporations in this country, that it owes a large debt. It is paying 7 per cent. interest on a part of that debt, and it absorbs the profits of that corporation to pay the interest on that debt. I do not know how the business has been managed, what losses have been incurred; but if organized on the same principle and upon the same plan that many railroad corporations in this country have been, then the outfit has cost a great deal more money than the actual worth of the plant.

Mr. HEWITT, of New York. Did the Pennsylvania Steamship Company do any better?

Mr. BAYNE. I do not know.

Mr. HEWITT, of New York. Did it not break—were they not sold out?

Mr. BAYNE. I do not know whether they did or not, nor do I care. Nor can I declare whether this is a poor company or not, whether Mr. Jay Gould and Russell Sage and Sidney Dillon and the others have become poor or not. It is not the duty or purpose of Congress to relieve them from their embarrassments if that is so.

Mr. HEWITT, of New York. No one asks it.

Mr. BAYNE. I do not propose by any vote of mine to relieve those gentlemen from the misfortunes which may happen to come upon their business.

Mr. HUTCHINS. Will the gentleman permit me to ask him a question?

Mr. BAYNE. Yes, sir.

Mr. HUTCHINS. The gentleman has given a statement of the gross earnings of this Pacific Steamship Company. Now will the gentleman be so kind as to state the proportion of these gross earnings which have gone into the Treasury of that steamship company in consequence of the reciprocity treaty with the Hawaiian Islands?

Mr. BAYNE. I do not know.

Mr. HUTCHINS. You should know, then, before you speak about it. The reciprocity with the Hawaiian Islands has done it.

Mr. BAYNE. I have not studied that matter up. It is altogether unnecessary for gentlemen to study up those questions.

Mr. HUTCHINS. Now I want the gentleman from Pennsylvania, if he will state it, to give an answer to this question. I want to know what he means by saying that they are "paying interest on a debt." I want him to be perfectly fair and say whether he intends to convey the idea that this company is in debt.

Mr. BAYNE. I mean to say—

Mr. HUTCHINS. I ask the gentleman the question plainly, if he means to say and reiterate to the House the statement that this company is in debt?

Mr. BAYNE. I did not say that.

Mr. HUTCHINS. Yes, you did. You said that owing to the percentage of interest paid on their debt—7 per cent.—they could not pay dividends.

Mr. BAYNE. I will tell the gentleman what I said: The statement that I made was obtained from a report in the Congressional Library, which the gentleman can see for himself if he chooses to look at it, taken from the Commercial and Financial Chronicle, a statement to the effect that this company was in debt and paying 7 per cent. interest on a large indebtedness, which absorbs, according to the statement, about \$240,000 per annum.

Mr. HUTCHINS. But the gentleman—

Mr. BAYNE. Now I must decline to yield to the gentleman. I refer him to that statement. I saw that only a few minutes ago in the Commercial and Financial Chronicle, which I have understood to be good authority. It is said to be a reputable, reliable paper in commercial transactions; and the gentleman can find it in the Congressional Library if he chooses to look for it.

Mr. HUTCHINS. And I want to deny as a matter of fact that the company is in debt. I do not want the inference to be drawn from the statement of the gentleman that there is any such indebtedness.

The SPEAKER *pro tempore*. If the gentleman from Pennsylvania will yield for a moment the Chair desires to lay before the House an executive communication.

Mr. BAYNE. Very well.

ALLEGED FRAUDS IN OFFICIAL ENVELOPES.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a schedule of papers accompanying letters from the Postmaster-General, addressed to the Speaker of the House of Representatives, under date of February 26, 1885, in regard to the annulment of certain contracts for furnishing post-office envelopes; which were ordered to be printed, and referred to the Committee on the Post-Office and Post-Roads.

POST-OFFICE APPROPRIATION BILL.

Mr. BAYNE. Now, Mr. Speaker, I shall detain the House but a short time—

Mr. HERR. Before the gentleman closes I would be glad to have him answer this point concisely: Why should these companies not get a fair pay for their work? Why should they not be paid all that they earn for the service?

Mr. TILLMAN. Whether they be rich or poor.

Mr. HERR. Yes, no matter what their financial condition may be.

Mr. BAYNE. That is just what I have said. It is identically my own proposition to give them fair pay for the service they actually render, and to give them this compensation whether they be rich and free from debt, or whether they be poor with heavy obligations; whether they pay dividends or do not pay dividends makes no difference whatever to me in determining that question. The fact that Jay Gould and those men associated with him are rich and own the corporation makes no difference to me in the question of paying this corporation a fair compensation for the service it may render to the Government.

Mr. BRUMM. Then why do you oppose this Senate provision?

Mr. BAYNE. I am willing to go further in this direction even than that. I am willing to pay, as suggested by the gentleman from Illinois in charge of this bill, the entire postal receipts of this Government from its foreign mail service to these companies of ship-owners for carrying the foreign mails.

Mr. DINGLEY. That would amount to about \$1,700,000 per annum.

Mr. BAYNE. And I am willing to pay every dollar of it if you subject it to the condition that as to letting it out the lowest responsible bid shall be accepted.

Mr. DINGLEY. Is not that the proposition here?

Mr. BAYNE. No; the proposition is to give 50 cents a mile for this service, but not to the lowest responsible bidder. It is known that some of these lines have no competitor at all.

Mr. ELLIS. Only one of them.

Mr. BAYNE. And of course there will be but one bid for the service on such lines. It is not therefore open to that character of competition which I favor. It would be bid up to the 50 cents a mile limit at once by the company where there is no competition. It is ridiculous to suppose that it would not.

Now the gentleman from Michigan stated that the trouble with my speech a few days ago was that it lacked facts on which to base it. One correction was made by the distinguished gentleman from Maine [Mr. DINGLEY]. Another proposition of mine was that this steamship company received for this entire service last year \$23,000, and that the proposition then before the House would have given that company in all probability \$312,000. These were facts and they have not been denied, nor can they be denied successfully.

Mr. DINGLEY. That was the maximum amount.

Mr. BAYNE. I know that. I said in all probability it would reach that; and, mark you, they get for about 300,000 miles possibly \$150,000, because for that amount of mileage there was no rival to this line, and as a matter of course they would get the 50 cents per mile.

Mr. DINGLEY. But for part of the mail line from San Francisco to China there is competition.

Mr. BAYNE. Oh, I am aware of that. I am taking the gentleman's own speech. I quoted that in making the statement that there was no competition for about one-half of the distance traveled of 288,000 miles.

Mr. DINGLEY. No; 231,000 miles, which includes the line from Panama to San Francisco.

Mr. BAYNE. Very well; but it is a very simple calculation to show that that amount of mileage would give one-half that amount of money. Now, that was a fact which I stated in the debate and nobody appears to have gainsaid it, the gentleman from Michigan or anybody else.

I made another statement, which was that these transcontinental railroad companies were paying this company a subsidy of \$95,000 per month.

Mr. HERR. Will the gentleman from Pennsylvania permit me to interrupt him?

Mr. BAYNE. I will.

Mr. HERR. I have the figures and facts to show that they have received not a single dollar for anything except paying for the heavy freights that they actually transport—not one dollar for anything else.

Mr. BAYNE. I can refer to the Commercial and Financial Chronicle, to be found in the Congressional Library, which makes that statement, and I regard it as authoritative. I do not believe that a journal of that responsibility, acknowledged to be the leading financial journal in this country, whose quotations are regarded as *ex cathedra*—I do

not believe that that journal would make a misstatement of fact, or that if it did that misstatement would go over the country and remain unrefuted. And I say there is to be found in that journal the statement that the Pacific railroad companies pay to this steamship company \$95,000 a month as a subsidy. And for what purpose can they pay that? Why, sir, that the steamship company may keep up its rates and thus not come into competition with the transcontinental railway companies.

How does my friend from New York [Mr. HEWITT] know that if this company would conduct its business on business principles and not keep up rates to accommodate these transcontinental railway companies—how does he know but it would get in the natural course of business enough of freight to enable it to declare dividends of 6 or 10 or 12 or even 20 per cent? But meanwhile it is kept out of competition in the interest of these railroad corporations across the continent, and these railroad corporations and this steamship company are identical in many respects outside of that contract.

Mr. HEWITT, of New York. Will the gentleman allow me to ask him a question?

Mr. BAYNE. Yes, sir.

Mr. HEWITT, of New York. I ask the gentleman whether the cut-nail pool of Pittsburgh has succeeded in keeping up rates?

Mr. ANDERSON. Is it not the fact that the Pacific roads pay the Pacific Mail Company \$90,000 a month to keep up rates?

Mr. HEWITT, of New York. I ask the gentleman from Pennsylvania, does not the cut-nail pool of his district accomplish that result?

Mr. BAYNE. What the cut-nail pool has to do with it I do not know. If what the cut-nail pool does is all wrong, it does not justify this wrong. My friend from New York, ordinarily very logical, is illogical on this occasion when he assumes to say because the nail pool of Pittsburgh does something wrong, therefore the steamship company and the transcontinental railroads may also do something wrong.

Mr. HEWITT, of New York. Is the gentleman from Pennsylvania against cut-nail pools?

Mr. BAYNE. I have nothing to do with that. Nail pools are not before Congress at this time.

Mr. HEWITT, of New York. The gentleman complains there is likely to be a pool in this matter. I want to know if he is sincere or not by inquiring if he is against pools in his own district.

Mr. BAYNE. My actions speak as to my sincerity. But because there may be pools in one section of country or another that is no reason why this great wrong should be inflicted on the American people. Congress having substantially built those transcontinental railways when the Government ought to have invested the money directly in them and owned them, those very transcontinental railways that we built by the aid of this Government pay out of their treasury to this Pacific Mail Steamship Company \$95,000 a month to keep up rates, and then this steamship company, the beneficiary already of Congressional munificence, comes here and asks for a subsidy. It is certainly remarkable that any gentleman having the best interests of this country at heart should advocate a measure of that sort. I am amazed at it. I confess I am amazed that a corporation which is acting in this way toward the shippers and the business men and the farmers and all interested in transportation in this country should come here and ask for a bounty from the Government, and that anybody in Congress should be willing to confer such a benefit.

There is one thing, Mr. Speaker, the American House of Representatives should never do; and that is, it should never depart from the policy of paying for the services rendered to the Government only a fair equivalent. This is but the entering-wedge; \$400,000 or \$600,000 is a mere bagatelle. That will do nothing to promote American shipping; it will do nothing to encourage commercial relations with other countries. But this is the entering-wedge to get the Government once to adopt the policy of granting subsidies; and then, after we once enter upon this course, there will come to this Capitol from one point or another a lobby of influence and of power, and they will not ask for \$600,000, nor \$1,000,000, nor \$2,000,000, but they will ask for five, or six, or eight, or ten, or twelve, or fifteen millions of dollars. And the effect will be, if we enter upon that policy, to admit a corrupt and corroding influence into the very halls of legislation.

Gentlemen cite foreign countries as having subsidized their shipping lines and built up a merchant marine. That is true enough. But what is the condition of those countries? Why, sir, England has contributed millions of pounds sterling for the purpose of establishing a merchant marine. She has succeeded in doing it, but what has she for that merchant marine? A part of that debt of over four thousand millions of dollars which rests like an incubus on the English people is the heritage left by the adoption of this policy to the people of England. France has pursued the same course and has a great debt from which, however, through her marvelous energy and enterprise, she will probably extricate herself. Spain aided her ship lines, and Spain on one or two occasions has repudiated the interest on her national debt, or failed to meet it. Italy also has adopted the policy of building up a marine in this way. It is like the management of a man who sets himself up in business, borrows his capital, goes to work and has the outward evidences of prosperity about him, but when the day of final judg-

ment comes he must surrender his assets, and his liabilities will absorb them all.

Gentlemen talk about England and France and Italy. Why, sir, the exchequers of each of those countries have been depleted just to the extent that they have aided the establishment of these ship lines. This Government could appropriate five millions, or ten millions, or fifteen millions of dollars a year to establish a merchant marine if it chose to do it. We have the enterprise, the ingenuity, the material—everything that would be needed to establish and carry on such lines; but if we should do that, how would it be done? Simply by taking out the Treasury a certain amount of money raised by taxes on the people for other purposes; yet some men are so wise and so statesmanlike that they profess to see wisdom in that kind of policy. I venture to say, sir, that there is not a business man in this country who conducts his business on that principle who will not ultimately find himself in bankruptcy.

I hope the House will sustain its committee.

Mr. Speaker, how much time have I left?

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. BAYNE] has thirty minutes remaining.

Mr. BAYNE. I yield to the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. I propose to close the debate.

Mr. HERR. I do not think that is fair. I submit it to the Speaker and to the sense of fairness of the gentleman from Indiana [Mr. HOLMAN]. I took this debate on the amendment. On the amendment I was to vote to concur, which would have given me the close, and I submit that I should have it now, and I believe the judgment of the gentleman from Indiana will agree with mine on that point.

Mr. HOLMAN. I trust that the gentleman from Michigan [Mr. HERR] will not insist on that. The debate turns entirely upon the motion now pending, and I would not be treating my colleagues fairly if I did not insist on closing the debate. If the gentleman [Mr. HERR] does not wish to occupy the time I will move the previous question at the close of my remarks.

Mr. DORSHEIMER obtained the floor.

Mr. HERR. The gentleman from New York [Mr. DORSHEIMER] will occupy his own time.

Mr. HOLMAN. Mr. Chairman, I certainly can not consent to that. I have just stated to the gentleman from Michigan that if he did not desire to occupy the time, in the interest of the dispatch of the public business I would call the previous question.

Mr. HERR. Mr. Speaker, I never ask anything unfair. I intended to yield to the gentleman from New York [Mr. DORSHEIMER]; but it is insisted that I shall use my remaining time on a proposition of which I have the affirmative, which is that the House shall concur.

Mr. HOLMAN. How much time is the gentleman willing to yield to the gentleman from New York?

Mr. HERR. Eight minutes.

Mr. HOLMAN. Very well; I will follow him.

Mr. DORSHEIMER. Mr. Speaker, the term "subsidy" involves the idea of a gratuity. Now, I entirely agree with those who contend that the Government ought not to grant a gratuity for postal service. Indeed, I will go further, for I suppose that by this time it is well understood in the House that I am opposed to gratuities of any kind, whether given indirectly by tariff taxation or given directly by appropriations out of the Treasury. I would not stand here for a moment to contend in favor of granting gratuities to American steamship lines for carrying the mails.

The only reason which commends itself to my mind for giving to the Postmaster-General the power which is granted by the Senate amendment is that it enables him to pay a reasonable and proper compensation for the service which is rendered to the public. If the Postmaster-General can now, under existing law, pay a reasonable and proper compensation for carrying the mails upon the high seas, then I see no reason for granting him any enlarged powers whatever. But, as I understand the subject, it is not now within his power to pay a proper compensation for what is not only a desirable but for what, I think, must be regarded as a necessary part of the public service. I understand that the compensation which is paid now for carrying the mails from San Francisco, China, and Japan amounts to \$3,000 a year, and that under the law that is all the Postmaster-General can pay for that service.

Now I ask gentlemen—in particular I ask the gentleman from Pennsylvania who has just taken his seat, and who has professed himself willing to pay a proper compensation for the mail service—I ask him whether this is a proper compensation for carrying the mails from San Francisco to China and Japan?

Why, Mr. Speaker, this country now pays \$26,000 a year for carrying the mails by water from Vicksburg to New Orleans, although there are railroads carrying the mails between those two cities. The Government now pays for carrying the mails between New York and New Orleans by sea \$14,000 a year, although it is manifest that all the important part of the mails between those two cities must go by rail. Can any man contend that it is a fair thing to pay \$14,000 a year to steamship lines for carrying the mails between New York and New Orleans,

and only \$3,000 a year for doing the mail service between San Francisco and China and Japan?

I say, further inquiry will show gentlemen that the Post-Office Department pays more money for transporting the mails from San Francisco to the Yosemite Valley than it does for sending them from San Francisco to China and Japan.

I would give a Postmaster-General power, as this amendment does, to pay a proper compensation for performing the public service. I would not give him power to expend a dollar in the nature of a subsidy. I have no opinion which would justify me in advocating for a moment a gratuity to the Pacific Mail Steamship Company or to any other company. But it seems to me a monstrous thing to provide this miserable pittance for so great and important a part of the postal service of the United States.

What will happen if these steamers leave the mails on the docks at San Francisco, and if intelligence must be communicated either by cable or by sending the mails from New York to Liverpool and thence to China and Japan by the Isthmus of Suez? That must be the result of leaving this matter in its present situation. I ask the House to assent to the amendment of the Senate—not on the ground that I propose in this way to encourage American shipping at all; for I do not believe in governmental encouragement to any form of industry, whether it be American or foreign. All the protection our industries need is the just enforcement of equal laws. I ask that this amendment be assented to in order that the Department may have the means to pay a reasonable and proper compensation for a necessary and valuable part of the public service.

[Here the hammer fell.]

Mr. HERR. I yield three minutes to the gentleman from New Jersey [Mr. PHELPS].

Mr. PHELPS. Mr. Speaker, I do not propose to use these three minutes by offering any argument; it is too late for that. I shall use them only to state some facts which seem pertinent and from which gentlemen may draw their own conclusions.

The Pacific Mail Steamship Company has for fifteen years been doing the business of this Government for about nothing. During those fifteen years it has paid no dividends to its stockholders, directly or indirectly, to the best of my knowledge and belief, except during the last two years; and in these last two years it has paid a dividend of 5 per cent. for each year. That, certainly, is not excessive profit. The item of \$95,000, which the gentleman from Pennsylvania stated in a manner which should suggest that it was a subsidy, is money paid for heavy freight which was transported by the steamships of this company because it could be in that way more cheaply transported than by the railway companies, who paid the steamship company which did the business.

During the last year the Pacific Mail Steamship Company has carried the mails of the United States 750,000 miles for \$20,000; and of the service thus rendered none has been more valuable than that between this country and Australia. This has brought immediate and valuable results to our commerce. The company has been able to do this business (mark, Mr. Speaker) because the colony of Australia paid the line \$400,000 for this service. But the colony of Australia, unwilling to pay exclusively for that which is a benefit to us as well as to it, has withdrawn the subsidy; and hereafter no steamship of the United States will carry our flag to Australia unless we pay for it.

So much for domestic history. Now for two statements connected with foreign commerce. The Peninsular and Oriental Steamship Company of Great Britain has for years received millions of pounds, in return for which it has carried the flag of Great Britain to the East, and brought hundreds of millions to British commerce. Yet nobody has ever objected to continuing the subsidy because the Duke of Westminster was one of its stockholders. Shall the name of Gould—

[Here the hammer fell.]

Mr. HOLMAN. Mr. Speaker, I trust gentlemen will not overlook the fact that there are two Senate amendments pending, and that both of them are of importance. One only has been referred to in the present debate. The other will claim my attention for a moment.

By that Senate amendment authority is given the Postmaster-General to pay the rent of post-offices of the third class. That involves an increased expenditure for the present of a half million of dollars, and in the very early future of a million dollars. And that, too, Mr. Speaker, with the fact known to the House that during the last session of the last Congress a million of dollars was added to the expense of the postal system by a direct increase of the salaries of the postmasters, a greater portion of the benefits of which went to postmasters of the second, third, and fourth classes. Now it is proposed to add indirectly from a half million to a million more to the compensation of postmasters of the third class alone—a body of public employes now well paid for their services, and whose salaries greatly exceed the compensation paid for similar services in private employments.

I trust gentlemen will not be unmindful of the fact that, however important and valuable the postal service may be, while the duty rests upon Congress to make liberal appropriations for that branch of the public service, there is imminent danger that by successive increases of salaries of postmasters of the various grades you will make it the most

extravagant and expensive Department of the Government. In fact, that result is already reached. The importance of this Department is seized upon for excessive and lavish expenditure. This fact appeared in the profligate and corrupt expenditure for the star-route service a few years ago, and also appears in the attempt to subsidize the foreign-mail service on this very bill. I know of no branch of the public service so exposed to profligate and dishonest legislation as our postal system, except that relating to the public land. The special importance of this postal service makes it a shelter for questionable appropriations and dishonest raids on the Treasury.

This valuable branch of the public service is being made use of as an agency by which, to an unwarranted extent, your Treasury is being depleted and the salaries of Government employes increased. The vast body of the employes in this Department, located in every Congressional district and efficient in public affairs and in influencing public opinion, presents an everlasting motive for increased expenditure and enlarged salaries.

I call the attention of gentlemen to the fact there is a remarkable increase made by this bill in the expense of this Department involving an enormous deficiency for the coming year. I hope the proposed amendment of the Senate will be defeated by the intelligence and good sense of the House. But can I be hopeful of that result in view of our past experience?

SUBSIDY.

I come to the other proposition, the subsidy provision, which has been so ably debated—the Senate's proposed increase for the foreign-mail service to the extent of \$375,000, making that appropriation in the aggregate, instead of \$425,000, \$800,000. The amount involved does not alarm me. It is a bagatelle. It is the principle upon which that proposed appropriation rests that fills me with alarm. This is in substance the same as the original proposition defeated in the House, except that it reduces the sum appropriated from \$600,000 to \$375,000, but the proposition to pay the ship 50 cents per mile for the round voyage without regard to the mail carried, instead of the sea postage on the mail carried, as now and for many years since allowed by law, remains unchanged.

The proposition involves a naked subsidy. It is not compensation, as heretofore, according to the service rendered, but upon the arbitrary basis of a simple subsidy without regard to service, that this proposition rests. It is an arbitrary compensation of so much for the distance the vessel travels per mile, not the value of the services rendered; that underlies this Senate proposition. It is unimportant whether the vessel carries a mail or not, if it carries one letter, the sea postage on which is 2 cents, or no letter at all, the subsidy of 50 cents per mile of ocean travel will be paid.

It has been argued that this is not a subsidy. What is a subsidy? I do not accept the definition of "subsidy" given by the gentleman from New York. It is in its main feature a naked gift. A subsidy in our Government and in all others is that measure of public policy which imposes a burden upon the whole people for the benefit of a favored citizen or of a particular class. I do not care in what form it makes its appearance, when the Government exercises the power of taxing the labor of the whole people and applies a portion of the means drawn from the labor of all to promote any special or particular form of industry, it is a subsidy. Such is the definition of "subsidy" even in its simplest form.

In the present instance it is proposed to encourage our foreign-ship-carrying trade by a subsidy in the most naked and odious form, not by compensating the owners of ships for services rendered in carrying the mails, but upon the arbitrary principle of 50 cents per mile for the ship's voyage, whether a mail be carried or not, promoting the carrying trade at the expense of every other trade, and often it will be found that the trade promoted involves English and not American capital. It has been said by the gentleman from Michigan [Mr. HERR] that in former years a higher compensation was paid than the 2 cents per letter, being the sea postage.

But as far back as 1864, twenty-one years ago, in the midst of the war and an inflated currency, I find the Postmaster-General of that day, Postmaster-General Blair, making the following statement in regard to this service:

It is not pretended that the compensation now paid is not sufficient for the service rendered. No private person—

And here I call the attention of the gentleman from Michigan—

No private person—

Says the Postmaster-General—

pays them for any kind of transportation at the rate paid by the Government for mail matter; and no persons were so much benefited incidentally as the owners of the ships, for the bulk of the correspondence—

And to this I especially invite the attention of the gentleman from Michigan—

the bulk of the correspondence relates to the trade carried on by their vessels.

So, sir, with an extent of mails only equal to 1½ per cent. of the whole foreign mails of the United States transported to China and Japan the gentlemen insist on paying for that merely nominal mail matter 50 cents a mile, more than \$3,500 per round trip, and that, too, whether

a single letter is carried or not. And all this in a special degree for the benefit of a corporation which has drawn several million dollars from your Treasury without consideration.

You confer upon the Postmaster-General the power to enter into contracts for the transportation of the mails with American vessels bound to foreign ports, and pay them 50 cents per mile for the entire distance traveled whether the mails are carried or not. That will not be denied, I presume. In what particular is that not correct? Yes, sir; common fairness ought to compel the admission that the carrying of the mails is a mere cover. It is a naked subsidy to enrich a few men at the expense of all other laboring interests.

But, sir, again are we confronted by the extraordinary information furnished by the gentleman from New York, who addressed the House so forcibly a few moments since, that the mails would not be carried unless this subsidy is paid. Does he mean that in our service, from our Pacific coast to China and Japan, and between San Francisco and New South Wales and Australia, there is no competition with the single American line, and therefore we are at the mercy of that line, whether the mails are carried or not, and must pay it for mail service, however small it may be, whatever that line may exact? Is it meant to compel the Postmaster-General, whatever be his views on the subject, and whether there is or is not a mail to carry, to pay to the Pacific steamship line the entire 50 cents per mile for the distance from San Francisco to China and Japan and return, for every trip the vessels of that line may make in its commercial business? Does the gentleman mean that, and that this extortion must be submitted to?

I think we shall not be subject to this extortion; for between San Francisco and China and Japan, as well as between San Francisco and Australia, there are competing lines. I admit there is but one line, the Pacific Mail Steamship Company, in this region of the oceans that carries the American flag, and yet it is only nominally an American line. A part, at least, of the capital of that company is European capital. But there are competing lines that are carrying the foreign mails from our Pacific ports to-day in common with the Pacific Steamship Company, and have been doing so for years, and they are carrying them upon the basis of our present laws. They are not only carrying them upon that basis, but so far as I know without any complaint, for the compensation is now ample for the service rendered. Will the Pacific Steamship Company, the company fostered by your bounty in former years, built up by your bounty—will they refuse to carry your foreign mails at the present reasonable rates after taking millions of dollars from your Treasury on this same false pretense of promoting your commerce?

No gentleman need be apprehensive that a single letter will fail to be carried to any foreign port, whether in the South Pacific, China, Japan, or any part of the Atlantic or Pacific coast of South America, by reason of your resistance of this extortionate demand of a single corporation and because you refuse this naked subsidy. No, sir, the carrying of the foreign mails is a matter of common interest to all nations, and if vessels claiming to be American will not carry them without subsidy other vessels will, and are glad to do so, at the reasonable rates you have heretofore paid and which other nations pay.

No such apprehension need be felt, for no such disaster as a suspension of your foreign mails will follow. Your foreign mails will be carried as they have been for the last twenty years and upon the same reasonable basis of compensation. You are not at the mercy of the Pacific Steamship Company. I should consider it a great national misfortune if you were, for the national honor is of more moment than even your foreign mails, and, as gentlemen well know, that is involved in the subsidizing of that line.

But, Mr. Speaker, I come to another view of this matter—that presented by the superintendent of the foreign mail service, a gentleman who has been connected with this service for the last eleven or twelve years, and a man of wide experience in the needs of the service. I beg the indulgence of the House while I present his views. In a letter to me, of recent date, he says:

MY DEAR SIR: As requested by you, when I met you by appointment in your committee-room, I have looked over the Hunt bill—

He refers to the bill now pending in the House, which is embodied in this Senate amendment, but proposes \$1 instead of 50 cents a mile as the subsidy for carrying the foreign mails—

and beg to hand you herewith some suggestions with regard thereto; and to add, reciting the general theory and tenor of the bill, payment for mail service to foreign parts on the basis of distance alone; first, that the views of this Department since my connection with this office, in 1874, have been adverse to that principle—

And I desire to call the attention of the gentleman from Michigan particularly to this point, for this, as I have said, is from the superintendent of foreign mails—

have been adverse to that principle and in favor of basing compensation upon weight of mails and distance (see Postmaster-General's report for 1883); and that foreign postal administrations, which heretofore have subsidized largely these steamships, are introducing this latter principle—

The principle of compensation according to the service actually rendered, and not the arbitrary proposition of this measure—

Mr. HERR. This is just what it is proposed to do here—to pay what the steamships earn.

Mr. HOLMAN. Oh, no; the reverse is correct. I continue to read—are introducing this latter principle in recent contracts in preference to the subsidy plan. Great Britain, for instance, in contracts now in force for mail service to South America, the United States, the West Indies, and the west coast of Africa, pays for transportation on the basis of the amount of correspondence conveyed by the packet.

The postmaster-general of New South Wales, in his report for 1883, alluding to a contract made by his administration with the Oriental Steamship Company for mail conveyance between that colony and England, remarks as follows: "Another important feature in the contract is that the government pays no fixed subsidy for mail-matter conveyed; a fair payment per pound being made to the company."

Thus showing that the system of paying large subsidies for the conveyance of ocean-going mails will be a thing of the past.

And yet, sir, the policy of Great Britain is invoked in behalf of the subsidy proposed by the pending measure. Even Great Britain abandons this monarchical principle of subsidy. Even she can not afford to tax all of her people for the benefit of the few.

Mr. DINGLEY. Will the gentleman from Indiana allow me a question?

Mr. HOLMAN. Yes, sir.

Mr. DINGLEY. Do I understand the gentleman from Indiana to say that the policy of Great Britain to-day is to pay a simple ordinary compensation for carrying its foreign mails?

Mr. HOLMAN. Yes, sir; I have read the statement of our foreign mails superintendent to that effect—so much per pound.

Mr. DINGLEY. How does it happen, then, that in the last report of the postmaster-general of Great Britain I find it stated in a table now before me that the amount paid for mail service to the West Indies and Mexico was \$420,115, and that this amount was in excess of all amounts received from postage to those countries \$265,000? That is according to the last report of the postmaster-general.

Mr. HOLMAN. I understand the gentleman's question, and my answer is simply this: The superintendent of our foreign mail service has submitted the letter I have just read to a committee of this House; and I certainly rely upon his statement with much greater confidence than upon any statement that comes through an unofficial channel.

Mr. DINGLEY. But here is the statement of the British postmaster-general.

Mr. HOLMAN. And here is the statement of the superintendent of your own foreign mail service, and he is as likely to be well informed as any of us.

Mr. DINGLEY. As the British postmaster-general?

Mr. HOLMAN. I suppose the gentleman does not question the authenticity of this document I have read. I will say to the gentleman from Maine [Mr. DINGLEY], as I have already said, that I have simply presented the language of the superintendent of our foreign mails. Upon his authority I make the statement that the policy of even Great Britain is to pay for the service rendered instead of on the principle of an arbitrary subsidy. But if Great Britain still adhered to the subsidy system it certainly would not modify the views of an American Congressman. Great Britain, by giving full effect to the principle of subsidy for centuries, has increased enormously her wealth, but it is the wealth that gives overgrown estates to the few and consigns the body of her people to poverty and wretchedness. Whether she abandons the subsidy system in her ocean postal service or not, the fact remains that her monarchical system of government rests on the principle of subsidy.

Such are the natural fruits of subsidy. It could always have been taken for granted that Great Britain would give up her subsidy system as the intelligence and power of her people increased. I hear with regret the oft-made appeal to the experience of foreign governments, when dealing with our American policy. Are we to adopt their policy and accept the inevitable results? Show me a single nation of Europe—England, France, Italy, Spain, or Portugal—that has attempted to promote special industries and commercial interests by payments from the public resources that has not produced sooner or later and perpetuated the same results; a class of men of excessive wealth and overgrown fortune, and a great body of wretched and impoverished people. Subsidy, in the nature of things, produces the extremes of wealth and poverty—a result fatal to a republic. Great estates and a people in wretchedness and poverty are the ripened fruits of subsidy in all lands and in every age. I do not think, sir, that gentlemen are happy in alluding to the policy of other governments when that policy has produced the poverty and misery of the many in the excessive enrichment of the few.

But, sir, we are told by the gentleman from New York that here in our own country, between New York and New Orleans and on our great railroad routes, we are paying vast sums of money for the transportation of our mails. Does the gentleman propose to compare the policy of this Government in diffusing intelligence among its own people to the policy it ought to adopt in its commerce with foreign powers?

Why was your Post-Office Department established as one of the great agencies of your Government? Why was it made one of the great Departments of your Government? It was not that it should be a source of revenue; it was not for the promotion of your commerce and your carrying trade, but it was to the end that intelligence should be everywhere diffused. The men who based their government on intelligence and virtue sought to utilize that agency for the universal diffusion of

intelligence. Therefore to every region of the United States, whatever the expense may be, the mails must be carried.

Such is not the state of things with reference to our relations with any of the foreign countries of the world. Between us and them it is simply a matter of national and commercial intercourse—nothing more. A single additional word. I have in a somewhat extended experience in Congress seen almost the rise of the direct subsidy system in this Government. It is a feature of modern times; the last quarter of a century covers almost entirely the period of subsidy in our Government. It acquired its greatest control of Congress when our people were watching with anxiety and alarm the movement of armies in our great civil war.

I have watched its workings during a period of more than twenty-five years. I saw the enormous grants carried through this House of lands intended by our fathers for homesteads for our people to the great corporations which now wield such fearful and perilous power in the affairs of this Government. I saw hundreds of millions of acres of the public domain granted away, in the spirit of subsidy, to a few favored citizens building up imperial fortunes and depriving millions of our people at an early period of independent homes. I saw the modest bill pass this House which granted the first subsidy to the line of vessels running between our shores and the Sandwich Islands; and the bill carried through to subsidize on the pretense of promoting the ship-carrying interest between New York and Brazil. I saw the passage of the first bill subsidizing the Pacific Mail Steamship Company; and, sir, every step that was taken in that march of subsidy was leading steadily toward the inevitably fatal result, and that result came, sir, when that company came into this Hall and demanded its additional subsidy of \$500,000 a year for ten years, and filled the land with astonishment and shame. Do gentlemen wish to re-establish that period of national dishonor?

About twelve years ago, sir, under circumstances not unlike those around us, came the bill granting the additional subsidy of half a million to the Pacific Mail Steamship Company into this Hall. You had granted the first half-million per year for ten years, without its encountering anything but a fair and earnest opposition and with apparently an honorable support. I heard the bill read at that desk which was to grant the additional half a million a year for ten years. I saw the agencies by which it passed this House. I saw the events transpiring here which took \$750,000 from your Treasury for purposes of national dishonor, which closed these doors forever against once honored representatives of the people. I saw those events, sir, and they shall never be repeated while I am here without one voice at least being raised against them. The gentleman from New Jersey [Mr. PHELPS] has spoken of the Pacific Mail Steamship Company as a corporation which has never received any aid or any adequate compensation for carrying your mails. Sir, you granted that corporation \$10,000,000 by two acts of Congress.

Mr. HERR. When? Not this corporation.

Mr. HOLMAN. You granted the Pacific Mail Steamship Company \$10,000,000 by two acts of Congress. You gave that last subsidy on the condition of the building of ships that were never built. I grant you those great subsidies were but partially paid; Congress in that hour of humiliation repealed the subsidies begot in dishonor. Who has not felt humiliated in recalling the history of that period? Commence with the first subsidy bill of our time, passed in 1832, only twenty-two years ago, and follow the history of that policy down to the time when that last subsidy of half a million was voted for the benefit of the Pacific Mail Steamship Company, a subsidy so promptly annulled by Congress when the method of its passage was disclosed, and you will find that you are all the time tracing the progress of national humiliation.

I trust, sir, as I have had occasion to say before, that at the very outset of this new epoch, at the beginning of a period of reform, Congress will promptly and with honorable emphasis defeat this measure. Subsidy has no place in a Democratic administration; but if you intend that the very fountains of law shall be stained and polluted, then organize once more the forces and give a new life to the spirit of subsidy; and then, sir, a sense of national shame will rest again upon the brows of the American people. How can it be otherwise? I speak, sir, in the interest of honest government. I speak for purity in legislation. I speak for that virtue upon which republicanism must rest, when I protest against measures of policy by which the interests of a few are promoted at the expense of the great body of our people. The rates paid for your foreign mail service is ample; this measure is not an honest provision for carrying the mails.

Mr. HERR. They have reduced it.

Mr. HOLMAN. Not a cent. The compensation is the same to-day that it was then.

Mr. HERR. How so?

Mr. HOLMAN. The sea postage then was the same as the sea postage now. Let my friend look at the law; he will see that the rate of 2 cents per letter has stood unchanged for twenty-two years.

Mr. HERR. Since 1874.

Mr. HOLMAN. The act of which the gentleman from Michigan [Mr. HERR] complains was passed years ago. The compulsory act was passed twenty-one years ago. Your Postmaster-General deemed the

rate sufficient even when the purchasing power of your money was scarcely 50 per cent. of what it is at the present time. Yet now you revive the idea of encouraging your carrying trade—not your commerce, for that grows every hour, but your carrying trade—by taxing the whole people to build up the wealth of a few individuals.

I enter my protest against this measure as wholly un-American, and I indulge the confident hope that, with the experience which is yet fresh in the minds of all men, this perfidious and dangerous and corrupt policy will not be re-entered upon. I trust that in the closing hours of this Congress, when we are about to return to our homes to meet our constituents, we will resolve to meet them with the consciousness that we have again condemned as never to be repeated a measure of policy at war with our system of Government and hostile to the purity of our legislation.

Mr. HERR. Mr. Speaker, I believe I have eleven minutes left.

The SPEAKER *pro tempore*. The gentleman has eleven minutes remaining if he desires to use it.

Mr. HERR. I do. I yield six minutes of that time to the gentleman from South Carolina [Mr. TILLMAN].

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes.

The message further announced that the Senate further insisted upon its amendments numbered 9, 12, 13, 14, 26, 27, 28, 35, 41, 42, 74, 75, 76, 110, 111, 112, and 113 to the bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes, disagreed to by the House of Representatives, asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. DAWES, Mr. PLUMB, and Mr. RANSOM as the conferees on the part of the Senate.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7785) making appropriations for the payment of invalid and other pensions for the year ending June 30, 1886, and for other purposes.

POST-OFFICE APPROPRIATION BILL.

Mr. TILLMAN. Mr. Speaker, I purpose in the brief time allowed me to say a few words on the "subsidy" question. I for one shall vote to concur in the amendment of the Senate. The term "subsidy" has no terrors for me in this connection. There is no proposition in this amendment to take money out of the Treasury and donate it to any steamship company. It is simply a proposition by competition among shippers to do for our foreign commerce and intercommunication of our fellow-citizens the same thing that is done by the star-route service on the land. Suppose, sir, that our star service were confined to those routes upon which the revenue derived from 2 cents on each letter carried could pay the expense of the route. In that case not many routes could be maintained six months of the year. Why, sir, we pay seven or eight million dollars annually for the star service; and where does three-fourths of the money come from that sustains this service? It comes from New York, Philadelphia, and other large cities or depot towns on the great trunk lines of railroad where the revenue from postage is largely in excess of the expenditure.

I am astonished, sir, that the gentleman from Pennsylvania [Mr. BAYNE], hailing from a State that is almost unanimous for protection, should call the proposition of the Senate to develop our foreign trade and re-establish our merchant marine, which necessarily will re-establish our Navy—I say, sir, I am surprised that he should call this a "subsidy" and complain of it as such. While with one breath he does this, he thinks it only right that every steamship built in this country should be compelled to buy its iron and steel from the Pennsylvania mongers because no others in this country produce the materials that enter into iron-ship building. Sir, in that respect he is like many other gentlemen, many other communities, and even States of this Union—for free trade abroad, but monopoly at home.

Why, sir, it can not possibly take any money out of the Treasury if we concur in this amendment of the Senate. Already there is in the Treasury a surplus of \$760,000 from foreign ocean postage, when you deduct the interior postage on the foreign mail matter. The Senate's amendment provides only that the Postmaster-General, if he thinks fit, may use as much as \$400,000—a fraction more than half of the present surplus ocean postage—to subsidize, if you choose to call it so, our mail steamers to foreign countries with a view to establishing better communication, developing commerce, restoring our commercial marine and our Navy, which every American North, South, East, or West ought to pray and work to see revived. [Applause]. As I said a moment ago, there is no proposition here to take money out of the Treasury. There is today a deficiency of over \$3,000,000 in the revenues of the Post-Office

Department on land; but for the surplus upon foreign ocean postage that deficiency would be \$760,000 more. The proposition here is simply to let about half the surplus foreign ocean postage be used to develop our communication and commerce abroad just as all the home postage may be said to be used for the development of our star-route service. The sparsely settled agricultural and grazing sections of the South and West should be just to the commercial and manufacturing East.

[Here the hammer fell.]

The SPEAKER. The gentleman from Michigan [Mr. HOER] has five minutes remaining.

Mr. HOER. Mr. Speaker, I have heard nothing yet in this debate replying to the statement I first made that this Senate amendment simply pays these ships for the work they actually do, when you take into account the miles they must travel. Why has not somebody had something to say on this point which is the gist of this debate? My friend from Pennsylvania [Mr. BAYNE] skipped that branch of this question. No man has attempted to point out that this amendment gives excessive pay for the work performed. No one denies that it increases the present pay very largely; but my position was that it ought to be increased. If such is not the case why has not some one made it appear?

Let me again repeat, this proposition is not a subsidy. It does not pay a penny a mile more to our own vessels than we give to vessels carrying foreign flags. It is a simple proposition to pay what these steamers earn—that is all there is of it—as we do in the case of the coastwise service, or, as was suggested by my friend from South Carolina [Mr. TILLMAN], in the star-route service. If we should compel the contractors on the star routes to carry the mails for the small revenue derived from the few letters put into their bags, you would not have a mile of star service running in the United States in six weeks, because under such an arrangement the contractors could not live. We pay for carrying the mail on the star routes according to what it is worth, taking into account the distance traveled; and that is right. That is all we ask in regard to this ocean mail service. This is not a subsidy in any true sense. I would not care if it were.

I am ready to help build up the commerce on the great seas in behalf of my country, and to let other countries take care of themselves. The gentleman from Pennsylvania is happy when we will do anything to set the forges ablaze and the wheels running in Pennsylvania, but the moment we ask for fair pay for the work done by vessels built in the factories of his State, then he cries, "Subsidy!" Then he begins to use the clap-trap about Gould and somebody else to prejudice the minds of people and frighten them. Now, I do hope, Mr. Speaker, we shall rise above that kind of clap-trap. I use the word in a high literary sense, not intending to offend my friend from Pennsylvania. But it is the merest clap-trap to talk about subsidy and monopolies and corporations in connection with this Senate amendment, which simply makes a square business proposition to pay these steamers which are built in America and owned here what the work is worth for the miles actually traveled—nothing more.

This bill gives to American vessels just the same amount that it gives to the vessels of foreign countries. Is there a man here who to-day is going to vote against his own country and in favor of the rest of the world? If so, he parts company with me at once. I am for the United States of America first, and the rest of the world afterward—a good while afterward, too. If I had my way, I would build up this country and let the rest of the world take care of itself. When a statesman has properly attended to the interests of his own nation, he will have but little time for missionary work; what time he has I am willing he should use in that way. But this amendment of the Senate is in the interest of our own nation, our own people, our own commerce; and I believe this House will stand by this Senate amendment simply because it is just, because it is American, because it is solely in the interest of our own people.

[Here the hammer fell.]

Mr. TOWNSHEND. Mr. Speaker, I desire to know how much time is left to the gentleman from Indiana [Mr. HOLMAN].

The SPEAKER *pro tempore*. There are thirteen minutes of the time of the gentleman from Indiana now remaining.

Mr. TOWNSHEND. I would like to know further what disposition the gentleman from Indiana proposes to make of that time.

Mr. HOLMAN. I believe the understanding was that I should yield to the gentleman from Mississippi for ten minutes, and that then the floor should be yielded to the gentleman from Illinois in order to call the previous question.

The SPEAKER *pro tempore*. The Chair will then recognize the gentleman from Mississippi for ten minutes.

Mr. MONEY. Mr. Speaker, in the short time allowed me I desire to ask the attention of the House to the first Senate amendment, which provides for leases of third-class post-offices. There is no distinction which can be made in justice between first, second, and third class offices.

And my friend from Indiana [Mr. HOLMAN] was mistaken when he said the difference only is in degree. The difference is marked in kind. Why should a man whose salary runs from one to two thousand dollars be compelled to pay his own rent, when a man whose salary is above that shall have his rent paid by the Government? There is no reason in it and there is no justice.

But, sir, when we reach the fourth-class postmasters whose salaries run from a thousand dollars down, there is a reason why they should not have a right to have their rent paid by the Government, because the man who holds a fourth-class office in a majority of cases does not hold it for the salary at all, but for the accommodation of his neighborhood.

Mr. BINGHAM. Is not that true of the third-class offices?

Mr. MONEY. Not at all. Fourth-class postmasters are men who are in business as merchants and shop-keepers of various kinds, and these men use the building as a post-office in which their proper business is conducted. This is not their vocation but their avocation and established place of business in which the post-office is located. There is no reason why the Government should pay them their rent, but when a man reaches a Presidential office, the third class being the lowest of that kind, he then conducts this business alone not connected with any other business whatever. This man must rent a building for special use and service of the post-office and for nothing else. He is unable to attend to the office which pays over a thousand dollars a year and also to attend to any other business. If he does the clerk-hire is entailed upon him for that purpose. Therefore it is reasonable and just in offices of the third class they should have their rent paid by the Government as in the case of second and third class postmasters.

The amount of increase has been fairly stated, I think, by my friend from Indiana [Mr. HOLMAN] to be about one-half million dollars. There are 1,838 post-offices of the third class. All these postmasters to-day pay their own rent. It can be said easily that these gentlemen have the great American privilege of resigning the office if it did not suit their purse and convenience. And so can any of us here resign.

But, Mr. Speaker, it is a question of justice whether we shall properly pay for the expenditures naturally attending the postal service of this country, and I hope this House will not be so niggardly as to refuse an appropriation of half a million dollars, or as much more as will be necessary to conduct its service.

Can any gentleman assign a good reason why a man holding a third-class office, whose pay is \$1,950 a year, shall pay his own office-rent, while the man who gets \$50 more shall have his rent paid by the Government?

Mr. LACEY. Will the gentleman allow me a question?

Mr. MONEY. Certainly.

Mr. LACEY. These third-class officers are paid by commissions on the receipts of their offices, and they nearly absorb entirely the amount of postal receipts in those offices.

Mr. MONEY. The gentleman is right to the extent that these salaries are based on the business that is done in these offices. But, Mr. Speaker, it is simply a question of justice to the House. Do you insist this one class of postmasters holding Presidential offices shall pay their own rent, while the second and third class offices have their rent paid by the Government? Not only do the first and second class postmasters have their rent paid for them, but the Government also supplies their lights and fuel and their incidental expenses. The postmasters of the third class have nothing of these things. It is only to extend to them the one single item of rent, and nothing more. They will still have their light and fuel, except in case of separating offices, to be paid out of their salaries as postmasters. There is no justice in this; there is no economy in this.

And suppose it costs not only half a million but a million and a half, is that any reason why it should be denied? Are we to adopt a principle that a citizen is to do as much as possible for as little as possible? Are we not to deal fairly and honestly and justly with our own people and our own Federal employes? Is there any reason why a man should be treated harshly and unjustly and illiberally by Congress because he happens to be an official of the Government? That is a rule of injustice that we do not carry out with regard to ourselves, or to any of the other officials connected with the Government except these third-class postmasters. Their case is a very singular one, without a parallel in any other service of the Government; and it is impossible for this House, in my opinion, to fail to concur in the amendment of the Senate.

I desire to yield the remainder of the time to the gentleman from New York [Mr. SKINNER] with the exception of one minute.

The SPEAKER *pro tempore*. The gentleman has four minutes remaining.

Mr. MONEY. I yield three minutes to the gentleman from New York. Mr. SKINNER, of New York. Mr. Speaker, the Committee on the Post-Office and Post-Roads one year ago reported to this House a bill granting an allowance of rent to third-class post-offices. A bill now lies on the Speaker's table from the Senate having the same object in view. There are in this country to-day 50,000 post-offices.

Our friends upon the other side are beginning to think there must be a million or more, but I can tell them there are only 50,000. They are trying to stand from under the avalanche of letters and petitions pouring down upon them. But out of the 50,000 post-offices 48,000 of them are fourth-class offices; that is, offices paying an annual salary of from a thousand dollars down to 9 cents. There are only 81 first-class offices in the country; 404 second-class offices where the salary is \$2,000 or upward, and 1,845 third-class offices ranging from \$1,000 upward.

Now, the line is drawn at \$2,000. Why not draw the line at \$1,000? I will give one single illustration which will show the injustice of the

present law rating the compensation of these offices: Suppose the postmaster at an office receives a salary of \$1,900. Out of this he must pay his own office-rent, his own clerk-hire, and pay for his fuel and all the incidental expenses of the office, all of which must come out of the \$1,900. In the very same county a postmaster may receive a salary of \$2,000, and when it reaches that sum the Government steps in and pays him his rent, his clerk-hire, his fuel, and all. Does anything better illustrate that verse in Scripture, which I will quote: "Unto every one that hath shall be given, and he shall have abundance; but from him that hath not shall be taken away even that which he hath?"

[Here the hammer fell.]

Mr. MONEY. I now yield the remainder of the time to the gentleman from Pennsylvania [Mr. BINGHAM].

Mr. BINGHAM. The gentleman from Mississippi [Mr. MONEY] and the gentleman from New York [Mr. SKINNER] have so thoroughly covered the subject of the difference between the two Houses on this particular question, that I think one minute will be ample for what I desire to say. This fact I want to impress upon the House: in the rural sections of the country they will receive the full benefit of this proposed change in the law. Districts such as I represent will receive no benefit whatever. The Senate has sent here to this House from its Committee on the Post-Office and Post-Roads a bill covering this subject. That bill lies upon the Speaker's table. The Committee of the House have recommended a similar bill. That stands on the Calendar of the House. Had a day been given to the Committee on Post-Offices and Post-Roads for the consideration of their business in this Congress we would have carried this legislation through the House. It comes to this to-day—

The SPEAKER *pro tempore*. The time allowed for debate has expired.

Mr. BINGHAM. Why I hardly began, and had not reached my point.

Mr. TOWNSHEND. I move the previous question on the adoption of the report of the conference committee.

The previous question was ordered.

Mr. BINGHAM. We want to know how we can reach a vote on these separate amendments.

Mr. TOWNSHEND. After the adoption of the report we will have a vote taken upon each amendment separately, if desired.

The question being taken on the adoption of the report, it was agreed to.

Mr. TOWNSHEND moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The first amendment was read, as follows:

Amendment numbered 3, page 2, line 16: Strike out the word "hereafter."

The amendment was concurred in.

The next amendment was read, as follows:

Amendment numbered 4, page 2, line 16: Strike out the word "lease" and insert "in the disbursement of this appropriation apply part thereof to the purpose of leasing."

Mr. TOWNSHEND. I move that the House further insist upon its disagreement to the amendment.

Mr. HOLMAN. I suggest to my friend that the next two amendments be read and coupled with this.

Mr. TOWNSHEND. I am willing to do that. Let them be read.

Amendment numbered 5 was read, as follows:

Page 2, line 17, strike out the word "and."

And amendment numbered 6:

Page 2, same line, after the word "second," insert the words "and third."

Mr. TOWNSHEND. I now move that the House further insist upon its disagreement to these three amendments; and upon that motion I call the previous question.

Mr. MONEY. I move that the House recede from its disagreement to the Senate amendments and agree to the same.

Mr. TOWNSHEND. What becomes of my motion?

The SPEAKER *pro tempore*. The motion of the gentleman from Mississippi [Mr. MONEY] has preference.

Mr. TOWNSHEND. I am aware of that; but I wanted to have the previous question ordered so as to prevent debate.

The SPEAKER *pro tempore*. But the motion of the gentleman from Illinois can not be put before the House till the motion of the gentleman from Mississippi [Mr. MONEY] is disposed of. The question is on the motion of the gentleman from Mississippi, which is that the House recede from its disagreement to the amendments of the Senate which have just been read and agree to the same.

The question being taken, there were—ayes 118, noes 18.

Mr. HOLMAN. As this matter involves half a million of dollars of additional salaries, I ask for the yeas and nays.

On the question of ordering the yeas and nays, there were ayes 25—not one-fifth of the last vote.

Mr. HOLMAN. Count the other side.

The negative vote being counted, there were noes 131.

So (the affirmative not being one-fifth of the whole vote) the yeas and nays were not ordered; and the motion of Mr. MONEY was agreed to.

The SPEAKER *pro tempore*. The Clerk will report the next amendment.

The Clerk read amendment of the Senate numbered 16, as follows:

On page 8, lines 179, 180, and 181, strike out the following:

"For transportation of foreign mails including railway transit across the Isthmus of Panama, \$425,000."

And in lieu thereof insert as follows:

"For transportation of foreign mails, including railway transit across the Isthmus of Panama, \$900,000. And the Postmaster-General is hereby authorized to enter into contracts for the transportation of any part of said foreign mails, after legal advertisement with the lowest responsible bidder, at a rate not exceeding 50 cents a nautical mile on the trip each way actually traveled between the terminal points: *Provided*, That the mails so contracted shall be carried on American steamships, and that the aggregate of such contracts shall not exceed one-half of the sum hereby appropriated."

Mr. TOWNSHEND. I move that the House further insist on its disagreement to this amendment; and upon that I call for the previous question.

Mr. HERR. I move that the House recede from its disagreement, and agree to the amendment of the Senate.

Mr. TOWNSHEND. And upon that motion I call for the yeas and nays.

The yeas and nays were ordered.

Mr. HOLMAN. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HOLMAN. Gentlemen who are opposed to this proposition I presume vote "no," and those in favor of it vote "ay."

The SPEAKER *pro tempore*. The question is on the motion submitted by the gentleman from Michigan [Mr. HERR] that the House recede from its disagreement to the Senate amendment and agree to the same. All in favor of that motion will say "ay" when their names are called, and those opposed to it will say "no."

The question was taken; and there were—yeas 128, nays 132, not voting 63; as follows:

YEAS—128.

Adams, G. E.	Davis, G. R.	Howey,	Phelps,
Adams, J. J.	Davis, R. T.	Hunt,	Poland,
Aiken,	Dingley,	James,	Potter,
Arnot,	Dixon,	Jeffords,	Pusey,
Atkinson,	Dornheimer,	Johnson,	Raney,
Bagley,	Dunham,	Kenn,	Ray, G. W.
Barbour,	Elliott,	Kellogg,	Ray, Ossian
Barr,	Ellis,	Ketcham,	Reed, T. B.
Bingham,	Ellwood,	King,	Rockwell,
Bisbee,	Evans,	Lacey,	Rogers, W. F.
Blanchard,	Everhart,	Lawrence,	Rosecrans,
Boutelle,	Findlay,	Lewis,	Russell,
Brainerd,	Funston,	Libbey,	Skinner, C. R.
Breitung,	Garrison,	Lore,	Slocum,
Brewer, F. B.	George,	Lovering,	Smalls,
Brewer, J. H.	Glascok,	Lyman,	Smith, A. Herr
Broadhead,	Greenleaf,	McCormick,	Spooner,
Brown, W. W.	Hanback,	Millard,	Stephenson,
Brumm,	Hancock,	Miller, S. H.	Stevens,
Buckner,	Harmer,	Money,	Stewart, J. W.
Budd,	Hart,	Morgan,	Strait,
Burleigh,	Hatch, H. H.	Morrill,	Struble,
Campbell, J. M.	Haynes,	Moulton,	Taylor, J. D.
Cassidy,	Henderson, D. B.	Muller,	Thomas,
Clardy,	Hewitt, A. S.	Mutchler,	Tillman,
Converse,	Hill,	Nutting,	Valentine,
Cox, S. S.	Hiscock,	Oates,	Wadsworth,
Culbertson, W. W.	Hitt,	O'Hara,	Wait,
Cullen,	Hoblitzell,	O'Neill, Charles	Wakefield,
Curtin,	Holton,	Payne,	White, J. D.
Cutcheon,	Horr,	Payson,	White, Milo
Dargan,	Houk,	Perkins,	Whiting,

NAYS—132.

Alexander,	Dowd,	McMillin,	Spriggs,
Anderson,	Dunn,	Matson,	Springer,
Ballentine,	Eaton,	Maybury,	Stewart, Charles
Barksdale,	Eldredge,	Miller, J. F.	Stockslager,
Bayne,	Engleah,	Mills,	Storn,
Beach,	Fiedler,	Mitchell,	Swope,
Belmont,	Follett,	Muldrow,	Talbot,
Bennett,	Foran,	Murphy,	Taylor, J. M.
Bland,	Geddes,	Neece,	Thompson,
Boyle,	Gibson,	Nelson,	Townshend,
Bratton,	Graves,	Ochiltree,	Tucker,
Breckinridge,	Guenther,	O'Ferrall,	Turner, H. G.
Browne, T. M.	Halsell,	O'Neill, J. J.	Turner, Oscar
Buchanan,	Hammond,	Paige,	Van Alstyne,
Cabell,	Hardy,	Patton,	Vance,
Caldwell,	Hatch, W. H.	Peel,	Van Eaton,
Campbell, J. E.	Hemphill,	Peters,	Wallace,
Candler,	Henderson, T. J.	Pierce,	Ward,
Cannon,	Hepburn,	Post,	Warner, Richard
Carleton,	Hewitt, G. W.	Price,	Weaver,
Clay,	Holman,	Pryor,	Wellborn,
Cobb,	Hopkins,	Reagan,	Weller,
Connolly,	Houseman,	Reid, J. W.	Wemple,
Cosgrove,	Jones, B. W.	Riggs,	Wilkins,
Cox, W. R.	Jones, J. H.	Robertson,	Willis,
Crisp,	Jones, J. K.	Rogers, J. H.	Wilson, W. L.
Culbertson, D. B.	Jordan,	Senev,	Winans, E. B.
Davison,	Lamb,	Seymour,	Wise, G. D.
Davis, L. H.	Lanham,	Shively,	Wolford,
Deuster,	Le Fevre,	Singleton,	Wood,
Dibble,	Lowry,	Skinner, T. G.	Woodward,
Dibrell,	McAdoo,	Smith, H. Y.	Worthington,
Dockery,	McComas,	Snyder,	Yaple,

NOT VOTING—63.

Belford,
Blackburn,
Blount,
Bowen,
Burnes,
Campbell, Felix
Chalmers,
Clements,
Collins,
Cook,
Covington,
Ermentrout,
Ferrell,
Finerty,
Forney,
Fyan,

Goff,
Green,
Hardeman,
Henley,
Herbert,
Holmes,
Hooper,
Hurd,
Hutchins,
Jones, J. T.
Keller,
Kelley,
Kleiner,
Laird,
Long,
McCoid,

Milliken,
Morrison,
Morse,
Murray,
Nicholls,
Parker,
Petitbone,
Randall,
Rankin,
Reese,
Rice,
Robinson, J. S.
Robinson, W. E.
Rowell,
Ryan,
Shaw,

Steele,
Stone,
Sumner, C. A.
Sumner, D. H.
Taylor, E. B.
Throckmorton,
Tully,
Warner, A. J.
Washington,
Williams,
Wilson, James
Winans, John
Wise, J. S.
York,
Young.

So the motion to concur was not agreed to.

Mr. ROBERTSON. I ask unanimous consent to dispense with the reading of the names of members voting.

Mr. ANDERSON. I object.

Mr. WARNER, of Ohio. I would like to have my name recorded.

The SPEAKER. Was the gentleman from Ohio in the Hall when his name was called?

Mr. WARNER, of Ohio. I was not. If permitted to vote, I would vote "no."

The following members were announced as paired on all political questions until further notice:

Mr. MORRISON with Mr. JOHN S. WISE.

Mr. THROCKMORTON with Mr. EZRA B. TAYLOR.

Mr. RANKIN with Mr. RICE.

Mr. LONG with Mr. BURNES, on the Senate amendments to the Post-Office appropriation bill. Mr. LONG would vote "ay" and Mr. BURNES "no."

Mr. RANDALL with Mr. KEIFER, on the Post-Office appropriation bill. On the proposition for a subsidy Mr. RANDALL would vote "no" and Mr. KEIFER "ay."

Mr. MORSE with Mr. RYAN, on the Post-Office appropriation bill. Mr. RYAN would vote against the proposition for a subsidy and Mr. MORSE for it.

Mr. FORNEY with Mr. HUTCHINS, on the Post-Office appropriation bill. Mr. FORNEY would vote against the proposition for a subsidy and Mr. HUTCHINS for it.

Mr. BLOUNT with Mr. MURRAY, on the Post-Office appropriation bill.

Mr. HERBERT with Mr. WASHBURN, on the Senate amendment to the Post-Office appropriation bill.

Mr. ERMENTROUT with Mr. WILSON, of Iowa, on this vote.

Mr. YOUNG with Mr. STONE, on this vote.

Mr. HARDEMAN with Mr. HOLMES, on this vote.

Mr. CLEMENTS with Mr. PETITBONE, for this day.

Mr. JONES, of Alabama, with Mr. KELLEY, for this day.

Mr. KLEINER with Mr. FINERTY, for this day.

Mr. COOK with Mr. MILLIKEN, on this vote. Mr. COOK would vote against the amendment and Mr. MILLIKEN for it.

Mr. JOHN S. WISE, who had voted "ay," said: I was announced as paired with Mr. MORRISON. I do not know how I became paired, but lest this should be regarded as a political question I withdraw my vote.

The result of the vote was then announced as above stated.

Mr. HOLMAN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The Clerk will read the next amendment.

Mr. TOWNSHEND. Mr. Speaker, my motion now is that the House further insist upon its disagreement to the Senate amendment; and upon that I demand the previous question.

The SPEAKER. The Chair understood that by an agreement made between the gentleman from Illinois [Mr. TOWNSHEND] and the gentleman from Michigan [Mr. HORN] the debate was to be confined to the discussion of the conference report, which included debate upon these amendments as well.

Mr. TOWNSHEND. That is correct.

The SPEAKER. Therefore the previous question is not necessary.

Mr. TOWNSHEND. Very well.

The question was taken on the motion of Mr. TOWNSHEND that the House further insist upon its disagreement to the Senate amendments, and the motion was agreed to.

The SPEAKER. The Clerk will read the next amendment.

The Clerk proceeded to read the amendment numbered 17.

Mr. TOWNSHEND. Mr. Speaker, all the sections that follow upon which there is a disagreement relate to the 10-cent stamp. I ask unanimous consent that the reading be omitted, and I move that the House further insist on its disagreement to those amendments.

The motion was agreed to.

Mr. TOWNSHEND. Now, Mr. Speaker, I move that the House ask a further conference with the Senate on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. TOWNSHEND, Mr. HOLMAN, and Mr. HORN.

ORDER OF BUSINESS.

Mr. STOCKSLAGER. Mr. Speaker, I ask unanimous consent—
Mr. VALENTINE. Regular order!

The SPEAKER. The Chair will state that the Journal of the House is now completed.

Mr. STOCKSLAGER. I will wait until after the reading of the Journal.

The SPEAKER. The regular order is demanded, so that at any rate the gentleman could not have his request granted. By order of the House the reading of the Journal was postponed until it should be completed. It is now ready and the Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday. After he had made some progress therein,

Mr. ELLIS. Mr. Speaker, I ask unanimous consent to suspend the reading of the Journal in order that I may present a conference report.

The SPEAKER. The gentleman from Louisiana [Mr. ELLIS] asks unanimous consent to dispense with the reading of the Journal.

Mr. WELLER. Mr. Speaker, does that mean that it shall be suspended entirely, or only for the time being?

The SPEAKER. It means that the reading of the Journal shall be dispensed with.

Mr. WELLER. I object.

Mr. ELLIS. I hope the gentleman will not object.

Mr. WELLER. If it was only for the time required for you to introduce your report I should have no objection, but when it is proposed to dispense entirely with the reading of the Journal, I do object.

Mr. ELLIS. Mr. Speaker, I move to suspend the rules and dispense with the reading of the Journal, and on that motion I call the previous question.

The SPEAKER. The previous question can not apply. Under the rules of the House, on a motion to suspend the rules thirty minutes is allowed for debate. The gentleman from Iowa [Mr. WELLER] does not object to the postponement of the further reading of the Journal until after the gentleman from Louisiana [Mr. ELLIS] has made his conference report.

Mr. ELLIS. Very well. I now submit the report and ask to have it read.

INDIAN APPROPRIATION BILL.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House 7970, making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1886, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, 7, 8, 20, 25, 27, 35, 58, 59, 60, 61, 62, 65, 67, 72, 80, 81, 83, 90, 100, 101, and 104.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 6, 7, 18, 19, 21, 22, 24, 29, 30, 32, 33, 34, 36, 39, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 56, 63, 64, 65, 71, 73, 79, 85, 86, 87, 88, 89, 90, 91, 92, 96, 97, 98, 102, 103, 105, 107, 108, 109, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In line 3 of the matter proposed to be inserted by said amendment, after the word "of," where it first occurs, insert the word "five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$11,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$37,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In line 5 of said amendment strike out the name of "Tonasket" and in lieu thereof insert "Tonasket;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: After the word "the" in line 22, on page 2 of the bill, insert the following: "Amount due and unpaid and including the;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the paragraph proposed to be inserted by said amendment restore the matter proposed to be stricken out, adding thereto the following: "That the claim of certain individual members of the Pottawatomie Nation of Indians, their heirs or legal representatives, for depredations committed by others upon their stock, timber, or other property, reported to Congress under the tenth article of the treaty of August 7, 1868, be, and the same are hereby, referred to the Court of Claims for adjudication; and said court shall, in determining said cause, ascertain the amounts due and to whom due by reason of actual damage sustained. And said cause shall be tried without delay as hereinbefore provided;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,250,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,507,300;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the number proposed insert "seven hundred and fifty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the number proposed insert "seventy-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$83,400;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate

numbered 77, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following: "That jurisdiction is hereby conferred upon the Court of Claims to hear and determine any claim which may be set up by Belva A. Lockwood against the Eastern Band of Cherokee Indians for alleged professional services rendered to said Eastern Band;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$50,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$505,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: At the end of the matter proposed to be inserted by said amendment insert the following: "And provided further, That the Secretary of the Interior shall report annually, on or before the first Monday of December of each year, in what manner and for what purposes the general educational fund for the preceding fiscal year has been expended; and said report shall embrace number and kind of school-houses erected and their cost, as well as cost of repairs, name of every teacher employed and compensation allowed, the location of each school and the average attendance at each school; and the first said annual report shall give a like full and detailed statement of all such expenditures heretofore made;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: On page 49, in line 17 of the bill, strike out the words "five thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$46,569;" and the Senate agree to the same.

On the amendments of the Senate numbered 9, 12, 13, 14, 25, 27, 28, 35, 41, 42, 74, 75, 76, 110, 111, 112, and 113 they have been unable to agree.

E. JOHN ELLIS,
W. S. HOLMAN,
THOMAS RYAN,
Managers on the part of the House.

H. L. DAWES,
P. B. PLUMB,
M. W. RANSOM,
Managers on the part of the Senate.

Mr. ELLIS. I ask that the statement of the House conferees which accompanies this report be read.

The Clerk read as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7970) making appropriations for the Indian service for the fiscal year 1886, submit the following written statement in explanation of the accompanying report:

The bill as it is agreed upon appropriates \$5,737,512.70, being \$72,335.90 greater than as it passed the House, \$130,742.80 less than as it passed the Senate, \$101,200.21 less than the law for the current year, and \$1,570,536.94 less than the estimates submitted for the fiscal year 1886.

The conference committee have been unable to agree upon the following amendments, namely:

On amendments numbered 9, 12, 13, 14, 25, 35, 41, 42, 75, and 76, which amendments on the part of the Senate strike from the bill as it passed the House, provisions to pay claims for damages caused by depredations of certain Indians.

On amendment 27, which strikes out the provision to extend the time of payment of the purchase-money for the reservation of the Omaha tribe of Indians sold under the act of August 7, 1882.

On amendment 28, which strikes out the provision to extend the time of payment of the purchase-money under the sale of the reservation of the confederate tribe of Otoe and Missourias Indians.

On amendment 74, which strikes out the provision to pay the expenses of the delegates of the Eastern Band of Cherokees and for their services in visiting Washington.

On amendments 110, 111, 112, and 113, which strike from the bill sections 8, 9, 10, and 11 thereof.

E. JNO. ELLIS,
W. S. HOLMAN,
THOS. RYAN,
Managers on the part of the House.

Mr. ELLIS. I move the adoption of this report.

The report was adopted.

Mr. ELLIS moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. ELLIS. Mr. Speaker, in reference to this bill there are still two principal points of disagreement between the House and the Senate. In the first place the House inserted in the bill a number of items proposing to pay white citizens for depredations committed by the Indians, such payment being in accordance with treaty stipulation with the Indians. The Senate insisted that those items be stricken out, upon the ground that there are already claims of this character to the amount of about \$5,000,000 pending against the Indians, claims which have been accumulating since 1863, and have now reached this enormous sum.

The Senate, with a good deal of plausibility, thought we should not make "fish of one and flesh of another;" that we should not pay a portion of these claims and leave others unpaid, all of them being of equal dignity and having originated in the same way.

In the second place, they say these claims have not been fully examined—have not been examined with that care which should attend their examination. There is also some force in that.

In the third place, they say that numerous amendments were offered by Senators proposing to put a large number of these claims upon the bill; but upon the assurance of the committee that none of these claims were to be allowed the Senators withdrew uniformly such amendments.

This is one of the principal causes of disagreement between the House and the Senate on the bill. The House took the view that while it was impossible to pay all or even approximately all of these claims during this year, yet that some measure should be taken looking to their event-

ual payment; and, further, that a few of them should be placed upon the bill as somewhat in the nature of a warning to the Indians themselves that if they depredated upon the property of the white people their treaty funds should be held responsible for all damages. That is substantially the position of the House and Senate with regard to this particular point.

Mr. BLOUNT. I would like to ask the gentleman from Louisiana a question for information with reference to the auditing of these claims.

Mr. ELLIS. Certainly.

Mr. BLOUNT. I wish to ask my friend from Louisiana what office audited the claims that are placed in this bill?

Mr. ELLIS. The Indian Office.

Mr. BLOUNT. My object is this: as far as my information goes I am not aware that there is any officer who is authorized to audit that class of claims for reference to Congress, in order that appropriations may be applied for the purpose of their liquidation, as in the case of quartermaster's claims and others which are audited under the general law.

Mr. ELLIS. These claims have been audited by the Secretary of the Interior through the Indian Office, and have likewise been examined by the Indian Committees of the two Houses.

Mr. BLOUNT. I wish to know if they have been examined by any auditor or comptroller of the Treasury.

Mr. ELLIS. No.

Mr. BLOUNT. Then they do not come here as audited claims.

Mr. ELLIS. The law does not require it, but only that they shall be examined by the Secretary of the Interior through the Indian Office.

Mr. BLOUNT. This appears to be a new feature, this bringing in of the Indian depredation claims and making provision for their payment on an appropriation bill.

Mr. ELLIS. I beg the gentleman's pardon, it has been so for years and years. It was done in the appropriation bill of last year, and the year before that, and for many years prior. The Senate has always been putting some of these Indian claims upon the appropriation bills, and permit me to say it has been done in strict pursuance of treaty stipulations. I believe in every treaty which we have made with the Indians they have uniformly agreed that in cases where their people depredate upon the property of the whites an examination into the alleged depredations should be made by the Secretary of the Interior and the tribal fund held responsible for the damage.

Mr. BLOUNT. Will my friend allow me to say that I am quite sure, after six years' service on that committee, that they were carefully excluded from the Indian appropriation bill on the ground that there was no law authorizing it.

Mr. ELLIS. I will not challenge my friend's memory, and can only say that for the four years in which I have served on that committee these claims have been here.

Mr. BLOUNT. It may be that my friend consented. I did not.

Mr. ELLIS. The House proposed and the Senate conferees concurred that these claims shall undergo full and thorough investigation. The Senate proposes that an appropriation of \$10,000 shall be made to enable the Secretary of the Interior to make a careful examination of all these claims and make a list of them as they are examined and approved by that commission, which list shall be presented to Congress so soon as the examination can be had for such action as Congress may deem wise or necessary to take; a measure in the wisdom of which I fully concur.

The second point of difference was in regard to the allowance due for the payment of a portion of the purchase-money for the Omaha Indian reservation; also in reference to extending the time for the payment of the purchase-money due the confederate bands of Otoes and Missourias. The conference committee did not challenge the equity or wisdom of the provision, but they rested upon the ground that these provisions embodied general legislation and the Senate rules forbid general legislation upon an appropriation bill. That point we did not discuss very far with these gentlemen.

The third and last point of difference was in regard to the appropriation of \$4,000 to pay some Cherokee delegates their traveling and other expenses (an amendment which was offered by my friend from North Carolina [Mr. VANCE] and I hope we will hear from him on that), incurred in representing the interests of their tribe here. These are, Mr. Speaker, in substance, the points of disagreement between the Senate and House conferees.

Mr. BUDD. May I ask the gentleman one or two questions?

Mr. ELLIS. Certainly.

Mr. BUDD. I do not see the gentleman from Georgia here, but is it not a fact that this is the first time that the House has placed the Indian depredation claims upon an appropriation bill?

Mr. ELLIS. It is, I think, since I have had anything to do with it.

Mr. BUDD. Is it not a fact that the Senate of the United States at the last session of Congress, and on the bill which passed the Senate and the House, insisted upon some thirty claims of this character?

Mr. ELLIS. That is correct, as I remember.

Mr. BUDD. And has not that been the practice of the Senate for years?

Mr. ELLIS. To the best of my knowledge, yes.

Mr. BUDD. For several years past?

The SPEAKER. What motion does the gentleman submit?

Mr. ELLIS. I have no motion to submit. I yield to my colleague on the committee [Mr. RYAN].

The SPEAKER. There is nothing before the House unless a motion is made.

Mr. ELLIS. I reserve the remainder of my time.

The SPEAKER. But the Chair desires to state the conference report has been disposed of, and unless some motion is made—

Mr. ELLIS. I will move, then, that the House insist on its disagreement to the Senate amendments.

Mr. RYAN. I was about to make the same motion in regard to Senate amendment numbered 9, with the view of testing the judgment of the House. We are so near the close of the session that for my own part I desire to throw the responsibility upon the House.

The difference between the two Houses or between the conferees on the part of the House and those on the part of the Senate relates to two subjects. One is the depredation claims that the House put upon this bill; the other is the legislation that the House put upon this bill. I want the House to clearly understand the issue; and then for myself (and I think for the other conferees) I desire to have the intelligent judgment of the House, and we shall act in accordance with such instructions as the House may give.

In regard to depredation claims, I have this to say: About \$40,000—I have not figured it up to ascertain the exact amount—is appropriated out of the annuities due to Indians for the depredations that they have committed upon the property of white persons. This appropriation is made in accordance with treaty stipulations. Every claim put upon this bill has been audited in the manner prescribed by the treaty. First, the question has been submitted to the Indians themselves, and in almost every instance they agreed that the depredations were committed. Next, the agent at the agency investigated the claims. Next, the Commissioner of Indian Affairs investigated the claims and reported them to Congress, declaring that a certain amount was due. These were in turn referred by the House to the proper committee, the Committee on Indian Affairs, and in every instance where a depredation claim appears in this bill it was reported favorably by the Committee on Indian Affairs.

The Senate, I want to say in passing, for several years past has put similar claims audited in precisely the same manner upon these Indian appropriation bills, and the House agreed to them. But now the Senate conferees say in regard to these claims, "it is true these claims have been audited in accordance with treaty stipulations. They appear to be all right upon their face; but it is so late in the session that we can not ourselves personally investigate them, and we do not think it wise or prudent to agree to them unless we do investigate them." I think I have stated it fairly. All I care about it is that by a vote of this House it shall declare whether its managers shall insist upon the disagreement, or whether they shall surrender these claims. I have nothing further to say about them.

The other point of difference relates to legislation upon this bill. In regard to that its importance is conceded. Some of it is regarded as indispensable to the preservation of the public peace. Disorderly Indians, whose conduct of late created alarm along the border, armed with the modern rifle are daily committing depredations upon every species of property they can reach. We provide in this bill that the President may in his discretion take arms from those Indians and compensate them for them.

That is all there is of that provision. That is conceded to be just. With regard to one of these tribes, one of the most turbulent and disorderly, and one of the most savage we have to deal with, we are supplying them with appropriations exceeding \$300,000 annually to feed them, as a gratuity. We are obliged to make contracts to supply them with food. The contractors by the terms of the contract are obliged to keep the cattle in the vicinity of those Indians to supply them week after week, and yet the Indians raid these herds of cattle and destroy them. What is the result? The result is that hereafter it will be almost impossible for the Government to make contracts to supply these Indians. It will only be able to do so by the contractor taking into consideration the great risk he has to incur, and therefore the Government will be compelled to pay a most extraordinary price for these supplies.

These Indians, as I have said, are armed with the modern rifle. It is from them we would take these arms and put them in the pathway of civilizing influences.

But the reply comes from the conferees on the part of the Senate: "This is legislation; it is late in the session; we do not think there is time sufficient for us to give a subject of this kind that serious and deliberate consideration that we should, and besides that it is a violation of the rules of the Senate and we can not agree to it."

Now, the Senate rule seems to be somewhat peculiar. If there be a Senate rule upon the subject, if I may judge from the action of the Senate upon appropriation bills at this session of Congress, it can have but one construction, and it is this, that that rule prohibits upon an appropriation bill legislation that originates in the House, but allows upon an appropriation bill legislation that originates in the Senate, because I see

here in this very bill that there is legislation inserted by the Senate itself. In the face of that fact, admitting that this legislation is correct, admitting that it is important to the preservation of public peace on the border, they still say it is legislation originating upon an appropriation bill in the House of Representatives, and they therefore can not under their rules consider it. I have presented, I think, the whole subject so far as legislation is concerned in what I have said, because what I have said applies to the rest of the legislation in this bill.

I want to say further that another paragraph of legislation in this bill authorizes the President of the United States to negotiate with certain Indians in regard to opening a certain section of the Indian Territory now in dispute to settlement under the homestead law. That is a matter of great concern. A large number of the people of the country believe that the land in question is public domain. They believe that the Indians have no reserved interest in it, the fact being that the Government has paid for it what it agreed to pay for it, but the further fact being that it bought it from the Indians for a specific purpose.

That specific purpose the Indians hold to be a trust—that is, they claim that we hold it in trust for that purpose, and that we have no right to sell it for any other purpose. Now those people, believing it to be a part of the public domain, have been going upon those lands for the purpose of occupying them and making homes for themselves. The Army of the United States has been employed repeatedly to remove those people. It is but a few weeks ago that the saddest thing to every American heart that could possibly occur—a conflict of arms between the Army of the United States and citizens of the United States—was imminent, because those citizens believed, whether right or wrong, that they were entitled to carve out homes for themselves upon that portion of the public domain, as they regarded it. This provision simply authorizes the President to negotiate with those Indians regarding any rights they may have in those lands, in order that they may be lawfully opened to settlement. It is well known by everybody who reads the public prints that large numbers of our citizens are about to enter that Territory under the impression that they have the right to do so.

The Army of the United States is stationed there to prevent them. A conflict is imminent in the near future unless something be done to avert it. All this is admitted by the Senate and by the conferees of the Senate, but they say that legislation upon an appropriation bill is prohibited by the rules of the Senate, and that therefore they can not give this consideration. There are some other provisions to which they objected, and they suggested some amendments which the conferees on the part of the House readily acceded to. Now, we have to confront these facts and to act upon them by our votes, and so far as I am concerned I shall regard the action of the House as an instruction on these propositions, and I shall obey that instruction, whatever it may be.

With regard to legislation upon appropriation bills, I agree that as a rule it is wrong, but, under our system of rules, it seems indispensable occasionally to insert legislation in these appropriation bills. It is the fault of our system. It results from the fact that we have a system of rules relating to appropriations and to the Committee on Appropriations which clothe that committee with a power which I believe ought not to exist with any committee of this body. It is no answer to say that that power has not been exerted to the prejudice of the public interests. It is enough to know that it is possible that it may be. If I had anything to suggest in regard to this matter after four years' experience upon the Committee on Appropriations, it would be such a reform of the rules as would prevent that committee from reporting a bill to this House with any general legislation whatever in it, and I would add a rule to the same effect for the government of the House itself. Further, I would require the Committee on Appropriations to report the appropriation bills to the House within a reasonable time, so that they might receive fair and due consideration here by the Representatives of the people, and might then be sent to the other branch of the law-making power in time to receive fair and due consideration there. This would force the House to make rules to facilitate general legislation in an orderly way, instead of trying, as is done now, to put all such legislation on appropriation bills.

I want to add another thing before I yield the floor. It is this: Although we have a rule of the House authorizing legislation upon an appropriation bill, the practice has been that where one House puts upon such a bill legislation that is objectionable to the other, the House where such legislation originates surrenders it. Mr. Speaker, having made this statement with no other purpose than to impart to the House the facts so that we may vote intelligently, I now move, unless somebody else cares to talk—

Mr. BUDD. I would like to be heard on this question.

Mr. PETERS. I would like ten minutes.

Mr. RYAN. Very well; I believe the motion of the gentleman from Louisiana [Mr. ELLIS] was general.

Mr. ELLIS. It was general.

Mr. RYAN. Suppose you withdraw it and let us have a specific motion.

Mr. ELLIS. I withdraw it for that purpose. It was merely formal, at any rate.

Mr. RYAN. Now, Mr. Speaker, in order to test the judgment of the

House in regard to these claims, I move that the House insist upon its disagreement to amendment numbered 9.

The SPEAKER *pro tempore*. The Clerk will read the amendment.

The Clerk was proceeding to read the amendment,

Mr. HOLMAN. Mr. Speaker, I call the attention of the gentleman from Kansas [Mr. RYAN] to the fact that amendments numbered 9, 12, 13, 14, 26, 35, 41, and 42 relate to claims against Indian tribes, and appropriate money to pay them out of the annuities due to the Indians. Now, why not make the motion apply to all those amendments?

Mr. RYAN. I accept the suggestion of the gentleman from Indiana, and will make the motion apply to all those claims.

Mr. HOLMAN. Now, for the purpose of testing the sense of the House, I move that the House recede from its disagreement to these amendments.

The SPEAKER *pro tempore*. No separate vote is demanded. Is there unanimous consent? [After a pause.] The Chair hears no objection.

Mr. HOLMAN. Now, Mr. Speaker, all of these are claims against Indian tribes, and the money is to be paid out of the Indian annuities.

This list comprises a very small portion of the whole of these claims which have been certified from time to time to Congress from the Indian Bureau. I think these claims ought all to be considered together. Congress before authorizing payment should be better informed as to the character of the claims. The Indians are here insisting that a great many of these are not just and valid claims against them. The Senate maintains that the provisions for the payment of these claims are legislation upon an appropriation bill, and do not properly belong to such a bill. I therefore think that at this late hour of the session it is the part of wisdom for the House to recede from its disagreement and concur in the action of the Senate striking out the provisions for these claims.

Mr. PERKINS. Was there not an Indian depredation claim included in the sundry civil appropriation bill—a claim which has come to Congress within a month or two; and has not the Senate permitted that provision to remain in the sundry civil bill?

Mr. HOLMAN. Whether it has been permitted to remain I have not examined. But the fact is there is such a depredation claim on that bill, amounting, I think, to \$47,000.

Mr. PERKINS. Yes, sir.

Mr. HOLMAN. That is, however, a very peculiar case. A contractor for furnishing supplies to the Indians had sustained heavy losses by Indian depredations, amounting, as he claimed, to \$62,000, or, as found by the Indian Department, \$47,000. The fact that this man was a contractor, and according to representations made to the Committee on Appropriations and to the Indian Bureau could not carry out his contract unless the Government promptly paid back to him out of the Indian funds the losses he had sustained, was the motive that induced the action of the Committee on Appropriations.

I now yield five minutes to the gentleman from Georgia [Mr. BLOUNT].

The SPEAKER *pro tempore* (Mr. Cox, of New York). The Chair will state the pending proposition, that debate may be relevant to the question. The gentleman from Kansas [Mr. RYAN] moves that the House insist on its disagreement to the Senate amendments in regard to depredation claims. The gentleman from Indiana [Mr. HOLMAN] moves that the House recede from its disagreement to those amendments, the numbers of which the Clerk will read.

The Clerk read as follows:

9, 12, 13, 14, 26, 35, 41, 42, 75, 76.

Mr. BLOUNT. Mr. Speaker, I trust the House will not insist upon having these claims remain in this bill. It has been stated here that claims of this character have for the last four years been placed upon Indian appropriation bills. It has likewise been stated that at different times the Senate has seen fit to put claims of this class upon the Indian appropriation bill. But, Mr. Speaker, the House desires to do what is right in reference to this matter. If heretofore the House has taken hasty action in violation of its rules, if in the past the Senate has taken hasty action in violation of sound and wise legislation, those precedents do not bind our judgment, and should not restrain us from doing at this time what is right.

It will be conceded that under the rules of this House claims belong to the Committee on Claims, and when reported from that committee must take their place upon the Calendar; that the appropriation bills provide money for the current expenses of the Government and do not include claims except a single class. Judgments are placed on the sundry civil bill; they do not go to the Committee on Claims, for they are based upon matters which have been judiciously examined, the Government having been concluded by that examination. So likewise in reference to claims which have been examined under the law by the auditors and comptrollers on behalf of the Government, the two classes of officers being a check upon each other. But in reference to claims for Indian depredations there is no provision of law which submits them to an auditor or comptroller for examination. They are casually examined in the Indian Department, are sent to this House, and should then properly go to the Committee on Claims or sometimes to the Committee on Indian Affairs.

If there is any class of claims that ought not to be placed on appropriation bills it is those against Indians. If there are any claims as to which we ought to be on our guard, ought to have our suspicions excited, it is claims against those ignorant savages. I think the Senate has rightfully refused to allow this class of claims to be placed on this bill. I care not what mistakes the Senate or the House may have made heretofore, wise legislation requires that we should exclude from appropriation bills claims in general, and especially this particular class of claims.

I remember that in the Forty-fourth Congress, when I first examined this matter, claims against the Indians came in and were referred to the Committee on Claims. I found they had not been examined as other claims usually were. The Committee on Appropriations refused to consider these claims at all; and the House declined to put them upon an appropriation bill. We may have been in error; but such was the practice; and I find now no argument for placing these claims on this bill, except the fact that the Senate did it at a given time, or that we have done it for one, two, or three years. I trust that we shall concur in the amendments of the Senate striking out these claims, especially in view of the fact that we are just approaching the adjournment of a Congress. I move concurrence in the amendments of the Senate relating to these claims.

Mr. RYAN. I yield ten minutes to my friend from California [Mr. BUDD].

Mr. BUDD. Mr. Speaker, the motion of the gentleman from Indiana [Mr. HOLMAN] is to recede from the position taken by the House conferees and, in effect, to indorse the action of the Senate in striking from the House bill certain allowed and approved claims for Indian depredations. I desire to state that having investigated this matter somewhat fully by reason of my constituents being especially interested, I have found this is one of the few occasions in which this House has incorporated in the appropriation bill any depredation claims. I find that it has been the custom of the Senate of the United States to put innumerable depredation claims upon the Indian appropriation bills, and it has waited until this time before it ever found a flaw in that mode of procedure or any cause of complaint. I find by looking at the RECORD of last year that the gentleman from Indiana [Mr. HOLMAN], who is now so quick to ask us to recede from our position, consented to the Senate tacking on many such claims and never made even the faintest protest. He did not even bring the matter to the attention of the House. At that time in conference, without instruction or advice from this body, the many Senate claims were agreed to; and now, when we learn from the RECORD that the Senate conferees in discussion, on the 14th of February, say they have examined these claims which the House placed on the bill and they have found them correct, and that their only objection to them was because of a little ruling of the Senate that legislation ought not to go on an appropriation bill—

Mr. LONG. Is not that rule general legislation?

Mr. BUDD. Yes; general legislation.

Mr. LONG. Is this general legislation?

Mr. BUDD. It is not general legislation; it is special, and in furtherance of the present law.

Mr. LONG. Then why is this obnoxious to the Senate rule?

Mr. BUDD. Simply because the Senate did not originate them, I presume.

Mr. LONG. Then I understand that is not the ground on which they object to them.

Mr. BUDD. Upon what ground do they object to them?

Mr. RYAN. I stated to the House, and I had hoped the gentleman had heard me.

Mr. BUDD. I did.

Mr. RYAN. The Senate conferees objected on the ground they had not time to examine these claims.

Mr. BUDD. Very good.

Mr. RYAN. And on the further ground that members of the Senate, representing claims from other parts of the country, insisted if these claims went into the bill those other claims must also go into the bill.

Mr. BUDD. I find by examining the record of this discussion in the Senate of the United States that the Senate committees have made a careful examination of several of these claims, and especially of claim of J. W. Hogan, of Stockton, struck out by amendment 35, and that two of the Senators who are now conferees on the part of the Senate, Senator DAWES and Senator PLUMB, both stated that from an examination of that claim they believed it was just and ought to be paid. That is claim 35. Gentlemen will find the statement of Senator PLUMB on page 1852 of the RECORD, and that of Senator DAWES on page 1857, this session.

Last year the Senate did not care whether or not the House had time to examine the claims, for it tacked on many of them and we concurred, but now when the House asks that a few of its citizens who have been long waiting for their dues shall be paid a sum aggregating only \$40,000, the Senate of the United States says it will not pay our own needy citizens their just dues; yet on page 54 of this very bill it tacks on two pieces of new legislation, and provides for paying to Indians who have no funds or claims \$50,000. In other words, they inject new legislation

into the bill in favor of Indians, and take out legislation carrying out existing law, simply because it recognizes a claim of a citizen against this Government.

Mr. Speaker, the history of the law on this subject is short. In 1834, by act of Congress, the United States guaranteed the payment from the general Treasury of all claims of its citizens for Indian depredations. In 1859 it guaranteed the payment from any Indian annuities that might be granted for the depredations of Indians. Every treaty entered into has a clause in it whereby the claim for a depredation is to be paid out of the annuities granted. Prior to 1870 these claims were presented to and proved in the Interior Department. They were then paid. In 1870 this law was so changed as to require a special appropriation in each case after the claim had been allowed. In the Hogan claim every requirement of law has been complied with. There is a requirement of a full and complete examination by the Commissioner of Indian Affairs.

It then goes to the Secretary of the Interior. It is passed upon by him and reported to Congress. Then under the law of the United States Congress is by special appropriation to provide for the payment of its own citizens for damages done by Indians out of the money which belongs to the Indians themselves.

The gentleman from Georgia [Mr. BLOUNT] favoring this motion says we ought to see right and justice done. Let me ask where is there greater right or justice than paying a claim like this after it has been allowed as by law required. If under the law a white man injures an Indian the law allows the Indian double damages. If under the law an Indian injures a white man the law says come to the Government, prove your claim, and it shall be paid. Here is a man by the name of J. M. Hogan, of my own town, who, twenty-odd years ago, was robbed of \$30,000 worth of property by Indians, and who has been knocking for a quarter of a century at the doors of the Treasury for the payment of his just claim. It has been allowed for only \$6,600, though the evidence shows his loss to have been the full amount alleged. It has been examined, approved, reported upon, passed unanimously by this House, and put into this bill and sent to the Senate, and Senator DAWES and Senator PLUMB, both of whom examined it, say that it is a just claim, and one that ought to be paid, which said matter was fully and clearly proved to them by Senator MILLER, of California, who, thank goodness, wishes to see justice done to all these claimants, and has worked hard to that end.

I ask the House then, in view of these facts, to vote down the motion of Judge HOLMAN to recede; to ask these people to see that our own citizens are treated with at least one-tenth part of the justice that is shown to the Indians throughout this country. Six millions of dollars for the Indians; \$40,000 refused for just claims of our own citizens; a fine contrast.

Mr. RYAN. I will yield now one minute to my colleague on the committee, Judge HOLMAN.

Mr. HOLMAN. Mr. Speaker, the gentleman from California refers to the fact that the last Indian appropriation bill contained some thirty-two claims of this character, which were placed upon it by the action of the Senate. That is all very true, and I supposed the House itself and all gentlemen knew of the fact that these claims were on that last bill. There was no discussion on the subject whatever.

The facts presented now, however, with reference to the present bill are entirely different. Senators claim that they have not had time to examine the claims which the House has placed upon the bill, and can not concur in the adoption of the same until they have had an opportunity of advising themselves whether they are proper claims to be placed upon the bill or not. We are in the closing hours of the session. We have got to get together in some way; and in my judgment, if any vote is proper to bring the two Houses together, it is one involving a question submitted in a case of this character, where there has not been time for the other branch of Congress to make the proper investigation of the subject. I think for that reason it would be the part of wisdom for the House to recede from its disagreement to the amendment of the Senate in this respect.

Mr. ELLIS. Mr. Speaker, I simply wish to set the House right as to the law covering this case. The point is made by my friend from Georgia [Mr. BLOUNT] that these claims have no business on an appropriation bill of this kind. Now this bill is one which makes an appropriation for the current and contingent expenses of the Indian Department and for the fulfillment of treaty stipulations with various Indian tribes. That is the title of the bill itself. Claims of this character, it must be known to the House, do not take the course prescribed for other claims, which go through the routine and examination of the accounting officers of the Treasury. These come under a different heading, and are subjected to a different examination.

The first is a general law providing for the ascertainment of claims, which are audited by the accounting officers of the Department and transmitted to Congress for settlement, but the special law governing the payment of these Indian depredation claims expressly provides for their payment, under the treaty stipulations, out of the tribal funds. I turn to the book of treaties before me at random, and will read a sample of the law, which is substantially universal in its application to

all these treaties. I will read from a treaty made with the Navajo Indians:

If bad men among the Indians shall commit a wrong or depredation upon the person or property of any one, white, black, or Indian, subject to the authority of the United States and at peace therewith, the Navajos agree that they will, on proof made to their agent and on notice by him, deliver up the wrongdoer to the United States, to be tried and punished according to its laws, and in case they willfully refuse so to do the person injured shall be reimbursed for his loss from the annuities or other moneys due or to become due to them under this treaty or any others that may be made with the United States; and the President may prescribe such rules and regulations for ascertaining damages under this article as in his judgment may be proper; but no such damage shall be adjusted and paid until examined and passed upon by the Commissioner of Indian Affairs, and no one sustaining loss while violating or because of his violating the provisions of this treaty or the laws of the United States shall be reimbursed therefor.

So I turn to the treaty with the Arapahoes and the Cheyenne Indians, and I find a similar provision. The same stipulation is placed in all these treaties. You will find the same provision throughout all our dealings with them, that their tribal fund shall be held responsible for depredations committed by them; and the Commissioner of Indian Affairs is constituted the judge. Everybody, I presume, is familiar with the principle of law that when Congress has constituted a person or organization as the sole judge of a matter his judgment upon that subject is final. These claims go through that constituted tribunal.

The Committee on Indian Affairs, taking this view of the law, and in view of the fact of this consecrated practice to put claims year after year carrying out treaty stipulations by providing the money for their payment out of the tribal fund of the Indians on the part of the Senate of the United States, concluded to see if it would not be proper to do a little of that business themselves; and so in pursuance of that idea they put on these claims, which they hope will act as a check on further depredations of this character by letting the Indians know that their tribal funds will be held rigidly responsible for any mischiefs perpetrated by them.

Now, my friend from Indiana [Judge HOLMAN] alludes to the case of this contractor who could not carry out the provisions of his contract unless he was reimbursed from the tribal fund. But, sir, that is a mild, a very mild, case compared with claims presented here. Settlers' houses burned, their children murdered by their fireside, their stock killed, their fences destroyed, all they have on the face of the earth going to destruction in an hour beneath the mad wave of the savage barbarism of these people. These cases have been picked out here and put into this bill; cases of spoliation, murder, arson, the very worst that we could find; and they have not only been examined by the constituted authorities under these treaty stipulations with the Indians, but by the Commissioner of Indian Affairs himself, and they have been examined and recommended by the committee of the House.

Mr. RYAN. I yield five minutes to the gentleman from Colorado [Mr. BELFORD].

Mr. BELFORD. Mr. Speaker, I desire to express my profound gratitude to the gentleman from the State of Kansas who constitutes one of the peerage of the immortals that compose the Committee on Appropriations for according to me five minutes' time.

I have heard gentlemen here speaking with reference to these Indian depredations who have not seen an Indian in their lives and know nothing about the dangers that you, sir [Mr. COX, of New York, in the chair], and myself encountered years ago when riding on a stage-coach over the plains and through the mountains and looking with an anxious eye when we came to a curve to see whether the noble red man was not there with his rifle in his hand. Do you recollect it? [Laughter.]

The policy of this Government is simply that an Indian can plunder and rob you day after day, and if a white man insists upon his rights he can not get a single dollar by way of compensation for the injuries he has received. You know as well as I know that year after year we appropriate millions of dollars to support these Indians, not as paupers, but as the great wards of the nation. I say that an Indian, like a white man, should starve if he will not work. God made this country for men who labor and toil and struggle, and not for the sluggards that will neither work by day nor by night. And yet according to the policy of this Congress you allow them to burn houses, and steal horses, and kill people, and when those who have suffered at their hands come forward with a bill to compensate them for the injury they have experienced you say, "Oh, no; in the love of God and humanity we will not do this." [Laughter.]

What have you Eastern people been doing since the settlement of the Republic? You drove the Indians from New England because they were not a type of the survival of the fittest. You drove them from Pennsylvania. You drove them from Indiana. You drove them across the Mississippi River. You carried them at the ends of the tails of horses from Georgia into the Indian Territory; and there you gave them an acreage larger in extent than the State of Indiana; and there are but 15,000 of them there. Can not we get a little sense on this Indian question?

[Here the hammer fell.]

Mr. RYAN. I yield the balance of my time to the gentleman from New York [Mr. STEVENS] except one minute, which I reserve.

Mr. STEVENS. It is not my intention to detain the House long

with any remarks on this bill. The experience of the House to-day in discussing this question has been but a repetition of the experience of previous years.

I shall come at once to the question before the House, the propriety of insisting upon or receding from the disagreement to the amendments of the Senate. These claims under consideration, or most of them, were under existing law first sent to the Commissioner of Indian Affairs and the Secretary of the Interior, and from them after a careful consideration to this House, when they were referred to the Committee on Indian Affairs. Until within a few years authority was given to the Secretary of the Interior to examine the claims and to pay such amount as he thought fit. That legislation was changed, and the Secretary was prohibited from making payment until after Congress had authorized it.

The great bulk of the claims in this bill were in the early part of last session submitted to the Committee on Indian Affairs, and by the chairman of that committee were referred to various subcommittees. The members of those committees gave the various claims most careful consideration. They were the subject of much discussion in the committee, and in almost every instance the amount allowed by the Indian Department was considerably decreased. Thus decreased they were favorably reported by bill to the House and were placed upon the Private Calendar, and there these claims sleep and will sleep the final sleep, one that knows no waking, because the opinion of this House has apparently come to be settled that everything coming before it in the shape of a claim against the Indians in the shape of depredations contains more or less of a "steal." Prejudice has become so great that in almost every instance these claims year after year have been refused consideration, and, as has been very properly said by gentlemen who have preceded me, these settlers presenting the claims, whose cabins have been burned, whose stock has been driven off and killed, who have been robbed of the pittance which they as settlers on the public lands had gathered together by years of labor, have had no attention paid to them, in defiance of the stipulations of treaties existing between these tribes and the United States that all depredations and spoiliations shall be paid for and taken from their treaty funds.

The Committee on Indian Affairs, in devoting the labor they did to these various Indian claims, were in hope some consideration would be paid thereto by this Congress. But I believe only one has been considered; and the Committee on Appropriations have followed the practice of previous years, when, having had the claims of various citizens brought to them by their Representatives on this floor, they have in the kindness of their heart put this claim and that claim and the other upon the appropriation bills owing to the pressure that was brought to bear upon them by members on the floor of this House; the result being that a few favored claims, without any reference to their real merit, have been paid, and in many instances some most deserving ones have not been paid.

Some criticism was indulged in in the Senate on the action of the Committee on Indian Affairs in this House; and I want to say, Mr. Speaker, in reference to some of the claims placed upon the bill by the Committee on Appropriations that they were never considered in the Committee on Indian Affairs.

And if the amount appropriated by them was wrong, it was not the fault of the Committee on Indian Affairs, because the bills were never considered by that committee. In the last session of this Congress the Senate, as has been stated, saw fit, under the pressure of Senators representing their constituents, to place a large number of these claims on the appropriation bill. The result was that the bills presented to this House and acted upon here received no consideration, and no payments were made for those losses. This year the Committee on Appropriations have been much more generous and liberal. They have placed a large number of these claims upon the bill very properly and very justly; for I believe that if all can not be paid it is better that some should be than none. The Senate, however, thought differently, and because they could not put upon the appropriation bill all that they desired to put there, as the gentleman from Kansas [Mr. RYAN] has stated, they cross all these claims off, and are disposed to pay none.

Now a word or two in regard to the consistency of the Senate, and a little something in regard to the consistency of our honorable Committee on Appropriations. The Committee on Appropriations placed upon the sundry civil bill, as has been stated, a claim of some \$46,000 or \$47,000. That case was never considered by the Committee on Indian Affairs; no report upon it has ever been made from that committee. I understand, however, that it is a just claim, and I take no exception to the Committee on Appropriations having made provision for its payment, but I want to call attention to the consistency of the Senate. The bill went to the Senate with that provision upon it, and although the Senate had struck from the bill all the appropriations for the payment of these depredation claims, yet no Senator raised his voice to draw attention to this claim, which was of exactly the same character, and the conferees on the part of the House who reported that fact here made no request of the House that it would reject that claim and insist upon its going off with the others.

In conclusion, Mr. Speaker, I only desire to say that I trust this House will insist upon these claims remaining in the bill. So far as I know, and so far as they have been considered by the Committee on Indian

Affairs of this House, they are just and proper claims, and ought to be paid.

Mr. RYAN. Mr. Speaker, I now yield the balance of my time to the gentleman from Indiana [Mr. HOLMAN].

The SPEAKER *pro tempore*. The gentleman has one minute remaining.

Mr. HOLMAN. In that minute I desire to call the attention of the House to the fact that amendment No. 45, on page 47, is an amendment placed there as a substitute for a corresponding provision which was originally contained in the bill. It appropriates the sum of \$10,000, to be used by the Secretary of the Interior in making a general examination, classification, and index of these claims, for transmission to Congress, not simply claims here included, but all these claims, amounting to millions of dollars.

It will be seen, therefore, that there is a general provision in this bill looking to the settlement of all these claims. I wish to call attention also to the fact that that amendment has been concurred in. One other word, which is all I feel at liberty to say: I admonish gentlemen on the floor of the House that on account of the condition of the appropriation bills the enrollment of them in time is going to be the greatest embarrassment in the way of the adjournment of Congress at 12 o'clock on the 4th of March. At the earliest moment these bills must go to the clerks for enrollment if they are to be ready in time. I now call the previous question on my motion.

The SPEAKER *pro tempore*. Does the Chair understand the gentleman from Kansas [Mr. RYAN] to have modified his motion so as to make it a motion to recede?

Mr. RYAN. No, sir; I made the motion to insist. The gentleman from Indiana [Mr. HOLMAN] made the motion to recede.

Mr. ELLIS. To recede and concur in the Senate amendments.

The SPEAKER *pro tempore*. On that motion the gentleman from Indiana [Mr. HOLMAN] has called the previous question. Is there a second?

There was a second, and the previous question was ordered.

The question was taken on the motion of Mr. HOLMAN that the House recede from its disagreement and concur in the Senate amendments numbered 9, 12, 13, 14, 26, 35, 41, 42, 75, and 76, and on a *vice voce* vote the Speaker *pro tempore* declared that the ayes seemed to have it.

A division was called for; and there were—ayes 87, noes 41.

Mr. BUDD. No quorum.

The SPEAKER *pro tempore*. The point of no quorum is made, and the Chair will appoint the gentleman from Indiana, Mr. HOLMAN, and the gentleman from California, Mr. BUDD, to act as tellers.

The House again divided; and the tellers reported—ayes 111, noes 54.

So the motion of Mr. HOLMAN was agreed to.

Mr. ELLIS. I now move that the House further insist upon its disagreements to the amendments numbered 27, 28, 110, 111, 112, and 113. These amendments embrace the remaining points of difference between the two Houses.

Mr. RYAN. Those relate to legislation to which I have adverted. The motion of Mr. ELLIS was agreed to.

Mr. ELLIS. I now move that the House ask a further conference with the Senate on the remaining differences between the two Houses.

The motion was agreed to; and the Speaker *pro tempore* [Mr. COX, of New York] announced the appointment of Mr. ELLIS, Mr. HOLMAN, and Mr. RYAN as conferees on the part of the House.

PENSION APPROPRIATION BILL.

Mr. HANCOCK. I submit the conference report which I send to the desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7785) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1886, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11, and agree to the same.

JOHN HANCOCK,
JOHN F. FOLLETT,
W. D. WASHBURN,
Managers on the part of the House.
W. B. ALLISON,
H. L. DAWES,
WILKINSON CALL,
Managers on the part of the Senate.

The following statement, accompanying the conference report, was read:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7785) making appropriations for the payment of pensions for the fiscal year 1886, submit the following in explanation of the action of the conference committee as submitted in the accompanying report:

The bill agreed upon in conference appropriates \$60,000,000 and is in exact terms as amended by the Senate.

JOHN HANCOCK,
JOHN F. FOLLETT,
W. D. WASHBURN,
Managers on the part of the House.

Mr. HANCOCK. I move that the report be adopted.

Mr. ROGERS, of Arkansas. I move to non-concur.
The SPEAKER. The report of the committee of conference must either be agreed to or disagreed to as an entirety. If the House should refuse to agree to the report, it would then be in order to take up the amendments of the Senate for such action as the House might think proper. But the report is treated as an entire proposition.

Mr. ROGERS, of Arkansas. Is it in order to move to disagree to the report?

The SPEAKER. If the motion to adopt the report be defeated, that action would be equivalent to disagreement; and then it would be in order to move that the House recede from its disagreement to any or all of the amendments or to make any other parliamentary motion.

Mr. HANCOCK. Upon my motion to adopt the report I move the previous question.

Mr. ROGERS, of Arkansas. I want to make a single statement, if the gentleman from Texas [Mr. HANCOCK] will permit me.

The SPEAKER. Does the gentleman from Texas permit the gentleman from Arkansas to make a statement?

Mr. HANCOCK. Yes, sir.

Mr. ROGERS, of Arkansas. I wish to say but a word. My idea was, if this motion should be voted down, to offer the pension-attorney fee-bill as an amendment to one of the amendments of the Senate. [Cries of "Regular order!"]

Mr. ROGERS, of Arkansas. That is all I have to say.

The previous question was ordered.

The question recurred on the adoption of the report of the conference committee.

The House divided; and there were—ayes 54, noes 19.

So the report was adopted.

Mr. HANCOCK moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HOLMAN. I move that the House take a recess until half past 7 o'clock this evening.

The SPEAKER. The Chair will state to the gentleman from Indiana that all the motions which under the rules of the House can be pending at the same time in relation to recess are now pending, and these motions must be withdrawn or it must be done by unanimous consent.

Mr. HOLMAN. I ask unanimous consent then that the House take a recess until half past 7 o'clock this evening.

A MEMBER. Say 8 o'clock.

Mr. HOLMAN. I am quite confident the House can not with any safety go beyond half past 7.

Mr. ANDERSON. That is all right. If we have a recess until half past 7 it will give us an opportunity to get our dinners.

Mr. HOLMAN. We are expecting a bill in the House upon which action must be had.

Mr. HEPBURN. If unanimous consent be given, I understand the motion now pending will retain its status.

The SPEAKER. Not unless that be the understanding.

Mr. HEPBURN. We want that understanding.

Mr. COOK. If that is the understanding, I object.

The SPEAKER. The Chair thinks if the House takes a recess to a different time than that proposed by the motions pending, then those motions would fall.

Mr. HOLMAN. Those motions can be renewed at any time.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the House shall now take a recess until half past 7 o'clock this evening.

There was no objection, and it was ordered accordingly.

RANGE AND RANCH CATTLE BUSINESS.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting additional report in regard to range and ranch cattle business in the United States; which was referred to the Committee on Agriculture.

LEAVE OF ABSENCE.

Mr. WAIT, by unanimous consent, was granted leave of absence for this evening, on account of important business.

CLEPHANE & BOSWELL.

On motion of Mr. HAMMOND, by unanimous consent leave was granted for the withdrawal from the files of the House of the papers in the claim of Clephane & Boswell, stenographers, for services in reporting the case of Kilbourn vs. Thompson, leaving no certified copies.

LEAVE TO PRINT.

Mr. STOCKSLAGER, by unanimous consent, was granted leave to print remarks in the RECORD on the general subject of public lands in connection with the various bills upon that subject.

W. W. WIGGINS.

On motion of W. JONES, of Wisconsin, by unanimous consent leave was granted for the withdrawal from the files of the House of the papers

in the case of W. W. Wiggins for increase of pension, there being no adverse report, without leaving certified copies.

HENRY MULLEN.

On motion of Mr. A. HERR SMITH, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Henry Mullen (H. R. 4983, favorable report 357), without leaving certified copies.

W. H. PLUNKET.

On motion of Mr. FINDLAY, by unanimous consent leave was granted for the withdrawal from the files of the House of the papers in the case of W. H. Plunket, no adverse report having been made in the House, as he has been informed and believes, without leaving copies.

VINCENT T. DONNELLY.

On motion of Mr. RANDALL, by unanimous consent leave was granted for the withdrawal from the files of the House of the papers in the case of Vincent T. Donnelly, executrix of the late Col. Peter Lyle, no adverse report having been made thereon, without leaving certified copies.

MRS. PHEBE W. ROSS.

On motion of Mr. O'HARA, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Mrs. Phebe W. Ross, of Wilmington, N. C., no adverse report having been made thereon, without leaving certified copies.

And then (at 5 o'clock and 14 minutes p. m.) the House took a recess until half past 7 o'clock p. m.

EVENING SESSION.

The recess having expired, the House (at 7 o'clock and 30 minutes p. m.) resumed its session.

ORDER OF BUSINESS.

Mr. ANDERSON. I move that the House take a recess for one hour.
Mr. MILLER, of Pennsylvania. I move that the recess be taken until 12 o'clock.

Mr. SPRINGER. I hope that will not be done. The Committee on Appropriations expect to come in with some reports presently.

Mr. PETTIBONE. I move that the House take a recess until 11 o'clock to-morrow morning.

The SPEAKER. That would be an adjournment.

Mr. BRUMM. I move to amend the motion by taking a recess until 10 o'clock to-night.

Mr. SPRINGER. When all gentlemen have submitted their various motions for a recess it will afford me great pleasure to state that no recess will be taken at all. [Laughter and cries of "Regular order!"]

The SPEAKER. The motion of the gentleman from Pennsylvania [Mr. BRUMM], that the House take a recess until 10 o'clock, being an amendment to an amendment, is first in order.

The question was taken; and on a division there were—ayes 6, noes 21.

Mr. MILLER, of Pennsylvania. No quorum.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will order tellers, and Mr. MILLER, of Pennsylvania, and Mr. KLEINER were appointed.

The House again divided; and the tellers reported—ayes 9, noes 35.

Mr. ANDERSON. No quorum.

FRENCH SPOILIATION CLAIMS.

Mr. DIBBLE. Mr. Speaker, I ask unanimous consent to introduce a resolution, the purport of which is to cause the removal of certain papers now on the files of the House to the State Department. These are papers connected with the French spoliation claims, and the object of the resolution is to have them removed to the State Department, to be kept there, together with other papers pertaining to that subject, in accordance with the terms of the French spoliation act recently passed by Congress, which requires that all of these papers abroad shall be delivered at the State Department and filed with those already there and such others as may be put on file. There are a number of papers relating to these claims upon our files, and I suppose there will be no objection to this resolution.

The SPEAKER. The resolution will be read, subject to objection.

The Clerk read as follows:

Resolved, That the Clerk of the House be directed to take from the files of the House all papers relating to the French spoliation claims and deliver the same to the Secretary of State to be filed in the State Department.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

Mr. MILLER, of Pennsylvania. If it does not interfere with the pending motions—

The SPEAKER. It will not interfere with any pending motion.

Mr. MILLER, of Pennsylvania. Then I have no objection.

The resolution was agreed to.

Mr. DIBBLE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BAGLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table a private pension bill, being a House bill with Senate amendments, with a view to concurring in those amendments.

Mr. ANDERSON. All right.

Mr. HEWITT, of Alabama. Let us hear what it is.

Mr. BAGLEY. I refer to House bill 3467—

The SPEAKER. The title of the bill will be read.

The Clerk read as follows:

A bill (H. R. 3467) granting a pension to H. D. Pryor.

Mr. BAGLEY. There are certain Senate amendments to this bill, to the text of the bill and to the title, and I ask that they be read with a view to concurring in them.

The SPEAKER. Without objection, the Senate amendments will be read.

The Senate amendments were read ~~length~~.

Mr. HEWITT, of Alabama. I should like to have some explanation from the gentleman who calls this bill up as to the effect of the bill before unanimous consent is given to its consideration.

Mr. HAMMOND. The easiest way to dispose of the matter is to make objection.

Mr. BAGLEY. Let me make a brief statement, and I am satisfied the gentleman will not insist upon his objection. This bill is intended to relieve the hardships imposed upon four or five widows under a misconstruction of the law by the Commissioner of Pensions. Their pensions were reduced under this decision \$5 a month; and this is to restore them to their rightful amount, and that is all there is of it.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HAMMOND. I object.

Mr. ROBINSON, of New York. Mr. Speaker, I ask unanimous consent of the House to make a request and a very brief statement, which will not occupy more than a minute, in relation to a subject of personal interest to myself and in which I believe the House will feel an interest.

The SPEAKER. Is there objection to the request of the gentleman from New York? [Cries of "All right!"]

Mr. ROBINSON, of New York. Mr. Speaker, I have stood and sat here for a very long time watching and waiting to get an opportunity to make a personal appeal to the House by saying a word in behalf of an exceedingly worthy object. We introduced in this House a bill granting a pension to Mrs. Septimia Randolph Meikleham, the only surviving granddaughter of Thomas Jefferson, which proposed to give her \$2,500 a year. Opposition was made, however, to the passage of that bill on the ground that it was establishing a precedent for making a special or civil pension list. I immediately afterward, on the 17th of last March, introduced a bill making her a donation, and all those who objected at that time to the bill, I understand, state now they will withdraw their objection to it. I introduced a bill, as I have said, which proposes to give her \$50,000 as a donation.

If you give her back the Declaration written by her grandfather I can get more than a hundred thousand dollars for it. I have seen those likely to oppose it, and they tell me that if I reduce the amount one-half they will not object. I now appeal to the House as the last word I may ever say in this city of Washington that this bill be taken up. It will not take two minutes, and I propose that we pass it and send it at once to the Senate. She is sick; her daughter is sick; one death has recently occurred in the family, and she is 71 years of age. The last request I make here is for your own honor and the glory of the country to permit me to introduce this bill and have it passed now.

The SPEAKER. The gentleman from New York [Mr. ROBINSON] asks unanimous consent to take up for present consideration the bill indicated by him. Is there objection?

Mr. HAMMOND. I object.

Mr. ROBINSON, of New York. I beg the gentleman to withdraw his objection. [Cries of "Regular order!"]

PRINTING OF TREATIES AND CONVENTIONS.

Mr. SMITH, of Pennsylvania, addressed the Chair.

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. SMITH, of Pennsylvania. I desire to make a privileged report from the Committee on Printing.

The SPEAKER. That is the regular order.

Mr. SMITH, of Pennsylvania. I am instructed by the Committee on Printing to report back the Senate concurrent resolution which I send to the desk and to move concurrence in the same.

The SPEAKER. The Clerk will read the resolution.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring). That there be printed 9,500 additional copies of the treaties and conventions transmitted to the Senate by the President in his message of January 23, 1885, of which 1,500 copies shall be for the use of the Senate, 3,000 copies for the use of the House, 4,000 copies for the use of the Department of State, and 1,000 copies for distribution by the Interior Department among public libraries not depositories under existing law; each Senator, Representative, and Delegate in Congress to designate two libraries to which copies of the work shall be thus sent. And the Pub-

lic Printer is also authorized to print and have bound 2,000 additional copies to be sold at actual cost and 10 per cent. added.

Mr. SMITH, of Pennsylvania. I move concurrence.

The resolution was concurred in.

Mr. SMITH, of Pennsylvania, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

VISITORS TO UNITED STATES MILITARY ACADEMY.

The SPEAKER announced the appointment of the following members as Visitors to the United States Military Academy: Mr. R. Q. MILLS of Texas, Mr. J. H. BLOUNT of Georgia, and Mr. WILLIAM D. KELLEY of Pennsylvania.

VISITORS TO UNITED STATES NAVAL ACADEMY.

The SPEAKER announced the appointment of the following members as Visitors to the United States Naval Academy: Mr. JOHN G. BALLENTINE of Tennessee, Mr. BENJAMIN LE FEVRE of Ohio, and Mr. JOHN R. THOMAS of Illinois.

TRUSTEES OF COLUMBIA HOSPITAL.

The SPEAKER announced the appointment of the following members as trustees of the Columbia Hospital for Women and Lying-in Asylum: Mr. GEORGE D. WISE of Virginia and Mr. L. E. MCCOMAS of Maryland.

COMMITTEE APPOINTMENTS.

The SPEAKER also announced the following appointments on committees:

Mr. B. F. SHIVELY, of Indiana, in place of Mr. Charles Shelley, on Committee on the District of Columbia.

Mr. JAMES W. REID, of North Carolina, on Committee on Levees and Improvements of Mississippi River.

ORDER OF BUSINESS.

Mr. SUMNER, of California, and Mr. ROWELL addressed the Chair.

The SPEAKER. Is the demand for the regular order withdrawn?

Mr. ROWELL. I ask unanimous consent to say a word. I desire to make a very brief statement in regard to the bill which I hold in my hand.

The SPEAKER. The gentleman from Illinois asks unanimous consent to make a brief statement in regard to a bill which he desires to call up. Is there objection?

Mr. BENNETT. I object.

Mr. ROWELL. The interests of the constituents of the gentleman who makes the objection are represented in this bill. [Cries of "Regular order!"]

Mr. COSGROVE. I ask unanimous consent to take from the Speaker's table for present consideration a Senate bill for the relief of S. W. Marston, formerly Indian agent at Union agency, in the Indian Territory. I believe no gentleman will object to this bill when it is understood.

The SPEAKER. Is the demand for the regular order withdrawn?

Mr. COSGROVE. I think the demand for the regular order is not insisted on.

The SPEAKER. The Chair has twice asked the question whether the demand for the regular order is withdrawn and it was not withdrawn.

Mr. COSGROVE. I ask unanimous consent; and if objection is not made, I hope the Speaker will give me recognition for the purpose I have indicated.

The SPEAKER. The gentleman from Missouri [Mr. COSGROVE] asks unanimous consent to take from the Speaker's table for present consideration the bill which he has indicated.

Mr. ADAMS, of New York. I object.

The SPEAKER. The Chair desires to state that when there is a demand for the regular order and it is not withdrawn, it is useless for the Chair to recognize gentlemen to ask unanimous consent. It only imposes additional labor on the Official Reporters of the House, and, of course, amounts to nothing, because the Chair can not under the rule entertain a request for unanimous consent when the regular order is insisted on.

Mr. COSGROVE. The gentleman from New York [Mr. ADAMS] withdraws his objection.

Mr. ADAMS, of New York. On the statement of the case presented to me by my genial friend from Missouri [Mr. COSGROVE] I withdraw my objection.

The SPEAKER. The gentleman from Missouri asked unanimous consent to take up for present consideration the bill indicated to which the gentleman from New York objected. The gentleman from New York now withdraws his objection. If there be no further objection—

Mr. PAYSON. The title of the bill has not yet been read. Let it be read subject to objection.

Mr. COSGROVE. It is Senate bill No. 1035, to authorize the Secretary of the Interior to settle the claim of S. W. Marston, late United States agent at Union agency, Indian Territory, for services and expenses.

The SPEAKER. The bill will be read, subject to objection.

The bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BRUMM. I object; but I would like to make a statement.

The SPEAKER. Objection is made.

Mr. BRUMM. If gentlemen will give us a chance to do what they agreed to last night I will withdraw my objection.

Mr. BELFORD. I rise to a question of order. It is impossible in the confusion even to hear what the Speaker says.

The SPEAKER. The Chair will suspend all business until order is restored on the floor.

Mr. WHITE, of Kentucky. I rise to make a privileged motion.

The SPEAKER. The gentleman will state it.

Mr. WHITE, of Kentucky. I send to the Clerk's desk a resolution, which I ask to have read.

The Clerk read as follows:

Resolved, That the Architect of the Capitol be, and he is hereby, directed to transfer from the Senate wing of the Capitol the life-size portrait of Henry Clay (by John Neagle, 1843) and place it on one of the walls within the Hall of the House of Representatives.

The SPEAKER. On what ground does the gentleman from Kentucky [Mr. WHITE] claim that this is a privileged matter?

Mr. WHITE, of Kentucky. Mr. Speaker, I claim that it is privileged because this picture is part of the property of the House of Representatives, and has been transferred from the House wing to the Senate wing of the Capitol, and I think that if possible it should be brought back to the House.

The SPEAKER. But under what rule of the House does the gentleman claim that this resolution is privileged? It does not come within the definition of any privileged question defined in any rule of the House. It is true, as the Chair thinks, that the picture to which the resolution refers is the property of the House. It is also true, as the Chair is advised, that the Architect of the Capitol will return it here whenever there is a suitable place provided for its preservation.

Mr. WHITE, of Kentucky. There is so much noise that it is impossible to hear distinctly what the Chair has decided.

The SPEAKER. There has been no refusal on the part of any officer to return to the House of Representatives the picture to which the gentleman's resolution refers.

Mr. WHITE, of Kentucky. I understand that, Mr. Speaker, but that picture, which is a magnificent portrait of the greatest orator this country has ever produced, is now in the lobby of the second floor of the Senate wing of the Capitol. It is a very large portrait with a very large frame, and I have been making measurements to ascertain whether it could be put anywhere upon the walls. I think it can, and I think it should be brought back and placed here. [Cries of "Regular order!"]

The SPEAKER. The Committee on the Library and the Architect of the Capitol have control over all such matters. The regular order is demanded, and the tellers are still taking the vote.

Mr. COSGROVE. Mr. Speaker, I understand that the gentleman who objected a while ago to the bill which I proposed to call up withdraws his objection.

The SPEAKER. The regular order is demanded by two or three gentlemen.

The tellers reported the vote on the pending motion as ayes 10, noes 75.

Mr. HEPBURN. No quorum voting.

Mr. MILLER, of Pennsylvania. I move a call of the House.

The question was taken on the motion of Mr. MILLER; and there were—ayes 31, noes 59.

Mr. WELLER. No quorum, Mr. Speaker.

Mr. MILLER, of Pennsylvania. I call for the yeas and nays.

The question was taken on ordering the yeas and nays, and 40 members (more than one-fifth of the last vote) voting in the affirmative, the yeas and nays were ordered.

The Clerk proceeded to call the roll.

Mr. DUNHAM. Mr. Speaker, I move that my friend the gentleman from Kansas, Mr. ANDERSON, be excused from voting on this roll-call.

The House divided on the motion of Mr. DUNHAM; and there were—ayes 17, noes 30.

Mr. DUNHAM. No quorum voting.

The SPEAKER. No quorum is necessary to decide any question incident to a call of the House.

Mr. DUNHAM. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. COSGROVE. Mr. Speaker, I rise to a parliamentary inquiry. If the gentleman from Kansas [Mr. ANDERSON] is excused, will it be competent for him to remain in the House and participate in its proceedings after he is excused?

The SPEAKER. Certainly. This is merely a motion to excuse him from voting on this question.

Mr. BELFORD. Mr. Speaker, I rise to a parliamentary inquiry. I desire to ask whether in this House of Representatives, composed of 325 members, with a Democratic majority of 78, one man can impose upon us the hardship of all this tediousness? [Laughter.]

The SPEAKER. That is not a parliamentary inquiry. The Clerk will proceed with the call of the roll.

The question was taken on the motion of Mr. DUNHAM; and there were—ayes 40, nays 154, not voting 129; as follows:

YEAS—40.

Brewer, F. B.	Goff,	Payson,	Smith, A. Harr
Brumm,	Guenther,	Peel,	Smith, H. Y.
Budd,	Hanback,	Perkins,	Stewart, J. W.
Cook,	Henderson, D. B.	Peters,	Stone,
Cox, W. R.	Hiscock,	Pettibone,	Sumner, C. A.
Culberson, D. B.	Holman,	Phelps,	Townshend,
Davis, L. H.	Holmes,	Poland,	Wadsworth,
Dingley,	Holton,	Post,	White, J. D.
Dowd,	Ketchum,	Pusey,	White, Milo
Dunham,	McAdoo,	Smails,	Winans, John.

NAYS—154.

Adams, G. R.	Dixon,	Le Fevre,	Spriggs,
Adams, J. J.	Eaton,	Long,	Springer,
Alexander,	Eldredge,	Lore,	Stephenson,
Bagley,	Ellwood,	Lowry,	Stevens,
Barksdale,	English,	McComas,	Stewart, Charles
Barr,	Everhart,	Matson,	Strait,
Bayne,	Findlay,	Maybury,	Swope,
Belmont,	Foran,	Millard,	Talbot,
Bennett,	Greenleaf,	Miller, J. P.	Taylor, J. D.
Bisbee,	Halsell,	Miller, J. M.	Taylor, J. M.
Blackburn,	Hammond,	Mitchell,	Thomas,
Bland,	Hardeman,	Money,	Thompson,
Boutelle,	Hardy,	Muldrow,	Tillman,
Boyle,	Harmer,	Murphy,	Tucker,
Brainerd,	Hart,	Mutcher,	Tully,
Breckinridge,	Hatch, H. H.	Neece,	Turner, H. G.
Broadhead,	Hatch, W. H.	Nelson,	Vance,
Brown, W. W.	Haynes,	Nutting,	Wakefield,
Browne, T. M.	Henderson, T. J.	O'Ferrall,	Wallace,
Buchanan,	Henley,	O'Hara,	Ward,
Buckner,	Hepburn,	O'Neill, Charles	Warner, A. J.
Cabell,	Hewitt, G. W.	O'Neill, J. J.	Warner, Richard
Caldwell,	Hill,	Patton,	Weaver,
Campbell, Felix	Hitt,	Payne,	Weller,
Candler,	Hopkins,	Pierce,	Wemple,
Carleton,	Hopk,	Prior,	Whiting,
Cassidy,	Houseman,	Pryor,	Wilkins,
Clardy,	Howey,	Ranney,	Willis,
Clay,	Hunt,	Reagan,	Wilson, W. L.
Cobb,	Hutchins,	Robertson,	Winans, E. B.
Congrove,	James,	Robinson, W. E.	Wise, G. D.
Cox, S. S.	Jeffords,	Rogers, J. H.	Wood,
Crisp,	Johnson,	Rogers, W. F.	Woodward,
Cullen,	Jones, J. H.	Rosecrans,	Worthington,
Davidson,	Kean,	Seymour,	Yaple,
Davis, G. R.	Kleiner,	Shively,	Young.
Davis, R. T.	Lacey,	Skinner, T. G.	
Dibble,	Lamb,	Snyder,	
Dibrell,	Lanham,	Spooner,	

NOT VOTING—129.

Aiken,	Dunn,	Kellogg,	Rice,
Anderson,	Elliott,	King,	Riggs,
Arnot,	Ellis,	Laird,	Robinson, J. B.
Atkinson,	Ermentrout,	Lawrence,	Rockwell,
Ballentine,	Evans,	Lewis,	Rowell,
Barbour,	Ferrell,	Libbey,	Russell,
Beach,	Fiedler,	Lovering,	Ryan,
Belford,	Finerty,	Lyman,	Seney,
Bingham,	Follett,	McCoid,	Shaw,
Blanchard,	Forney,	McCormick,	Singleton,
Blount,	Funston,	McMillin,	Skinner, C. B.
Bowen,	Fyan,	Milliken,	Siocum,
Bratton,	Garrison,	Mills,	Sieele,
Bretting,	Geddes,	Morgan,	Stockslager,
Brewer, J. H.	George,	Morrill,	Storm,
Burleigh,	Gibson,	Morrison,	Struble,
Burnes,	Glascock,	Morse,	Sumner, D. H.
Campbell, J. E.	Graves,	Moulton,	Taylor, E. B.
Campbell, J. M.	Green,	Muller,	Throckmorton,
Cannon,	Hancock,	Murray,	Turner, Oscar
Chalmers,	Hemphill,	Nichols,	Valentine,
Clements,	Herbert,	Oates,	Van Alstyne,
Collins,	Hewitt, A. S.	Ochiltree,	Van Eaton,
Connolly,	Hoblitzell,	Paige,	Wait,
Converse,	Hooper,	Parker,	Washburn,
Covington,	Horr,	Potter,	Wellborn,
Culberson, W. W.	Hurd,	Randall,	Williams,
Curtin,	Jones, B. W.	Rankin,	Wilson, James
Cutcheon,	Jones, J. K.	Ray, G. W.	Wise, J. S.
Dargan,	Jones, J. T.	Ray, Ossian	York.
Deuster,	Jordan,	Reed, T. B.	
Dockery,	Keller,	Reid, J. W.	
Dorshelmer,	Kelley,	Reese,	

So the motion to excuse Mr. ANDERSON from voting was not agreed to.

The following additional pairs were announced:

Mr. DUNN with Mr. VALENTINE, for the remainder of the session.

Mr. COLLINS with Mr. ROCKWELL, until further notice.

Mr. STOCKSLAGER with Mr. LIBBEY, until 11 o'clock p. m.

For the remainder of the day:

Mr. PAIGE with Mr. OCHILTREE.

Mr. OATES with Mr. HOOPER.

Mr. BALLENTINE with Mr. JOHNSON.

Mr. MCADOO, with Mr. BREWER, of New Jersey.

Mr. BEACH with Mr. PARKER.

Mr. AIKEN, with Mr. RAY, of New Hampshire.

Mr. WAIT with Mr. BUCKNER.

Mr. JONES, of Wisconsin, with Mr. MCCORMICK.

Mr. FIEDLER, with Mr. SKINNER, of New York.

On this vote:

Mr. ERMENROUT with Mr. BREITUNG.

Mr. DAVIDSON with Mr. PHELPS.

Mr. CONVERSE with Mr. PRICE.

Mr. TURNER, of Kentucky, with Mr. WILSON, of Iowa.

The result of the vote was announced as above stated.

The SPEAKER *pro tempore* (Mr. BAGLEY). The question now recurs on the motion for a call of the House, upon which the yeas and nays have been ordered.

The question was taken; and it was decided in the negative—yeas 53, nays 141, not voting 129; as follows:

YEAS—53.

Adams, J. J.	Ferrell,	Lovering,	Swope,
Anderson,	Funston,	Millard,	Taylor, J. D.
Bayne,	Guenther,	Morgan,	Thomas,
Blabee,	Hanback,	Muldrow,	Thompson,
Boutelle,	Hart,	Payne,	Van Alstyne,
Brewer, F. B.	Hatch, H. H.	Payson,	Washburn,
Brown, T. M.	Haynes,	Peters,	Weller,
Brum,	Henderson, D. B.	Pusey,	White, J. D.
Budd,	Hepburn,	Shively,	Whiting,
Connolly,	Holmes,	Skinner, C. R.	Wise, J. S.
Davis, G. R.	Holton,	Skinner, T. G.	Wood.
Davis, R. T.	Hopkins,	Smalls,	
Dixon,	Keifer,	Smith, H. Y.	
Ellwood,		Spooner,	

NAYS—141.

Adams, G. E.	Elliott,	Maybury,	Smith, A. Herr
Aiken,	English,	Miller, J. F.	Snyder,
Alexander,	Ermentrout,	Miller, S. H.	Spriggs,
Bagley,	Evans,	Money,	Springer,
Barkadaie,	Findlay,	Morse,	Stephens,
Belmont,	Finerty,	Moulton,	Stewart, Charles
Bennett,	Glascok,	Muller,	Stewart, J. W.
Bingham,	Green,	Murphy,	Strait,
Blount,	Greenleaf,	Mutcher,	Sumner, C. A.
Boyle,	Halsell,	Neeco,	Talbot,
Brainerd,	Hammond,	Nelson,	Taylor, J. M.
Breckinridge,	Hardeman,	Nutting,	Tillman,
Brown, W. W.	Hardy,	O'Ferrall,	Townshend,
Buchanan,	Harmer,	O'Hara,	Tucker,
Cabell,	Hatch, W. H.	O'Neill, Charles	Tully,
Caldwell,	Hewitt, G. W.	O'Neill, J. J.	Turner, H. G.
Campbell, Felix	Hill,	Pattin,	Vance,
Campbell, J. E.	Hitt,	Pierce,	Van Eaton,
Candler,	Holman,	Peel,	Wallace,
Cannon,	Horr,	Perkins,	Warner, A. J.
Carlton,	Housman,	Philips,	Warner, Richard
Casidy,	Howey,	Poland,	Wellborn,
Clay,	Jeffords,	Post,	Wemple,
Congrove,	Jones, J. H.	Prie,	White, Milo
Cox, W. R.	Jones, J. K.	Pryor,	Wilkins,
Culbertson, D. B.	Kleiner,	Ranney,	Wilson, W. L.
Cullen,	Lamb,	Ray, Aslan	Winans, E. B.
Curtin,	Lanham,	Reagan,	Winans, John
Davidson,	Lawrence,	Reid, J. W.	Wise, G. D.
Davis, L. H.	Le Fevre,	Reese,	Wolford,
Deuster,	Lore,	Robertson,	Worthington,
Dibrell,	Lowry,	Rogers, J. H.	Yaple,
Dockery,	Lyman,	Rogers, W. F.	Young.
Eaton,	McAdoo,	Rosecrans,	
Eldredge,	McMillin,	Rowell,	
	Matson,	Seymour,	

NOT VOTING—129.

Arnold,	Dorsheimer,	Jones, J. T.	Robinson, J. S.
Atkinson,	Dowl,	Jordan,	Robinson, W. E.
Balentine,	Dunham,	Kelly,	Rockwell,
Barbour,	Dunn,	Kellogg,	Russell,
Barr,	Ellis,	Ketcham,	Ryan,
Beach,	Everhart,	King,	Sene,
Belford,	Fiedler,	Lacey,	Shaw,
Blackburn,	Pollett,	Laird,	Singleton,
Blackhard,	Poran,	Lewis,	Slocum,
Blad,	Forney,	Libbey,	Steele,
Brown,	Fyan,	Long,	Stephenson,
Bratton,	Garrison,	McCold,	Stockslager,
Breitung,	Geddes,	McComas,	Stone,
Brewer, J. H.	George,	McCormick,	Storm,
Broadhead,	Gibson,	Milliken,	Struble,
Buckner,	Goff,	Mills,	Sumner, D. H.
Burleigh,	Graves,	Mitchell,	Taylor, E. B.
Burnes,	Hancock,	Morrill,	Throckmorton,
Campbell, J. M.	Hemphill,	Morrison,	Turner, Oscar
Chalmers,	Henderson, T. J.	Murray,	Valentine,
Clemens,	Henley,	Nicholls,	Wadsworth,
Cobb,	Herbert,	Oates,	Wait,
Collins,	Hewitt, A. S.	Ochiltree,	Wakefield,
Converse,	Hobbs,	Paige,	Ward,
Cook,	Hoblitzell,	Parker,	Weaver,
Covington,	Hooper,	Pettibone,	Williams,
Cox, B. S.	Hout,	Potter,	Willis,
Crip,	Hunt,	Randall,	Wilson, James
Culbertson, W. W.	Hurd,	Rankin,	Woodward,
Cutcheon,	Hutchins,	Ray, G. W.	York.
Dargan,	James,	Reed, T. B.	
Dibble,	Johnson,	Rice,	
Dingley,	Jones, R. W.	Riggs,	

So the motion for a call of the House was not agreed to.

The following additional pairs were announced:

Mr. CONVERSE with Mr. RICE, on this vote.

Mr. MILLS with Mr. STUBBLE, for the rest of the day.

The result of the vote was announced as above stated.

RECALL OF A BILL FROM THE SENATE.

The SPEAKER. The Chair asks unanimous consent that an order

be entered requesting the Senate to return to the House the Post-Office appropriation bill with the amendments on which the two Houses have disagreed. There was a slight error in the message communicating the action of the House to the Senate; and this error ought to be corrected as early as possible. If there be no objection, a request for the return of the bill will be sent to the Senate.

There was no objection, and it was ordered accordingly.

CRUISE OF REVENUE-STEAMER CORWIN.

Mr. ROGERS, of New York. I rise to make a privileged report from the Committee on Printing.

Mr. MILLER, of Pennsylvania. I rose to make a motion to reconsider the vote by which the House refused to order a call. But I am willing to withhold the motion till the gentleman from New York has made his report.

The SPEAKER. The motion will be entered. It is a privileged motion.

Mr. ROGERS, of New York, from the Committee on Printing, reported the following resolution; which was read, considered, and adopted:

Resolved by the House of Representatives (the Senate concurring), That there be printed at the Government Printing Office 5,000 copies of the report of Capt. M. A. Healey, United States Revenue Marine, upon the cruise of the revenue-steamer Corwin in the Arctic Ocean in the year 1884, and its accompanying documents and illustrations, of which 1,000 copies shall be for the use of the Senate, 2,000 for the use of the House, and 2,000 for the use of the Treasury Department.

Mr. ROGERS, of New York, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Pennsylvania [Mr. MILLER] has moved to reconsider the vote by which the House refused to order a call.

Mr. DUNHAM. I move that the motion to reconsider be laid on the table.

MRS. ANN E. GRIDLEY.

On motion of Mr. ELDREDGE, by unanimous consent leave was granted for the withdrawal from the files of the House of the papers in the case of Mrs. Ann E. Gridley, without leaving copies.

COMMERCIAL RELATIONS WITH GERMAN EMPIRE.

Mr. EATON. I ask unanimous consent to present a report from the Committee on Foreign Affairs, which will take but little time of the House, while it is of interest to all the productive industries of the country. I ask the House to hear it read.

Mr. MILLER, of Pennsylvania. We have no objection, provided the motions will be considered as pending.

The SPEAKER. Unanimous consent to introduce a measure for consideration does not interfere except for the time being with the motions pending. The resolution will be read, after which the Chair will ask for objection.

The Clerk read as follows:

The Committee on Foreign Affairs, to which was referred House resolution relative to duties by the German Empire alleged to be discriminating against the products of the United States, report:

That having had the resolution under consideration, your committee is of the opinion that the action of the German authorities has been unfavorable to the introduction into the German Empire of several of the products of the United States, to wit: pork, wheat, rye, and particularly petroleum.

Your committee therefore recommend the adoption of the following resolution:

Resolved, That it is the sense of the House of Representatives that the President of the United States be requested to take immediate steps to secure to the United States equal benefits in the German Empire with other nations as to all articles of commerce of the United States under the most-favored-nation clause of the treaty of 1828 made with Prussia, and now in force between the United States and the German Empire.

Mr. EATON. I ask for the passage of the resolution.

The SPEAKER. Is there objection?

Mr. COX, of New York. I object. It is not anything but retaliation, which is never wise.

Mr. KEAN. I demand the regular order of business.

ORDER OF BUSINESS.

The SPEAKER. The regular order of business is the motion of the gentleman from Illinois [Mr. DUNHAM] to lay the motion to reconsider on the table.

The House divided; and there were—ayes 39, noes 36.

Mr. KEAN. No quorum.

Mr. DUNHAM. I demand the yeas and nays.

The House divided; and there were ayes 45.

The SPEAKER. A sufficient number.

Several MEMBERS. Count the other side.

The other side was counted, and there were 32 in the negative.

So the yeas and nays were ordered.

The question was taken; and the question was decided in the affirmative—yeas 151, nays 55, not voting 117; as follows:

YEAS—151.

Adams, G. E.	Ermentrout,	Millard,	Snyder,
Aiken,	Evans,	Miller, J. F.	Spriggs,
Arnot,	Everhart,	Milliken,	Springer,
Bagley,	Ferrell,	Mitchell,	Stevens,
Barbour,	Glascok,	Money,	Stewart, Charles
Barksdale,	Graves,	Morgan,	Stone,
Belford,	Green,	Moulton,	Storm,
Bennett,	Halsell,	Muldrow,	Strait,
Blount,	Hammond,	Muller,	Sumner, C. A.
Boyle,	Hardeman,	Murphy,	Swope,
Brainerd,	Hardy,	Murray,	Talbot,
Breckinridge,	Hatch, W. H.	Mutchler,	Taylor, J. D.
Brown, W. W.	Haynes,	Neece,	Taylor, J. M.
Browne, T. M.	Henley,	O'Ferrall,	Thomas,
Buchanan,	Hepburn,	Patton,	Thompson,
Budd,	Hewitt, G. W.	Payson,	Townshend,
Cabell,	Hiscock,	Peel,	Turner, H. G.
Caldwell,	Hitt,	Perkins,	Vance,
Campbell, J. E.	Hopkins,	Peters,	Van Eaton,
Candler,	Howe,	Pettibone,	Wadsworth,
Cannon,	Hunt,	Pryor,	Wakefield,
Clardy,	James,	Pusey,	Ward,
Cobb,	Jeffords,	Raney,	Warner, Richard
Collins,	Jones, J. H.	Reed, T. B.	Wellborn,
Connolly,	Jones, J. E.	Reese,	Wemple,
Cook,	King,	Riggs,	White, J. D.
Congrove,	Lacey,	Roberson,	White, Milo
Cox, W. R.	Lamb,	Robinson, W. E.	Whiting,
Culbertson, D. B.	Lanham,	Rogers, J. H.	Wilkins,
Curtin,	Lawrence,	Rogers, W. F.	Willis,
Davidson,	Lore,	Rosecrans,	Wilson, W. L.
Deuster,	Lowry,	Russell,	Winans, E. B.
Dunham,	Lyman,	Seymour,	Winans, John
Eldredge,	McAdoo,	Shively,	Worthington,
Elliot,	McMillin,	Singleton,	Yaple,
Ellwood,	Matson,	Skinner, T. G.	York,
English,	Maybury,	Smith, H. Y.	Young.

NAYS—55.

Alexander,	Dibrell,	Keifer,	Poland,
Anderson,	Dixon,	Kleiner,	Ray, Cassian
Atkinson,	Dockery,	Laird,	Reagan,
Barr,	Eaton,	Lovering,	Reid, J. W.
Bayne,	Finerty,	McCoid,	Smalls,
Belmont,	Greenleaf,	McComas,	Smith, A. Hess
Bisbee,	Guenther,	Miller, S. H.	Spooner,
Blanchard,	Hanback,	Morrill,	Stephenson,
Bowen,	Harmer,	Nelson,	Tillman,
Brewer, F. B.	Henderson, D. B.	Nutting,	Van Alstyne,
Brumm,	Holmes,	Ochiltree,	Wallace,
Cox, S. S.	Houk,	O'Neill, Charles	Wise, J. S.
Cullen,	Houseman,	O'Neill, J. J.	Wolford.
Davis, L. H.	Kean,	Payne,	

NOT VOTING—117.

Adams, J. J.	Dorsheimer,	Johnson,	Rockwell,
Ballentine,	Dowd,	Jones, B. W.	Ryan,
Beach,	Dunn,	Jones, J. T.	Seney,
Bingham,	Ellis,	Jordan,	Shaw,
Blackburn,	Fiedler,	Kellogg,	Skinner, C. R.
Bland,	Findlay,	Ketcham,	Slocum,
Boutelle,	Follett,	Le Fevre,	Steele,
Bratton,	Foran,	Lewis,	Stewart, J. W.
Bretting,	Forney,	Libbey,	Stockslager,
Brewer, J. H.	Funston,	Long,	Struble,
Broadhead,	Fyan,	McCormick,	Sumner, D. H.
Buckner,	Garrison,	Mills,	Taylor, E. B.
Burleigh,	Geddes,	Morrison,	Throckmorton,
Burnes,	George,	Morse,	Tucker,
Campbell, Felix	Gibson,	Goff,	Tully,
Campbell, J. M.	Hancock,	Hart,	Turner, Oscar
Carleton,	Hatch, H. H.	Paige,	Valentine,
Cassidy,	Hemphill,	Parker,	Wait,
Chalmers,	Henderson, T. J.	Phelps,	Warner, A. J.
Clay,	Herbert,	Pierce,	Washburn,
Clements,	Hewitt, A. S.	Post,	Weaver,
Converse,	Hobbitzell,	Potter,	Weller,
Covington,	Holman,	Price,	Williams,
Crisp,	Holton,	Randall,	Wilson, James
Culbertson, W. W.	Hooper,	Rankin,	Wise, G. D.
Cutcheon,	Horr,	Rice,	Wood,
Dargan,	Hurd,	Robinson, J. S.	Woodward.
Davis, R. T.	Hutchins,		
Dibble,			
Dingley,			

So the motion was agreed to.

MESSAGE FROM THE SENATE.

During the roll-call, a message from the Senate, by Mr. McCook, its Secretary, announced the return, in compliance with the request of the House, of a bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes.

It further announced the passage of bills of the following titles:

A bill (H. R. 8183) to remove the political disabilities of W. H. Murdaugh, of Virginia;

A bill (H. R. 754) for the relief of Nathan H. Dunphe, of Bridgewater, in the State of Massachusetts; and

A bill (H. R. 8102) to give assent of Congress for the construction of the railroad by the East and Middle Railroad Company over the Cumberland and Coney Fork Rivers.

POST-OFFICE APPROPRIATION BILL.

The SPEAKER. If there be no objection the bill (H. R. 8138)

making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes, will be returned to the Senate with the corrected statement that the House agrees to the conference asked by the Senate on the disagreeing votes of the two Houses.

There was no objection, and it was ordered accordingly.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (H. R. 7785) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1886, and for other purposes; when the Speaker signed the same.

ORDER OF BUSINESS.

Mr. HEPBURN. There are many gentlemen on both sides of the House who have bills they desire to have considered, and I ask by unanimous consent they may be considered under the new rule, until a report from a committee of conference is read, the election case not to lose its present status.

The SPEAKER. The Chair will state the motion: The gentleman from Iowa [Mr. HEPBURN] asks unanimous consent that the Speaker recognize gentlemen for the purpose of calling up bills under the special rule of the House, such recognition to continue until such time as a conference report is received.

Mr. HEPBURN. The election case not to lose its present status.

Mr. SPRINGER. I object.

The SPEAKER. The question is on the amendment proposed by the gentleman from Pennsylvania [Mr. MILLER] to the amendment proposed by the gentleman from Tennessee [Mr. PETTIBONE].

The question was taken; and on a division there were—ayes 12, noes 41.

Mr. MILLER, of Pennsylvania. No quorum.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will order tellers, and Mr. MILLER, of Pennsylvania, and Mr. KLEINER were appointed.

The House again divided; and the tellers reported—ayes 9, noes 22.

Mr. HEPBURN. No quorum.

Mr. MILLER, of Pennsylvania. Mr. Speaker, I move a call of the House.

Mr. BELFORD. Pending that I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BELFORD. Our fathers who established this Government had, as the fundamental principle, in view the formation of a government in which a majority should rule; and I desire to know whether one or two members on this floor can keep three hundred and twenty-five members here to-night doing nothing and depriving a member of his seat on this floor at the same time? [Cries of "Regular order!"]

The SPEAKER. That is not a parliamentary inquiry.

The gentleman from Pennsylvania [Mr. MILLER] moves a call of the House.

The question was taken; and on division there were—ayes 10, noes 35.

Mr. MILLER, of Pennsylvania. I believe I will call for the yeas and nays on that proposition.

The yeas and nays were ordered.

The question was taken; and there were—yeas 45, nays 146, not voting 133; as follows:

YEAS—45.

Adams, J. J.	Dixon,	Jordan,	Smalls,
Anderson,	Dunham,	Long,	Struble,
Boutelle,	Ellis,	McComas,	Taylor, J. D.
Brewer, J. H.	Hart,	Miller, S. H.	Thomas,
Brown, F. B.	Haynes,	Milliken,	Wakefield,
Brown, W. W.	Henderson, T. J.	Payson,	Washburn,
Browne, T. M.	Hepburn,	Peters,	Weller,
Brumm,	Hiscock,	Pettibone,	White, J. D.
Budd,	Holmes,	Phelps,	Woodward.
Cassidy,	Houk,	Price,	
Culbertson, W. W.	James,	Skinner, C. R.	
Davis, G. R.	Jeffords,	Skinner, T. G.	

NAYS—146.

Aiken,	Congrove,	Foran,	Keifer,
Alexander,	Cox, W. H.	Forney,	King,
Atkinson,	Crisp,	Funston,	Kleiner,
Bagley,	Culbertson, D. B.	Glascok,	Lanham,
Barksdale,	Cullen,	Graves,	Le Fevre,
Belford,	Cutcheon,	Green,	Lore,
Belmont,	Dargan,	Greenleaf,	Lowry,
Bennett,	Davidson,	Hammond,	Lyman,
Bingham,	Davis, L. H.	Hancock,	McAdoo,
Bland,	Dibrell,	Hardenan,	McMillin,
Blount,	Dockery,	Harmer,	Maybury,
Boyle,	Dorsheimer,	Hatch, W. H.	Millard,
Brainerd,	Dowd,	Hewitt, A. S.	Miller, J. F.
Breckinridge,	Eaton,	Hewitt, G. W.	Money,
Cabell,	Eldredge,	Hitt,	Morgan,
Caldwell,	Elliot,	Holman,	Murphy,
Campbell, Felix	English,	Hopkins,	Mutchler,
Campbell, J. E.	Ermentrout,	Oates,	
Candler,	Evans,	Ochiltree,	
Carleton,	Everhart,	O'Ferrall,	
Clay,	Ferrell,	O'Hara,	
Cobb,	Fiedler,	O'Neill, Charles	
Connolly,	Findlay,	O'Neill, J. J.	
Cook,	Finerty,	Paige,	

Patton, Payne, Peel, Poland, Fryor, Randall, Ray, Ossian Beagan, Reed, T. B. Roose, Rogers, W. F. Rosecrans, Rowell,	Russell, Seney, Seymour, Shively, Singleton, Smith, A. Herr Smith, H. Y. Snyder, Springer, Stephenson, Stevens, Stewart, Charles Storm,	Sumner, C. A. Talbot, Taylor, J. M. Thompson, Tillman, Turner, H. G. Turner, Oscar Vance, Van Eaton, Wallace, Ward, Warner, A. J.	Warner, Richard Weaver, Wellborn, Wemple, White, Milo Wilson, W. L. Winans, E. B. Wolford, Worthington, Yaple, Young.
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NOT VOTING—153.

Adams, G. E. Arzoo, Baldentine, Barbour, Barr, Bayne, Beach, Blabee, Blackburn, Blanchard, Bowen, Bratton, Breitung, Broadhead, Buchanan, Buckner, Burleigh, Burnes, Campbell, J. M. Cannon, Chalmers, Clardy, Clements, Collins, Converse, Covington, Cox, S. S. Curtin, Davis, R. T. Deuster, Dibble, Dingley, Dunn,	Ellwood, Follett, Fyan, Garrison, Geddes, George, Gibson, Goff, Guethner, Hanback, Hardy, Hatch, H. H. Hemphill, Henderson, D. B. Henley, Herbert, Hoblitzell, Holton, Hooper, Horr, Hurd, Hutchins, Jones, B. W. Jones, J. K. Jones, J. T. Kean, Kelley, Kellogg, Ketcham, Lacey, Laird, Lamb, Lawrence,	Lewis, Libbey, Lovering, McCoid, McCormick, Matson, Mills, Mitchell, Morrill, Morrison, Morse, Moulton, Muldrow, Muller, Murray, Neece, Nelson, Nicholls, Nutting, Parker, Perkins, Pierce, Post, Potter, Pusey, Rankin, Ranney, Ray, G. W. Reid, J. W. Rice, Riggs, Robertson, Robinson, J. S.	Robinson, W. E. Rockwell, Rogers, J. H. Ryan, Shaw, Slocum, Sponner, Spriggs, Steele, Stewart, J. W. Stocksager, Stone, Strait, Sumner, D. H. Taylor, E. B. Throckmorton, Townshend, Tucker, Tulley, Valentine, Van Alstyne, Wadsworth, Wait, Whiting, Wilkins, Williams, Willis, Wilson, James Winans, John Wise, J. S. Wise, G. D. Wood, York.
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So a call of the House was not ordered.

The result of the vote was then announced as above recorded.

During the roll-call the following proceedings took place:

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had passed without amendment the bill (H. R. 653) for the relief of John B. Davis.

Also, that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. 8255) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1885, and for prior years, and for other purposes.

DEFICIENCY APPROPRIATION BILL.

Mr. RANDALL. Mr. Speaker, I ask unanimous consent to interrupt the roll-call to move that the House non-concur in the amendments of the Senate to the deficiency bill.

Mr. KEIFER. Had not we better concur, so as to wind it up as soon as possible?

Mr. RANDALL. There is no danger about getting through.

The SPEAKER *pro tempore* (Mr. KLEINER in the chair). Is there objection to the request of the gentleman from Pennsylvania?

The Chair hears none.

Mr. PRICE. I object. [Cries of "Too late!"]

Mr. RANDALL. No gentleman rose in his place to object.

Mr. PRICE. I now rise in my place and make objection.

The SPEAKER *pro tempore*. The Chair thinks it is too late.

Mr. KEIFER. We had better have order, so that we can know what is going on.

Mr. RANDALL. I move to reconsider the action of the House just taken; and also to lay that motion on the table.

Mr. ANDERSON. What is this question? I would like to know what is going on. I demand the yeas and nays on the motion just submitted.

Mr. RANDALL. I withdraw the motion to reconsider.

The SPEAKER. The Clerk will proceed with the roll-call.

Mr. RANDALL. Mr. Speaker, to save time on the deficiency bill, I request a conference with the Senate on the disagreeing votes of the two Houses on the amendments of the Senate to the deficiency bill.

The SPEAKER. Without objection, the request will be acceded to. There was no objection.

The SPEAKER appointed Mr. BURNES, Mr. RANDALL, and Mr. LONG as managers on the part of the House at said conference.

ORDER OF BUSINESS.

The roll-call was then resumed and concluded as above.

Mr. MILLER, of Pennsylvania. I ask unanimous consent that the House consider bills that may be called up by members under the new rule.

The SPEAKER. That request was made a few moments ago and was objected to.

Mr. SHIVELY and Mr. WELLER objected.
The SPEAKER. And is still objected to.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 754) for the relief of Nathan H. Dunphe, of Bridgewater, in the State of Massachusetts.

PRINTING OF REPORT ON NATIONAL SOLDIERS' HOME.

Mr. ROGERS, of New York. I present a privileged report from the Committee on Printing. I am directed by the Committee on Printing to report back with a favorable recommendation the joint resolution which I send to the desk.

The Clerk read as follows:

Joint resolution (H. Res. 347) to provide for the printing of additional copies of the report of the Committee on Military Affairs to the House of Representatives on the investigation of the National Home for Disabled Volunteer Soldiers.

Resolved, &c., That in addition to the authorized number, 5,000 copies of the report of the Committee on Military Affairs on the investigation of the National Home for Disabled Volunteers be printed, 1,000 copies for the use of the Senate, and 4,000 copies for the use of the House of Representatives.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ROGERS, of New York, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. COSGROVE. I have asked unanimous consent to call up for consideration bill S. 1035. The gentleman who made the objection will withdraw it.

The SPEAKER. Several gentlemen made objection.

Mr. COSGROVE. I have seen, I think, all of them, and understand that they now withdraw the objection.

The SPEAKER. The Chair will again submit the request. The gentleman from Missouri asks unanimous consent to call up for present consideration the bill S. 1035, the title of which the Clerk will read.

The Clerk read as follows:

A bill (S. 1035) to authorize the Secretary of the Interior to settle the claims of S. W. Marston, late United States Indian agent at Union agency, Indian Territory, for services and expenses.

The SPEAKER. Is there objection?

Mr. BRUMM. I object.

Mr. COSGROVE. Is it in order to ask a suspension of the rules to pass that bill?

The SPEAKER. It is not. There are motions pending before the House undisposed of.

Mr. WELLER. I ask unanimous consent for the present consideration of this joint resolution which I send to the desk. I ask that it be read.

Mr. PETERS. I object.

Mr. WELLER. I desire to importune the gentleman who has offered an objection that he withdraw it that the resolution may be read for the information of the House.

Mr. CONNOLLY. I object.

Mr. HEWITT, of Alabama. I ask unanimous consent that a recess be taken for fifteen minutes.

Mr. HUTCHINS and Mr. ANDERSON objected.

Mr. ANDERSON. If the present status of the motions is maintained I withdraw my objection.

The SPEAKER. But the Chair has already announced that if a recess is taken to a different time from that mentioned in the pending motions they will fall unless there be an agreement to the contrary.

Mr. ANDERSON. That was my understanding, and that is the reason why I objected.

Mr. HATCH, of Missouri. I ask unanimous consent that the House take a recess until half past 11 o'clock.

Mr. ANDERSON. I object.

Mr. BELFORD. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. BELFORD. I desire to inquire whether under the operation of the rules of this House a contested-election case involving the right of a member to a seat on this floor can be considered, and whether a few gentlemen can obstruct the consideration of that right recognized by the laws and the Constitution.

Mr. MILLER, of Pennsylvania. Oh, yes; they can do it.

Mr. BELFORD. I insist on a decision of that question whether two or three men in this House can deprive a member of his right to sit here and overcome the majority of the Representatives of the people.

The SPEAKER. The majority will govern under the rules of the House whenever a vote can be obtained under the rules of the House.

Mr. BELFORD. Now, was it not the intention— [Cries of "Regular order!"]

Mr. BELFORD. This is the regular order. Was it not the intention of the fathers of this Republic that the majority should govern?

PRINTING REPORTS OF SMITHSONIAN INSTITUTION.

The SPEAKER. The gentleman from New York [Mr. ROGERS], chairman of the Committee on Printing, asks unanimous consent to present a report.

Mr. ROGERS, of New York. I am instructed by the Committee on Printing to report back with a favorable recommendation the joint resolution which I send to the desk.

The SPEAKER. Is there objection?

There was no objection.

The joint resolution was read, as follows:

Joint resolution (S. R. 114) to provide for printing the annual reports of the Smithsonian Institution.

Resolved, etc., That the annual reports of the Smithsonian Institution shall be hereafter printed at the Government Printing Office in the same manner as the annual reports of the heads of Departments are now printed for submission in print to the two Houses of Congress.

The joint resolution was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. ROGERS, of New York, moved to reconsider the vote by which the joint resolution was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

HISTORY OF THE RED CROSS.

Mr. ROGERS, of New York. I also ask unanimous consent to report from the Committee on Printing for present consideration the Senate concurrent resolution which I send to the desk.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 10,000 copies of the History of the Red Cross from the stereotyped plates now at the Government Printing Office, for the use of the American Association of the Red Cross.

The SPEAKER. Is there objection?

Mr. HEWITT, of New York. I object.

ORDER OF BUSINESS.

Mr. WELLER. Can I now make the request that the joint resolution which I have sought to call up be printed in the RECORD?

Mr. LAMB and others objected.

Mr. KEAN. I ask unanimous consent to take from the Speaker's table for present consideration the joint resolution (S. R. 119) accepting the gift by William H. Vanderbilt and Julia Dent Grant, wife of General Ulysses S. Grant, to the United States of certain articles.

The SPEAKER. The gentleman from New Jersey [Mr. KEAN] asks unanimous consent to take up for present consideration the Senate joint resolution No. 119, the title of which he has just stated.

Mr. SPRINGER. I object.

Mr. BINGHAM. Let the matter be stated before objection is made.

The SPEAKER. The gentleman objects.

Mr. BINGHAM. Can not the resolution be read subject to objection?

The SPEAKER. It can not, if objection is made to the reading.

Mr. DUNHAM. May I ask, Mr. Speaker, who it is that objects?

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] objects.

Mr. MCADOO. Mr. Speaker, I ask unanimous consent to call up for present consideration the bill (H. R. 1852) to regulate appointments and promotions in the staff of the Marine Corps, and I would like to say a few words by way of explanation. This relates to only two officers of the Marine Corps, both of whom have served over thirty-five years and have won laurels in the field in Mexico.

A MEMBER. Let the bill be read.

Mr. BRUMM. Regular order, Mr. Speaker.

Mr. WELLER. I am informed that there was a confusion of ideas as to whether the matter which I desired to call up was the resolution I hold in my hand or some other, and that the gentleman who objected did so under a misapprehension. [Laughter.] I now desire to renew my request.

The SPEAKER. Debate is not in order. Several gentlemen have objected, and gentlemen are now objecting. That being so, of course the Chair can not entertain a request for unanimous consent.

Mr. BINGHAM. Mr. Speaker, I think the gentleman from Illinois [Mr. SPRINGER], when he objected, probably misunderstood the proposition of the gentleman from New Jersey [Mr. MCADOO]. May not the joint resolution be read subject to objection?

Several MEMBERS. Regular order.

The SPEAKER. The regular order is demanded by gentlemen on the left, and the Chair will now state that until the demand for the regular order is withdrawn, the Chair will not recognize any gentleman for a request for unanimous consent, but will proceed with the regular order.

Mr. WARNER, of Ohio. All right, Mr. Speaker. Let us have the regular order and peace.

Mr. WELLER. Will the Chair please state what is the regular order.

The SPEAKER. The Chair will do so as soon as the House comes to order. [After a pause.] The regular order is the question on the amendment proposed by the gentleman from Tennessee [Mr. PETTIBONE] to the amendment proposed by the gentleman from Iowa [Mr. HEPBURN], which is that the House take a recess until 10 o'clock. [After putting the question.] In the opinion of the Chair the yeas have it.

Mr. MILLER, of Pennsylvania. I call for a division, Mr. Speaker.

The House divided; and there were—ayes 25, noes 41.

Mr. MILLER, of Pennsylvania. No quorum has voted.

The SPEAKER. The point is made that no quorum has voted. The Chair appoints as tellers the gentleman from Pennsylvania [Mr. MILLER], and the gentleman from Pennsylvania [Mr. ERMENROUT].

Mr. DUNHAM. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. DUNHAM. The motion being to take a recess until 10 o'clock to-night, and the hour of 10 o'clock having passed, does not that motion fall?

The SPEAKER. The Chair has nothing to do with that question. That may be a very good reason why the House should not agree to the amendment, but it was in order when offered. As many as are in favor of agreeing to the amendment will pass between the tellers and be counted.

Pending the count the tellers will suspend, in order that the House may receive a message from the Senate.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed the bill (H. R. 8279) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1886, with amendments; in which the concurrence of the House of Representatives was requested.

The message further announced that the Senate insisted upon its amendments (disagreed to by the House) to the bill (H. R. 8255) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1886, and for prior years, and for other purposes, agreed to the conference asked by the House of Representatives thereon, and had appointed Mr. HALE, Mr. ALLISON, and Mr. COCKRELL as conferees on the part of the Senate.

Mr. HANCOCK. Mr. Speaker, I ask unanimous consent to call up the fortification bill, with the Senate amendments, for the purpose of moving to non-concur in the amendments and asking a conference.

Mr. BUDD. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. An inquiry connected with this matter?

Mr. BUDD. Connected with this matter.

The SPEAKER. The gentleman will state it.

Mr. BUDD. After the conference report is made, will it be in order for a member to require the reading of any amendment and a separate vote on each amendment as reported by the conferees?

The SPEAKER. It will be in order for any member to require the reading of all the amendments, but it will not be in order for a member to demand a separate vote upon the amendments which have been agreed to by the conferees, because a conference report is one entire thing, and must be either adopted or rejected as a whole.

Mr. BUDD. But the amendments that are not agreed to?

The SPEAKER. The amendments that are not agreed to will be disposed of separately by the House. If there be no objection the amendments of the Senate to the bill of the House (8279) making appropriations for fortifications and other works of defense, and for the armament thereof, will be non-concurred in, and the House will ask a committee of conference.

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. HANCOCK, Mr. FORNEY, and Mr. WASHBURN.

ORDER OF BUSINESS.

The SPEAKER. The tellers will resume their places and continue the count.

Pending the count by tellers the following proceedings took place:

Mr. NEECE. I ask unanimous consent to make a statement. I have a little bill here to remove the charge of desertion from the record of a young man who entered the Army under 18 years of age. At the battle of Pea Ridge, where he was wounded, he was, owing to that fact, marked improperly as a deserter. Going afterward into another regiment, he was killed in battle. His old father now wishes simply to draw his back pay. This bill has passed the Senate. It is Senate bill 445, for the relief of the heirs or legal representatives of Robert J. Bangness, deceased.

The SPEAKER. Is there objection to the present consideration of this bill?

Several members called for the regular order.

PRINTING OF NAVAL AND MILITARY REPORTS.

Mr. ROGERS, of New York. On behalf of the Committee on Printing I desire to have taken from the Speaker's table for present consideration the joint resolution (S. R. 100) authorizing the printing of cer-

tain naval and military reports. I think when the joint resolution is read there will be no objection to it.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States in Congress assembled. That there be printed at the Government Printing Office 4,500 copies of each of the following reports: The report of Lieut. Commander C. F. Goodrich, United States Navy, on the British naval and military operations in Egypt; the report of Lieut. Fisher M. Wright, United States Navy, on the operations of the French navy during the recent war with Tunis; the report of Lieut. Theodoros B. M. Mason, United States Navy, on the war on the Pacific coast of South America between Chili and the allied Republics of Peru and Bolivia; 1,000 copies of which shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,500 copies for the use of the Navy Department.

There being no objection, the joint resolution was taken from the Speaker's table, read three times, and passed.

Mr. ROGERS, of New York, moved to reconsider the vote by which the resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HEWITT, of Alabama. I ask unanimous consent to take from the Private Calendar—

The SPEAKER *pro tempore* (Mr. HATCH, of Missouri). The House is dividing.

Mr. DUNHAM. I ask unanimous consent to vacate the order by which the House agreed to take up the contested-election case of Frederick vs. Wilson.

The SPEAKER *pro tempore*. The gentleman from Illinois is not in order.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate insisted on its amendments disagreed to by the House to the fortification appropriation bill, agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. ALLISON, Mr. DAWES, and Mr. COCKBELL.

REPORT OF COMMISSIONER OF AGRICULTURE.

Mr. ROGERS, of New York. In behalf of the Committee on Printing I desire unanimous consent to take from the Speaker's table, for concurrence in the amendments of the Senate, the joint resolution (H. Res. 342) to authorize the printing of 400,000 copies of the annual report of the Commissioner of Agriculture for the year 1885.

The amendments of the Senate were read, as follows:

In line 1, strike out "400" and insert "310;" so as to provide for 310,000 copies. In line 3, strike out "300" and insert "200;" and in line 5, strike out "70" and insert "80;" so as to provide 200,000 for the use of the House of Representatives and 80,000 for the use of the Senate.

Amend the title of the joint resolution by striking out "400" and inserting "310."

There being no objection, the House proceeded to the consideration of the amendments of the Senate; which, on motion of Mr. ROGERS, of New York, were concurred in.

Mr. ROGERS, of New York, moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MILLER, of Pennsylvania. The tellers who have been conducting the count upon the motion for a recess desire to report. They agree in the report which they send to the Clerk's desk.

The result was announced—ayes 26, noes 55.

Mr. MILLER, of Pennsylvania. It appears that there is no quorum. I move a call of the House.

QUESTION OF PERSONAL PRIVILEGE.

Mr. WHITE, of Kentucky. I rise to a question of privilege.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WHITE, of Kentucky. A paper published in New York called *The Voice*, which claims to be a temperance journal, has seen fit to publish the following paragraph about myself:

LEGISLATIVE MEASURES—DO THE WHISKY MEN WANT THE EARTH?

Mr. WHITE, of Kentucky, has introduced a bill into the House of Representatives providing that the office of Commissioner of Internal Revenue be abolished and the whole system of internal taxation done away with. This bill is said to have been framed at the instance of the whisky men. Mr. WHITE is the Congressman who recently applied an insulting term to Speaker CARLISLE.

That was sent to me by Mr. R. B. Neal, editor of *Good Words*, a temperance paper published in Louisville, Ky.; otherwise I would not have seen it. Now, Mr. Speaker, if that came from a source claiming to be an enemy to the cause which I have advocated and maintained I should treat it with the same indifference I have treated hundreds of others of a similar character, but coming as it does from a paper professing the principles of temperance, of which I believe every member on this floor will accord to me that I have been a consistent and persistent advocate ever since I became a Representative in the Forty-fourth Congress and during the Forty-seventh Congress and also during the present Congress, I think it requires some personal notice at my hands.

Now, sir, it is a matter of record that in the Forty-fourth Congress

I introduced a bill into this House for the prohibition by the national Congress of the sale of intoxicating liquors for any other purpose than mechanical, medicinal, or scientific. In the Forty-seventh Congress I introduced the same bill. In the Forty-eighth Congress I introduced a similar bill, slightly modifying it and providing for punishment, which before I had left to the wisdom of the committee. I will send to the Clerk's desk a copy of that bill to be read.

Mr. HENLEY. How long is this matter about being read to last?

Mr. CURTIN. What is it all about?

The SPEAKER *pro tempore*. The gentleman from Kentucky rises to a question of personal privilege and is stating his question of privilege to the House.

Mr. WHITE, of Kentucky. I ask the Clerk to read.

The Clerk read as follows:

A bill (H. R. 596) to lessen crime and human suffering from alcoholism by restricting the use of distilled spirits to scientific, mechanical, and medicinal purposes.

Whereas the injurious effects from the use as a beverage of intoxicating liquors are universally admitted; and

Whereas spirituous liquors are powerful instruments for evil and corruption in our elections; and

Whereas the unbridled traffic in spirituous liquors promotes contentions, riots, ignorance, and poverty; and

Whereas the iniquity of alcoholism is visited through the parent "upon the third and fourth generations;" and

Whereas the effects of alcoholism are filling our prisons, houses of correction, and institutions of charity with criminals and sufferers, and covering the land with woe and misery: Therefore,

Be it enacted, &c., That on and after the 30th day of June, 1884, no person, except as hereinafter provided, shall manufacture or sell or keep for sale that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, or any other intoxicating liquor which can be produced by the fermentation of grain, starch, molasses, or sugar, including all dilutions and mixtures of sugar. No person shall manufacture, sell, or keep for sale as a beverage any intoxicating liquor whatever, including ale, wine, and beer.

SEC. 2. That any person convicted of a willful violation of any of the provisions of the preceding section shall be fined not exceeding \$500, or imprisoned not exceeding one year, or both, in the discretion of the court.

SEC. 3. That no intoxicating liquors whatever, including ale, wine, and beer, shall be imported into the United States from any foreign port or place. All goods or merchandise imported contrary to this section, and the vessel wherein the same shall be imported, together with her cargo, tackle, apparel, and furniture, shall be forfeited to the United States; and such goods, wares, merchandise, ship or vessel, and cargo shall be liable to be seized, prosecuted, and condemned in like manner and under the same regulations, restrictions, and provisions as have been heretofore established for the recovery, collection, distribution, and remission of forfeitures to the United States by the several revenue laws.

SEC. 4. That the Secretary of the Treasury shall, immediately after the passage of this act, advertise in twenty prominent newspapers, printed in as many cities in the United States, for proposals for citizens of the United States to manufacture alcoholic liquors for scientific, mechanical, and medicinal purposes, and to be sold, as nearly as may be, at the cost price, for scientific, mechanical, and medicinal purposes alone, under such regulations as the Secretary of the Treasury may from time to time direct.

SEC. 5. That the advertisement published under the preceding section must describe the kind of spirits required and must require the proposals to be accompanied with sufficient security for their performance.

SEC. 6. That the Secretary of the Treasury shall, by the 30th day of June, 1884, notify the lowest bidders whose sureties are deemed sufficient of the acceptance of their proposals.

SEC. 7. That nothing in the preceding sections shall prevent the Secretary of the Treasury from contracting from time to time for such distilled spirits as may be necessary to meet the demands for scientific, mechanical, and medicinal purposes.

SEC. 8. That nothing in the preceding sections shall be construed so as to limit the time of any license for the manufacture or sale of intoxicating liquors which is at present operating: *Provided*, That no extension of time nor any new license shall be hereafter granted for the sale of any intoxicating liquors whatever.

Mr. WHITE, of Kentucky. As I have said, the extract from *The Voice* was sent to me by the editor of a temperance paper in Louisville, Mr. R. B. Neal. Now that bill which the Clerk has read was referred to the Committee on the Alcoholic Liquor Traffic and was reported back by Mr. KLEINER, accompanied by the following report:

The Committee on the Alcoholic Liquor Traffic, having considered the bill (H. R. 596) to lessen crime and human suffering from alcoholism by restricting the use of distilled spirits to scientific, mechanical, and medicinal purposes, report the same back adversely, and recommend that it lie on the table.

Mr. LORE. I make the point that this is not a matter of personal privilege.

The SPEAKER *pro tempore*. The gentleman from Delaware makes the point that the gentleman from Kentucky is not stating any question of personal privilege.

Mr. WHITE, of Kentucky. I thought that was admitted, Mr. Speaker, or I should have addressed myself to that point of order.

The SPEAKER *pro tempore*. So far as the gentleman from Kentucky has gone the Chair has been unable to see any question of personal privilege in what the gentleman has stated.

Mr. WHITE, of Kentucky. I appeal from the decision of the Chair. I understood the Chair would not decide until I had been heard.

Mr. HEWITT, of Alabama. I move to lay the appeal on the table.

Mr. WHITE, of Kentucky. I wish to call the attention of the Chair to Rule IX:

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of members individually in their representative capacity only.

Now, sir, here is a charge in the extract which I have just read from the *New York paper*, which was sent to me by my friend, the editor of a temperance paper in the city of Louisville, to whom I have already

referred, calling my attention to the fact this article in *The Voice* did me great injustice. Otherwise I would never have seen it. It charges me with preparing a bill in the interest of the whisky-men, in this article which is headed, "Do the whisky-men want the whole earth?" I claim this not only affects me as a Representative, but affects the honor and dignity of this House, for I am a member of this House; and if a member of the House, after having advocated certain principles, can introduce a bill that I have introduced here and then can present other bills which seem to favor the whisky interest, and can be justly charged that he is doing it for the whisky interest, then it does seem to me it rises to the dignity of a personal question at least.

It is to address myself to that question for which I have risen, and to recite the history of this subject and my action with it, that I began in the way I did, and no one made the point of order, or else I should have begun by reading the rule under which I made the point of order. But in order to save the time of the House and consume as little of its time as possible at this late date in the session I did not adopt that course.

I now yield the floor to the decision of the Chair. If I am entitled to the floor on that decision I will proceed; otherwise, I will take my seat.

The SPEAKER *pro tempore*. The gentleman presents, certainly, a question of personal explanation, but the Chair has been unable to see that a question of personal privilege under the rules of the House is presented, and which would give the gentleman the right to occupy the floor.

Mr. WHITE, of Kentucky. May I be permitted to call the attention of the Chair to the last sentence but one in the newspaper article to which I first called attention and which I have sent to the desk?

The SPEAKER *pro tempore*. The Chair will cause the sentence to be read.

The Clerk read as follows:

This bill is said to have been framed at the instance of the whisky-men. Mr. WHITE is the Congressman who recently applied an insulting term to Speaker CARLISLE.

Mr. WHITE, of Kentucky. The Chair will observe as stated in that article that a direct charge is brought against me. In response I wish to state that I have never in my life applied an insulting term or epithet to the Speaker of this House.

There is not a man on this floor who has a higher regard for the Speaker of the House than I have, and I am ready to offer the usual resolution complimenting him in the very highest terms on the fair, impartial, and proper manner in which he has discharged the duties of his office. The last clause but one in the article accuses me of having prepared or framed a bill at the instance of the whisky-men, and I claim in that I have the right not only to deny that charge, which I do most emphatically, but to show conclusively by the RECORD that it is false from the beginning to the end; and I was proceeding to address myself to that subject when I was interrupted by the gentleman from Delaware, who made the point that I did not present a question of privilege.

I understood the Chair had recognized it as such by allowing me to proceed for some time, and of course I did not have the rule read, for the reason that I did not suppose there could be any question as to the fact that I had the right to take the floor for that purpose. As I have said, I now yield to the decision of the Chair.

The SPEAKER. The Chair stated that it would hear the gentleman on his question of privilege, no point of order having been made. The Chair indulged the gentleman from the beginning of his remarks until the point of order was made. The gentleman from Delaware having made the point of order, the Chair was then ready to decide the question.

If, however, the gentleman desires to be heard further the Chair will indulge him.

ORDER OF BUSINESS.

Mr. WHITE, of Kentucky. I understand that the Post-Office appropriation bill is ready to be reported by the conferees, and I will yield for that purpose, but claim the right to take the floor afterward. If, however, the gentleman is not ready I will proceed with my remarks now.

Mr. HEWITT, of Alabama. I would like to ask the gentleman from Kentucky if he will yield to me to call up a bill for consideration.

Mr. WHITE, of Kentucky. I will yield to the gentleman with pleasure; not, however, to take me off the floor.

Mr. HEWITT, of Alabama. Of course not.

Mr. WHITE, of Kentucky. I have just promised that I would yield to the gentleman from Tennessee [Mr. McMILLIN], and I now yield to him.

Mr. McMILLIN. Mr. Speaker, I ask the indulgence of the House for a moment in which to make a statement concerning House bill No. 8177. This is a bill providing for the payment of certain claims authorized to be investigated and reported to Congress, and thus far it has been passed by every Congress to which they have been reported since 1864, when the original act authorizing them was passed.

Mr. HERR. These are what are known as the 4th of July claims?

Mr. McMILLIN. Yes, sir.

Mr. HERR. I hope that will pass.

Mr. McMILLIN. There never has been a single instance, from the vote on the passage of the original bill to this session of Congress, when this bill was reported that it was not passed. I hope the House will not make an exception in this case.

It is not possible under that law that the payment can be ultimately defeated. It must be paid at some time. The bill providing for the auditing of these claims requires that they shall be first examined by an agent of the Quartermaster's Department, then passed upon by the Quartermaster-General, and after that, to make assurance doubly sure, they are reported to the Third Auditor, and by him they are again investigated; and if they are found to be in accordance with the law and properly authenticated, they are recommended to Congress. That has been done heretofore uniformly, and the bill making these appropriations now, if I remember correctly, is some \$40,000 less than the bill of last year. It has not been even the custom to read the bill heretofore. The committee after an examination reported favorably upon it, and I ask the House to give unanimous consent to take it up and consider it. It has never taken more than ten or twenty minutes to dispose of.

Mr. PUSEY. What is the aggregate amount of the bill?

Mr. McMILLIN. Two hundred and twenty-one thousand dollars. The committee have amended the bill by striking out a certain class of claims not heretofore allowed, so as to secure perfect uniformity with bills passed heretofore. The claims stricken out amount to about \$6,000.

I ask, therefore, that unanimous consent be given to discharge the Committee of the Whole House on the state of the Union from the further consideration of this bill and put it upon its passage.

A MEMBER. Is there any new legislation in the bill?

Mr. McMILLIN. It contains no legislation whatever.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. SKINNER, of North Carolina. I object.

Mr. McMILLIN. I hope my friend from North Carolina will not insist on his objection.

Mr. SKINNER, of North Carolina. Other bills just as worthy as this have been objected to when the request for unanimous consent was made; and I think that they are entitled to be passed just as well as this.

Mr. McMILLIN. I appeal to the gentleman from North Carolina not to insist on his objection. If he does it will work great injustice to a large class of citizens. It is a bill which can not be defeated ultimately; it can only be postponed. Not even the interest has been paid on these claims for the twenty years that they have been due. I trust the gentleman will withdraw his objection. No man can question the justice of the payment under the law. I have co-operated with that gentleman in matters in which I know he sympathizes, and I ask him not to reward that co-operation by refusing consideration to this bill.

Mr. TILLMAN. If that gentleman withdraws his objection I will renew it.

Mr. McMILLIN. I regret the gentleman's resolution to oppose this bill. A very large majority of the House favor it, but I know that pending the consideration of this election case the bill I have designated can only be taken up by unanimous consent.

Mr. SKINNER, of North Carolina. I withdraw the objection.

Mr. BUDD. I move to suspend the rules to take up and pass the House bill No. 147. I will state that the motion for a recess expired at 12 o'clock.

The SPEAKER. The motion of the gentleman from California is not in order except by unanimous consent. Even if all the motions for a recess had been dropped the question before the House would be upon the adoption of the report of the Committee on Elections. But the Chair thinks the motions for a recess have not been dropped, because they were in order when made.

Mr. BUDD. I understand the first motion was to take a recess until 12 o'clock. That was amended so as to take a recess until 11 o'clock, and a further amendment was offered to take a recess until 10 o'clock to-night. Now as the time for all of these recesses has expired I claim that the question upon them is not now in order, the House having neglected to pass upon it until the time has expired.

The SPEAKER. That may be a good reason why the House should not agree to those motions, but it is not a question of order.

Mr. BUDD. Can a recess be taken so as to be retroactive?

The SPEAKER. That consideration will govern gentlemen in their votes on the question.

Mr. ANDERSON. In one case the motion was for a recess until 10 o'clock to-morrow.

The SPEAKER. The Chair thinks the record shows distinctly that the first motion was to take a recess until 12 o'clock midnight. The proposition was then made to amend that so as to take the recess until 11 o'clock, and then there was a proposition to amend the amendment so as to take the recess until 10 o'clock to-night.

Mr. ANDERSON. The first motion was my own, to take a recess for one hour.

The SPEAKER. The motion to take a recess until 10 o'clock to-morrow would not be in order because the term of this Congress expires

on the 3d of March, and to-morrow would be the 4th, and the members of this Congress would not then be in office.

Mr. BUDD. I inquire of the Chair if a motion for a recess is in order when the proposed recess dates back of the time at which the question is taken?

The SPEAKER. But the motion for a recess was in order when it was made, and the Chair can not take away from the House the consideration of a motion which was in order when it was presented. That question is addressed to each member of the House, and must control his vote.

Mr. BUDD. Had a motion to adjourn been made and carried, would not that have killed the motion for a recess?

The SPEAKER. But there has been no motion to adjourn.

Mr. BUDD. But this afternoon there was a recess taken.

The SPEAKER. And it was when the House reassembled after the recess that these motions were made.

Mr. BUDD. I make the point of order that as the time has expired which was covered by the time mentioned in these motions for a recess, it is the same as if a recess had in fact been taken.

The SPEAKER. There has been no recess whatever since half past 7 this afternoon.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 653) for the relief of John B. Davis; and

A bill (H. R. 8183) to remove the political disabilities of W. H. Murdaugh, of Virginia.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Louisiana [Mr. ELLIS] is recognized.

Mr. HEWITT, of Alabama. The gentleman from Kentucky [Mr. WHITE] yielded the floor to me, and I yielded to the gentleman from Tennessee [Mr. McMILLIN] for a few moments to call up a bill. I will now yield the floor temporarily to the gentleman from Louisiana.

Mr. ELLIS. This is a matter to which I think there will be no objection.

The SPEAKER. The report which the gentleman from Louisiana proposes to make is always in order.

Mr. ELLIS. The Chair is a little in error; this is not a privileged report.

The SPEAKER. The Chair thought the gentleman had risen to present the report of a committee of conference.

RED CROSS ASSOCIATION.

Mr. ELLIS. I ask unanimous consent to pass the Senate joint resolution which authorizes the loan to the Red Cross Association of twelve hospital tents. That society is now organizing a field hospital for the ex-Union and ex-confederate encampments at the exposition; and for the purpose of a free hospital they ask the Secretary of War for a loan of twelve tents. The Senate has passed the resolution, and I believe there will be no objection to its consideration by the House.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to take up for present consideration the joint resolution which the Clerk will read.

The Clerk read the resolution, as follows:

Joint resolution (S. Res. 122) authorizing the Secretary of War to loan twelve hospital tents and outfits to the American Association of the Red Cross for use in New Orleans.

The SPEAKER. Is there objection?

Mr. WHITE, of Kentucky. Can the gentleman from Louisiana take me off the floor?

Mr. ELLIS. I have no desire to interfere with the gentleman from Kentucky.

The SPEAKER. If unanimous consent is given it will not affect any matter now pending.

Mr. WHITE, of Kentucky. I have no objection. It ought to pass. The Clerk read the joint resolution, as follows:

Resolved by the Senate and House of Representatives in Congress assembled, That the Secretary of War is authorized and directed to loan to the American Association of the Red Cross, for use by their branch in New Orleans at the World's Exposition grounds, twelve hospital tents and outfits; provided satisfactory security is given for the safe-keeping and return of the same.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. ELLIS moved to reconsider the vote by which the joint resolution was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. McMILLIN. Mr. Speaker, I understand that the gentleman from North Carolina [Mr. SKINNER] withdraws his objection to the bill which I desire to call up.

The SPEAKER. But the gentleman from Illinois on the right [Mr. SPRINGER] demands the regular order.

Mr. WHITE, of Kentucky. Mr. Speaker, I believe I am entitled to

the floor. The gentleman who has charge of the appropriation bill is not ready to report, as he was supposed to be, so I will proceed with my statement.

Mr. THOMPSON. Mr. Speaker, I ask my colleague from Kentucky [Mr. WHITE] to yield to me a moment to pass a pension bill for a poor widow.

Mr. BRUMM. Regular order.

Mr. THOMPSON. I appeal to the gentleman from Pennsylvania [Mr. BRUMM] to let me make a short statement.

Several MEMBERS. Regular order.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1886, and for other purposes.

The message also announced that the Senate had receded from its amendment, numbered 112, to the bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1886, and for other purposes.

INDIAN APPROPRIATION BILL.

Mr. ELLIS. Mr. Speaker, I now desire to present the report of the committee of conference on the disagreeing votes of the two Houses on the bill making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes; and I ask that the report be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House (7970) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes, for the fiscal year ending June 30, 1886, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 27, 28, and 74; That the House recede from its disagreement to the amendments of the Senate numbered 110, 111, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: Strike out section 11 of the bill of the House, and insert the following in lieu thereof, to wit: "That immediately upon and after the date of the passage of this act all Indians committing against the person or property of another Indian or other person any of the following crimes, namely, murder, manslaughter, rape, assault with intent to kill, arson, burglary, or larceny, in any Territory of the United States, or either within or without an Indian reservation, shall be subject therefor to the laws of such Territory relating to said crimes, and shall be tried therefor in the same courts and in the same manner, and shall be subject to the same penalties, as are all other persons charged with the commission of said crimes respectively. And the said courts are hereby given jurisdiction of all such cases. And all such Indians committing any of the above crimes against the person or property of another Indian, or other person, within the boundaries of any State of the United States, or within the limits of any Indian reservation, shall be subject to the same laws, tried in the same courts, and in the same manner and subject to the same penalties as are all other persons committing any of the above crimes within the exclusive jurisdiction of the United States."

And the Senate agree to the same.

E. JOHN ELLIS,
WM. S. HOLMAN,
THOMAS RYAN,

Managers on the part of the House,

H. L. DAWES,
P. E. PLUMB,

M. W. RANSOM,
Managers on the part of the Senate.

Mr. ELLIS. Mr. Speaker, I move the adoption of the report.

The report was adopted.

Mr. ELLIS moved to reconsider the vote by which the report was adopted; and also moved to lay the motion to reconsider on the table. The latter motion was agreed to.

Mr. ELLIS. The remaining point of disagreement between the two Houses upon this bill has been settled by the recession of the Senate.

A. K. SHEPARD.

Mr. HEWITT, of Alabama. I ask unanimous consent to have taken up for consideration at the present time the bill (H. R. 28) for the relief of A. K. Shepard.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized and required to pay to A. K. Shepard, of Tuscaloosa, Ala., the sum of \$17,000 out of any money in the Treasury not otherwise appropriated.

The amendment recommended by the committee was read, as follows: Strike out "\$17,000" and insert "\$14,458.07."

Mr. HEWITT, of Alabama. Before objections are called for I hope the report will be read.

Mr. BROWN, of Pennsylvania. I shall not object, provided the other side of the House— [Cries of "Regular order!"]

The SPEAKER. The regular order is demanded.

UNLAWFUL OCCUPANCY OF THE PUBLIC LANDS.

Mr. LEWIS. I rise to a question of privilege. In order that the

question may be brought clearly before the House I ask the Clerk to read from the RECORD what I send to the desk.

The SPEAKER. If objection is made, of course the other matter of privilege must be settled first.

Mr. WHITE, of Kentucky. I understand that the gentleman from Louisiana [Mr. LEWIS] will occupy a very few moments.

Mr. HEWITT, of Alabama. Was my request objected to?

The SPEAKER. There were a great many objections.

Mr. HEWITT, of Alabama. Then I call for the regular order.

The SPEAKER. That has been called for; but the gentleman from Louisiana [Mr. LEWIS] states that he rises to a question of personal privilege. If it be a question of personal privilege, it of course interrupts the regular order.

Mr. LEWIS. I ask the Clerk to read what I send to the desk, and then I wish to make a statement to show that it is a matter of privilege.

The Clerk read as follows:

THURSDAY, February 12, 1885.

The recess having expired, the House (at 10 o'clock a. m., Friday, February 13, 1885) resumed its session.

UNLAWFUL OCCUPANCY OF THE PUBLIC LANDS.

Mr. PAYSON. Mr. Speaker, I rise to a privileged motion.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. PAYSON. I move to concur in the amendments of the Senate to the bill (H. R. 6479) to prevent the unlawful occupancy of the public lands.

The SPEAKER *pro tempore*. The Senate amendments will be read.

The several amendments of the Senate were reported.

Mr. PAYSON. I move to concur in the amendments of the Senate.

Mr. HEWITT, of Alabama. I would like to ask the gentleman from Illinois a question: whether this has been considered by the Committee on Public Lands?

Mr. PAYSON. Yes, sir; and unanimously reported by the committee with that recommendation.

Mr. LEWIS. Now I desire to state to the House that that bill was passed through the House and the Senate amendments concurred in by virtue of the statement of the gentleman from Illinois that the matter had been considered and unanimously recommended by the Committee on Public Lands. And I wish to state to the House that it had never been referred to the Committee on Public Lands, and the amendments had never been recommended by that committee.

A MEMBER. Where is the question of privilege?

Mr. LEWIS. The question of privilege, as I understand—

Mr. DAVIS, of Illinois. I do not understand that this presents any question of privilege.

The SPEAKER. The Chair does not think it does.

Mr. DAVIS, of Illinois. I ask that the gentleman have the courtesy to speak on this when my colleague [Mr. PAYSON] is present.

The SPEAKER. The Chair thinks that it does not involve any question of privilege.

Mr. LEWIS. I hope I may be allowed to make a statement as to why I think it is a question of privilege. The bill as amended by the Senate made important changes in the bill as it passed the House. The bill as it came back from the Senate contained important amendments, which had been adopted by the Senate and which had not been considered by the committee on Public Lands of the House.

The bill as amended by the Senate was never referred to the Committee on Public Lands. I state this to be a question of privilege, because if that bill passed by virtue of a statement that the amendments of the Senate had been recommended by the Public Lands Committee and that statement be not correct, as I say it is not—

Mr. ROWELL. I object, in the absence of my colleague [Mr. PAYSON], to having anybody under color of a question of personal privilege say that my colleague has stated what is not true.

Mr. LEWIS. I do not desire to take any advantage of the gentleman from Illinois. He was in his seat when I came into the House to-night.

Mr. SPRINGER. I hope this may go over until my colleague comes in. There must be some mistake about this matter.

Mr. LEWIS. I am perfectly willing to wait till he returns. I only desire—

Mr. DAVIS, of Illinois. I object to further remarks on that subject.

The SPEAKER. The Chair does not see that any matter of personal privilege is involved. A bill may be passed by the House upon an erroneous statement of fact or upon unsound argument, but no question of privilege is therefore involved.

Mr. TOWNSHEND. Still when a question of this kind is raised it would be fair to allow my colleague to be heard.

The SPEAKER. That is another matter.

Mr. LEWIS. I desire to be heard in this matter. I wish to call to the attention of the House—

Mr. DAVIS, of Illinois. I call for the regular order.

The SPEAKER. Objection is made.

Mr. TOWNSHEND. I hope this matter will be allowed to wait until my colleague appears.

The SPEAKER. The regular order has been demanded by several gentlemen.

ORDER OF BUSINESS.

Mr. THOMPSON. Mr. Speaker, I desire consent to take up and

pass a little pension bill for the benefit of a poor widow. It has already passed the Senate. [Cries of "Regular order!"]

The SPEAKER. Objection is made.

Mr. THOMPSON. No gentleman has risen in his seat and objected.

The SPEAKER. The regular order is demanded.

Mr. THOMPSON. I am satisfied that if my proposition is understood no objection will be made. This bill is for the benefit of a poor widow who lives in the District of Columbia, and has no representative on this floor. I ask that the bill be read. It is Senate bill 1446. [Cries of "Regular order!"]

The SPEAKER. The regular order is demanded by a number of gentlemen.

Mr. THOMPSON. This is only a little pension bill for a poor widow who has no representative on this floor.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 8102) to give the assent of Congress to the construction of a railroad bridge by the East and Middle Tennessee Railroad Company over the Cumberland and Caney Fork Rivers.

ORDER OF BUSINESS.

Mr. JOHN S. WISE. The regular order has not been demanded with reference to the proposition that I wish to submit.

The SPEAKER *pro tempore*. The regular order cuts off everything. The gentleman from Kentucky is entitled to the floor if he desires to proceed.

Mr. WHITE, of Kentucky. I have yielded now as far as I can, I think—

Mr. THOMPSON. I ask to have the title of this bill read. I am satisfied that there will be no objection.

The SPEAKER *pro tempore*. The Clerk will read the title of the bill if there be no objection.

The Clerk read as follows:

A bill (S. 1446) granting a pension to Mrs. Lew Gobright McFalls.

Mr. MILLER, of Pennsylvania. I hope the demand for the regular order will be withdrawn to let this bill be passed. I have one myself I want to ask unanimous consent for.

Mr. THOMPSON. I have never asked the passage of a pension bill [cries of "Regular order!"], and I hope no objection will be made to this.

QUESTION OF PERSONAL PRIVILEGE.

Mr. WHITE, of Kentucky. Mr. Speaker, what is this bill which The Voice criticises in the article I have called attention to? I desire to read it for the information of the House. It is a joint resolution which I introduced on the 26th day of January, 1885, No. 319.

Mr. LORE. I make the point of order that the gentleman does not state a question of privilege.

The SPEAKER *pro tempore*. The gentleman from Kentucky will proceed, and the Chair will determine whether or not he presents a question of privilege. So far the Chair thinks the gentleman has not done so.

Mr. WHITE, of Kentucky. This is a joint resolution which I introduced in the following terms:

Whereas it has transpired that the Commissioner of Internal Revenue and the present Secretary of the Treasury have, by unwarranted regulation, assumed to extend the bonded period for distilled spirits for two hundred and eight days, in direct violation of the action of the Forty-seventh and Forty-eighth Congresses; and

Whereas the tobacco tax is an unnecessary burden upon the people, and is a fraud, useful only upon our statute-books for the purposes of the tobacco monopolists; and

Whereas the present system of internal-revenue taxation is far less beneficial to the people than useful to continue a highly protected and infernal industry, manipulated by unscrupulous capitalists, who strive to corrupt Congress and to control the Government in the interest of their monopoly of the tobacco and whisky trade; and

Whereas there is no longer any guarantee that the laws in relation to internal revenue will be honestly executed, although \$5,000,000 be annually appropriated for that purpose: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all acts or parts of acts concerning the superintendence of the assessment or collection of any duties or taxes imposed by any law providing internal revenue be, and the same are hereby, abolished from and after July 1, 1885.

Now, Mr. Speaker, on that resolution this paper arraigns me as having prepared a bill in the interest of the whisky-men. It is well known to the House, because for four years the question has been discussed, that there is a whisky lobby in Washington, that there is a whisky combination, reaching from the great lakes to the Gulf and from the Atlantic almost to the Pacific Ocean, in favor of reducing the tax on whisky and intoxicating liquors generally.

When that was proposed in the Forty-seventh Congress I opposed it because it was giving to the whisky monopoly every cent that the tax was reduced. If there were 100,000,000 of gallons in bond and the tax was reduced from 90 to 50 cents it was equivalent to giving to the whisky ring \$40,000,000, and hence I opposed it. But, sir, when in the Forty-seventh Congress a modified bill came into this House with

ing for the extension of the bonded period for two years, or practically a loan of the money invested in the whisky in bond—

Mr. LORE, Mr. Speaker, I must insist upon the point of order that the gentleman does not state a question of privilege, and beg the Chair to pass upon it. There is nothing in what he has stated to show that his character as a Representative on this floor has been assailed.

Mr. WHITE, of Kentucky. I suppose we had as well settle the question here, and I submit to the ruling of the Chair. The Chair understands the point I have made, and I submit to the ruling of the Chair.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Kentucky that the Chair does not think the criticism of a newspaper upon the character or manner of introducing a bill in the House of Representatives is that sort of an attack upon a member in his representative capacity that raises it to the dignity of a question of privilege under the rules of the House.

Mr. WHITE, of Kentucky. I appeal from the decision of the Chair, and I desire to be heard on the appeal.

The SPEAKER *pro tempore*. The Chair will hear the gentleman.

Mr. WHITE, of Kentucky. Mr. Speaker, this is a very serious matter not only to me, but it is rapidly becoming one to the whole country. More than 150,000 people broke loose from the strong attachments of the Democratic and Republican parties to enter their protest against the proceeding of both parties at the last annual election.

Mr. TUCKER. I submit, Mr. Speaker, that the gentleman is not addressing himself to the appeal.

The SPEAKER *pro tempore*. The gentleman is entitled to be heard on the appeal.

Mr. TUCKER. But he is not proceeding in order, I submit, by addressing himself to the question on which he appeals.

Mr. WHITE, of Kentucky. I have listened to the gentleman from Virginia many a time, and must confess I have always been disappointed, because he seldom sticks to the text himself, and he ought not to object to my using some discretion in this matter.

The question of order, as I understand, that has been raised is whether the article which I have read constitutes a question of personal privilege. I believe it does, for reasons which I have partially stated and which I propose to submit.

The SPEAKER *pro tempore*. Will the gentleman yield a moment to receive a message from the Senate?

Mr. WHITE, of Kentucky. Certainly.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

The message also announced that the Senate further insisted upon its amendments disagreed to by the House of Representatives to the bill making appropriations for the sundry civil expenses of the Government, and asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Messrs. ALLISON, HALE, and BUCK as conferees on the part of the Senate.

QUESTION OF PERSONAL PRIVILEGE.

Mr. WHITE, of Kentucky. I would like to explain that when I introduced the first resolution in the Forty-fourth Congress to prohibit the sale of intoxicating liquors as a beverage, I was then persuaded, as I am now thoroughly convinced, that the use of alcoholic liquors as a beverage was simply to imbibe a poison; and as the law prohibits the sale of prussic acid, of arsenic, and other poisons except under regulation, that there should be some power to prohibit the sale of intoxicating liquors which is dragging down to death hundreds of thousands of strong, able-bodied, right-minded men every year and making widows and orphans, filling the poor-houses, filling the jails, filling the penitentiaries.

Mr. TULLY. I rise to a point of order that the gentleman is not discussing the question before the House.

Mr. WHITE, of Kentucky. The report on that bill I have had read from the Clerk's desk, that it was beneath the dignity of this House. Subsequently I introduced a bill for a commission on the subject of the alcoholic liquor traffic. It is as follows:

A bill to provide for a commission on the subject of the alcoholic liquor traffic:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be appointed by the President, by and with the advice and consent of the Senate, a commission of seven persons, not more than four of whom shall belong to the same political party nor be advocates of prohibition, who shall be selected solely with reference to personal fitness and capacity for an honest, impartial, and thorough investigation, and who shall hold office until their duties shall be accomplished, but not to exceed two years. It shall be their duty to investigate the alcoholic liquor traffic, its relations to revenue and taxation, and its general economic, criminal, moral, and scientific aspects in connection with pauperism, crime, social vice, the public health, and general welfare of the people; and also to inquire as to the practical results of license and prohibitory legislation for the prevention of intemperance in the several States of the Union.

Sec. 2. That the said commissioners shall serve without salary; that the necessary expenses incidental to said investigation, not exceeding \$10,000, shall be paid out of any money in the Treasury not otherwise appropriated, upon vouchers

to be approved by the Secretary of the Treasury; and for this purpose the sum of \$10,000 is hereby appropriated out of any moneys in the Treasury not otherwise appropriated. It shall be the further duty of said commissioners to report the result of their investigation, with such suggestions and recommendations as they may see fit to make, and the expenses attending the same, to the President, within eighteen months after the passage of this act, to be transmitted by him to Congress.

The report on that bill I hold in my hand. It was submitted by Mr. ENGLISH, and is as follows:

Mr. ENGLISH, from the Select Committee on Alcoholic Liquor Traffic, submitted the following report, to accompany bill H. R. 2142:

The committee to whom was referred the bill (H. R. 2142) to provide for a commission on the subject of the alcoholic liquor traffic beg leave to report the bill back to the House with a recommendation that it do not pass.

The power to regulate the retail liquor traffic has, from the foundation of the Union, been regarded as the exclusive right of the States rather than of the General Government. Attempts have been made by some of the States to entirely prohibit the manufacture or sale of spirituous or malt liquors, but with little apparent success, and the interests of true temperance and sobriety, so much to be desired, would seem to demand wise and stringent restrictions and effective safeguards in connection with the liquor traffic rather than impractical efforts at absolute prohibition.

To the several States of the Union properly belongs the right to enact such local police regulations as will throw every proper restriction around the liquor traffic compatible with the personal and property rights of the citizen, but uniform police regulations enacted by Congress practically suited to the different wants and requirements of the people of all the various States would be difficult to frame and more difficult to execute. Any attempt to control the personal habits and private conduct of the individual should be opposed, so long as he does not interfere with the personal rights of others or the peace and order of society in general.

As it is a matter of grave doubt whether Congress has the right to regulate the liquor traffic in the several States of the Union, and as there seems to be no great pressing or urgent necessity for the passage of this bill, your committee hold that it is not advisable to attempt the exercise of doubtful powers by the General Government in these matters which appear more properly to belong to the States themselves.

Your committee therefore recommend that the bill be reported back to the House with a recommendation that it do not pass, and they ask to be discharged from the further consideration of the subject.

Now, sir, from that report any one can see that the House, representing the American people, does not believe that it is a matter for the National Government to meddle with. Again, in the Democratic platform [cries of "Vote!"] was a protest against sumptuary laws, and a declaration that all laws interfering with individual liberty should not be passed.

ORDER OF BUSINESS.

Mr. REED, of Maine. I understand the Committee on Appropriations have a conference report ready, and I know the gentleman from Kentucky will yield for its presentation.

The SPEAKER *pro tempore*. The gentleman has stated he would yield at any time for any motion coming from the Committee on Appropriations.

Mr. REED, of Maine. I hope we will attend to the business before us. The SPEAKER *pro tempore*. No gentleman on the Appropriations Committee has taken the floor.

Mr. REED, of Maine. I call the attention of the House to the fact. Mr. HOLMAN. The gentleman having charge of the bill, the chairman of the Committee on Appropriations, will be in the Hall in a short time.

Mr. REED, of Maine. I do not think we should be kept here in this scandalous way.

Mr. HERR. The bill has been here for more than an hour, and if we are not to consider it, I move the House do now adjourn. It has been withheld for some reason I know not of.

Mr. REED, of Maine. The way the House has been treated on these appropriation bills has been entirely without precedent.

Mr. TOWNSHEND. I have the report of the conference committee. [Cries of "Let us have it!"] I have preferred the chairman of the Committee on Appropriations should be present in the House when it should be considered. I have waited for some time for his return to the House. He has been busily engaged in a conference committee and has not been able to be here. I should prefer to wait until he comes here. [Cries of "Let us adjourn!"] If it is the demand of the House the bill shall be presented, I will yield to that desire. [Cries of "Present it!"]

Mr. McMILLIN. I suggest to the gentleman it is within his discretion to call it up.

Mr. BINGHAM. It would be a wise discretion.

POST-OFFICE APPROPRIATION BILL.

Mr. TOWNSHEND. Now, Mr. Speaker, having the concurrence of my colleague on the subcommittee, I present the report to the House. The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments 16, 17, 18, 19, and 20 of the Senate to the bill (H. R. 8139) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes, having met, after full and free conference have been unable to agree.

R. W. TOWNSHEND,
W. S. HOLMAN,
R. G. HERR,

Managers on the part of the House.

P. B. PLUMB,
W. B. ALLISON,
J. B. BECK,

Managers on the part of the Senate.

Mr. TOWNSHEND. The conference committee has been unable to agree upon either of the propositions on which the two Houses have dissented. I will say to the House now, frankly, that it does seem to me that we are brought face to face with the question as to whether this bill shall fail or whether we shall adopt the proposition submitted by the Senate, or whether some terms of compromise shall be submitted. We have been unable to agree upon any terms of compromise. I now desire to leave it to the House to decide the question as to what shall be done with regard to this bill. I yield the remainder of my time to my colleague, the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. I am not able to agree fully with the views expressed by my friend from Illinois. I do not think the question is whether the House shall concur in the amendment of the Senate, the subsidy amendment, or whether this bill shall fail. The legislative powers of this Government are vested in two bodies—a House of Representatives and a Senate; and the question is presented whether the House shall recede from its disagreement or whether the Senate shall recede from its amendment, or whether this bill shall fail.

The general rule according to my experience—and I have had some experience on conference committees—has been that the House proposing a proposition, if it was resisted by the other, was the House that would recede. The party occupying the negative stands upon a different footing from the party that propounds the proposition. The rule of the Senate prohibits legislation upon an appropriation bill. The measure pending contains legislation.

It is a purely legislative provision, a provision that changes a very important provision of our statutes that has been in force for a great many years. It incorporates into our system of legislation touching postal matters a policy in violation of the fundamental principle on which our free institutions are founded.

There are therefore reasons why the House, knowing that men are amenable to the law of reason, may indulge the expectation that the usual result will follow in the case of this measure; first, that the Senate having propounded this proposition, and the House dissenting from it, will, according to the usual practice of legislative bodies, recede from its proposition; and secondly, that it will do so the more cheerfully because the proposition itself is in defiance of its own rules as well as in defiance of the rules of this House, being an independent legislative proposition upon an appropriation bill.

Mr. DINGLEY. I call the attention of the gentleman from Indiana to the fact that the very proposition now in controversy was ruled in order in this House by a chairman of the Committee of the Whole, and that his decision was sustained.

Mr. HOLMAN. And yet I indulge the belief that the distinguished gentleman who occupied the chair on that occasion, on reviewing that decision with opportunities for considering the precedents, would change that ruling. My friend does not attach, nor does any gentleman on this floor attach, any great importance to the action of the Committee of the Whole upon that ruling, as the first impulse on the part of the House or of the Committee of the Whole has always been to sustain the ruling of the officer occupying the chair, and more especially is that the case in the Committee of the Whole.

I therefore submit, Mr. Speaker, that the House may indulge the reasonable expectation that the usual course of legislation will take place with relation to this measure, and that it will be withdrawn by that legislative branch which has thought proper to present it when it is ascertained that it is not acceptable to the other branch of the legislative department. The interests of good legislation require it; the rules of parliamentary law as applied to the two branches require it; the rules of the Senate require it; the rules of the House of Representatives require it. If it was but an hour before the adjournment, within an hour of 12 o'clock to-morrow, gentlemen might entertain some apprehensions and might act upon the impulse and spur of the moment; but many hours will elapse before this Congress expires by the limitation of law, many votes can be taken, and many conferences can be had, and a just conclusion can be reached.

So I trust no gentleman will be induced to change his attitude upon this important question, the most important this House has been engaged upon in this or many preceding Congresses, under the impression that it involves in the least degree the question whether or not there shall be a called session of Congress, and I especially address gentlemen around me belonging to a great party whose great fundamental principle of equal and exact justice to all men is stricken down by this proposition, a proposition involving a principle of public policy that breaks into fragments the rock on which the great political party is founded which to-morrow, after a long period of time, becomes in a large degree responsible for the administration of this Government, and appeal to them to again reject this pernicious proposition and abide by the result.

Mr. BINGHAM. Then why did the gentleman report from the Committee on Appropriations a section almost exactly corresponding with this, and submit it to the House?

Mr. HOLMAN. I am not aware of having reported any such proposition as that pending.

Mr. HERR. We did report it, though.

Mr. BINGHAM. You reported an appropriation of \$600,000 for this service on a lease of four years.

Mr. RANDALL. The House rejected that.

Mr. BINGHAM. Yes; but I am speaking of the Democratic committee, to which the gentleman from Indiana [Mr. HOLMAN] belongs.

Mr. HOLMAN. Excuse me, that because a majority of a committee of fifteen members, of which eight would constitute a majority, thought proper to report a given provision, that it must therefore be assumed that the provision was an expression of the Democratic sentiment, conceding that the majority of the committee was of that party, takes me by surprise; for a very small desertion from that majority would change the result, as it did in this instance. And, further, the gentleman from Pennsylvania [Mr. BINGHAM] ought to have observed, though perhaps it escaped his observation, that the moment that proposition came into the House the Democratic sentiment was instantly expressed by Democratic members of that committee, a sentiment which for nearly a century has been steadily asserted by that party of undying hostility to all forms of subsidy as the most odious form of class legislation, and that the measure so reported was promptly rejected by this House.

Mr. BINGHAM. By what majority?

Several other members also addressed Mr. HOLMAN.

The SPEAKER *pro tempore*. The Chair will ask the gentleman from Indiana [Mr. HOLMAN] if these interruptions are with his consent.

Mr. HOLMAN. I would of course prefer not to be interrupted, but will answer any questions.

The SPEAKER *pro tempore*. Then the Chair will undertake to see that the gentleman is not interrupted. The gentleman from Indiana [Mr. HOLMAN] will proceed.

Mr. HOLMAN. The proceedings of the committee-room of course can not be brought into debate. Mr. Speaker, I believe I have said about all that it is proper for me to say upon this occasion. I shall hold it to be a bad omen—and I know there can be but one response to that upon this side of the House—I shall hold it to be a bad omen if, when the great political party known throughout all its history as opposed to this class of legislation, on the eve of coming into power reverses its record and adopts the principle of subsidy—a principle which, prevailing in every government of Europe, has filled those lands with tears, poverty, and wretchedness, a policy which in all ages has brought misery upon mankind. The magnitude of the pending measure is not in the amount at stake but in the fatal principle involved.

Sir, the principle involved in this measure of subsidy caused the wretchedness in the Old World that drove our fathers to settle the forests of America, the oppression and injustice that gave courage to men and women to face the hardships and dangers of the New World rather than bear the wrongs of the Old. It is the principle on which monarchy is founded. The root of despotism and kingly institutions is found in this very principle of subsidy; and that a disciple of Jefferson, who saw in the equal rights of men the only guarantee of just government and human freedom—that a disciple of Jefferson should at the beginning of the second century of our Republic favor this monstrous principle of subsidy is beyond belief.

The teachings of that great apostle of freedom have ceased to speak to the hearts of men, if, in the American Congress, where his professed followers are in the majority, a principle like this, however disguised in form, however hidden by specious pretenses and obscure provisions, can command support. Sir, I trust no gentleman will be deceived, whatever attempts may be made to obscure it. This is a subsidy and not a mere compensation for services to be rendered; and if there have been expressions in approval of it by the great press of this country, the voice of the nation, they have escaped my observation.

Sir, I have had occasion twice already to refer to the progress of direct subsidy from the time when it made its first appearance in Congress within the last twenty-five years. It began with a small subsidy for the same avowed purpose as that expressed in this measure—the extension of commerce—of only \$75,000 a year; then followed one of \$150,000 a year; then a subsidy of half a million a year; then a half a million more a year to this Pacific Steamship Company, and then a sense of humiliation and shame fell upon this country—for the dishonor of Congress was the price of that subsidy! Such, sir, must be the current history of subsidy in this country whenever it is resorted to, from the fact that it is incompatible with the fundamental principles upon which republican institutions are founded and can only triumph in dishonor.

That such a measure can be carried through by the ordinary agencies of legislation can not be believed. Thirteen years ago, when less care than now was used as to the admission of strangers on the floor, this very Hall was, as it would be to-night in the absence of your severe rules, thronged with men who, in the name of commerce and the American flag, were demanding a subsidy of half a million a year in addition to half a million already granted for a period of ten years to a corporation now represented in your lobby. And, sir, your records show the dishonor that attended that measure; and the same pernicious influences are sought to be brought to bear upon this Congress in its last hours to mar and blast its reputation.

I know, sir, I address a body of gentlemen, no one of whom can be

approached by the corrupt and seductive means then resorted to—influences which corrupt and pollute the fountains of law. But, gentlemen, the Forty-eighth Congress hastens to its close. In a few hours the knell of its existence will have been rung. We shall go to our homes; we shall meet our constituents; and I am confident that gentlemen returning to their constituents after having maintained here the principle of equal and exact justice to all men, the equal rights of all, and condemned the infamous policy which taxes all for the benefit of the few, will meet those constituents with clearer eyes, with a more confident front, with more manly self-respect and confidence than if they had permitted the seductive and delusive influences of the hour to control their sense of justice and voted for a measure which recognizes the right of Congress to give to the few the fruits of the labor of the many.

This is not in truth a just or important public measure, but a subsidy to plausible gentlemen who have the audacity to demand that which Congress has no right to grant—the promotion of their private fortunes at the expense of their fellow-citizens. Do you expect, gentlemen, that you will promote your carrying trade by these artificial means? I do not say your commerce, because your commerce increases everyday and every hour. Did you increase your carrying trade by your first subsidy or your second or your third or your fourth, out of which, as shown before a committee of Congress, \$750,000 was taken for corrupting the fountains of law in the American Congress?

At the very time when for the purpose as was claimed of promoting your carrying trade with China and Japan, you were paying a subsidy to this powerful corporation that now demands this subsidy, a line of steamships without subsidy was competing with it for the trade between your Pacific shores and the ports of China and Japan.

No, no, sir; never in the history of this country up to this hour has just and wise statesmanship imposed upon the whole people a charge and burden, advancing the fortunes of the few; and never can it be in the future while ours remains a government of the people. Never will it bring substantial benefit or advantage to the American people. It is the policy of Government which does not take from "the mouth of labor the bread it has earned" that give prosperity, strength, and true greatness to a Government like ours.

I trust, sir, that notwithstanding this measure comes upon us again at an unhappy hour—night is not a time for safe and prudent legislation—I trust, sir, that those who believe in the equal and just rights of men, who scorn the principle that the great mass of the people are born to toil that a few men may amass fortunes, will see to it that the corrupting and un-American principle of subsidy shall not obtain a triumph in this House. [Applause.]

Mr. TOWNSHEND. Mr. Speaker, how much time have I?

The SPEAKER *pro tempore* (Mr. HATCH, of Missouri). Thirty-five minutes.

Mr. TOWNSHEND. I reserve my time until gentlemen on the other side shall have been heard from.

Mr. HERR. I move that the House recede from its disagreement and concur in the Senate amendment.

Mr. TOWNSHEND. I will call the previous question unless the gentleman—

Mr. HERR. The gentleman can not call the previous question while I have the floor.

The SPEAKER *pro tempore*. The gentleman from Michigan has the floor, and has not yielded. He moves that the House recede from its disagreement to the Senate amendment and concur in the same.

Mr. BAYNE. I rise to a parliamentary inquiry. Is it not essential that the report of the conference committee should be adopted before the motion of the gentleman from Michigan can be entertained?

The SPEAKER *pro tempore*. The committee of conference has simply reported disagreement; so that there is no report to adopt. The motion of the gentleman from Michigan is in order.

Mr. HERR. Mr. Speaker, I make this motion for the purpose of avoiding an extra session of the next Congress.

Mr. WILLIS. The Congress after the next Congress.

Mr. HERR. I did not understand what the gentleman said.

Mr. WILLIS. I said the Congress after the next Congress was the one I supposed you meant.

Mr. HERR. I meant what I said.

Mr. WILLIS. I withdraw my remark.

Mr. HERR. I do not want an extra session of the next Congress. The Senate conferees hold just this position: "Gentlemen," they say, "here is a measure that the Senate has repeatedly for five years adopted by large majorities. It is a proposition that came into the House from your Committee on Appropriations, who reported it after due deliberation as the thing needed for the country. It is true the House voted it down, but the Senate in its judgment repeated this year what it has done heretofore so many times, and put this provision on this bill."

Now they say they can not yield it. They have been yielding it so long that they think it is no more than fair the House should yield and adopt this plan for one year.

Mr. HEWITT, of Alabama. I do not wish to interrupt the gentleman, but I would like to ask him a question.

Mr. HERR. Very well.

Mr. HEWITT, of Alabama. Do I understand the gentleman to say that the Senate insists on this amendment?

Mr. HERR. I have said as much.

Mr. HEWITT, of Alabama. And that unless the House recedes the Senate will not make appropriation to carry on the postal system?

Mr. HERR. The gentleman knows that I have not stated any such thing.

Mr. HEWITT, of Alabama. Notwithstanding that, the amendment itself is in contravention of the rules of the Senate.

Mr. HERR. Mr. Speaker, it occurs to me, since this House has decided that it is proper on an appropriation bill, that it does not come with good grace from us to throw that matter into their faces.

But I was stating a fact. The Senate refused to yield, and I am very sorry the gentleman from Indiana should have talked here for half an hour in an appeal simply to the prejudice of the men here as politicians. This is not a political question that we are talking about. I call the attention of this House to the fact that I have not mentioned politics in this entire debate, and I can get at politics as quickly as any man in the world if you give me a live chance. [Laughter and applause.] But this is not a political question—it is a business question, pure and simple.

I have asked the gentleman from Indiana, and I now ask the gentleman from Pennsylvania—if he is here—to meet me on this one proposition. No man has yet answered it. This bill simply says that the incoming Democratic Postmaster-General may make such contracts with American vessels for carrying our foreign mails as he may now make with our coastwise vessels for carrying the mails on the coast.

Mr. BINGHAM. For one year only.

Mr. HERR. For one year only.

Mr. MORSE. Will the gentleman let me ask him a question?

Mr. HERR. Certainly.

Mr. MORSE. Does this apply to any particular line in this country now?

Mr. HERR. Certainly not.

Mr. MORSE. Then it is entirely optional with the Postmaster-General to use the appropriation or not as he may see proper.

Mr. HERR. Every dollar of it is left subject to his judgment. If he does not think the service demands that a contract should be made with any vessel or any route he need not make it.

And instead of my friend from Indiana arraigning Democrats here for voting on this thing, I say to you when you vote against this proposition you vote a lack of confidence in your own Postmaster-General, which does not come with good grace from you.

Mr. HOLMAN. Was not the subsidy to the Brazil line, to the Sandwich lines, the first subsidy to the Pacific Mail, and the second subsidy to the Pacific Mail left in like manner to the discretion of the Postmaster-General; and were they not regarded as no less subsidies on that account?

Mr. HERR. I am not compelled to answer that, because he assumes this is a subsidy. I deny it. It simply gives the Postmaster-General power—

Mr. HOLMAN rose.

Mr. HERR. Now wait. To let contracts by advertisements to the lowest bidder for carrying our mails on the high seas. There is no subsidy in that.

Mr. HOLMAN. Allow me to ask the gentleman a question.

Mr. HERR. Certainly.

Mr. HOLMAN. Was it not a subsidy to the Pacific Mail which lasted until 1882—a subsidy of \$5,000,000?

Mr. HERR. What is the date?

Mr. HOLMAN. Begun in 1872 and ended in 1882. Was it not couched in the very same language as the proposition put by the Senate to this House?

Mr. HERR. Where was the trouble in those cases? Was it not in the officers executing the law? Can you not do better after all your experience, after all your years of hunger and thirst. [Laughter and applause.] Can not your Postmaster-General rise a little above such things? Have you learned nothing from your experience? Have you no confidence in your incoming Cabinet officers? But I want to go back to the original proposition. I have denied that this is a subsidy. It is a point you have not answered, and I have tried to get it answered in conference and out of conference, in season and out of season.

To-day you pay for carrying a letter 6,000 miles 2 cents, and you pay the same for carrying it 200 miles. Is that fair? Is it just? Will some one answer me that?

Mr. HOLMAN. My friend is too amiable to be severe. You pay under the 2-cent provision of sea postage the sum of \$640 for every pound of freight carried. It is not astonishing, therefore, that the Postmaster-General said you are paying higher for this freight than any other.

Mr. HERR. I do not know what the gentleman is talking about. We pay no such price per pound. It is not a business that is paid by weight.

Mr. HOLMAN. Why not?

Mr. HERR. It is a mileage business. It is 2 cents for carrying a letter 6,000 miles, and 2 cents for carrying a letter 200 miles. I ask you, but you do not answer my question. Come, now, answer it. Is

it fair to give a ship no more for carrying our mails to China and Australia, a distance of 6,000 miles, than we pay from Boston to Halifax, a distance of 700 miles?

Mr. HOLMAN. You charge the same for transporting a letter of a citizen of New York to San Francisco as you would charge from Baltimore to Philadelphia.

Mr. HERR. Yes; but, my friend, you are unfortunate in your illustration. The question is not what the sender of the letter must pay, but it is this: What should the Government pay for carrying the letter? Should it not pay more for carrying a letter from New York to San Francisco than it does from Baltimore to Washington? The postage is the same in both cases, but not the price of carrying the mail.

Mr. HOLMAN. Yes; but if you give the vessel, whether it be American or foreign, the whole postage, is not that a fair pay for the service?

Mr. HERR. No, sir; that is a fair question but it answers itself, it seems to me. Such compensation is unfair for a long distance.

Mr. HOLMAN. Why?

Mr. HERR. I will try to explain it to the gentleman. If you give the man who carries the mail on your star route 300 or 500 or 1,000 miles just simply what the postage comes to, how many letters would be carried to your citizens throughout the United States over star routes, do you suppose? Can you answer me that? Do you think any would be carried? The distance traveled is the main thing.

Mr. HOLMAN. Did not the Postmaster-General answer that very well in his letter in 1864, under similar circumstances to this: that the larger portion of the mail carried, for which the vessel received the entire postage, was in matters pertaining to their own business?

Mr. HERR. Now, look at that for a moment; does not the gentleman know that the mail on every railroad in the United States, much of it, relates to business done right along the line of the roads?

Mr. BAYNE. Will the gentleman yield to me for a question?

Mr. HERR. Certainly.

Mr. BAYNE. If you have so much confidence in the incoming Postmaster-General, why not provide an appropriation of \$500,000, or six or seven hundred thousand or a million of dollars, and let him make contracts with the lowest bidder for the ocean-mail service?

Mr. HERR. Why I have not expressed any of this alarming confidence in the incoming Postmaster-General. [Laughter.] I merely called upon the gentleman from Indiana to stand up for and stand by his own Postmaster-General, and the gentleman from Pennsylvania might probably stand with him. I do not claim any marvelous confidence in the coming man, but the gentleman from Indiana has no right to appeal here to Democrats to defeat this bill as Democrats, especially as the appropriation is to be expended under the administration of their own party.

Mr. HOLMAN. Now let me ask the gentleman another question?

The SPEAKER *pro tempore*. Does the gentleman from Michigan yield?

Mr. HERR. No; I will not yield any further, and such remarks would spoil any man's speech. [Laughter.]

Now, I do not wish to detain the House on this subject. I assert, and gentlemen on the other side do not answer it, that this is simply a proposition to pay proportionately by the mile for this service, just as we do in the star-route, in the railroad service, and the coastwise service, and as we ought to do on the ocean service for the work performed. And the Postmaster-General need not make a single contract with anybody under the terms of this bill if he does not get fair rates and if he does not think the service warrants such contract.

Now, what is the use of trying to higggle about this thing, or of lugging the cry of "politics" into it? This is simply a plain, business, common-sense proposition whether we shall stand by the vessels that carry the flag of our country, or stand by those that carry the flag of some other nation. This bill carries just the same—now mark it—the same amount of money for foreign ships as for American ships, and these American ships run within a little of precisely the same number of miles that the foreign ships do, and carry the mails over every single foot of the distance. It is a simple proposition to ask the people of this nation to do as well by themselves as they do for outsiders, and that is all there is in it.

For myself I am in favor of subsidies if need be to again set our flag afloat, but this is not a subsidy. I would have three times, ay, five times the amount in this bill if I could thereby once more put American ships on the highways of commerce and save to the people of this nation the \$120,000,000 that we pay annually to foreign vessels for carrying our own products.

Mr. CLAY. But this would not do it.

Mr. HERR. This may not do it, but it is the entering-wedge; it looks to that result, and I trust may finally end in building up an American merchant marine that shall be worthy of this great American nation. [Applause.] And while we are trying to do it, instead of discussing it from a business standpoint our venerable friend from Indiana, with all of his experience, lugs in politics and tries to place you on that side of the House in a position of opposition to this measure proposed by the Senate by introducing something that does not apply to it at all—simply aims to defeat this bill by applying the party lash.

I have not appealed to my side of the House as Republicans; I appeal

to both sides of this House as American citizens. And the American citizen is a higher title than any party name, is it not?

Mr. HOLMAN. I heard the same speech twelve years ago.

Mr. HERR. It was good then and is good now. I say, let us without reference to party stand by the interests of our own nation and provide for the prosperity of our own country. [Applause.] I yield ten minutes to the gentleman from Louisiana [Mr. ELLIS].

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8279) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1886, and for other purposes.

POST-OFFICE APPROPRIATION BILL.

Mr. ELLIS. For ten years I have consistently favored a measure like this. In ten minutes I can not speak adequately to its merits.

I desire, in the first place, to ask for information a question which has passed my lips frequently and has never been successfully answered yet. I ask, in what is this a subsidy more than that which you pay to your coastwise steamers, your inland transportation, your star routes, or your railroads? It is intended that your Postmaster-General shall, after advertisement, contract with American ship-owners to carry American mails in United States steamships. In what is it a subsidy? It is nothing in the world but a measure to give honest pay for honest service; it is that and nothing more.

Is it Democratic to say we shall take the services of these steamships for nothing? Ah! that is the policy of the gentleman from Indiana [Mr. HOLMAN]. He would revive that infamous law by which once the private property of citizens was confiscated for public use without due compensation. Now, sir, he has endeavored to crack the party lash. It has no terrors for me. Every time it is cracked I feel more and more determined to go on in my course independent of it. But I tell the gentleman from Indiana that Democrats who were Democrats before ever he was thought of for public life, who when he was a school-boy shaped and controlled the Democratic policy of the country, were in favor of measures akin to this. Shall I read what they say? I hold in my hand a collation of Democratic authorities. Was James K. Polk, of Tennessee, a Democrat? Listen to what he said:

The enlightened policy by which rapid communication with the various distant parts of the globe is established by means of American-built sea steamers would find an ample reward in the increase of commerce and in making our country and its resources more favorably known abroad; but the national advantage is still greater—of having our naval officers made familiar with steam navigation, and of having the privilege of taking the ships already equipped for immediate service at a moment's notice—and will be cheaply purchased by the compensation to be paid for the transportation of the mail in them, over and above the postages received.

That is from President Polk's annual message of December 7, 1847. Again, sir, I quote from the same authority:

Our farmers and planters, under a more just and liberal commercial policy, are finding new and profitable markets abroad for their augmented products.

The contracts for the transportation of the mail in steamships convertible into war steamers promise to realize all the benefits of our commerce and to the Navy which were anticipated. The first steamer thus secured to the Government was launched in January, 1847. There are now seven, and in another year there will probably be not less than seventeen afloat. While this great national advantage is secured our social and commercial intercourse is increased and promoted with Germany, Great Britain, and other parts of Europe.

That is from President Polk's annual message of December 5, 1848.

Now, I will quote from Senator Bayard, the father of the distinguished gentleman who is now at the other end of the Capitol. He said:

I am willing to trust American skill and industry in competition with any people on the globe, when they stand nation to nation, without Government interference. But if the treasury of a foreign nation is poured into the lap of individuals for the purpose of destroying the interests of my country, or for building up a commercial marine at the expense of the commerce and prosperity of the United States, I, for one, will count no cost in countervailing such governmental action on the part of Great Britain or any foreign power.

Was Senator Badger, of North Carolina, a Democrat? Here is what he said on the question of the Collins subsidy. He said the question was one of "controlling importance;" it is a "mighty, peaceful, and important contest between the United States and Great Britain for supremacy;" and that "the question whether we would voluntarily surrender that which, to obtain and perpetuate, Great Britain would, without hesitation, sacrifice one hundred-times the amount of money involved." I have not time to quote him further.

Was Lewis Cass a Democrat? He said:

Well, sir, it is a question of protection—of high and important and holy protection—in the best sense of the term; the protection of our country, of our expatriated seamen, of our commerce, of our interests, of our honor, of our soil, of all that gives dignity and character to nations; protection against defeat, disgrace, and dishonor.

This kind of protection to our commerce is as effectual as the protection afforded by expensive naval armaments.

Humphrey Marshall, of Kentucky, said he would vote for a subsidy to a line of mail steamers "to maintain a nursery for our Navy" and "to maintain a competition with the British lines."

Senator James C. Jones, of Tennessee, than whom Tennessee has hardly produced a more brilliant statesman, said:

I should regard it as a national misfortune if the enterprise should fail.
I am willing to vote large and liberal allowance.

I might go on and accumulate authority after authority to show that the position assumed by the gentleman from Indiana is not Democracy, unless it be that latter kind of Democracy which seems to have no eyes for anything except a niggardly, pseudo, so-called economy. [Applause.]

Then, sir, why should we not treat these two vessels alike? Here are two vessels at a wharf in New York city, both built of iron, both built upon the same lines, with the same angles, both the same in power, both the same in registry, the same in armament—alike in everything—both American ships. One of them is engaged in the coastwise trade, and with her you contract for the carriage of your mails as you do with a steamboat in the inland mail service; you pay her upon an average 60 cents a mile; she is greeted often by a friendly port; there is no mark of hardship upon her; you protect her in a monopoly of the coastwise trade, and in addition you pay her a liberal compensation for the postal service she performs.

[Here the hammer fell.]

On motion of Mr. KING the time of Mr. ELLIS was extended, by unanimous consent, for five minutes.

Mr. ELLIS. Mr. Speaker, I was contrasting the treatment that we give to these two twin vessels of which I was speaking, both alike, both American ships bearing the American flag, both registered under the American customs laws.

I have shown you what we do with the one; but the other, what have we done with her for forty years? We have taken her absolutely for our public service without just compensation. It was the action of a Democratic Congress which repealed last spring the infamous law by which that was done. That law was repealed in the expectation that at this session we would take some action looking to adequate payment for this character of mail service. That ship goes across the ocean. It is she that brings in the imports from which you raise your revenue; it is she that goes abroad to find a foreign market for your ore products and all your surplus products. Oh, I wish that the gentleman from Pennsylvania [Mr. BAYNE] could get the soot and the dust out of his eyes and could climb up onto some high peak of the Alleghanies and look out upon the clear glistening ocean and upon the dark continents that rise out of it, and upon the multitudes there that wait for all that our factories can turn out, for our products of every kind that we can spare.

Oh, if you had control of those foreign markets! And you will achieve it if you put an American merchant marine upon the ocean; you will achieve it if you send American newspapers, American drummers, American merchants into those foreign lands. And if that were accomplished there would be no more strikes in our country, no more labor crises in Pittsburgh, but the smoke-clouds would hang perpetually over her and her fires of industry would never go out.

I trust that an enlightened public spirit, an enlightened public policy will prevail. I trust that this House will no longer quibble over this amendment. I trust that each man here feels entirely competent to take care of his own honor, without any suggestion from the gentleman from Indiana [Mr. HOLMAN].

Feeling thus, and acting in a broad and public-spirited way, you can not fail to take this policy which, if adopted, I believe will once more whiten every sea and gladden every continent with your sails and your flag, and bring to this country the greatest prosperity she has ever known. [Applause.]

Mr. HERR. I yield five minutes to the gentleman from Maryland [Mr. FINDLAY].

Mr. FINDLAY. Mr. Speaker, I dislike very much to follow what the gentleman from Louisiana has so eloquently said by an anecdote, but when I hear this talk about "subsidy," which, in my humble opinion, has nothing whatever to do with this case, and which strikes me as positively absurd, I am reminded of an anecdote related in the correspondence of Mrs. Carlyle. She tells a story of an old Scotch preacher who in a time of great rains in Scotland was prevailed upon to pray for a change. In the midst of his prayer for dry weather, and just as he had reached the most fervent part of it, there came a tremendous downpour of rain upon the roof of the church, threatening a deluge, and he burst out with the exclamation, "O Lord, this is too ridiculous!" Here is a plain business proposition before the House, and it should be so considered. It is a very easy thing to bandy epithets, to call hard names, and to impute false and dishonorable motives; but all that can not change the law or the facts of this case.

Yonder stately shaft which we have just completed to the spotless memory of the Father of his Country may in a short time have mud balls thrown at it by small boys or be otherwise disfigured; but the sturdy structure stands in secure repose upon its impregnable foundations. So it is with the law and the facts in this case. You can not change them. What is the law? We have abolished the compulsory feature, or it will cease to be operative on the 1st of April next. That is gone. The contractual feature remains. The Postmaster-General may contract to-day. But unfortunately there has been a limit fixed

as to the compensation which he can award for this service. That limit is the sea and inland postage. Now, is that enough? That is the first question which we must meet. It has been shown time and again before our committee on shipping that it actually cost the Pacific Mail Steamship Company more money to transport the mail at Aspinwall to the post-office than it earned through the whole route. This, I say, is not fair.

Now, what is this provision? Is it to pay 50 cents per nautical mile? Is it to give what my friend from Indiana calls an arbitrary subsidy? No, sir; 50 cents a mile is a limit fixed, within which the Postmaster-General may contract, awarding the contract for the service to the lowest bidder. Is that a subsidy?

My friends are frightened at the word "subsidy." Do they know the origin of the term? Mr. Speaker, the old subsidium represented the third line of the Roman army in battle array; it was the reserve. And all I have to say is that you may put upon me the broad arrow-mark of a subsidist, if it is necessary in this sad day of the decadence of our commercial marine to call out all our reserves to put the flag where she can again chase her dancing shadow o'er forgotten seas. [Applause.]

Mr. HERR. I now yield five minutes to the gentleman from Louisiana [Mr. HUNT].

Mr. HUNT. Mr. Speaker, think of the new definition which the gentleman from Indiana [Mr. HOLMAN] has given of Democracy! But he has been met by my colleague [Mr. ELLIS], who has confronted him with a few eminent names of persons representing an opposite position. I might multiply them, Washington, Jefferson, Madison; in later times, Mr. King of Georgia, Mr. Polk of Tennessee, Mr. Soule, Mr. Cass, Mr. Bayard, Mr. Badger. Without being guilty of disrespect, in a debate where we find ourselves opposed to the gentleman from Indiana, we might be satisfied to oppose these authorities to his individual view. We might, indeed, be excused if we were indignant with him. Fortunately for me, I venture to say, I am accustomed to consider questions without reference to appeals to prejudice. Fortunately for me, allow me to add, I am accustomed to be considered above all association with prejudices in matters which I undertake to discuss.

Mr. Speaker, I submit that it is unworthy of the topic which is before the House, unworthy of the House, unworthy of the gentleman from Indiana, unworthy of the public policy under consideration, to resort as the gentleman has to mere generalities and declamations concerning Democracy, and to appeals to prejudice without reference to any facts upon which to stand.

What is the truth here? Instead of taking the money of the many to enrich the few, as the gentleman wrongfully insists is the case, it is proposed out of the net revenues of the Post-Office Department arising from foreign-mail service to maintain and carry on for the benefit of the people that same service; out of the moneys so earned to take a part only to support the service; to unify the system upon which the postal service of the country is conducted; to put the service on the ocean somewhat upon a footing of equality with the service on land; to say to the man who embarks his capital in steamships, who risks the perils of the sea, who is willing to carry the flag of his country into foreign ports, to be the medium of communication between merchant and merchant—to say to him that he shall receive a portion out of the net revenues thus realized. Is not this doing what is honest? Is not this doing what is right? Is not this applying to the foreign-mail service the same principle which we are constantly and familiarly applying to the service on the land?

In addition to the considerations which have been addressed to the House, we are able to point to the experience of all mankind who have resorted to the encouragement of steam navigation upon the seas. The postal ship, Mr. Speaker, is the herald of civilization, because she is the means by which correspondence between foreign countries is conducted, because by that correspondence contractual relations are brought about, and by means of those contractual relations national wealth and maritime defense and national glory are prospered.

[Here the hammer fell.]

Mr. HERR. I now yield for five minutes to the gentleman from Virginia [Mr. JOHN S. WISE].

Mr. KEIFER. As this debate is going to run along for some time I suggest that the gentleman from Texas, who has a conference report to submit, should be allowed to do so, so the bill may go to the enrolling clerks.

Mr. HERR. But not to be taken out of my time.

Mr. KEIFER. No; it will not be taken out of the gentleman's time.

FORTIFICATION APPROPRIATION BILL.

Mr. HANCOCK. I submit the following privileged report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House 8279, making appropriations for fortifications and other works of defense and for the armament thereof for the fiscal year ending June 30, 1886, and for other purposes, having met after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, and 6, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate

numbered 3, and agree to the same with an amendment as follows: In lieu of the said amendment insert the following: "And for the necessary and proper expenses of the said board and for the compensation of two civilians at \$10 per day while so employed in the discharge of said duties the sum of \$40,000, to be immediately available, is hereby appropriated; and the report of said board shall be transmitted to Congress by the Secretary of War;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the House numbered 5, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "For the construction of testing experimental wagon-carriages, for the purchase or manufacture of a multicharge gun and testing the same for;" and the Senate agree to the same.

JOHN HANCOCK,
WILLIAM H. FORNEY,
W. D. WASHBURN,
Managers on the part of the House.

H. L. DAWES,
F. M. COCKRELL,
P. B. PLUMB,
Managers on the part of the Senate.

Mr. HANCOCK. I move the adoption of the conference report.

The report was adopted.

Mr. HANCOCK moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

Mr. HERR. I now yield to the gentleman from Virginia [Mr. JOHN S. WISE] for five minutes.

Mr. JOHN S. WISE. Mr. Speaker, at a later hour of this day we shall hear from the President-elect of the United States, but I do not believe that in all he will utter words of greater wisdom or of more earnest truth will fall from his lips than those which I read to-night from him as pertinent to the subject now under discussion.

A MEMBER. By whom?

Mr. JOHN S. WISE. Mr. Grover Cleveland, President of the United States.

In 1840 American vessels carried 82.9 per cent. of all our exports and imports; in 1850, 72.5; in 1860, 66.5; in 1870, 35.6; in 1880, 17.4; in 1882, 15.5.

The citizen of New York, looking beyond his State and all her efforts in the interest of commerce and national growth, will naturally inquire concerning the causes of this decadence of American shipping.

While he sternly demands of his home government the exact limitation of taxation by the needs of the State, he will challenge the policy that accumulates millions of useless and unnecessary surplus in the national Treasury, which has been not less a tax because it was indirectly but surely added to the cost of the people's life.

Mr. Speaker, I propose for a few moments to address myself to the proposition there discussed of building up American commerce by the disposition of some of that accumulated surplus.

Thirty-eight years ago I was born in Rio Janeiro and to-day reside in the city of Richmond, Va. It so happened that when thirty-eight years ago I first saw the light it was while the United States of America was enjoying that South American trade, and to-day the little remnant of it that is left to us is in great part in the city of Richmond.

Year by year the commerce of the United States with the South American continent has decayed. Year by year it has been driven from the markets of the world. Year by year the splendid flag which once floated from the peak of those bounding greyhounds of the sea, the American clippers, has been driven from the seas by the superior wisdom and superior push of other nations.

To-day the problem in the United States is how shall we revive the lost commerce and maritime importance of the United States, where shall we find a market for American productions; and the conclusion of those who have considered that subject are almost unanimous that the only hope of American manufactures is in the re-establishment of our trade relations with the South American continent.

This bill proposes not a subsidy. I wish to God it did. If I were autocrat of the destinies of American trade and commerce I would build the ships at Government expense, load them with the productions of American citizens, and if need be even give them to the American sailor who would sail the vessel bearing our flag and sell the products of American toil abroad until we had driven Great Britain from the land that God made our natural market, with its trade-winds blowing and currents of the sea flowing with all advantages in our favor. [Applause.]

But this bill does no such thing as that. It is in no sense a subsidy. Look at it as you will, it is but honest pay for honest work. It is true it makes a slight discrimination in favor of the American ship, as a carrier of our mails, as against the British, but even that is insignificant as compared with Great Britain's well-known rule, that no mail-bag from her territory anywhere shall ever lie upon the deck of any but a British ship.

When we consider the history of our languishing commerce the men in whose favor this discrimination is made appeal most strongly to our sympathy and sense of simple justice.

Through thirty years of seemingly studied strangling of our commerce by the policy that has been pursued, there have yet remained Americans who refused to forget the glorious days of the McKays, when the Stars and Stripes crossed the equator oftener than the St. Andrew's cross. Through thirty years of neglect of our merchant marine there have yet remained Americans who loved the old stories of the days when

we challenged the supremacy of Great Britain on the high seas, who still thrilled with Perry's immortal words, "We have met the enemy and they are ours," or loved to dream of the old Constitution frigate and the legend of her glorious victory when—

The Guerriere frigate bold
On the foaming ocean rolled,
Commanded by proud Decres so grandly, O,
With as choice a British crew
As a rammer ever drew,
They could lick the tars of France neat and handy, O;
But they never found their match
Till the Yankees they did catch,
For the Yankee boy for fighting is the dandy, O.

[Applause.]

Yes, through all these years the spirit which gave us these and a host of other splendid naval episodes in our early history has refused to be quenched. To the pushing energy of the American merchant—the hope of our maritime ascendancy—which naturally turns him to the high seas seeking market for his goods, and which refuses to yield to neglect, folly, or adverse legislation, and to an honored few of our enterprising men of wealth, who know and feel how indispensable is our merchant marine to our future greatness in the markets of the world, is due the small fragment of bottomry and foreign commerce still left to us.

I say, Mr. Speaker, there have been men who believed in the ultimate supremacy of American commerce, who never despaired of the future of American commerce, and who through all these years have clung to the hope of renewed prosperity to American commerce and the shipping trade; and this bill proposes but a step, a proper step, in the direction of assisting them not by subsidy but by offering honest compensation for the honest work performed by patriotic American citizens. God grant that this Congress, which has done so little for the country in the way of positive legislation, may not do our own citizens this great wrong and by negation drive our last lingering hope of a merchant marine from the high seas with cold neglect while ample pay is provided in this very bill for like service by the ships of other nations. [Applause.]

[Here the hammer fell.]

Mr. HERR. I now yield five minutes to the gentleman from Delaware [Mr. LORE].

Mr. LORE. Mr. Speaker, this is not a political question in any sense of the word. It is purely an economic question, and I do not believe that any one will be terrified by the cry of "subsidy" that gentlemen are disposed to raise in this debate.

If it were a subsidy pure and outright the time has been when Americans even were not scared by the word. It may have been corruptly used, and every honest American rebels at corruption; but by subsidy properly used our American commerce in the past has risen to equal and excel that of the greatest commercial nations of the earth, and no American citizen had reason to hang his head or be ashamed.

Under subsidy we had a line of steamers that once floated upon the Atlantic under the flag of this country—the Collins line—and I well remember how every American's heart beat proudly as we read in the bulletins from time to time that the Collins line of steamers was the pride of the ocean. That was a subsidized line.

To-day, sir, in Philadelphia, right in the very city of my friend, the chairman of the Committee on Appropriations, the only line of American steamers that was owned by Americans and run by Americans has taken the American flag from her mast, and to-day floats the Belgian flag, and is subsidized by the Belgian Government.

Then, if it were a pure subsidy I would not be afraid. The time has come when the American people should not be scared by a shadow of past corruption summoned from the dead past by the able member from Indiana [Mr. HOLMAN].

Our merchant marine is a thing of the past and a dream of the future. It has no existence to-day, but we mean as far as we can to take the initiative steps to again rebuild that proud marine. This is a step in the right direction. The proposition before the House is not to subsidize these steamship lines, but to pay an honest compensation for the honest labor they perform. The labor performed is comparable, as stated by the member from South Carolina [Mr. TILLMAN], to the labor of transportation upon your star routes. Would you discontinue the service on every little postal star-route line throughout the country because of the star-route frauds?

Can we not distinguish between fraud and the just and honest application of an appropriation to the needs of a great service, while at the same time we are taking a step in the direction of progress? One promotes industry and builds up the marine; the other dwarfs not only the enterprise, but it degrades the man who is engaged in it. Now let us pay to these vessels, as we pay to the little star routes, a fair equivalent for the services rendered.

The Committee on American Ship-building and Ship-owning Interests, of which I have the honor to be a member, have carefully and honestly considered this matter, not only during this session but in the last session of Congress, in all of its phases. On that consideration we were unanimously of opinion that it was wise and beneficial. It was introduced in the appropriation bill presented by the Committee on Appropriations. And let me say that this is one of the means which will

enable us again to float our vessels on every ocean and in every sea, manned by American tars the equals of any in the world. [Applause.]

Mr. HERR. I reserve the balance of my time until I hear from gentlemen on the other side, having the affirmative of the proposition.

Mr. TOWNSHEND. I desire to know whether the gentleman has the conclusion. I think the discussion is proceeding under a motion I myself made, and I wish to have it stated.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Illinois that when he took the floor he made no motion.

Mr. TOWNSHEND. I supposed I had made a motion. It was my intention to do so.

Mr. HERR. I was speaking on my own motion.

The SPEAKER *pro tempore*. The motion of the gentleman from Michigan is the only one pending.

Mr. TOWNSHEND. It was my intention to move to further insist. But does the motion of the gentleman give him the right to close the debate?

The SPEAKER *pro tempore*. The gentleman from Michigan has the only pending motion.

Mr. TOWNSHEND. I yield five minutes to the gentleman from Tennessee [Mr. McMILLIN].

Mr. McMILLIN. Mr. Speaker, I deem it fortunate that the advocates of this measure, thrust upon the House by the Senate, have pursued the line of debate that has characterized them this afternoon. The gentleman from Virginia [Mr. JOHN S. WISE] is so much in favor of subsidy that while he claims that this is not a subsidy, he wishes to God it was one. He would thank the Lord if he could get hold of a subsidy with a little firmer grip. The gentleman from Michigan [Mr. HERR] says that he is in favor of subsidy. And the gentleman from Maryland [Mr. FINDLAY], if I understood him correctly, thinks that he would not back off from it much if it would accomplish certain results.

Mr. FINDLAY. That is true.

Mr. McMILLIN. The gentleman says that is true.

Mr. FINDLAY. Perfectly so.

Mr. McMILLIN. Then we have the whole of the advocacy of this bill emanating from those who say subsidy is right. There is the issue, led on by the gentleman from Michigan who advocates subsidy, justifies subsidy, and the gentleman from Virginia who would thank God if it were more of a subsidy. The issue is squarely presented and gentlemen can meet it as they wish. For one, I do not follow any such lead.

The gentleman from Michigan says he is in favor of passing this because he is in fear of an extra session. In fear of an extra session! That great trepidation and horror seized him long ago; for the very first hour this subsidy made its appearance in this Hall he was one of its earliest and warmest advocates.

Others say they want it in order to build up a merchant marine. Who ever saw the marine of a country made great out of its public treasury? And who here will claim that even if that particular branch of the service could be made great it would be right to rob the widows, the orphans, and the laborers of the land in order to enrich the few who were able to build vessels for the sea?

I remember to have heard the gentleman from Michigan here declaiming most loudly and eloquently against general legislation on an appropriation bill. But when it comes in a form at least questionable if not a subsidy, he can gulp it down without any trouble. It gives him no difficulty to swallow it at all even on an appropriation bill; and we see him turning about-face on the subject of general legislation on appropriation bills.

Now the question is, shall we, because but a few hours more remain of the session, permit the Senate to dictate on an appropriation bill an appropriation of between half a million and a million dollars in a provision which is new legislation? For one, I say no. If it is meritorious, let it come up on its merits. Let us not be terrified into this. If you are terrified into this to-day you may expect to be so to-morrow in something else, the next session in another thing, and it will not be long before the Senate can dictate to the representatives elected directly by the people what shall be appropriated and how the law shall be changed on general appropriation bills.

Mr. TOWNSHEND. I yield five minutes to the gentleman from Pennsylvania [Mr. BAYNE].

Mr. BAYNE. I think I have said as much as I intended to say on this subject. We have listened to eloquent speeches; we have heard appeals made to our sentiment as Americans; we have heard appeals made to our desire that American commerce shall be extended and that the ocean shall be whitened with our sails; that we shall have a merchant marine that shall equal that of England. All these appeals have been applauded. I am as much an American as any man living, and it is because I am an American that I do not want my Government to enter on that which will sooner or later corrupt the very halls of its legislation.

There is an easy solution of all this, and it is this: Give to the Postmaster-General \$500,000 or \$600,000 and tell him to make his contracts with the lowest bidders for carrying the American mails. That is an easy solution of all this. But gentlemen are not willing to do it in that

way. They say we must make contracts with certain ship-owners, and we must pay them 50 cents a mile unless some other American ship-owner shall come in and bid under them. And the contention is that we shall give power to the Postmaster-General to make the contracts in that way. And yet gentlemen have got up on the floor and denied that this was a subsidy; they have claimed that it was not a subsidy at all. Why this persistence in pushing and pressing this measure unless it means more than a bare compensation?

Mr. BRUMM. Will the gentleman permit me to ask him a question?

Mr. BAYNE. I do not yield. There is more in this than the payment of a fair compensation for the service rendered. It provides a subsidy.

Mr. BOUTELLE. Something more! Where?

Mr. BAYNE. If it did no more than to provide a compensation gentlemen would not so persistently insist upon it. It does more, it introduces the policy of subsidizing our merchant marine.

Resistance is shown in favor of this measure, and at the same time it is claimed that it is not a subsidy, that it is but a compensation; and yet in the face of these facts gentlemen are not willing to give to the Postmaster-General \$400,000 or \$500,000 or \$600,000 and to say to him, "Make your contracts for carrying the mails on the ocean, and let the contracts out to the lowest responsible bidders." That discloses the fact that a bounty is to be given, which to my mind is a bad policy for our Government to enter on.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. MCADOO. Mr. Speaker, following up the illustration of the gentleman from Maryland [Mr. FINDLAY] with another, let me say that the speculations upon this floor as to what this provision is and whether it is a subsidy or not remind me of Mark Twain's story of the jumping frog. When the stranger first saw the jumping frog he said to the owner of it: "What might that be?" The owner of the frog replied: "It might be a canary; it might be 'most anything, but 'taint; it's a frog." So, sir, it seems to me that all this speculation as to whether this is a subsidy or whether it is a provision for fair and reasonable competition or simply pay for services rendered ends simply in this; that it might be anything, but, as its opponents charge, it is a subsidy; and, as a member of the political party in ascendancy on this floor, I protest against what I consider the misrepresentation of illustrious names in our political history when they are cited here as advocates of the idea of subsidy. Not one word can be found in the speeches or writings of those illustrious men which can even be twisted to show that they favored the principle of subsidy.

Mr. ELLIS. Does not the gentleman know that the Collins line was sustained by a subsidy under Democratic legislation?

Mr. MCADOO. I can not yield now. My time will not permit it. Mr. Speaker, I have read the elaborate report of the distinguished Georgian [Mr. KING] in the Twenty-ninth Congress, and I say to this House that in that report he was simply following out the line of thought of those illustrious statesmen who desired to build up a quasi navy in the then condition and style of war vessels, not to subsidize any commercial lines. Sir, I thought it was a most unfortunate thing for the advocates of this measure to take as illustrations of the benefits of subsidy the Collins line and the line to Brazil. The history of the subsidies to those lines shows this: that you never can, by artificial stimulus, build up American commerce. Our situation and conditions are unfavorable to such a policy. It is in opposition to the genius of our institutions.

Mr. SPRINGER. That is so.

Mr. MCADOO. You stimulated the Collins line with a subsidy, and when you withdrew that stimulus the patient receded into decay and death. France and England give subsidies. Their governments, unlike ours, are not wrenched and strained in principle by so doing. Moreover, their commerce so subsidized has a healthy normal life of its own. It does not exist on the stimulant alone. With them subsidy is correct in principle, and a natural home protection to their own interests.

When you subsidized the Brazilian line you did not add a dollar nor a pound to the value of your commercial relations with that country, and when the stimulus was withdrawn that line went down. American commerce will be built up, but it will never be built up by great public donations from the public Treasury. Mr. Speaker, in the short time allowed me I want to say this additional word. I hope this amendment will not be agreed to. The dignity of this House, which has protested by its vote on two several occasions against this amendment, is at stake. And, as a member of the political party on this side of the House, I would rather see a dozen extra sessions than to yield this the greatest principle that has been brought before the Forty-eighth Congress.

What is the distinguishing feature between government in the old world and government in the new? The great Jeffersonian idea, which the illustrious gentleman from Indiana [Mr. HOLMAN] has so eloquently spoken of, is that government is an umpire to see fair play between individuals while they compete on their merits. The old monarchical idea, whose practical fruits some of us so painfully remem-

ber, is to have a powerful and paternal government—subsidies for the few, that they may be enriched by the toil, the suffering, and the degradation of the many. Gentlemen have grown eloquent about the American flag being carried into foreign lands by subsidized vessels. It will not be a work of national honor, but, on the contrary, it will be a black stain upon our bright-hued flag when it is hoisted over vessels subsidized with the people's money drawn from the people's taxes, and used to enrich the few who may be the beneficiaries. [Applause.]

Mr. TOWNSHEND. I yield five minutes to the gentleman from Kentucky [Mr. CLAY].

Mr. CLAY. Mr. Speaker, the proposition we are to consider is whether the House shall concur in an amendment of the Senate which has been placed upon this bill in contravention of the rules of that body and against the will of this House. By the action of the House this subsidy clause was stricken from this bill. By the action of the Senate, contrary to the rules of that body, it was again put in the bill, and we are now called upon to pass upon that amendment made by the Senate.

Mr. Speaker, I appreciate the sentiment which has been uttered here by several gentlemen who have spoken in favor of this amendment—that it would be a matter of patriotic pride that the flag of our country should be saluted upon every sea. But, sir, no amount of subsidy can make that flag float free upon the ocean. The commerce of our country is bound hand and foot by a different idea, which has actuated our Government in its policy for many years—the principle of the tariff, which has prevented, and still prevents, free trade upon the seas. The proposition here is to give to the Postmaster-General the right to contract with American vessels for the carriage of our foreign mails, and those vessels are not to be paid merely for the services they render, but, as the gentleman from Indiana [Mr. HOLMAN] has stated, they are to receive a subsidy—the amount of money over and above what is earned in the line of service. To that I am opposed; against that I enter my protest; and if I were a conferee of the House, extra session or no extra session, I would oppose it until the clock struck the hour of 12 noon to-morrow.

[Here the hammer fell.]

Mr. TOWNSHEND. Mr. Speaker, I have no desire to add anything to what I have said to-day upon this subject. There remain to me fifteen minutes, which I am disposed to donate to the House, recognizing its impatience for a vote. [Cries of "Vote!" "Vote!"] I will say in justice to the gentleman from Michigan [Mr. HERR] that he has ten minutes left; and I have no disposition to cut him off. [Cries of "Vote!" "Vote!"]

Mr. HERR. So far as I am concerned I would be willing to vote; but I promised five minutes to the gentleman from New York [Mr. DORSHEIMER].

Mr. TOWNSHEND. Will my friend from Michigan allow me at the suggestion of a colleague to make this statement: Some one has said this bill does not carry any appropriation for foreign-mail service. We have an appropriation in the bill as it left the House of \$425,000 for foreign-mail service.

Mr. HERR. I yield five minutes to the gentleman from New York [Mr. DORSHEIMER].

Mr. DORSHEIMER. Mr. Speaker, in the observations I made this afternoon I suggested it was possible that the service which has been performed between San Francisco and China and Japan could not be performed for the compensation which is now afforded to the Pacific Mail Steamship Company.

The distinguished gentleman from Indiana [Mr. HOLMAN] congratulated this House upon the circumstance (to use substantially his own language) that the country was not dependent upon the will of that steamship company; that there were competitors there ready to perform this service. Now let me say that the ocean service between San Francisco and Asia is performed alternately by two steamship lines, one American and the other an English line. The existing service can not be performed if the American line should refuse to carry the mails, unless the English line should double the number of its vessels now engaged upon the route. Does the gentleman from Indiana suppose that for \$3,000 a year the owners of the English line would double their service? And if they would double their service, then I ask how long have we to listen to arguments addressed to this House based upon the idea that foreign countries are willing to perform a part of the functions of our Government? If that argument is to be addressed here—

Mr. HOLMAN rose.

Mr. DORSHEIMER. Do not interrupt me. If that argument is to be addressed here, I commend it to the economist of Indiana that he may address himself to a topic worthy of his genius, and in which a substantial saving might be made. I have no doubt that if we made the proposition to England to-morrow she would do the naval service of this country. I have no doubt that if we were to say to England to-morrow, "Come to us and perform our naval service or the service of our Army," England would only be too glad to do both. That would be a saving indeed. The economist from Indiana might then go to his constituents with bright plumes in his helmet, for he could say, "We have delivered the United States from a taxation of \$50,000,000 by persuading the foreigner to furnish us our armies and our navies. [Applause.]

[Here the hammer fell.]

Mr. HERR. I desire to add a word in relation to the question asked by the gentleman from Illinois [Mr. TOWNSHEND] whether there is not already in this bill money for foreign-mail service. Of course there is; but \$325,000 of it goes to foreign ships, and only \$55,000 to American bottoms.

Mr. HUNT. That is economy, I suppose.

Mr. TOWNSHEND. Is not that the full estimate of the Department?

Mr. HERR. That is the full estimate. But the gentleman seems to think that it is all right to confine this appropriation in such a way that we pay the bulk of it to other nations.

Now I want to say a word to the gentleman from Pennsylvania [Mr. BAYNE]. He attacks the honor and integrity of men on this floor because, forsooth, we are in favor of some enterprise that somebody else is in favor of.

Mr. BAYNE. I deny that I attacked—

Mr. BOUTELLE. I protest against the gentleman from Michigan being interrupted.

The SPEAKER. The gentleman from Michigan must not be interrupted without his consent.

Mr. BAYNE. I deny that I attacked the honor or integrity—

Mr. HERR. Mr. Speaker, he insinuated that everybody—

Mr. BAYNE. I deny that I impugned the integrity of any gentleman on this floor.

Mr. HERR. If I can understand the English language he insinuated that there were improper outside influences that gave undue interest to those who advocate this proposition.

Mr. BAYNE. I said nothing of the sort.

Mr. HERR. I will say, then, that every gentleman about me misunderstood him.

Mr. BAYNE. I said nothing of the sort.

Mr. BOUTELLE. The imputation was plain, distinct, and unmistakable.

Mr. HERR. Now, Mr. Speaker, I propose to yield the residue of my time to the gentleman from South Carolina [Mr. TILLMAN]. I merely wanted to protest against this method of attacking everybody who happens to be in favor of anything that is advocated by men who know what they are about and who seek to build up this great country of ours.

Mr. HENDERSON, of Iowa. Why does the gentleman become so indignant at the imputation of the gentleman from Pennsylvania? [Cries of "Regular order!"]

The SPEAKER. The gentleman from South Carolina [Mr. TILLMAN] has two minutes.

Mr. TILLMAN. It is hardly worth while to attempt to say anything in two minutes.

Mr. RANNEY. I ask unanimous consent that the gentleman from South Carolina be allowed five minutes.

The SPEAKER. Is there objection?

Objection was made.

Mr. HOLMAN. I hope there will be no objection.

Mr. HERR. I call for the previous question on this vote.

Mr. RANDALL. I ask for the yeas and nays.

Mr. HOLMAN. The gentleman from Illinois is entitled to fifteen minutes of time.

The yeas and nays were ordered.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Michigan [Mr. HERR] that the House recede from the disagreement to the amendments of the Senate, on which he demanded the previous question.

The previous question was ordered.

The question was taken; and it was decided in the affirmative—yeas 98, nays 89, not voting 136; as follows:

YEAS—98.

Adams, G. E.	Dunham,	Hunt,	Ray, Ossian
Adams, J. J.	Elliott,	James,	Reed, T. B.
Arnot,	Elia,	Jeffords,	Rogers, W. F.
Bagley,	Evans,	Kean,	Rosecrans,
Barr,	Everhart,	Keller,	Russell,
Belford,	Findlay,	Ketcham,	Skinner, C. R.
Bingham,	Follett,	King,	Smalls,
Blaine,	Furston,	Lacey,	Smith, A. Herr
Blackburn,	George,	Lawrence,	Spooner,
Boutelle,	Goff,	Libbey,	Stephenson,
Brainerd,	Greeneleaf,	Lore,	Stevens,
Brewer, F. B.	Hanback,	Lyman,	Stewart, J. W.
Broadhead,	Harmer,	Millard,	Stone,
Brown, W. W.	Hart,	Morgan,	Strait,
Brunn,	Haynes,	Morse,	Taylor, J. D.
Budd,	Henderson, D. B.	Nutting,	Thomas,
Burleigh,	Hill,	O'Hara,	Tillman,
Cassidy,	Hiscock,	O'Neill, Charles	Wallace,
Clardy,	Hitt,	Payne,	Washburn,
Curtin,	Hoblitzell,	Perkins,	White, J. D.
Davis, G. R.	Holmes,	Phelps,	White, Milo
Davis, R. T.	Holton,	Poland,	Wilkins,
Dingley,	Horr,	Potter,	Wise, J. S.
Dixon,	Houk,	Pusey,	
Dorsheimer,	Howey,	Ranney,	

NAYS—89.

Alexander,	Doobanan,	Carleton,	Congrove,
Bayne,	Osbell,	Clay,	Cox, W. R.
Belmont,	Caldwell,	Clements,	Crisp,
Boyle,	Candler,	Connolly,	Culbertson, D. B.
Breckinridge,	Cannon,	Cook,	Dockery,

Eldredge, English, Ermentrout, Ferrell, Guenther, Halsell, Hardeman, Hardy, Hatch, W. H. Hemphill, Hewley, Hewitt, G. W. Holman, Houseman, Jones, J. H. Jordan, Lanham, Le Fèvre,	Lowry, McComas, McMillin, Miller, J. F. Mitchell, Murphy, Mutchler, Nelson, O'Ferrall, Paige, Patton, Peters, Pierce, Post, Pryor, Randall, Reid, J. W. Roese,	Rogers, J. H. Rowell, Ryan, Seney, Seymour, Shively, Smith, H. Y. Snyder, Springer, Stewart, Charles Stockslager, Sumner, C. A. Swope, Talbot, Taylor, J. M. Thompson, Townshend, Tucker,	Turner, Oscar Vance, Van Eaton, Warner, A. J. Warner, Richard Weaver, Wellborn, Weller, Wemple, Willis, Wilson, W. L. Wolford, Woodward, Worthington, Yaple.
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NOT VOTING—136.

Alken, Anderson, Atkinson, Ballestine, Barbour, Barksdale, Beach, Bennett, Blanchard, Bland, Blount, Bowers, Bratton, Breitman, Brewer, J. H. Browne, T. M. Buckner, Burnes, Campbell, Felix Campbell, J. E. Campbell, J. M. Chalmers, Cobb, Collins, Converse, Corington, Cox, S. S. Culbertson, W. W. Cullen, Cutcheon, Dargan, Davidson, Davis, L. H. Dexter,	Dibble, Dibrell, Dowd, Dunn, Eaton, Ellwood, Fiedler, Finerty, Foran, Forney, Fyan, Garrison, Geddes, Gibson, Glascok, Graves, Green, Hammond, Hancock, Hatch, H. H. Henderson, T. J. Hepburn, Herbert, Hewitt, A. S. Hooper, Hopkins, Hurd, Hutchins, Johnson, Jones, B. W. Jones, J. K. Jones, J. T. Kelley, Kellogg,	Kleiner, Laird, Lamb, Lewis, Long, Lovering, McAdoo, McCoid, McCormack, Matson, Maybury, Miller, S. H. Milliken, Mills, Money, Morrell, Morrison, Moulton, Muldrow, Muller, Murray, Necce, Nicholls, Oates, Ochiltree, O'Neill, J. J. Parker, Payson, Peel, Pettibone, Price, Rankin, Ray, G. W. Reagan,	Rice, Riggs, Robertson, Robinson, J. S. Robinson, W. E. Rockwell, Shaw, Singleton, Skinner, T. G. Sloum, Spriggs, Steele, Storm, Struble, Sumner, D. H. Taylor, E. B. Throckmorton, Tully, Turner, H. G. Valentine, Van Alstyne, Wadsworth, Walt, Wakefield, Ward, Whiting, Williams, Wilson, James Winans, E. B. Winans, John Wise, G. D. Wood, York, Young.
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So the motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced the passage of a bill of the following title, in which concurrence was requested:

A bill (S. 2663) granting a pension to John M. Milton.

The message further announced the passage of the following bills:

A bill (H. R. 1615) for the relief of the heirs of the late Langley B. Calley;

A bill (H. R. 2154) for the relief of the legal representatives of A. J. Guthrie, deceased;

A bill (H. R. 7836) for the relief of Mrs. Ida P. Belcher;

A bill (H. R. 6220) regulating appeals from the supreme court of the District of Columbia and the supreme courts of the several Territories;

A bill (H. R. 1004) relative to the Chinese indemnity fund;

A bill (H. R. 691) for the relief of William W. Thomas;

A bill (H. R. 445) to empower the Secretary of War to permit the establishment, under certain conditions, of a horse-railway upon and over the island of Rock Island, and the bridges erected by the United States connecting the cities of Davenport and Rock Island therewith;

A bill (H. R. 5692) to adopt the revised international regulations for preventing collisions at sea;

A bill (H. R. 2377) granting a pension to James Stockton;

A bill (H. R. 8048) to increase the pension of Ferdinand Hercher;

A bill (H. R. 7485) granting a pension to Alexander Weide;

A bill (H. R. 200) granting a pension to Thomas Jeffries;

A bill (H. R. 8082) granting a pension to Lina J. Stearns;

A bill (H. R. 5330) granting a pension to Octavia Newhall;

A bill (H. R. 1866) granting a pension to Calvin Knick;

A bill (H. R. 2975) granting a pension to Marion D. Egbert;

A bill (H. R. 5378) granting a pension to Henry Milkey;

A bill (H. R. 1710) granting a pension to George W. Bean;

A bill (H. R. 7810) granting a pension to Rosanna Riley;

A bill (H. R. 7853) granting a pension to Margaret Flaherty;

A bill (H. R. 7034) to increase the salary of the clerk of the Court of Alabama Claims.

A bill (H. R. 1322) for the relief of J. H. Hammond;

A bill (H. R. 5098) granting an increase of pension to Jonathan Harrison;

A bill (H. R. 1198) for the relief of John Taylor & Son;

A bill (H. R. 5554) granting a pension to Sarah Parry;

A bill (H. R. 5148) granting a pension to Jacob Lafferty;

A bill (H. R. 1235) granting a pension to Annie E. Bailey;

A bill (H. R. 7905) granting a pension to Capt. Vincent Phelps;

A bill (H. R. 7803) granting a pension to L. W. Pitts;
A bill (H. R. 838) granting a pension to Mrs. Lydia S. Huggins;
A bill (H. R. 2645) granting a pension to Esther Hudson, mother of William H. Hudson, deceased, late of Company G, Twenty-sixth Regiment Pennsylvania Volunteers, and Company E, One hundred and ninety-first Regiment Pennsylvania Volunteers;

A bill (H. R. 1901) for the relief of Harrison Mitchell, late of Company K, Forty-eighth Indiana Volunteers;

A bill (H. R. 4055) granting a pension to Sarah Tyler;

A bill (H. R. 2085) granting a pension to Joseph McIntosh;

A bill (H. R. 4393) for the relief of Lieut. Nathaniel Johnson Coffin;

A bill (H. R. 7434) granting a pension to Sylvester Greenough;

A bill (H. R. 7938) granting a pension to Amanda Allen;

A bill (H. R. 7000) for the relief of Clark Maine;

A bill (H. R. 7502) granting a pension to Richard W. Barnes;

A bill (H. R. 8090) granting a pension to Albert Harper;

A bill (H. R. 7938) granting a pension to Henry Beiderbick;

A bill (H. R. 6982) granting a pension to W. H. H. Coleman;

A bill (H. R. 389) granting a pension to John Boyle;

A bill (H. R. 7572) granting a pension to Amos McDowell;

A bill (H. R. 7169) granting a pension to Elizabeth Kaler;

A bill (H. R. 4605) granting a pension to Ellen Edmiston;

A bill (H. R. 5086) for the relief of Elizabeth W. Creighton;

A bill (H. R. 5309) for the relief of Charles Milk;

A bill (H. R. 5191) granting a pension to Augustus Jones;

A bill (H. R. 3947) granting a pension to Joseph Raible;

A bill (H. R. 6173) for the relief of Rose Dougherty;

A bill (H. R. 7503) for the relief of Daniel McAlpin;

A bill (H. R. 7447) granting a pension to Sebert Toney;

A bill (H. R. 2100) granting a pension to Mary Allen;

A bill (H. R. 7718) restoring John Snyder to the pension-roll;

A bill (H. R. 8189) granting a pension to Mrs. F. M. Norton; and

A bill (H. R. 6357) granting a pension to Christian Bauman.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the following joint resolution (S. R. 342) to authorize the printing of 310,000 copies of the annual report of the Commissioner of Agriculture for the year 1885; when the Speaker signed the same.

POST-OFFICE APPROPRIATION BILL.

Mr. THOMAS. I ask unanimous consent to dispense with the reading of the names.

Mr. TOWNSHEND. I object.

The Clerk then recapitulated the names of those voting.

The following additional pairs were announced:

Mr. BRATTON with Mr. WHITING, for the remainder of the day.

Mr. CAMPBELL, of Ohio, with Mr. WADSWORTH.

Mr. MORRISON with Mr. HOOPER.

Mr. DAVIS, of Missouri, with Mr. MILLER, of Pennsylvania.

Mr. ANDERSON with Mr. LEWIS.

Mr. HEWITT, of New York, with Mr. HENDERSON, of Illinois, on this vote. If present, Mr. HENDERSON would vote "no."

Mr. BLAND with Mr. LAIRD.

Mr. TULLY with Mr. ELLWOOD.

Mr. GLASCOCK with Mr. MCCOID.

Mr. OATES with Mr. HERBERT, on this vote.

Mr. O'NEILL, of Missouri, with Mr. WILSON, of Iowa, on this vote.

Mr. AIKEN with Mr. RAY, of New York, on this vote.

Mr. BURNES with Mr. LONG, on this bill.

Mr. MCADOO with Mr. BREWER, of New Jersey, on this vote. Mr. MCADOO would vote "no," Mr. BREWER "ay."

Mr. YOUNG with Mr. WAKEFIELD, on this vote.

Mr. TURNER, of Georgia, with Mr. PETTIBONE.

Mr. MILLIKEN. I am paired with the gentleman from Georgia [Mr. BLOUNT]. If he were present he would vote "no," and if I were not paired I should vote "ay."

Mr. WILKINS. Mr. Speaker, I desire to change my vote from "no" to "ay," for the purpose of moving a reconsideration of the vote just taken.

Mr. HERR. The vote has not yet been announced.

Mr. WILKINS. I give notice of my object in changing my vote.

Mr. HERR. The gentleman has not the floor. I am on the floor on my motion.

The result of the vote was then announced as above recorded.

Mr. HERR. Now, Mr. Speaker, I move to reconsider the vote just taken, and move to lay that motion on the table.

Mr. WILKINS and Mr. McMILLIN demanded the yeas and nays.

The question being taken on ordering the yeas and nays, there were—ayes 28, noes 115 (the ayes not being one-fifth of the total vote).

Mr. McMILLIN. I demand tellers on the yeas and nays.

Tellers were ordered.

Mr. ELLIS. We might as well have the yeas and nays at once.

Mr. HERR. Yes; if gentlemen want to kill time, all right. We will give them the yeas and nays.

Mr. McMILLIN. We do not want to kill time; we want to kill steals.

The SPEAKER *pro tempore*. If there be no objection the Chair will again put the question on ordering the yeas and nays.

There was no objection.

The yeas and nays were ordered.

The SPEAKER *pro tempore*. Before the Clerk proceeds to call the roll, if there be no objection, the Chair will submit certain personal requests of members.

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ROBINSON, of New York, for this evening.

To Mr. GLASCOCK, for the balance of the day, on account of sickness in his family.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. STEWART, of Texas, to withdraw the original papers filed with the bill for the relief of Marcos Radich, without leaving copies on file, no report having been made on said bill.

LEAVE TO PRINT.

By unanimous consent, leave was granted to Mr. ROGERS, of Arkansas, to print remarks on House bill 7785.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

1 A bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes.

POST-OFFICE APPROPRIATION BILL.

The SPEAKER *pro tempore*. The question is on the motion submitted by the gentleman from Michigan to reconsider the vote by which the House receded from its disagreement to the Senate amendment, and also to lay that motion on the table.

The question was taken; and there were—yeas 102, nays 79, not voting 142; as follows:

YEAS—102.

Adams, G. E.	Dunham,	Horr,	Potter,
Adams, J. J.	Elliott,	Houk,	Ranney,
Arnot,	Ellis,	Howey,	Ray, Ossian
Bagley,	Evans,	Hunt,	Reed, T. B.
Barr,	Everhart,	James,	Rogers, W. F.
Belford,	Ferrell,	Jeffords,	Rosecrans,
Belmont,	Findlay,	Kean,	Rowell,
Bingham,	Follett,	Keifer,	Skinner, C. R.
Blabee,	Funston,	Ketcham,	Smalls,
Boutelle,	George,	King,	Smith, A. Herr
Brainerd,	Goff,	Lacey,	Spocner,
Broadhead,	Greenleaf,	Lawrence,	Stephenson,
Brown, T. M.	Hanback,	Libbey,	Stevens,
Brown, W. W.	Harmer,	Lore,	Stewart, J. W.
Brumm,	Hayes,	Lynan,	Strait,
Budd,	Haynes,	McComas,	Talbot,
Burleigh,	Henderson, D. B.	Millard,	Taylor, J. D.
Cassidy,	Henley,	Morgan,	Thomas,
Clardy,	Hepburn,	Nutting,	Tillman,
Curtin,	Hewitt, G. W.	O'Hara,	Wallace,
Davis, G. R.	Hill,	O'Neill, Charles	Washburn,
Davis, R. T.	Hiscock,	Payne,	White, J. D.
Dibble,	Hitt,	Perkins,	White, Milo
Dingley,	Hoblitzell,	Peters,	Wise, J. S.
Dixon,	Holmes,	Phelps,	
Dorshimer,	Holton,	Poland,	

NAYS—79.

Alexander,	Green,	Pierce,	Thompson,
Bayne,	Guenther,	Post,	Townshend,
Breckinridge,	Halsell,	Pryor,	Tucker,
Buchanan,	Hardeman,	Pusey,	Turner, Oscar
Cabell,	Hardy,	Randall,	Vance,
Caldwell,	Hatch, W. H.	Reid, J. W.	Van Eaton,
Cannon,	Hemphill,	Reese,	Warner, A. J.
Carleton,	Holman,	Ryan,	Warner, Richard
Clay,	Jones, J. H.	Sney,	Weaver,
Clements,	Jordan,	Seymour,	Wellborn,
Connolly,	Lanham,	Shively,	Weller,
Cook,	Lowry,	Skinner, T. G.	Wemple,
Cosgrove,	McMillin,	Smith, H. Y.	Wilkins,
Cox, W. E.	Miller, J. F.	Snyder,	Willis,
Crisp,	Murphy,	Springer,	Wilson, W. L.
Culberson, D. B.	Neece,	Stewart, Charles	Wolford,
Dockery,	Nelson,	Stockslager,	Woodward,
Eldredge,	O'Ferrall,	Sumner, C. A.	Worthington,
Engle,	Paige,	Swope,	Yaple.
Ermentrout,	Patton,	Taylor, J. M.	

NOT VOTING—142.

Allen,	Bland,	Campbell, Felix	Culbertson, W. W.
Anderson,	Blount,	Campbell, J. E.	Cullen,
Atkinson,	Bowen,	Campbell, J. M.	Cutcheon,
Ballentine,	Boyle,	Candler,	Dargan,
Barbour,	Bratton,	Chalmers,	Davidson,
Barndale,	Breitung,	Cobb,	Davis, L. H.
Bench,	Brewer, F. B.	Collins,	Deuster,
Bennett,	Brewer, J. H.	Converse,	Dibrell,
Blackburn,	Buckner,	Covington,	Dowd,
Blanchard,	Burnes,	Cox, S. S.	Dunn,

Eaton,	Jones, J. T.	Murray,	Steele,
Ellwood,	Kelley,	Mutcher,	Stone,
Fiedler,	Kellogg,	Nicholls,	Storm,
Finerty,	Kleiner,	Oates,	Struble,
Foran,	Laird,	Ochiltree,	Sumner, D. H.
Forney,	Lamb,	O'Neill, J. J.	Taylor, E. R.
Fyan,	Le Fevre,	Parker,	Throckmorton,
Garrison,	Lewis,	Payson,	Tully,
Geddes,	Long,	Peel,	Turner, H. G.
Gibson,	Loving,	Pettibone,	Valentine,
Glasco,	McAdoo,	Price,	Van Alstyne,
Graves,	McCold,	Hankin,	Wadsworth,
Hammond,	McCormick,	Hay, G. W.	Walt,
Hancock,	Matson,	Reagan,	Wakefield,
Hatch, H. H.	Maybury,	Rice,	Ward,
Henderson, T. J.	Miller, S. H.	Riggs,	Whiting,
Herbert,	Miliken,	Robertson,	Williams,
Hewitt, A. S.	Mills,	Robinson, J. S.	Wilson, James
Hooper,	Mitchell,	Robinson, W. E.	Winans, E. B.
Hopkins,	Money,	Rockwell,	Winans, John
Housman,	Morrill,	Rogers, J. H.	Wise, G. D.
Hurd,	Morrison,	Russell,	Wood,
Hutchins,	Morse,	Shaw,	York,
Johnson,	Moulton,	Singleton,	Young.
Jones, B. W.	Muldrow,	Slocum,	
Jones, J. K.	Muller,	Spriggs,	

So the motion to reconsider was laid on the table.

On motion of Mr. RANDALL, by unanimous consent, the reading of the names of members voting was dispensed with.

The result of the vote was then announced as above stated.

Mr. TOWNSHEND. Now I ask for the reading of the next Senate amendment. There are a number of sections that cover the same object. I ask unanimous consent that the reading of those sections be dispensed with.

The SPEAKER *pro tempore*. Will the gentleman from Illinois state the amendment he desires the House to act upon, and whether he moves concurrence or non-concurrence?

Mr. TOWNSHEND. They are the last four amendments in the bill but one, those relating to the special 10-cent stamp.

The Senate amendments numbered 17, 18, 19, and 20 were read, as follows:

Strike out sections 3, 4, 5, and 6.

Mr. TOWNSHEND. I ask unanimous consent that the reading of those sections be dispensed with.

There was no objection.

Mr. TOWNSHEND. I move that the House further insist on its disagreement to the Senate amendments and ask a further conference.

Mr. McMILLIN. I move to concur in the Senate amendments.

Mr. SPRINGER. I would like to have the gentleman from Illinois [Mr. TOWNSHEND] explain the effect of these amendments.

The SPEAKER *pro tempore*. The question is on the motion submitted by the gentleman from Tennessee [Mr. McMILLIN] that the House recede from its disagreement to the Senate amendments and agree to the same.

The question being taken, the Speaker *pro tempore* stated that the "ayes" seemed to have it.

Mr. BINGHAM. I call for a division.

The House divided; and there were—ayes 78, noes 45.

Mr. SKINNER, of New York. No quorum. I ask unanimous consent to say a few words. These amendments are not fully understood by the House.

Mr. RANDALL. I suggest that debate has been exhausted.

Mr. SKINNER, of New York. I know it has, but I should like to be permitted to say a few words, that this matter may be understood by the House.

Mr. RANDALL. I appeal to the gentleman from New York to allow us to go on and dispose of the bill.

The SPEAKER *pro tempore*. The gentleman from New York makes the point of no quorum. The Chair appoints as tellers the gentleman from Tennessee, Mr. McMILLIN, and the gentleman from New York, Mr. SKINNER.

Mr. TOWNSHEND. I ask the gentleman from Pennsylvania to consent that the gentleman from New York shall be allowed two minutes to explain the amendments.

Mr. SKINNER, of New York. I was deprived to-day of the privilege of having ten minutes on this question, which I had been promised.

Mr. McMILLIN. If the request of the gentleman from New York is acceded to, will that dispense with the vote by tellers? I am willing to let the gentleman make his statement if that will shorten the time occupied in this matter.

Mr. BINGHAM. The gentleman does not yield his demand for tellers.

Mr. SKINNER, of New York. I hope the gentleman from Tennessee will consent that I shall have half the time which was promised me to-day to speak on this question, and which I gave up.

Mr. McMILLIN. Gentlemen all around were insisting, not twenty minutes ago, that we were in danger of an extra session.

Mr. RANDALL. How much time does the gentleman desire?

Mr. SKINNER, of New York. Two minutes.

Mr. McMILLIN. Very well; let the gentleman proceed.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from New York [Mr. SKINNER]?
There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, informed the House that the Senate had passed, with amendments in which the concurrence of the House was requested, the bill (H. R. 8236) relating to sales for taxes in the District of Columbia.

The message also announced that the Senate had passed without amendment a joint resolution and bills of the House of the following titles:

Joint resolution (H. Res. 170) in relation to the claim made by Dr. John B. Read against the United States for the alleged use of project-iles claimed as the invention of said Read and by him alleged to have been used pursuant to a contract or arrangement made between him and the War Department, and for which no compensation has been made;

A bill (H. R. 4679) for the relief of Sarah E. Webster, administratrix;

A bill (H. R. 7522) for the relief of Joseph F. Wilson;

A bill (H. R. 6270) for the relief of John P. Peterson;

A bill (H. R. 4684) for the relief of certain citizens of Marion County, Tennessee;

A bill (H. R. 6533) for the relief of Dr. Thomas J. Jones;

A bill (H. R. 5509) for the benefit of soldiers and sailors who have lost an arm at the shoulder-joint;

A bill (H. R. 2263) for the relief of the State National Bank of Boston, Mass.;

A bill (H. R. 6760) to authorize the construction of a bridge across the Mississippi River at Rock Island, Ill., to Davenport, Iowa, and to establish it as a post-route;

A bill (H. R. 78) to provide for the retirement of Col. Henry J. Hunt as a major-general of the United States Army;

A bill (H. R. 1401) to amend section 1556 of the Revised Statutes giving longevity-pay to certain officers of the Navy;

A bill (H. R. 5691) amending section 764 of the Revised Statutes;

A bill (H. R. 7334) granting a pension to Judson Bostwick;

A bill (H. R. 4458) granting a pension to Harlan Jackson;

A bill (H. R. 1142) granting a pension to Nellie Roberts;

A bill (H. R. 4216) granting a pension to David M. Bryan;

A bill (H. R. 3556) granting a pension to Mrs. Lucretia G. Ripley;

A bill (H. R. 7993) for the relief of William Stansberry;

A bill (H. R. 8091) granting a pension to David Sears;

A bill (H. R. 4856) granting a pension to Bvt. Col. C. A. Cilley, of North Carolina;

A bill (H. R. 8220) to grant a pension to James Dye;

A bill (H. R. 8069) granting a pension to Catharine Helton;

A bill (H. R. 383) granting a pension to Creet H. Dougherty;

A bill (H. R. 4878) granting a pension to Emma O. Zeigler;

A bill (H. R. 5740) for the relief of Grigsby Foster;

A bill (H. R. 7177) granting a pension to William H. Kinman;

A bill (H. R. 7992) for the relief of Christian Arndt;

A bill (H. R. 2872) granting a pension to Jacob Funkhouser;

A bill (H. R. 8237) granting a pension to Mary J. Dickson;

A bill (H. R. 603) granting a pension to Rachel Nickell;

A bill (H. R. 5146) granting a pension to Jesse C. Buck;

A bill (H. R. 4021) granting a pension to Abraham Cover;

A bill (H. R. 7990) granting a pension to Joseph Sansom;

A bill (H. R. 8155) granting a pension to Addie L. Moore;

A bill (H. R. 7907) granting a pension to Matilda Cody;

A bill (H. R. 7863) granting a pension to Thomas M. McChesney;

A bill (H. R. 7178) granting an increase of pension to John O. Gard-

ner;

A bill (H. R. 6961) for the relief of Charles L. Alden;

A bill (H. R. 5728) granting a pension to Anna Beck;

A bill (H. R. 5103) granting a pension to Joshua F. Justice;

A bill (H. R. 8142) granting a pension to Mrs. Lucy Parr;

A bill (H. R. 3735) granting a pension to Mary A. Grennon;

A bill (H. R. 7248) to increase the pension of Jane D. Brent;

A bill (H. R. 3340) granting a pension to James M. Pike;

A bill (H. R. 7047) granting a pension to Patrick Murphy;

A bill (H. R. 552) granting a pension to Lemuel J. Bennett;

A bill (H. R. 4668) for the relief of Nathaniel Pond, jr.;

A bill (H. R. 7728) for the relief of Pardon H. Morey;

A bill (H. R. 5304) for the relief of Mary Royal;

A bill (H. R. 7340) granting a pension to John Span;

A bill (H. R. 8136) for the relief of Addison M. Copen;

A bill (H. R. 8187) granting a pension to Chauncey C. Darrah;

A bill (H. R. 6904) for the relief of John F. Chase;

A bill (H. R. 6775) granting a pension to Edward Wilcox;

A bill (H. R. 7618) granting a pension to Harry H. G. Kialingbury,

Walter F. Kialingbury, Wheeler Scofield Kialingbury, and Douglas E.

L. Kialingbury, respectively, children of the late Frederick F. Kialing-

bury, a lieutenant in the Eleventh Regiment United States Infantry;

A bill (H. R. 411) granting a pension to Elizabeth Conner;

A bill (H. R. 1587) granting a pension to Mrs. Elizabeth A. Randall, widow of Capt. Fernando Randall;

A bill (H. R. 1873) for the relief of Edward Kraemer;

A bill (H. R. 2457) granting a pension to Richard Dillon;

A bill (H. R. 7170) for the relief of Frederick Hutton;

A bill (H. R. 8152) for the relief of William D. Farnsworth; and

A bill (H. R. 8132) to restore to the pension-roll the name of Rachel A. Queen.

The message further announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House was requested:

A joint resolution (S. R. 135) requesting the President to enter into negotiations with foreign powers to secure an agreement for the free coinage of silver.

POST-OFFICE APPROPRIATION BILL.

Mr. SKINNER, of New York. Mr. Speaker, this provision in the bill is the result of a special recommendation by the President in his last message. It is supported by the recommendation of the Postmaster-General a year ago, and this year by the unanimous opinion of the Committee on the Post-Office and Post-Roads, and, as I understand, by the unanimous action of the Committee on Appropriations in putting it upon the Post-Office appropriation bill. The only objection thus far heard to it has been simply that the Senate did not deem it wise to place it on an appropriation bill. It is new legislation. We have conceded the legislation which the Senate asks; and now let us have this provision, which everybody who will read it carefully will understand is in the interest of every American citizen who desires to reap the full privileges of the postal facilities of this country.

Mr. HERR. I suggest to the gentleman to tell the House what it is.

Mr. SKINNER, of New York. It provides that if I desire to send a letter to my home to-night and I know it will reach there at 10 o'clock to-morrow night, I put on it a 10-cent stamp. When it reaches my home office it is taken from the post-office, and 8 cents out of the 10 are paid a messenger to take it to my home immediately. The system costs no man a cent who does not use it. It will not cost the Government a cent. There is a margin for all the expenses; and every man who has studied out this matter gives it as his firm impression that it will yield a handsome revenue to the Government.

[Here the hammer fell.]

Mr. MILLER, of Pennsylvania. Let us have a rising vote.

Mr. McMILLIN. There have been already two votes on the proposition.

The SPEAKER *pro tempore*. The tellers will take their places.

The House divided; and the tellers reported—ayes 66, noes 79.

So the motion of Mr. McMILLIN was not agreed to.

Mr. TOWNSHEND. Mr. Speaker, I move that the House further insist upon its disagreement to that amendment.

The motion was agreed to.

Mr. TOWNSHEND. Now, Mr. Speaker, I move that the House ask a further conference.

There was no objection.

The SPEAKER *pro tempore* appointed as conferees on the part of the House Mr. TOWNSHEND, Mr. HOLMAN, and Mr. HERR.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. Mr. Speaker, I present a conference report which I ask to have read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the House on the amendments of the Senate to the bill of the House 8256, making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, having met, after full and free conference have agreed to recommend and do recommend as follows:

That the Senate recede from its amendments numbered 21, 45, 46, 70, 71, 73, 78, 84, 92, 102, 103, 104, 105, 106, 118, 126, 128, 137, 138, 143, 148, 154, 156, 159, 160, 167, 168, 170, 172, 175, 182, 185, 186, 190, 201, 204.

That the House recede from its disagreement to the amendments of the Senate numbered 15, 28, 29, 30, 31, 32, 44, 65, 67, 68, 69, 72, 76, 77, 79, 80, 81, 83, 85, 86, 87, 89, 94, 95, 96, 97, 98, 99, 111, 112, 113, 114, 116, 117, 121, 122, 123, 127, 133, 134, 135, 139, 144, 145, 147, 149, 151, 152, 153, 155, 161, 163, 164, 169, 171, 174, 177, 178, 181, 183, 184, 187, 188, 189, 190, 191, 200, 202, 203, 205, 206, 207, 208, 209, 210, 211, 213, 214, and 231, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$5,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with amendments as follows: In lieu of the sum proposed insert "\$594,288.04;" and strike out from said amendment "subject to" and insert in lieu thereof "being the amount of said awards after;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$4,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$4,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "Extensive repairs to roof, \$6,400; and annual repairs and heating of building, \$6,600; in all, \$13,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate

numbered 60, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$162,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$40,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$17,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$40,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$40,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$80,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$225,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$60,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 100 and 101, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$145,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,300;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$127,578.82;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$30,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$35,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: Strike out in lines 10 and 11, page 32 of the bill, the word "annually;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$17,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$20,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$276,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$30,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$30,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$4,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 162, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$49,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$95,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 176, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$12,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 179, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$138,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 180, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$41,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 192, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$10,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 212, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$335,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 215, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,250,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 216 to 229, inclusive, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following: "For printing and binding for Congress, including the proceedings and debates, \$1,215,562.50; for the State Department, \$9,450; for the Treasury Department, \$264,180; for the War Department, \$138,600 (of which sum \$12,000 shall be for the catalogue of the library of the Surgeon-General's Office); for the Navy Department, \$69,512.50; for the Interior Department, \$329,400 (of which sum \$10,000 is appropriated for rebinding tract-books for the General Land Office); for the Department of Justice, \$7,067.50; for the Post-Office Department, \$178,312.50; for the Agricultural Department, \$17,662.50; for the Supreme Court of the United States, \$7,312.50; for the Supreme Court of the District of Columbia, \$900; for the Court of Claims, \$11,812.50; and for the Library of Congress, \$10,235.50; and no more than an allotment of one-half of the sum hereby appropriated shall be expended in the two first quarters of the present fiscal year, and no more than one-fourth thereof may be expended in either of the two last quarters of the fiscal year, except that in addition thereto in either of said last quarters the unexpended balance of allotments for preceding quarters may be expended;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 230, and agree to the same with an amendment as follows: Add at the end of the amendment the following: "Provided, That the building now occupied for storage purposes shall be surrendered as soon as the building provided for in this act is ready for occupancy;" and the Senate agree to the same.

On amendments numbered 4, 6, 12, 13, 14, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 59, 61, 62, 63, 64, 66, 120, 124, 131, 132, 135, 140, 141, 142, 166, 173, 193, 194, 196, 198, 197, and 198 the committee have been unable to agree.

SAM. J. RANDALL,
WILLIAM H. FORNEY,
THOMAS RYAN,
Managers on the part of the House.
W. B. ALLISON,
EUGENE HALE,
JAMES B. BECK,
Managers on the part of the Senate.

Mr. RANDALL. I will endeavor to be as brief as I can in order to explain the difference between the two Houses on this bill. To begin with, I move that the report of the conference committee be accepted, and upon that I demand the previous question.

The previous question was ordered; and under the operation thereof, the report of the conference committee was adopted.

Mr. RANDALL moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BUDD. I desire to have read that portion of the conference report relating to amendment No. 59.

Mr. RANDALL. That is not in this report. It is one of the disagreements in the committee.

Mr. Speaker, the bill as it went from the House to the Senate provided for appropriations aggregating \$22,200,000, or thereabout; the Senate added about \$5,500,000 to the bill. There has been reached an agreement between the two Houses on about \$2,250,000 of the amount of the increase. There are now sixty disagreements, which aggregate in amount \$3,250,000.

It is not for me to call in question the motives of men, but it is not improper for me to say what is the result of the action of men, and in that connection I can say that the conferees have found themselves in large degree compelled to consent to the increased appropriations, or else to endanger an extra session.

Mr. REED, of Maine. Let me ask the gentleman if these amendments were adopted by the Senate with the same amount of consideration that the bill had in the House?

Mr. RANDALL. I do not desire to be interrupted now. The gentleman is often facetious, but his arrow falls short in some cases, and it has done so in this instance.

Thirty-nine of these sixty amendments relate to public buildings which have been added by the Senate, and the appropriations involved in these thirty-nine amendments amount to an increase of expenditure of \$1,637,500. The bill as it went from the House to the Senate provided for appropriations for public buildings to the extent of about \$1,780,000, so that the Senate amendments practically double the appropriations for public buildings as provided by the House. If it is desired I will give the localities of the public buildings to which I have referred.

Mr. BROWN, of Pennsylvania. Let us have them.

Mr. WARNER, of Ohio. I should like to know the locations.

Mr. RANDALL. The first one relates to the court-house and post-office at Abingdon, Va. The next is the post-office and subtreasury at Boston, Mass. The next amendment relates to the marine hospital at Cairo. The next to the public building at Harrisonburg, Va. The next to Abingdon, Va., there being two appropriations, first for that public building and next to make it fire-proof, which involves two appropriations. The next amendment is to Lynchburg, Va., where a fire-proof building is also required.

The next amendment of the Senate is the provision for Concord, N. H., and the next at Council Bluffs, Iowa; the next at Detroit, Mich.; the next Des Moines; the next Dubuque; the next Frankfort, Ky.; the next is for Galveston, Tex.; the next for Greensborough, N. C.; the next for Hannibal, Mo.; the next for Harrisonburg, Va.; the next for Jackson, Tenn., and the next for Kansas City, Mo. The next provision of this kind is for Marquette, Mich., and the next for Keokuk, Iowa; the next for Elizabeth, Ky.; the next for Macon, Ga.; the next for Peoria, Ill.; the next for Quincy, Ill.; the next for Reading, Pa.; the next for Richmond, Va., and the next for Sacramento, Cal.

Mr. BUDD. Let me ask the gentleman if that is not simply carrying out an act of Congress that has been passed?

Mr. RANDALL. I will come to that in time. The next provision named by the Senate is for a public building at Troy, N. Y.

Mr. BURLEIGH. But that is provided by law already.

Mr. RANDALL. But the Senate have added this amendment to the bill as it left the House. That is what I am referring to. I am not saying that there is no law for it, but simply that the Senate added the appropriation for that purpose and the House and Senate conferees have been unable to concur as to it.

The next public building is at Tyler; the next at Wichita, Kans.; the next at Fort Scott; the next at Montpelier, Vt.; the next at Nebraska City; the next at Wilmington, Del.; and the next at Winona, Minn.

These are the public buildings that are in controversy between the two Houses, and I believe I have named them all.

The next point of difference relates to the site for the post-office in the city of Washington.

Mr. WARNER, of Ohio. The site alone?

Mr. RANDALL. The site alone. The Senate appropriates \$640,000.

Mr. SPRINGER. For a particular site?

Mr. RANDALL. For a particular site.

Mr. McMILLIN. If it will not interrupt the gentleman from Pennsylvania, I think they have provided a further contingent expenditure which will bring it up to about \$800,000, perhaps more.

Mr. RANDALL. When I come to ask a vote on this site of the Washington post-office there will be an opportunity to debate, and the case will be properly presented.

The miscellaneous items about which there is disagreement relate to the international boundary survey between the United States and Mexico; but I shall temporarily pass that over because the gentleman from Missouri [Mr. BURNES] will address the House in relation thereto.

The next disagreement is in relation to a provision which was inserted in the House bill as to public buildings:

That hereafter no plan shall be prepared or approved by the Secretary of the Treasury for any public building authorized by Congress to be erected until after the site therefor shall have been purchased and paid for, and he shall not authorize or approve of any plan for any such building which shall involve a greater expenditure in the completion of said building, &c.

Mr. HOLMAN. That last has been stricken out.

Mr. RANDALL. It is not stricken out yet, but I am going to suggest that we recede.

The next disagreement is in relation to a sum of money appropriated in connection with a certain commission which was appointed and sent to the State of Louisiana by Mr. R. B. Hayes.

The next is in relation to the care and preservation of a building on Coaster's Island, which is designed to be used as a school for an advanced course of instruction for naval officers.

The next relates to the training-school on Coaster's Island.

The next relates to the Interior Department building, the completion of the east wing.

The next relates to the construction of a terrace to the Capitol.

The next relates to the same subject in a different form.

The next relates to the construction of a reservoir for hot water on the Government reservation at Hot Springs, Ark.

The next relates to the Tenth Census. This provision was presented in the House by the gentleman from New York [Mr. Cox]. It repeals the clause in the original law which obligated the Federal Government to pay one-half the expense of any State census.

The next relates to the removal of the iron fence around the reservation on Pennsylvania avenue between Thirteenth and Fourteenth streets.

The next relates to the completion of a commissary depot at Saint Paul, Minn.

The next relates to the completion of a sea-wall on Governor's Island, New York Harbor.

The next two relate to a proposition to erect a statue to the memory of General La Fayette.

The next relates to a clause providing for the purchase of a portrait of General George H. Thomas, by Miss C. S. Ransom, for \$10,000.

The last two disagreements relate to the sale of two public buildings, one in Boston and the other in the city of Philadelphia.

The House inserted two provisions, one for the sale at public auction of the United States court-house in the city of Boston, and the other relating to the sale of the post-office property in the city of Philadelphia which is now unoccupied.

I propose first to submit to the House the miscellaneous items, and I am willing that motions may be made to those items, only I desire that debate on the same may be as limited as possible. I will ask the Clerk to read the amendments.

Mr. PUSEY. I would like to ask the gentleman a question before he begins.

The SPEAKER *pro tempore*. Does the gentleman from Pennsylvania [Mr. RANDALL] yield?

Mr. RANDALL. Certainly.

Mr. PUSEY. I desire to ask the chairman of the Committee on Appropriations whether he construes the amendment in relation to the Council Bluffs appropriation as an increase of the appropriation, or is it simply to make \$50,000 of the appropriation available.

Mr. RANDALL. Mr. Speaker, I will state this in connection with all these public-building appropriations, that when we entered upon the consideration of those thirty-nine additions or amendments to the bill we found it utterly impossible to classify them by any line based upon a principle. They seemed to have got into the bill under every conceivable condition.

Mr. WARNER, of Ohio. They got in, though.

Mr. RANDALL. They are not in yet.

Mr. PUSEY. Mr. Speaker, I will say in reference to the appropriation for the building at Council Bluffs—

Mr. RANDALL. Will not the gentleman please wait until we reach that subject?

Mr. PUSEY. Yes, sir. I will simply say that if it is an addition to the appropriation we do not want the money.

The Clerk was about to read the amendment numbered 61.

Mr. RANDALL. Mr. Speaker, I will not ask to have 61 read, because it relates to a proposition submitted by the gentleman from Indiana [Mr. HOLMAN], which was reported from the committee, but which, it was subsequently understood, would be changed by agreement. The Senate, however, are not willing, as far as I know, to have anything of that sort attached to the bill, alleging that it is new legislation.

The sixty-first amendment of the Senate was read, as follows:

Strike from the bill as passed by the House the following:

"That hereafter no plan shall be prepared or approved by the Secretary of the Treasury for any public building authorized by Congress to be erected until after the site therefor shall have been purchased and paid for; and he shall not authorize or approve of any plan for any such building which shall involve a greater expenditure in the completion of such building and approaches thereto than the amount that shall remain of the sum specified in the law authorizing the erection of such building as the limit of the cost of the site and building after the site shall have been paid for."

Mr. RANDALL. Unless the gentleman from Indiana [Mr. HOLMAN] who offered this proposition desires to speak, I will make a motion that the House recede from its disagreement to this amendment.

Several MEMBERS. That is right.

Mr. BUDD. Is it the Holman amendment?

Several MEMBERS. Yes, sir.

The motion of Mr. RANDALL was agreed to.

The one hundred and twentieth amendment of the Senate was read, as follows:

Insert after line 1417 the following:

"National Board of Health: For salaries and expenses of the National Board of Health, \$15,000."

Mr. RANDALL. For two years there have been no appropriations made for the support of the National Board of Health. In the deficiency bill, however, the Committee on Appropriations provided for the payment in full of debts which have been created by the board. Notwithstanding the fact that during the current fiscal year and the last fiscal year there have been no appropriations for this board of health, they have incurred certain debts. Last year the House sought to abolish this board, believing that two agencies to accomplish one object were unnecessary and expensive. The Senate declined, however, to accept the legislation proposed by the House in the way of repeal, but concurred with the House in declining to make any appropriation for the conduct of the business of this board.

This year, as I said a moment ago, the Committee on Appropriations provided in the deficiency bill for the payment of all indebtedness thus far incurred by the board. We also attached a repealing clause, the fate of which I am unable to foretell. But the Senate has inserted this clause to continue the National Board of Health, and has made an appropriation of \$15,000 to conduct its business. We do not propose that on this matter the House shall recede. We have given \$340,000 to be placed under the control of the President to be used in the prevention of epidemic diseases, if the emergency should require the expenditure. As to the continuance of this board of health, we found ourselves disagreeing decidedly with the Senate conferees.

The House conferees—certainly a majority of them, and I think all of them—believed it unnecessary to continue this organization. We considered that this business could be as well performed by a single organization, the Marine-Hospital Bureau. Hence, on behalf of the committee, I move that the House insist on its disagreement as to this amendment.

The motion was agreed to.

Mr. RANDALL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The one hundred and twenty-fourth amendment of the Senate was read, as follows:

Insert after line 1445 the following:

"To enable the Secretary of the Treasury to reimburse ex-President R. B. Hayes for amount paid for expenses of the commission appointed to go to Louisiana in April, 1877, \$3,960.73."

Mr. RANDALL. This matter is well understood by the House. I move that the House insist on its disagreement, and I ask a vote.

Mr. MILLIKEN. I hope the House will insist. I think that President Hayes had no business to send that commission down there to steal away the Packard legislature and give it to Nichols. I think that the thing ought never to have been done at all; and if he thought proper to do it, he should have done it at his own expense.

Mr. RANDALL. I have nothing to say on the question.

The motion of Mr. RANDALL was agreed to.

Mr. RANDALL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The one hundred and thirty-first amendment of the Senate was read, as follows:

Insert after line 1498 the following:

"For the care and preservation of the building on Coaster's Harbor Island formerly known as the 'asylum,' and the adjoining buildings and grounds; given to the United States for naval purposes by the State of Rhode Island, to be used for an advanced course of instruction for naval officers, and for improvements, furniture, fixtures, heating, lighting, water, and for books and station-

ery, \$11,000; for pay of one clerk to officer in charge of building, \$1,000; in all, \$12,000.

Mr. RANDALL. Coaster's Harbor Island was presented to the United States by the State of Rhode Island. There is now there a naval training-school; and I suppose the House conferees would not have objected to continuing the appropriations necessary to make that school efficient.

But the amendment which has just been read was considered by a majority of the House conferees as an entering-wedge or incipient step to the organization of a new naval school which might in time grow into a school after the fashion of the Annapolis Academy for boys—this being for officers. It occurred to me at least that officers of the Navy would be best educated at sea rather than on land.

A MEMBER. They might get drowned at sea. [Laughter.]

Mr. RANDALL. In the light of this being a new organization of this sort the House conferees dissented from the Senate in this particular, and I ask the House to insist on its disagreement.

Mr. SPOONER. I desire to make a motion.

Mr. RANDALL. I will yield to the gentleman from Rhode Island for that purpose.

Mr. SPOONER. I move that the House recede from its disagreement to this amendment and agree with the Senate. The State of Rhode Island, as the chairman of the committee has said, made a gift of this island, which is most eligibly situated for the purpose and more adapted in every respect as a training-school, to the United States for the express purpose that it shall be used as a naval training-school. It is located on the border of the harbor of Newport, accessible by water and having advantages which could be possessed by scarcely any other locality which could be mentioned.

There is nothing peculiar, I submit to the chairman of the committee or the House—in fact it is proposed to have a school for the training of naval officers in the higher and advanced course of training beyond what our Naval Academy affords. It is in consonance with the march of improvement in naval architecture, naval warfare, and naval ordnance and matters pertaining to naval attack and defense. The torpedo station is in the same line of defense. The school for teaching the practice and for experimenting and making torpedoes is located in the same harbor of Newport and is separate from Coaster's Harbor Island only by a small expanse of water in the inner harbor.

It is not peculiar to the Navy alone to have advanced schools for officers: The artillery school at Fortress Monroe is of the same kind.

Mr. TALBOTT. Does the gentleman from Rhode Island think, after the course at Annapolis Academy and two years at sea, it is necessary to have these officers go again to Newport and attend this training-school? If so, I am opposed to it.

Mr. SPOONER. The idea is fully explained in Senate Executive Document No. 68 of the present session, from the Secretary of the Navy, which I ask the Clerk to read.

Mr. RANDALL. I hope not.

Several MEMBERS. Print!

Mr. SPOONER. No; I do not care to print. I am speaking for the purpose of calling the attention of this House to this matter, and I presume I have some right at least to occupy a small portion of the time in making such explanation. I ask to have the document read. I do not care to have the appendix read. The document occupies about a page and a half.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had receded from its amendments numbered 17, 18, 19, and 20 to the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the year ending June 30, 1886, and for other purposes. [Applause.]

SUNDRY CIVIL APPROPRIATION BILL.

Mr. SPOONER. The document is only a page and a half long, and will not take up much time in its reading.

Mr. ROSECRANS. I believe it should be read, and I also believe this school of practice is a good one.

The SPEAKER. Is there objection?

Mr. HOBLITZELL. I object.

Mr. SPOONER. Am I not entitled to have it read?

The SPEAKER. Objection is made to the reading of it by the Clerk.

Mr. SPOONER. Then I will read it myself. It is not the fault of the great body of this House that the appropriations have been delayed to this late hour. This bill is brought in here without giving any opportunity for discussion.

Mr. RANDALL. We have seven hours.

Mr. SPOONER. That is not my fault.

Mr. RANDALL. Neither is it mine.

Mr. SPOONER. I do not think it is the fault of this side of the House. I do not think it is the fault of the great body of the House. Mr. BELFORD. I rise to a parliamentary inquiry. How can the gentleman from Rhode Island occupy the time of the House when the gentleman from Pennsylvania is on the floor? I want to know some of these puzzles.

The SPEAKER. The gentleman from Pennsylvania yielded to the gentleman from Rhode Island.

Mr. RANDALL. I yielded, but I only yielded for a few minutes. I want to get along as pleasantly as possible, and I hope the gentleman from Rhode Island will realize the necessities of the occasion.

Mr. SPOONER. That we may start perfectly fair from this point at least, I would inquire whether I did not make the motion now pending and whether I am not entitled to the floor on my own motion.

The SPEAKER. The gentleman from Pennsylvania moved the House insist and made some remarks upon that motion, and then yielded to the gentleman from Rhode Island who took the floor not in his own right, but during the time of the gentleman from Pennsylvania.

Mr. RANDALL. He made a motion of higher privilege than the one I made.

The SPEAKER. If the gentleman from Rhode Island had obtained the floor in his own right the Chair would have recognized him to debate the motion. But that is not the case.

Mr. SPOONER. Is not my motion a privileged one?

The SPEAKER. The gentleman from Pennsylvania.

Mr. WASHBURN. We will gain time by allowing the paper to be read.

Mr. SPOONER. It would have been read before this.

The House divided; and there were—ayes 37, noes 47.

Mr. SPOONER. No quorum.

Mr. SPRINGER. I hope the gentleman will not insist on that point; otherwise we can not get through with this bill. It will not change the result if the document is read.

Mr. SPOONER. It seems to me that if an important appropriation of this kind is to be stricken out of the bill when the estimates are before the committee, it ought to be done by a quorum of the House, at least.

Mr. MILLER, of Pennsylvania. There is evidently no quorum present.

The SPEAKER. Does the gentleman insist upon the point of no quorum?

Mr. SPOONER. I do not wish to put the House to any inconvenience or discomfort. I think, however, it is proper to have that letter of the Secretary read, which will give the House necessary information as to the importance of this matter. I desire to be perfectly courteous to gentlemen in charge of this measure, and if it be conceded to me that this letter of the Secretary of the Navy shall be read, and then I am permitted to occupy two or three minutes in addition, I will not press the matter of no quorum.

Mr. RANDALL. Do I understand the gentleman to say that if he has an opportunity to read that letter or report that he will not insist further on the demand for a quorum?

The SPEAKER. The gentleman states that if he is allowed to have the report read, and then two or three minutes in addition, that he will not insist upon the point.

Mr. RANDALL. Very well; I have no objection.

Mr. SPOONER. And with the understanding also that a vote shall be taken on my motion.

The SPEAKER. If there be no objection, the Clerk will read the report.

There was no objection.

The Clerk read as follows:

NAVY DEPARTMENT, Washington, February 11, 1885.

SIR: I have to acknowledge the receipt of a copy of a resolution adopted by the Senate on the 4th day of February, as follows:

"Resolved, That the Secretary of the Navy is hereby directed to report to the Senate what, if any, steps have been taken to establish an advanced course of instruction of naval officers at Coaster's Harbor Island, Rhode Island, and the reasons which have controlled the action of the Department."

The subject of an advanced course of instruction of naval officers was, May 3, 1884, committed by this Department to a board consisting of Commodore S. B. Luce, Commander W. T. Sampson, and Lieut. Commander C. F. Goodrich, who on the 13th of June, 1884, made a report recommending the establishment of such a course of instruction in the science and art of military and naval warfare and in international law and history. The method recommended is carefully outlined in the report, a copy of which is annexed to this communication.

As it was deemed advisable that the course of study should be made to supplement the present instruction of naval officers in torpedoes at Newport, R. I., and that the place should be selected where the Department is already in possession of the necessary grounds and buildings, the board recommended the establishment of the college of instruction at Newport.

In pursuance of the previous determination of the Department, and in accordance with the foregoing report, directions were given that preparation should be made for the course of instruction to be conducted at Coaster's Harbor Island, Newport, by General Order No. 335, issued October 6, 1884, a copy of which is herewith transmitted.

The reasons which have controlled the action of the Department are to be found in the recognised necessity for an advanced course of military and naval education in the United States. There are now existing three schools for the purpose in the Army and one in the Navy. The latter is at the torpedo station at Newport, where a class of officers is assembled for a few months in each year for instruction in the art of manufacturing and using torpedoes and torpedo explosives. The constant changes in the methods of conducting naval warfare imposed by the introduction of armored ships, swift cruisers, rams, sea-going torpedo-boats, and high-power guns, together with the more rigid methods of treating the various subjects belonging to naval science, render imperative the establishment of a school where our officers may be enabled to keep abreast of the improvements going on in every navy of the world. The torpedo school only partially fulfills the imperative requirements. The college is intended to complete the curriculum by adding to an extent never heretofore undertaken the study of naval warfare and international law and their cognate branches.

The great surplus of officers in the Navy makes it especially appropriate to require that at all times some of them not needed for actual duty shall be engaged in courses of professional study calculated to improve and qualify them for better service in the future.

In instituting this school of instruction at Conster's Harbor Island, the Department, acting within the scope of its powers, has simply utilized public grounds and buildings, under its own immediate control, for a wise and beneficial purpose, and has detailed naval officers who can readily be spared to constitute the president and faculty of the college.

Very little expense will be incurred in carrying out the Department's plan, while the benefits to be realized by the Navy and the country will be of great importance. The subject is commended to the notice and favor of Congress.

Very respectfully,

W. E. CHANDLER,
Secretary of the Navy.

The PRESIDENT *pro tempore* of the Senate.

Mr. SPOONER. Mr. Speaker, I simply want to say in addition that the building referred to here is already standing on this island, and it is for its repairs and preservation and for furnishing the same for use as a naval training-school that this appropriation is desired and was recommended.

I regret to have been obliged to submit this matter to the attention of the House at a time when I know it is weary of this long-continued session; and yet members who have given attention to the brief statement of the Secretary which has just been read must understand now, if they did not before, the desirability, I might say the necessity, for this appropriation for fitting our naval officers for modern naval service. It is in that line that this matter looks, and that this training-school is expected to aid and educate the officers of the Navy. I particularly ask the attention of the House to it now; and request that this very meritorious appropriation, less than the amount submitted, amounting in the aggregate to but \$12,000, for the preservation of the building and the repair of a building which was a gift to the Government from my own State, shall be considered, and that the amount herein named be appropriated. I therefore ask a vote on my motion.

Mr. RANDALL. The House should not confound this appropriation for the training-school with the other proposition. They are two distinct amendments.

Mr. SPOONER. Why not confound them? How do they differ?

Mr. RANDALL. Because the next amendment relates to the training-school. This amendment relates to an institution for the higher education of the officers, and not an institution about to be established there.

Mr. SPOONER. I do not understand that there is anything more than a mere quibble of words in that. This is a training-school. I move, therefore, that the House recede from its disagreement to the amendment of the Senate and agree to the same.

The question was taken; and on a division there were—ayes 37, noes 48.

So the motion was not agreed to.

Mr. RANDALL. I now move that the House further insist on its disagreement to the amendment of the Senate.

The motion was agreed to.

The next amendment (numbered 132) was read.

Mr. RANDALL. Now I want to say to the gentleman from Rhode Island that I think there can be a substantial result reached with reference to this amendment. I therefore ask a formal non-concurrence and that the House further insist upon the disagreement to the amendment of the Senate.

The motion was agreed to.

The next amendment (numbered 36) was read.

Mr. RANDALL. I move that the House further insist.

The motion was agreed to.

The next amendment (numbered 140) was read, as follows:

Strike out of the House bill the words:

"For constructing terrace north of the Capitol, section marked B, as shown on printed plan accompanying the letter of the Secretary of the Treasury (Executive Document No. 9, first session Forty-eighth Congress), including wages of mechanics and laborers, \$21,500."

Mr. RANDALL. The House was ready to appropriate a sum of money to complete the northern or Senate end as far as this terrace was involved. We prefer to see the completion of the work before we begin at the Senate end. The proposition, however, of the Senate includes the completion of the north end and part of the completion of the west. It involves a much larger sum. I move, therefore, that the House further insist on its disagreement to the amendment of the Senate.

The motion was agreed to.

The next amendment of the Senate was read, as follows:

Insert the following:

"For continuing the construction of the terrace and grand stairways of the Capitol, as shown on plan accompanying the letter of the Secretary of the Treasury (Executive Document No. 9, first session Forty-eighth Congress), including wages of mechanics and laborers, \$350,000; and this appropriation shall be immediately available."

Mr. RANDALL. This is of the same tenor as the other to which I have just referred, and I ask non-concurrence in the amendment.

Mr. ROSECRANS. That work ought never to have been begun.

Mr. RANDALL. I move that the House further insist upon its disagreement to this amendment.

Mr. WHITE, of Kentucky. I think the gentleman is entirely correct on that proposition. The idea of appropriating \$350,000 to be expended for labor around this Capitol is simply a waste of the public money in the main, as we have seen it here year after year. Especially

is this appropriate in view of what was done awhile ago when a bill to pay the small claims running from twenty dollars to two or three hundred or four hundred dollars, known as the 4th of July claims, which have been passed upon by the accounting officers of the Department, the loyalty of the claimants in each case fully proven, the amount of the claim satisfactorily established, and the Treasury Department having undertaken the investigation as well as the House committee and a report made by the gentleman from Tennessee, and yet these claims receive no consideration simply because of objection coming from members on that side of the House.

Mr. RANDALL. I am glad to know that the gentleman from Kentucky agrees with me on this point.

I now move to further insist on the disagreement.

The motion was agreed to.

The amendment (numbered 142) was read, as follows:

To construct a reservoir for hot water on the Government reservation at Hot Springs, Ark., in order to provide for an adequate supply of hot water for the Army and Navy Hospital and bath-houses, \$30,000.

Mr. RANDALL. I move that the House further insist on its disagreement to this amendment.

The motion was agreed to.

The amendment of the Senate numbered 166 was read, as follows:

Strike out the following:

"Tenth census:

"That the twenty-second section of the act entitled 'An act to provide for the taking of the tenth and subsequent censuses,' approved March 3, 1873, be, and the same is hereby, repealed."

Mr. RANDALL. In the original law there was a provision made that where States in intermediate years undertook to take a census of their citizens the United States Government should pay one-half the expense. This clause was inserted at the instance of the gentleman from New York, the chairman of the Census Committee of the House. That gentleman has told me that the repeal of this clause in the original act would save a very large sum of money to the Government of the United States, running into one or two million dollars.

Mr. WARNER, of Ohio. How?

Mr. RANDALL. The Government of the United States by the original act agreed to pay one-half the expense of any State census that might be taken.

Mr. WARNER, of Ohio. Do you like that partnership?

Mr. RANDALL. I do not. I am a State-rights man, and I wanted the States to do this at their own expense.

Mr. WARNER, of Ohio. That is right.

Mr. RANDALL. I move that the House further insist on its disagreement to this amendment.

The motion was agreed to.

The amendment of the Senate numbered 173 was read, as follows:

Strike out the following paragraph:

"That the officer in charge of public buildings and grounds may, on the approval of the Secretary of War, cause to be removed the iron fences surrounding the reservations on Pennsylvania avenue between Thirteenth and Fourteenth streets."

Mr. RANDALL. This side of Fourteenth street on Pennsylvania avenue is a reservation that is surrounded by iron railings. It is practically useless as a place of resort. And as the general current of sentiment in cities is to take down railings and throw open such squares for public use the committee desired that that should be done there. The Senate object. I move that the House further insist on its disagreement to this amendment.

Mr. WHITE, of Kentucky. I desire to ask the attention of the chairman of the Committee on Appropriations to the paragraph in line 1998 which reads:

For construction and repair of iron fences, \$500.

Is that still in the bill?

Mr. RANDALL. That is the general fund to repair any of the iron fences that surround the reservation.

Mr. WHITE, of Kentucky. Now, in regard to amendment numbered 173, to which the chairman of the Committee on Appropriations has called the attention of the House, if I understand it correctly the provision proposed to be stricken out is intended simply to remove an iron fence surrounding the reservation between Thirteenth and Fourteenth streets.

Mr. RANDALL. Yes, sir; the reservation facing the National Theater.

Mr. WHITE, of Kentucky. What I want to say about this is that it strikes me there is an incongruity in the two propositions.

Mr. RANDALL. Not at all. If the gentleman will pardon me for a moment I will explain.

Mr. WHITE, of Kentucky. What we ought to do is to remove all of these iron fences. No cattle or swine are allowed to run at large. These fences are unsightly and ought all to be removed. The botanical grounds are hidden from the view of visitors by the fences surrounding them. Franklin Square, one of the most beautiful squares in the city, has an iron fence surrounding it which ruins the whole effect. For proof of this you need only go to Farragut Square, and the one beyond that toward Georgetown, to Iowa Circle, to Lincoln Park, and

others failed in by those costly iron fences. I suggest that we strike out the paragraph at line 1998:

For construction and repair of iron fences, \$500.

Mr. RANDALL. That is not now before us.

Mr. WHITE, of Kentucky. Then I move to amend the amendment which is before us by providing that the officer in charge of public buildings and grounds may, on the approval of the Secretary of War, cause to be removed the iron fences surrounding the reservations within the District of Columbia.

Mr. RANDALL. I would not like to agree to that without the approval of the officer in charge of those reservations.

Mr. WHITE, of Kentucky. There are the Agricultural grounds which are far more decorated and more beautifully laid out than the Botanical grounds. The grounds in the Botanical Garden nailed in by these fences are in a slipshod condition and have an air of neglect about them. They look like a cheap diamond in a poor ring.

Mr. RANDALL. I admit that the general current of feeling as to these high iron fences in the large cities is changing and they are being removed, but there is no way of accomplishing that just now, and I hope the gentleman will not insist upon the amendment.

Mr. WHITE, of Kentucky. I do not see why we should not make this amendment. This is to remove the fences from the little flat-iron park near the theater. Why should not the direction be made general?

Mr. RANDALL. I am willing that the gentleman should test the sense of the House on his amendment.

The SPEAKER. Will the gentleman from Kentucky please state what is his amendment?

Mr. WHITE, of Kentucky. I move to strike out after the word "reservations," in line 2020, the words "on Pennsylvania avenue between Thirteenth and Fourteenth streets" and insert "in the District of Columbia."

Mr. RANDALL. The gentleman will have to make his motion in these words: "That the House agree to the Senate amendment with the further amendment" which he proposes.

Mr. WHITE, of Kentucky. I thank the gentleman from Pennsylvania for the suggestion. I modify my motion in that way, and the effect of my amendment would be to leave it in the discretion of the Secretary of War. As amended it would read:

That the officer in charge of public buildings and grounds may, on the approval of the Secretary of War, cause to be removed the iron fences surrounding the reservations within the District of Columbia.

It is obvious this action is needed.

But it is needed just as much in front of the market. It is needed more in these Botanical grounds, and it is needed as much in Franklin Square and some other squares. We want to beautify this city. That is what we appropriate the money for. We have landscape gardeners who lay out the grounds beautifully, and then we fence in those grounds with these high fences and walls, although no animal is allowed to run at large that could do them any harm.

The motion of Mr. WHITE, of Kentucky, that the House recede from its disagreement to this amendment and agree to the same with an amendment proposed by him was rejected.

Mr. RANDALL moved that the House further insist upon its disagreement to the amendment of the Senate.

The motion was agreed to.

The next amendment (numbered 193) was read, as follows:

Quartermaster and commissary depot at Saint Paul, Minn.: For the completion of the public building for a quartermaster and commissary depot at Saint Paul, Minn., to be used as offices for officers of Department of Dakota, and for heating the same, \$50,000.

Mr. WASHBURN. Mr. Speaker, I move that the House agree to the Senate amendment. This building at Saint Paul is nearly completed. It is designed as a quartermaster and commissary depot. The people of Saint Paul gave the site; about \$60,000 has been expended upon the building; it is a four-story building, and the amount named in this item is required to complete it and put in the heating apparatus, &c.

Mr. RANDALL. I suggest to the gentleman from Minnesota that we had better let that go into conference again.

Mr. BUDD. Mr. Speaker, I desire at this time to move that the House concur in this provision with an amendment which I send to the Clerk's desk. I will say that it makes no difference whether this amendment comes in at this place or in connection with any other provision for a public building. The amendment is to appropriate the sum of \$350,000 for the purchase of a site in San Francisco for a post-office and court-house. It is unnecessary to state that the amount proposed to be appropriated for that purpose is less—

Mr. RANDALL. Mr. Speaker, I suggest that that amendment is not germane to the bill, and the gentleman had better withhold it for the present.

Mr. BUDD. Then I withdraw it for the present.

Mr. RANDALL moved that the House further insist on its disagreement to the amendment of the Senate.

The motion was agreed to.

The next amendment (numbered 194) was read, as follows:

For purchasing hospital and other records of the war pertaining to the New England Soldiers' Relief Association, \$5,500.

Mr. RANDALL. I move that the House further insist upon its disagreement to this amendment.

The motion was agreed to.

The next amendment (numbered 195) was read, as follows:

Sea-wall at Governor's Island, New York Harbor: For sea-wall around Governor's Island, \$40,000.

Mr. RANDALL. I move that the House further insist upon its disagreement to this amendment.

The motion was agreed to.

The next amendment (numbered 196) was read, as follows:

For the purpose of erecting a statue, with suitable emblematic devices thereon, on one of the public reservations in the city of Washington, to the memory of General La Fayette and his compatriots, \$50,000.

Mr. McCOMAS. Mr. Speaker, I desire to call attention to the remarkable language of this paragraph, which provides for the erecting of "a statue, with suitable emblematic devices thereon." Does that mean General La Fayette tattooed or otherwise ornamented? The idea seems very imperfectly expressed.

Mr. RANDALL. The House conferees were not aware that the Committee on the Library had ever considered this subject or had had an opportunity to view the plans, and in that condition of the case conferees on the part of the House not intending any disrespect whatever to the memory of General La Fayette, but, on the contrary, being deeply sensible of the great service rendered to the United States by that distinguished man, they yet felt that they would prefer that the House Committee on the Library should have something to say in relation to this matter.

Mr. McCOMAS. My only desire was to call the attention of the distinguished chairman of the Committee on Appropriations to the rather peculiar language of this paragraph.

Mr. RANDALL. I am not responsible for the language. It is a Senate amendment. Mr. Speaker, I move that the House further insist on its disagreement to the amendment of the Senate.

Mr. WHITE, of Kentucky. Mr. Speaker, I move to amend so as to provide for the erection, not of a statue, but of a charitable institution for inebriates.

Mr. SPRINGER. Mr. Speaker, that amendment is not germane to the bill.

Mr. WHITE, of Kentucky. I think the RECORD will show that when the bill was brought in and read through here under a suspension of the rules, I called attention to the fact that there were enormous appropriations in it.

Mr. RANDALL. I am quite sure that the gentleman from Kentucky does not desire to put me to any personal inconvenience.

Mr. WHITE, of Kentucky. No more than the gentleman and the other members of the committee and the rest of his friends have put me to.

Mr. RANDALL. I am not aware that I have ever put anybody to personal inconvenience in this House.

Mr. WHITE, of Kentucky. This bill should have been reported a month or six weeks ago.

Mr. RANDALL. Oh, well, if the gentleman does not appreciate my courtesy I have nothing further to say.

Mr. WHITE, of Kentucky. Now, Mr. Speaker, I am opposed to erecting a statue to the memory of La Fayette; not that I do not love his memory, not that I do not appreciate the services he rendered to our country, but because I believe that to build a monument to anybody in this age when there are thousands and millions who can not get bread, when there are thousands of children that are not educated, that are not properly clothed, when there are millions of people in the United States who can not read or write—and I do not mean the colored people alone, for there are thousands of whites who can not read or write—I say, sir, that at such a time and in such a condition of things it would be better and wiser to offset some of the evil, to alleviate some of the suffering that humanity is heir to in this free land by erecting and maintaining charitable institutions rather than follow the example of the barbarous and half-civilized nations of the past in erecting these costly monuments.

Look at the monuments in this city. Look at the monument to Farragut; does any one feel proud of that? Look at the statue in McPherson Square; does any one who has ever studied a horse think that is a proper representation of a horse? There ought to be written under it, "This is a horse."

A MEMBER. That would not be true.

Mr. WHITE, of Kentucky. Mr. Speaker, I move to amend this amendment so as to read, "For the purpose of erecting a charitable institution for inebriates on one of the public reservations in the city of Washington, to the memory of La Fayette and his compatriots, \$50,000." If that amount is not enough, let some future Congress supplement it. Thus you will build an appropriate monument and one which the intelligent people of this country will appreciate far more highly than they will that pseudo-monolith sticking out of the mud of the Potomac Flats.

The SPEAKER. The question is on the motion of the gentleman from Kentucky [Mr. WHITE] that the House recede from its disagree-

ment to the amendment of the Senate, and agree to the same with an amendment.

The motion was not agreed to.

The question recurring on the motion of Mr. RANDALL, it was agreed to.

The one hundred and ninety-seventh amendment of the Senate was read, as follows:

Insert the following after line 2413:

"That the Secretary of War, the chairman of the Joint Committee on the Library, and the Architect of the Capitol are authorized to contract for and erect the said statue, and to designate a suitable public reservation in the city of Washington as the site for said statue."

Mr. RANDALL. We propose in this case the same action as in the other; they may go together.

The SPEAKER. If there be no objection the House will further insist on its disagreement to this amendment of the Senate.

There was no objection.

The one hundred and ninety-eighth amendment of the Senate was read, as follows:

Insert after line 2418:

"To enable the Joint Committee on the Library to purchase the portrait of General George H. Thomas by Miss C. S. Ransom, \$10,000."

Mr. RANDALL. I move that the House further insist on its disagreement to this amendment, and on that motion I demand the previous question.

The previous question was ordered; and under the operation thereof the motion of Mr. RANDALL was agreed to.

Mr. RANDALL. The next two amendments, the twelfth and the forty-ninth, can be considered together; and I presume it is not necessary to read them. One of the provisions which the Senate strike out relates to the sale of public property in Boston at a minimum price of \$325,000. It is provided that if the Secretary of the Treasury should deem this price too low he may appoint a board that shall fix the minimum price. A similar provision is made in relation to the old post-office building in Philadelphia, \$300,000 being fixed as the minimum in that case. I move that the House insist on its disagreement to these two amendments.

The motion was agreed to.

Mr. SPRINGER. The fifty-ninth amendment is the one proposing the purchase of a site for a new post-office in this city. The amendment is in several sections, the first being as follows:

That in order to provide additional accommodations for the Post-Office Department and an eligible site for a city post-office, the Postmaster-General, the Secretary of State, and the Secretary of the Treasury, acting as a board, be, and they are hereby, empowered and instructed to acquire, as hereinafter provided, the several parcels of real estate embraced in square numbered 406 of the said city, bounded by F street on the north, E street on the south, Eighth street on the east, and Ninth street on the west, at a cost all told not exceeding \$640,000; and for such purpose that sum is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. RANDALL. I yield for a few moments to the gentleman from South Carolina [Mr. DIBBLE], a member of the Committee on Public Buildings and Grounds, who have considered this subject.

Mr. DIBBLE. Mr. Speaker, I do not think there was any difference at all in the Committee on Public Buildings and Grounds in regard to this matter. The Senate amendment is identical in its terms with a Senate bill which was referred to our committee, and which met with our unanimous disapproval in several of its features. We disapproved of this measure on two grounds, first, as to the amount; second, as to the frame of the bill (independently of the amount), for we believe it would allow opportunity for involving the Government in an unlimited expenditure in spite of the limitation named in the bill.

The amount proposed to be expended is \$640,000. We had a report on this subject from an informal committee appointed jointly by the Senate and House Committees on Public Buildings and Grounds; and we had the assurance of this committee that the whole of this property could be bought for \$500,000 and perhaps for less. We also had the letter of a part owner to the same effect. The committee generally agreed that this was the maximum limit to which the Government should go.

In relation to the manner in which the measure is framed, it provides in the first place for the absolute purchase by parcels of about two-thirds of that square—not quite two-thirds; and authorizes certain prices according to a schedule and set of bids made by certain owners of property or their agents. The area of that square is 60,000 square feet; the area to which these offers apply is a little less than 40,000 square feet—less than two-thirds. The exact area is 38,725 square feet. The bill undertakes to provide that the total cost of the square shall not exceed \$640,000, yet it authorizes an expenditure of \$538,500 for 38,725 square feet, leaving only \$100,500 to buy more than half as much as the portion which is to cost \$538,500.

Furthermore, the schedules and estimates which are incorporated in this bill differ from each other in several important particulars, including the dimensions of the lots, as mentioned in the schedule and the offer, respectively. No lawyer who has been in practice six months would consider a contract with this discrepancy as giving a binding and clearly defined agreement for a good title. No business man would act upon any such offer in his private affairs.

As to the other third part of the square we are informed that a portion of it is owned by minors, and another portion is church property. This third part embraces about 20,000 square feet; yet, without any positive assurance that the remainder of the square can be bought at a reasonable price, it is proposed in this measure to purchase the two-thirds, which is offered, parcel by parcel, and pay for it out of the Treasury. The result would be that after the Government had spent \$540,000 it would own detached pieces of property scattered through this square, while as to other pieces, and in one instance where a party offers one piece he reserves another piece, the Government would be at the mercy of these owners. These are the reasons, briefly stated, why the Committee on Public Buildings and Grounds by a unanimous vote repudiated this plan of legislation.

Mr. RANDALL. I will yield now to the gentleman from Pennsylvania [Mr. BRAINERD] also a member of the committee.

Mr. BRAINERD took the floor.

Mr. DUNHAM. I wish to ask the gentleman from Pennsylvania a question. Do not let us debate this any longer, but let us vote. We are as ready to vote now as at any other time.

Mr. BRAINERD. I desire to oppose it, and I will not occupy but a minute or two. This provision which has been put on the sundry civil appropriation bill by the Senate ought not to be passed. I am fully satisfied of that from an investigation of the case, and our committee have fully investigated in reference to this property and considered it in all its aspects and we framed a bill providing for the purchase of this property for a sum not exceeding \$500,000. That bill has been introduced and is now pending in this House.

On reliable information furnished to us this property can be purchased for \$500,000 or less. I am informed its assessed value is a little over \$300,000. In my judgment, if this purchase is authorized by Congress on the basis of \$640,000, at least \$140,000 of it is money that will go into the hands of private speculators, and for one I am not willing the Government shall be placed in the power of speculators under the provisions the Senate have introduced into this bill. Under those provisions this property would cost this Government an unlimited amount. The mode of acquirement of title in itself is sufficient to satisfy this House before the title shall be completed to that entire square, as contemplated by the purchase, it would cost this Government far above \$1,000,000 instead of \$640,000.

Mr. BUDD. I move to adhere. I do not think this ought to be sent to conference. If there ever was a job stuck into a bill this is the job.

The SPEAKER. If there be no objection, the question will be taken on the motion of the gentleman from Pennsylvania that the House insist on its disagreement.

The motion was agreed to.

Mr. SUMNER, of California. Mr. Speaker, I move to amend by adding to the last Senate amendment, appropriating for public buildings, an amendment providing an appropriation of \$350,000 for the purchase of a site for a post-office in San Francisco.

Mr. WHITE, of Kentucky. Mr. Speaker, I rose in time to move an amendment about the property between F and E and Ninth and Tenth streets.

The SPEAKER. The House has passed away from that subject.

Mr. WHITE, of Kentucky. I think the Chair will agree with me that instead of buying this piece of property, it would be better to amend so that the Pennsylvania Railroad should be compelled to keep out of the public grounds, and we should take that building and turn it into a city post-office.

Mr. RANDALL. That is not germane. I ask the House further to insist on its disagreement to the fourth amendment, which relates to the international boundary surveys between Mexico and the United States. I should like that to go into the conference for some sort of adjustment.

The SPEAKER. It has not been read.

Mr. RANDALL. I think it has been read.

The motion was agreed to.

Mr. RANDALL. I ask that the vote be taken as a whole on the various propositions relating to public buildings, and on that I demand the previous question.

Mr. BROWN, of Pennsylvania. I have been on the floor addressing the Chair.

The SPEAKER. The gentleman from Pennsylvania has made a request which the Chair has not stated to the House. The gentleman asks the House to vote as a whole on propositions relating to public buildings.

Several members objected.

The SPEAKER. If that is acceded to, gentlemen might still offer their amendments.

Mr. POLAND. I desire to have a separate vote on amendment 62.

The SPEAKER. If gentlemen will indicate the amendment on which they ask for a separate vote, time will be saved.

Mr. STOCKSLAGER. I desire separate votes.

The SPEAKER. The Chair asks gentlemen to indicate all propositions on which they desire separate votes.

Mr. STOCKSLAGER. I desire to move an amendment.

The SPEAKER. The suggestion of the gentleman from Pennsylvania is objected to.

Mr. RANDALL. I ask the sixth amendment be read.

The Clerk read as follows:

For court-house and post-office at Abingdon, Va.: For completion under present limit, \$25,000.

Mr. RANDALL. I demand the previous question.

Mr. WHITE, of Kentucky. What is the population? What is the necessity for it?

Mr. RANDALL. I think about 3,000, but I am not certain. I want to test the sense of the House whether they want any other buildings added to the million seven hundred thousand dollars which the Senate have passed.

Mr. BUDD. I think it will facilitate business if I can—

Mr. RANDALL. I will make a statement. If the House want additional buildings they can vote down the previous question. If the House wants there shall be a concurrence in all these propositions of the Senate they can take that vote. I demand the previous question. If that is voted down, then I am no longer in charge of this subject.

The SPEAKER. Of this particular amendment.

Mr. RANDALL. I did desire to have a single vote on these thirty-nine separate amendments which relate to the public buildings.

Mr. BUDD. I desire to make a statement to gentlemen of the House. If the gentleman from Pennsylvania will withdraw his demand for the previous question a moment—

Mr. RANDALL. I do not want to lose the floor.

Mr. BUDD. I will not take you off the floor.

Mr. RANDALL. I am willing to listen.

Mr. BUDD. In these amendments added by the Senate, and which you say contain additional appropriations for buildings, it will be found that some have already passed by separate bills in both Houses and have become laws. There are certain bills which have passed the Senate and the House, for instance the bill for the Sacramento post-office, providing that a post-office shall be erected there. But the bill is inoperative. It seems that in some of these bills the appropriating words have been omitted by some oversight, and consequently what is claimed as an increase or addition by the Senate is simply an appropriation to carry out laws that have been enacted. That is the reason why I ask to have a separate vote expressly upon that particular amendment.

Mr. WASHBURN. I move that the House recede from its disagreement to the amendments of the Senate, and agree to the same.

Mr. RANDALL. Does the gentleman make that motion as to all these separate amendments?

Mr. WASHBURN. I will amend my motion, and move that the House recede from all its disagreements to these amendments with an amendment.

Mr. BUDD. I must demand a separate vote.

The SPEAKER. That has been already demanded.

Mr. RANDALL. I demand the previous question.

The SPEAKER. The gentleman from Pennsylvania moves that the House further insist on its disagreements to the amendments of the Senate, and on that demands the previous question. Pending that motion the gentleman from Minnesota moves to recede from the disagreements and agree with an amendment, which is in order and not debatable pending the demand for the previous question. The gentleman will state the amendment.

Mr. BUDD. I want to say that a separate vote will be insisted on in this case.

Mr. STOCKSLAGER. Will the gentleman from Pennsylvania yield to me for an amendment?

Mr. RANDALL. Without waiving the right to call the previous question on the pending motion, I want to yield a moment to the gentleman from Indiana [Mr. STOCKSLAGER].

Mr. STOCKSLAGER. I wish to offer an amendment, but I prefer that a vote shall first be taken on the motion.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate further insisted upon its amendments, disagreed to by the House, to the bill making appropriations for the legislative, executive, and judicial expenses of the Government, and agreed to the conference asked by the House on the disagreeing votes on said bill, and had appointed Mr. ALLISON, Mr. DAWES, and Mr. COCKRELL managers at said conference on the part of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER. The Chair will recognize the gentleman from Indiana if he desires recognition.

Mr. BAYNE. I rise to make a parliamentary inquiry. The motion of the gentleman from Pennsylvania, my colleague, is that the House disagree to all of these amendments, as I understand.

The SPEAKER. That was objected to, and a separate vote demanded upon each.

Mr. BAYNE. Then I ask the attention of gentlemen a moment. In the interest of harmony and the dispatch of the public business, I ask that unanimous consent be given that a vote be taken on all these

amendments put in by the Senate at one time, and then if that is voted down, that gentlemen desiring to offer amendments shall have the opportunity to do so.

Mr. CASSIDY. I object.

Mr. RANDALL. I again make this suggestion: Let us take all of the amendments but the last in one motion, and that can be used as a basis for offering amendments up to a reasonable hour.

Mr. BUDD. No, sir; I will object to that.

Mr. RANDALL. I suggest that if the House will permit a vote to be taken on all the amendments except the last proposition, then that proposition can be submitted to a separate vote, and if the House desires further amendments all they have to do is to vote down the previous question.

Mr. BUDD. Why can not that be done on the first amendment?

Mr. RANDALL. Well, I want to expedite the consideration of the bill.

Mr. BUDD. It will expedite it just as much if the vote is taken on the first amendment.

Mr. RANDALL. I think not.

Mr. WHITE, of Kentucky. I desire to ask the gentleman from Pennsylvania if it be true as alleged that the Senate has amended this bill by adding some four millions of dollars for public buildings?

Mr. RANDALL. No, sir; not so much.

Mr. WHITE, of Kentucky. About what is the amount?

Mr. RANDALL. In the neighborhood of \$1,600,000.

Mr. POLAND. Excluding the post-office here?

Mr. RANDALL. Yes, sir.

Mr. SMITH, of Pennsylvania. I reserve the right to offer an amendment to this bill.

The SPEAKER. The gentleman can not reserve the right when the previous question is demanded.

Mr. SMITH, of Pennsylvania. I submit to my colleague that he should allow an amendment—

Mr. BUDD. I insist upon the regular order. The Speaker has decided that the vote must be taken separately when demanded.

The SPEAKER. The question is on ordering the previous question. The House divided; and there were—ayes 62, noes 19.

Mr. BUDD. No quorum.

Mr. RANDALL. Mr. Speaker, I ask to lay aside this report and take up the naval appropriation bill.

Mr. BUDD. Regular order.

Mr. KEIFER. Can not this business be laid aside by a conference report?

The SPEAKER. The Chair thinks this is a conference report.

Mr. KEIFER. The conference report has been adopted. This is outside of the report—extraneous to it.

Mr. WASHBURN. It seems to me the whole matter can be arranged satisfactorily in a moment if gentlemen will hear a proposition.

Mr. RANDALL. I will submit a proposition. I am willing that these amendments may be offered, provided that gentlemen who offer them if they are voted down will not take advantage of the fact to require a quorum.

Mr. LEWIS. I am willing.

Mr. CASSIDY. And I shall not object.

Mr. BROWN, of Pennsylvania. That is exactly what I want. I have been wishing to get a vote on a bill of mine for a long time.

Mr. BUDD. I want to understand the question before giving my assent. This relates to any amendment that may be offered to this bill?

Mr. KEIFER. I have a little bill here.

The SPEAKER. Any amendment that would be in order under the rules of the House would be in order if the agreement should be concluded. Is there objection to the request?

Mr. WHITE, of Kentucky. That is but a part of the system upon which this bill has been passed.

The SPEAKER. That is not a matter to be discussed now.

Mr. WHITE, of Kentucky. I want to say I yield none of my rights to call a quorum, if I believe at any time a quorum ought to be demanded.

The SPEAKER. The gentleman from Kentucky objects to the arrangement proposed by the gentleman from Pennsylvania.

Mr. HATCH, of Missouri. I do not understand the gentleman from Kentucky to object. He merely stated his own position.

Mr. WHITE, of Kentucky. I stated I would not bind myself not to demand a quorum simply because gentlemen have bills that they want to go into this bill with the other buildings which some members of the House through influence with the House committee have put in, and which some members of the Senate have put in, having gone one better through members of the Senate committee. I do not propose to be bound by any agreement that shall prevent me from exercising my right to demand a quorum if I should think it necessary.

Mr. RANDALL. I understand the gentleman from Kentucky [Mr. WHITE] to object practically to the proposition I have made. I therefore ask to postpone the consideration of the sundry civil bill so as to enable the report of the committee of conference on the naval appropriation bill to be made.

Several members objected.

The SPEAKER. The Chair holds that the amendments which the House is now considering are not part of a conference report, and that the consideration of those amendments may be interrupted by a conference report, which is privileged under the rules of the House.

Mr. RANDALL. I present the conference report on the naval appropriation bill. And I will say that I desire to take the naval bill back into conference as quickly as I can.

Mr. BUDD. I desire to state at this point for the information of the gentleman from Pennsylvania [Mr. RANDALL] and others who may have misunderstood me that all I asked was that gentlemen who had amendments might have the right to offer them.

Mr. RANDALL. I have been generous in the highest degree, but I have been met by an objection which prevents me from proceeding with that part of the business which relates to the sundry civil bill. I have asked that the consideration of that bill be postponed until I can secure a quorum here to test the sense of the House on the Senate amendments.

NAVAL APPROPRIATION BILL.

The SPEAKER. The Clerk will read the conference report sent up by the gentleman from Pennsylvania.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8259) making appropriations for the naval service for the fiscal year ending June 30, 1886, having met, after full and free conference have been unable to agree.

W. HUTCHINS,
SAM. J. RANDALL,
JOHN D. LONG,
Managers on the part of the House.
EUGENE HALE,
P. B. PLUMB,
JAMES B. BECK,
Managers on the part of the Senate.

Mr. RANDALL. I would like to have order and I will make a statement to the House. The real difficulties as to the naval appropriation bill are not so great as the general disagreement reported by the conference committee would seem to indicate. There are but four or five real points in controversy about which the conferees on the part of the House and of the Senate do not seem at present to be able to agree.

The first relates to the \$400,000 appropriation in reference to what is known as the wooden vessel New York, at Brooklyn, N. Y.

The next is the proposition of the Senate for the construction of two cruisers, which shall be from 3,000 to 5,000 tons displacement, and to cost \$1,100,000, exclusive of the armament.

The next is as to a heavy gunboat of about 1,600 tons displacement, at a cost not exceeding \$520,000 without the armament.

The next is as to a light gunboat of about 800 tons displacement, to cost about \$275,000. And in this connection I will say the difficulty arose in the conference whether that board which now exists, known as the naval advisory board, should be given anything to do with the construction of the vessels to which I have just referred. The armament for these four vessels is appropriated for in the Senate amendment to the extent of \$500,000.

The next is as to the item inserted by the Senate appropriating \$2,000,000 for the commencement of work on the double turreted monitors, which will cost to complete, as is well known by all of us, \$4,250,000.

Then again there is a proviso requiring that the purchase of the armor contracted for shall be free to open public competition. Not a word is there said as to domestic material.

The next difficulty is as to what is known as the Ericsson Destroyer, to which the conferees on the part of the House decline to assent.

In view of the proposition as to the two cruisers and as to the heavy gunboat and the light gunboat there was submitted a proposition in lieu of the one providing for the construction of the four vessels which I have named.

Mr. TALBOTT. Was that offered by the House conferees?

Mr. RANDALL. I offered it as one of the House conferees, and I believe I would have had, if the Senate conferees had assented, the concurrence of one of my associates, perhaps both. I do not know as to the gentleman from Massachusetts [Mr. LONG]; he can speak for himself. I ask the Clerk to read that proposition.

The Clerk read as follows:

These vessels are to be constructed of steel of domestic manufacture, having as near as may be a tensile strength of not less than 60,000 pounds to the square inch and a ductility in eight inches of not less than 25 per cent. Neither of the vessels hereby authorized to be built shall be contracted for or commenced until full and complete detail drawings and specifications thereof in all its parts, including the hull, engines, and boilers, shall have been made and approved by the Navy Department. And after said drawings and specifications have been made and the contract entered into for building the same they shall not be changed in any respect, when the cost of such change in the construction shall exceed \$500, except upon the recommendation of the chief constructor and the engineer in chief in writing and with the approval and upon the written order of the Secretary of the Navy. And if changes are thus made the actual cost thereof and the damage caused thereby shall be ascertained, estimated and determined by the Navy Department through the proper bureaus; and in any contract made pursuant to this act it shall be provided in the terms thereof that the contractor shall be bound by the determination of the Navy Department as to the amount of the increased or diminished compensation said contractor shall be entitled to receive in consequence of such change or changes.

In the event that the whole or any part of the vessels provided for are built

by contract, such building shall be under contract with the lowest and most responsible bidder or bidders, made after at least sixty days' advertisement published in five leading newspapers, inviting proposals for constructing said vessels, subject to all such rules, regulations, superintendence, and provisions, as to bonds and security for the due completion of the work, as the Secretary of the Navy shall prescribe. And no such vessel shall be accepted unless completed in strict accordance with the contract: *Provided*, That the Secretary of the Navy shall utilize the national navy-yards, with the machinery, tools, and appliances belonging to the Government there in use in the building of said ships or any of the parts thereof as fully and to as great an extent as the same can be done with advantage to the Government: *And provided further*, That at the same time that he shall advertise for proposals for contracts for the construction of said vessels, he shall cause estimates to be made of the cost of their construction in the navy-yards, which estimates shall be sealed and opened only on the day when the bids for contracts are opened, and if it shall appear to the satisfaction of the Secretary of the Navy that the work of construction can be better and more economically done in the navy-yards, he may with the approval of the President reject all bids and cause the work to be done in the navy-yards.

Mr. RANDALL. The view of certain gentlemen, whom I need not more particularly describe, was that these vessels should be confined in their construction to private contractors and that the navy-yards should have nothing to do with them; such being alleged to be the tendency of the popular mind. There was also the idea put forth that the navy-yards could not compete with private contractors in consequence of the eight-hour law, which it was said gave the private contractors an advantage of about 20 per cent. to begin with. But as one of the conferees I thought it would be an advisable provision, as it would prevent in some degree a combination against the Government among the few private contractors who construct these vessels, and that, as a means of preventing such combinations, we might bring in the Department to bid against them.

There was not much controversy as to the number of vessels to be built, but there was controversy as to whether we should place these two new cruisers, as provided in the Senate amendment, again under the control of the advisory board, and it was finally thought that that would be nothing more nor less than duplicating the cruisers now in the course of construction. In addition, one of the conferees desired that one of these vessels might be of such dimensions as would compare favorably with any battle-ship that is now afloat, and to that end it was desired that the restriction as to tonnage displacement which is provided for in the Senate bill should be fixed at between 3,000 and 5,000 tons and should be extended so that it might reach as high as 8,000 tons. I have stated the difficulties that presented themselves, but I think that perhaps an effort should be made to reconcile those differences by another conference, and for that purpose I ask that this House non-concur and ask a further conference. I yield now to the gentleman from Massachusetts [Mr. LONG].

Mr. LONG. Mr. Speaker, it is at this hour hardly worth any one's while, and I doubt if it is the wish of the House, to discuss at length the merits of the questions which are involved in this bill. The issue that is now before us is a practical one. If it be desired to escape the necessity of an extra session for the purpose of passing a naval appropriation bill one of two things must be done, as I am satisfied from my experience in conference during the last three or four hours. Either this House must make up its mind to agree to the following propositions: First, that the limit for repairs of wooden ships shall be 20 per cent.; second, that it is not worth while at present to enter upon the completion of the wooden ship New York; and third, that in moving for an increase of the Navy we adopt the general principle of empowering the Secretary of the Navy and the new administration to construct two cruisers, ranging from 3,000 to 5,000 tons displacement, together with one heavily armed gunboat and one lighter armed gunboat; leaving the character and description of the cruisers and gunboats to be determined by the incoming authorities—either this, or, on the other hand, we must lay aside all idea of an increase of the Navy during the present year and content ourselves with simply agreeing upon a bill which will pay the wages of the officers, sailors, and marines, keep the ordinary bureaus going, and let the incoming administration and the new Secretary of the Navy consider during the summer the whole general question of the increase of the Navy and report to the next Congress. These are the two plain practical alternatives that present themselves. It is a waste of time now to discuss the question of iron cruisers or wooden ships and all that.

Mr. MILLIKEN. Are those propositions demanded by the Senate?

Mr. LONG. If the gentleman will excuse me, I can not in terms say that they are. If they were I should not have the parliamentary right to say so. But I have stated the simple, plain question. I repeat it again, if we desire to avoid an extra session so far as this matter is concerned let us agree on a bill (and I am sure we can) to provide for the current force of the Navy, or let us agree to an increase of the naval force in the general manner embodied in the Senate amendment to this bill, which is iron ships instead of wooden, and no more repairs at great expense of our wooden navy. And, coming now to the details of the proposition of the Senate embraced in this bill, it is by no means a harsh or narrow one.

What is the proposition? It is: First, that there be appropriated money for the construction of two cruisers of not less than 3,000 or more than 5,000 tons displacement. That is all the limitation that is provided in the bill as to these two vessels. All the rest is left to the responsible head, the Secretary of the Navy, and to the President, his

superior. It goes without saying that in the construction of these two cruisers the best talent will be sought, the best designs and plans obtained, all the advantages of modern invention—speed, security, power, armament, all secured. Second, a heavily armed gunboat of about 1,600 tons displacement. Third, a lighter gunboat of about 800 tons displacement. As to these gunboats also no other limitation than their size and general description and cost is placed on the responsibility of the Department, except as follows: And, further, "authority is hereby given for the construction of said four vessels, at not exceeding the total cost for each above specified, in accordance with such final plan as may be determined upon, after a revision and reconsideration of all designs which have been heretofore made."

Not necessarily, it will be observed, to construct them at once, but leaving ample time for the Secretary to consider and mature the best plans. He may, if he pleases, take a whole year to consider and mature them, but after he has determined upon the plans then the vessels are to be constructed "in the manner and in conformity to the conditions and limitations provided for the construction of the new cruisers in the acts of August 5, 1882, and of March 3, 1883."

Those acts very carefully guard the contracts for the construction of these gunboats and cruisers. It is true that these acts require the advice of an advisory board, and I certainly should desire, so far as that advisory board is concerned, that that part of these acts should be waived in the construction of these vessels.

On this basis I believe we shall find elsewhere a readiness to unite with us cordially in putting it within the power of the new administration to construct these additions to our Navy varying in their type and size as described, with a large discretion conferred upon the new Secretary of the Navy, a discretion which certainly ought to be satisfactory to the incoming administration and to those who support it.

A MEMBER. What about the monitors?

Mr. LONG. With regard to the monitors I can only say, from such observation as I have had, that the consideration of them was not specially reached. While I believe they should be completed, and when completed will form a most important part of our harbor defenses, I do not believe the question of their construction at this particular time should or will stand in the way of an agreement between the two branches. I do think, however, we must make up our minds to abandon the idea of spending money on wooden vessels, either in the excessive repair of old ones or in the completion of the New York, and also to increase the navy in the manner proposed by the Senate, giving this large discretion to the incoming administration, and holding it to strict responsibility. Either there must be an agreement upon that basis, or else an agreement can undoubtedly be had upon a bill—if the Democracy care to go to the country on that—which shall simply appropriate money enough to keep the present navy going in a perfunctory way. The practical thing certainly for us to do at this precise moment of time is to insist and ask for a new conference.

Mr. WARNER, of Ohio. To go back into conference and agree on something.

Mr. LONG. Yes, sir.

Mr. TALBOTT addressed the Chair.

The SPEAKER *pro tempore* (Mr. SPRINGER). The gentleman from Pennsylvania [Mr. RANDALL] has called the previous question. Does he yield to the gentleman from Maryland?

Mr. RANDALL. I have no objection; but the gentleman will bear in mind that only five hours of this session remain.

Mr. TALBOTT. And I hope the gentleman from Pennsylvania will bear in mind that the Committee on Naval Affairs has been ignored in this whole arrangement.

Mr. RANDALL. On the contrary, we have conferred constantly with individual members of the Naval Committee, and particularly with its chairman. How much time does the gentleman want?

Mr. TALBOTT. Five minutes will be sufficient.

Mr. RANDALL. Very well.

Mr. TALBOTT. Mr. Speaker, the Committee on Appropriations brought into this House some new legislation looking toward the reconstruction of the navy and the building of new vessels. That legislation was ruled out by the Chair on a point of order. An amendment was offered by myself making an appropriation for the only vessel that was authorized to be constructed. The Senate has struck out that provision and inserted some amendments. I wish to say that the amendments adopted by the Senate for the construction of the steel cruisers and their armament are substantially in accord with what the Committee on Naval Affairs believe to be right.

Mr. McADOO. Except as to the monitors.

Mr. TALBOTT. I am only speaking of the steel cruisers. The Committee on Naval Affairs has a right to be heard on this question. I am not antagonizing the chairman of the Committee on Appropriations. All we ask is that this legislation be concurred in.

I agree to the proposition of the gentleman from Pennsylvania as to competition in the work of construction between the navy-yards and the contractors. I had prepared such an amendment myself, and had suggested the matter to some members of the Senate. An amendment of that kind, which will bring about competition between the bureaus of the Navy Department on the one hand and naval contractors on the

other ought to be adopted. Now I ask the Committee on Appropriations to comply with the demand of the country and begin the reconstruction of a navy. That is all the Committee on Naval Affairs ask, and I am satisfied from what the gentleman from Pennsylvania [Mr. RANDALL] has said that he concurs in desiring this object.

I yield the residue of my time to the gentleman from New Jersey [Mr. McADOO].

Mr. McADOO. Mr. Speaker, both the Senate and the House are agreed that these cruisers should be built. I think the House will agree—I know this portion of it will—as to the monitors. Now we can have these cruisers; we can have them constructed to be the equals of the *Esmeralda*, the finest type of her class of vessel; and they can be built by the incoming administration; they can be built this year. I sincerely hope that the proposition of the gentleman from Pennsylvania, to which I agree in every particular, will be adopted by the House and sent to the Senate.

The SPEAKER *pro tempore*. The question is now on seconding the previous question.

The previous question was seconded.

The SPEAKER *pro tempore*. The next question is upon accepting the report of the committee.

The report was accepted.

Mr. RANDALL. I move that the House further insist on its disagreement to the amendments of the Senate and ask a conference.

Mr. THOMAS. Is it in order to move to concur in the amendments of the Senate?

Mr. RANDALL. I have moved the previous question.

Mr. THOMAS. That can not cut off the motion to concur.

The SPEAKER *pro tempore*. The motion to concur is in order, and it takes precedence of the motion of the gentleman from Pennsylvania.

Mr. THOMAS. At the solicitation of the gentleman having this bill in charge I withdraw my motion, so that the bill may go to a further conference.

The question being taken upon the motion of Mr. RANDALL that the House further insist on its disagreement to the amendments of the Senate and ask a further conference, it was agreed to; and the Speaker announced the appointment of Mr. HUTCHINS, Mr. RANDALL, and Mr. LONG as the conferees on the part of the House.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had passed without amendment the joint resolution (H. Res. 347) to provide for printing additional copies of the report of the Committee on Military Affairs on investigation of national homes for disabled volunteer soldiers.

The message also announced that the Senate insisted on its amendments disagreed to by the House to the naval appropriation bill, agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. HALE, Mr. PLUMB, and Mr. BECK.

SUNDRY CIVIL BILL.

Mr. RANDALL. I again ask to resume the consideration of the sundry civil bill.

The SPEAKER *pro tempore* (Mr. SPRINGER in the chair). That is the pending question before the House.

Mr. RANDALL. I move that these gentlemen may be allowed to have their measures voted on. I want a vote on all but the last.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania moves to non-concur except as to the last amendment of the Senate.

Mr. BUDD. I move that the House concur in all but the last.

Mr. RANDALL. I ask that the same understanding shall be carried out as to a quorum and the yeas and nays.

Mr. BUDD. That is understood.

The SPEAKER *pro tempore*. The Chair understands that yeas and nays are not to be ordered on the point made of no quorum.

Mr. CASSIDY. What sort of amendments are in order?

Mr. WARNER, of Ohio. Will the Chair state the proposition?

The SPEAKER *pro tempore*. The proposition will be distinctly stated, so it may be understood. The gentleman from Pennsylvania moves that the House insist on its disagreement to the amendments of the Senate, except the last one. The gentleman from California [Mr. BUDD] moves to concur in all but the last. The question is first on the latter motion.

The House divided; and there were—ayes 74, noes 62.

Mr. RANDALL. I must ask for tellers to emphasize the vote. I have no means of getting the yeas and nays.

Tellers were ordered; and Mr. RANDALL and Mr. WASHBURN were appointed.

ENROLLED BILLS SIGNED.

Mr. PERKINS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 838) granting a pension to Mrs. Lydia S. Huggins;

A bill (H. R. 1615) for the relief of the heirs of the late Langley B. Culley;

A bill (H. R. 1710) granting a pension to George W. Bean;
 A bill (H. R. 1866) granting a pension to Calvin L. Knick;
 A bill (H. R. 2377) granting a pension to James Stockton;
 A bill (H. R. 2645) granting a pension to Esther Hudson, mother of William H. Hudson, deceased, late of Company G, Twenty-sixth Regiment Pennsylvania Volunteers, and Company E, One hundred and ninety-first Regiment Pennsylvania Volunteers;
 A bill (H. R. 4393) for the relief of Lieut. Nathaniel Johnson Coffin;
 A bill (H. R. 4605) granting a pension to Ellen Edmiston;
 A bill (H. R. 5086) for the relief of Elizabeth W. Creighton;
 A bill (H. R. 5309) for the relief of Charles Milk;
 A bill (H. R. 7434) granting a pension to Sylvester Greenough;
 A bill (H. R. 7503) for the relief of Daniel McAlpin;
 A bill (H. R. 7718) restoring John Snyder to the pension-roll;
 A bill (H. R. 7810) granting a pension to Rosanna Riley;
 A bill (H. R. 7853) granting a pension to Margaret Flaherty;
 A bill (H. R. 8048) to increase the pension of Ferdinand Hercher;
 A bill (H. R. 8082) granting a pension to Lina J. Stearns; and
 A bill (H. R. 8189) granting a pension to Mrs. F. M. Norton.

SUNDRY CIVIL BILL.

The House divided on Mr. BUDD's motion to concur in all the amendments but the last.

The House divided; and the tellers reported—ayes 77, noes 53.
 So the motion was agreed to.

The SPEAKER *pro tempore*. The last amendment of the Senate will be read.

The Clerk read as follows:

Sixty-sixth amendment of the Senate:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected, a suitable building, with fire-proof vaults therein, for the accommodation of the United States courts, post-office, and internal-revenue and other Government offices, at the city of Winona, Minn. The site, and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed the cost of \$100,000: *Provided*, That the site purchased shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than fifty feet, including streets and alleys; and that no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Minnesota shall have ceded to the United States exclusive jurisdiction over the same; during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein."

The SPEAKER *pro tempore*. The Chair desires to have the attention of the gentleman from Pennsylvania. Is it intended that the question shall be taken on this amendment which has just been read?

Mr. RANDALL. That is the pending amendment.

Mr. THOMPSON rose.

Mr. STOCKSLAGER. I now move to concur in the Senate amendment with an amendment.

Mr. THOMPSON. I raise the question of order upon that paragraph of the bill.

The SPEAKER *pro tempore*. But the gentleman from Indiana offers an amendment—

Mr. THOMPSON. I made the point of order before that was offered.

The SPEAKER *pro tempore*. The Chair will entertain the point of order; but will first state the condition of the question.

The gentleman from Kentucky makes the point of order that the amendment just read by the Clerk must have its first consideration in a Committee of the Whole.

Mr. CASSIDY. That is contrary to the agreement. We have agreed to allow all amendments to be offered and every amendment to be voted on.

Mr. RANDALL. But gentlemen should discriminate. If this bill is loaded down no one can answer for it. I think the House had better not load it down or be unreasonable in its demand. An hour or two will be all the time that this bill can be kept away from the Senate.

Mr. CASSIDY. The agreement entered into by unanimous consent provides that all proper amendments shall be in order and be voted upon.

Mr. GOFF. That is the agreement.

Mr. CASSIDY. Yes, sir.

The SPEAKER *pro tempore*. The Chair will state the pending question. The gentleman from Indiana moves that the House recede from its disagreement to the Senate amendment and agree to the same with an amendment which the Clerk will report.

The Clerk read as follows:

For court-house and post-office at New Albany, Ind., purchase of a site for erection of building, \$100,000.

Mr. KEIFER. I move to amend the amendment by inserting what I send to the desk.

The SPEAKER *pro tempore*. The Chair would suggest that if amendments are to be offered in the ordinary manner as provided by the rule it would lead to confusion.

Mr. CASSIDY. It was expressly stipulated that all these should be in order, although no agreement was made as to how they should be presented.

Mr. RANDALL. Let a vote be taken on each one separately as it is offered.

Mr. CASSIDY. I do not want to limit that to two or three amendments which may be offered under the rule, but to allow all the amendments to be offered that are in order and take them up *seriatim* to consider them.

The SPEAKER *pro tempore*. If the gentleman from Ohio insists upon his motion, the Chair could not entertain or receive any more amendments until the motion is put to the House and determined.

Mr. CASSIDY. But that is not in accordance with the order of the House.

Mr. BUDD. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BUDD. The Chair is deciding a point of order before it is raised.

The SPEAKER *pro tempore*. The gentleman from California will allow the Chair to state the question.

Mr. BUDD. But I claim that the Chair is deciding a question that is not raised.

Mr. CASSIDY. I submit that all the amendments on this subject should be sent to the Speaker's table or to the Clerk's desk and be considered as pending amendments under the order of the House, to be disposed of in their order.

Mr. RANDALL. But I desire to have a separate vote upon each.

Mr. CASSIDY. I submit to that, but every amendment that is pertinent to this bill should be presented at the Clerk's desk, and must be in order under the agreement.

Mr. BUDD. I rise to a parliamentary inquiry. I desire the gentleman from Pennsylvania to say, so that there may be no misunderstanding, as we are now proceeding by unanimous consent and by agreement, that a vote is to be taken upon these amendments in the House—

Mr. COSGROVE. I object to any other unanimous consents.

Mr. BUDD. It was understood that these propositions were to be voted on, each one separately and in order, to carry out that consent. When one is voted on then another one will be in order immediately, whether there be half a dozen pending or only two.

Mr. RANDALL. The Chair of course must state the recognitions as to who shall offer these amendments.

The SPEAKER *pro tempore*. The gentleman from Kentucky raises the question of order, which he will now state.

Mr. THOMPSON. The point of order I make is that each of these amendments must receive its first consideration in Committee of the Whole.

The SPEAKER *pro tempore*. But the gentleman made the point of order upon the Senate amendment, which was not subject to that point of order for the reason that it had been under consideration by the House for some time and was a part of the report which had been considered and without objection.

Mr. CASSIDY. It is too late to make the point of order upon it at this stage of the proceedings.

Mr. KEIFER. It is too late to make the point of order upon any of them.

The SPEAKER *pro tempore*. The House has considered the Senate amendments, and that question, the Chair will state to the gentleman from Kentucky, is now beyond the reach of the point of order. The House only divided the question, the first part of it having been considered and agreed to on a separate vote. The Chair will entertain a point of order upon the proposed amendments as they are submitted to the House.

The gentleman from Indiana moves that the House recede from its disagreement to the Senate amendment to this bill and agree to the same with an amendment, which the Clerk has reported.

Mr. RANDALL. On that I ask the previous question.

Mr. THOMPSON. Mr. Speaker, as soon as that amendment was read and before the gentleman offered an amendment I made a point of order upon it.

The SPEAKER *pro tempore*. The Chair distinctly stated that the amendment was in order and the gentleman from Kentucky made the point of order upon the Senate amendment, which had been under consideration.

Mr. THOMPSON. As soon as it was read I made the point of order.

The SPEAKER *pro tempore*. But it had been considered before and was simply a part of a divided question. It was not subject to the point of order.

Mr. BLACKBURN. I desire to offer an amendment to the amendment.

The SPEAKER *pro tempore*. It is in order, but the gentleman from Kentucky has made a point of order, which is pending.

Mr. BLACKBURN. And I ask that this amendment may be pending.

Mr. THOMPSON. I insist upon the point of order.

Mr. STOCKSLAGER. I desire to state the situation of the bill which I have asked to incorporate as a part of this proposition.

Mr. THOMPSON. I make the point of order on that.

The SPEAKER. The gentleman from Kentucky makes the point of order upon the amendment of the gentleman from Indiana.

Mr. CASSIDY. I submit that under the order of the House all proper amendments were in order to this bill.

Mr. BUDD. By unanimous consent.
Mr. BROWN, of Pennsylvania. And they can not be ruled out on points of order.

Mr. KEIFER. No; they must be taken up for consideration in the House under the order of the House.

Mr. STOCKSLAGER rose.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. THOMPSON] makes the point of order. The Chair will hear the gentleman from Indiana [Mr. STOCKSLAGER] on the point of order.

Mr. STOCKSLAGER. I submit that the point of order does not lie against this bill because it has been in Committee of the Whole House on the state of the Union and been favorably reported. Besides that, it was not raised in proper time.

Mr. CASSIDY. That is not the point. We made a stipulation that all amendments were to be in order.

Mr. RANDALL. I think if we have quiet and gentlemen will agree to take their turns we will get along a good deal faster.

The SPEAKER *pro tempore*. A point of order has been raised by the gentleman from Kentucky [Mr. THOMPSON]. The Chair desires that gentleman to state now what is his point of order.

Mr. THOMPSON rose.

Mr. WELLER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from Kentucky has risen to state his point of order.

Mr. THOMPSON. The point of order I make on the amendment of the gentleman from Indiana is that it makes an appropriation of money, and must receive its first consideration in Committee of the Whole House on the state of the Union.

Mr. KEIFER. Under what rule?

Mr. THOMPSON. In the second place, if, as the gentleman from Indiana says, this has been already considered and passed upon in Committee of the Whole House on the state of the Union, then it is the substance of another bill which has been passed upon by the House and it can not be put upon this bill.

Mr. KEIFER. That will not apply to my proposition.

Mr. STOCKSLAGER. The amendment I have offered is not the substance of a bill pending before the House in any sense.

Mr. THOMPSON. I do not understand that any amendment is pending except that of the gentleman from Indiana.

Mr. KEIFER. The Chair held that my amendment was in order as an amendment to the amendment.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8255) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1885, and for prior years, and for other purposes.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. I ask that the consideration of the pending bill be postponed for the present, to give the gentleman from Missouri [Mr. BURNES] an opportunity of presenting a conference report, which is always in order.

The SPEAKER. That is in order. The conference report can interrupt this proceeding.

Mr. CASSIDY. But what we are now considering is a conference report.

The SPEAKER. The conference report on the sundry civil appropriation bill has been agreed to. The House is considering certain amendments to the bill.

DEFICIENCY APPROPRIATION BILL.

Mr. BURNES. I present the report of the committee of conference on the deficiency appropriation bill.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8255) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1885, and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

1 That the Senate recede from its amendments numbered 8, 9, 15, 16, 21, 28, 38, 39, 42, 45, 50, 63, 67, 69, 74, 76, 79, 80, 84, 85, 87, 89, 180, 198, and 199.

2 That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 17, 19, 20, 23, 24, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, 37, 40, 41, 43, 44, 46, 47, 48, 49, 55, 56, 57, 58, 59, 60, 61, 62, 64, 65, 66, 68, 70, 71, 72, 73, 75, 78, 81, 82, 83, 86, 88, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 121, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 181, 182, 183, 184, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, and 200; and agree to the same.

3 That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows:

After the word "depository," where it occurs in said amendment, insert the words "at Tucson, Arizona."

4 And the Senate agree to the same.

5 That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows:

In lieu of the sum proposed insert "\$15,000."

6 And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows:

In lieu of said amendment insert the following:

"The Attorney-General of the United States is required to investigate the judgments and awards against the United States arising under an act of Congress entitled 'An act to aid in the improvement of the Fox and Wisconsin Rivers, in the State of Wisconsin,' approved March 3, 1875, and to report to Congress at the next session whether the liability of the United States therefor is established and what amount is justly due thereon."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum named insert "\$25,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: Insert after the word "certified" the following: "during the current fiscal year;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: Insert after the word "certified" the following: "during the current fiscal year;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: Insert after the words "thirty-five" the following: "during the current fiscal year;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: Insert after the word "certified" the following: "during the current fiscal year;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered from 115 to 119 inclusive, and agree to the same with an amendment as follows:

In lieu of the amended paragraph insert the following: "To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employees of their respective Houses borne on the annual or session rolls on the 3d day of March, 1885, including the Capitol police, one month's extra pay, at the compensation then paid them by law, which sum shall be immediately available."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows:

After said amendment insert as a new paragraph the following: "For one page in the Clerk's office, under resolution of the House of December 3, 1884, from March 4 to December 7, 1885, at \$2 per day, \$556."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the sum proposed insert the following: "five thousand dollars; said sum to be payable on the draft of the chairman of said committee in sums not exceeding \$1,000 at any one time;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment as follows: In lieu of the sum proposed insert the following: "including all such claims readjusted up to February 14, 1885, \$178,451.23;" and the Senate agree to the same.

JAMES N. BURNES,

JOHN D. LONG,

Managers on the part of the House.

EUGENE HALE,

W. B. ALLISON,

F. M. COCKRELL,

Managers on the part of the Senate.

Mr. BURNES. I move the adoption of the report, and upon that motion I demand the previous question.

The motion was agreed to.

Mr. BURNES moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Several MEMBERS. Regular order.

Mr. BLACKBURN. Mr. Speaker, I ask the Chair to state the question that is before the House.

The SPEAKER *pro tempore* (Mr. SPRINGER). The House will resume the consideration of the amendments to the sundry civil appropriation bill; and the Chair desires to have a distinct understanding as to what was the agreement on that subject.

Mr. RANDALL. Mr. Speaker, I merely wish to say that unless this bill goes from the House by 8 o'clock this morning it will fail.

The SPEAKER *pro tempore*. The Chair desires to know what the agreement was with regard to the amendments to this bill—whether they were to come up subject to the point of order or whether they were all to be submitted and voted upon.

Mr. BUDD. They were to be submitted and voted upon, as the gentleman from Pennsylvania [Mr. RANDALL] has stated.

The SPEAKER *pro tempore*. The Chair will ask the gentleman from Pennsylvania [Mr. RANDALL] to state the agreement that was made. Was each amendment to be voted upon as it came up?

Mr. RANDALL. Each.

The SPEAKER *pro tempore*. Then the Chair overrules the point of order made by the gentleman from Kentucky [Mr. THOMPSON].

Mr. McMILLIN. Mr. Speaker, the RECORD will show the fact, but I say now there is not a word or a letter in the RECORD or the Journal that precludes the point of order.

Mr. WARNER, of Ohio. Mr. Speaker, when these amendments are offered they must be considered under the rules. The rules are not suspended.

Mr. BLACKBURN. Mr. Speaker, I rise to a parliamentary inquiry. The SPEAKER *pro tempore*. The Chair will hear it as soon as order is obtained.

Mr. BLACKBURN. I desire to ask the Chair to state to the House the question now pending before the House.

The SPEAKER *pro tempore*. The Chair was about to state the question, but it depended somewhat upon whether the Chair could entertain points of order upon amendments offered to this bill. If points of order were to be made upon those amendments then the pending question would be upon the point of order raised by the gentleman from Kentucky [Mr. THOMPSON], but if points of order were not to be raised and each amendment was to be voted upon as it was offered then of course the Chair would overrule the point made by the gentleman from Kentucky [Mr. THOMPSON].

Mr. RANDALL. Mr. Speaker, my understanding was that these propositions were to be voted upon separately, but the RECORD and the Journal will show whether there was any reservation of points of order. That does not depend upon any member's statement.

Mr. CASSIDY (to Mr. RANDALL). Then that was an unfair proposition. We agreed upon our side that we would not raise points of order, and now—

Mr. RANDALL. I have raised no point of order.

Mr. WARNER, of Ohio. It is never unfair to stand by the rules. Mr. CASSIDY. Well, if gentlemen are going to quibble about this they can not pass this bill.

The SPEAKER *pro tempore*. The Chair submits to gentlemen that unless they observe order no business can be done.

Mr. CASSIDY. But this is a special rule.

The SPEAKER *pro tempore* (Mr. SPRINGER). There seems to be a misunderstanding on the floor of the House as to what the order was. The present occupant of the chair was not presiding at the time this agreement was made, and will therefore ask the Clerk to read that part of the proceedings which relates to this subject.

Mr. STOCKSLAGER. Before that is done I desire to say a word. I insist again, as I have before repeatedly, that the point of order made by the gentleman from Kentucky was made too late.

Mr. RAY, of New Hampshire. I rise to a point of order.

The SPEAKER *pro tempore*. The Chair is informed by the Clerk that it was agreed by unanimous consent that amendments were to be offered and voted on separately.

Mr. BUDD and others. That is correct.

The SPEAKER *pro tempore*. It is the opinion of the Chair that the words "voted upon separately" were intended to allow amendments to be submitted upon their merits.

Several MEMBERS. That is right.

Mr. CASSIDY. That is all we want.

Mr. McMILLIN. I insist that there never was any such agreement, and never could have been.

Mr. CASSIDY. The understanding was that we were to vote on these questions; and every proposition was to be voted on upon its merits.

The SPEAKER *pro tempore*. The Chair has stated that these amendments were to be voted upon—not ruled out of order by the Chair; therefore he will entertain them. They must be voted on separately; therefore the Chair will not entertain any motion to amend one proposition by adding to it another.

Mr. BLACKBURN. I rise to a parliamentary inquiry. I was recognized by the Chair and offered an amendment to the amendment submitted by the gentleman from Indiana.

Mr. KEIFER. That was after I had offered my amendment.

The SPEAKER *pro tempore*. The Chair understands that these amendments must be voted on separately. Hence it is not in order to move one as an amendment to another.

Mr. BLACKBURN. What becomes of the amendment to the amendment which the Chair recognized as submitted by myself?

Mr. WARNER, of Ohio. I rise to a parliamentary inquiry; whether debate is cut off on these amendments?

Mr. RANDALL. The previous question is operating.

The SPEAKER *pro tempore*. The question is upon the amendment submitted by the gentleman from Indiana [Mr. STOCKSLAGER], who moves that the House recede from its disagreement to the Senate amendment just read and agree to the same with an amendment which the Clerk will read.

The Clerk read as follows:

For a court-house and post-office at New Albany, Ind.: For purchase of site and erection of building thereon, \$100,000.

The question being taken on agreeing to the amendment of Mr. STOCKSLAGER, there were—ayes 56, noes 26.

Mr. WELLER. I make the point that no quorum has voted.

Mr. MILLER, of Pennsylvania. It was agreed that the point of "no quorum" should not be raised.

The SPEAKER *pro tempore*. The agreement was that no point of order should be made.

Mr. WELLER. I rise to a parliamentary inquiry. I desire to know whether there has been an agreement that the rules of the House shall be suspended.

Several MEMBERS. Certainly.

Mr. WELLER. I know of no such proceeding.

The SPEAKER *pro tempore*. There was unanimous consent that the point of "no quorum" should not be made.

Mr. SMITH, of Pennsylvania. And that the yeas and nays should not be called.

The SPEAKER *pro tempore*. The amendment of the gentleman from Indiana [Mr. STOCKSLAGER] is agreed to.

Mr. STOCKSLAGER moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BUDD. I move to reconsider the vote by which the previous amendment was adopted; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. If there be no objection, the motion to reconsider will be regarded as made and laid on the table in all these cases.

Mr. RAY, of New Hampshire. I move that the House recede from its disagreement to the Senate amendment, and agree to the same with the amendment which I send to the desk.

Mr. KEIFER. My amendment is pending and should now be submitted.

The SPEAKER *pro tempore*. It can make no difference to any gentleman whether he be recognized now or later. The Chair under this order will recognize all gentlemen desiring to offer amendments. The amendment of the gentleman from New Hampshire [Mr. RAY] will be read.

The Clerk read as follows:

That the Secretary of the Treasury be, and he hereby is, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with commodious fire-proof vaults, for the accommodation of the post-office, pension office, the United States courts, internal-revenue office, and other Government offices, at the city of Manchester, in the State of New Hampshire. The site, and the building thereon, when completed upon plans and specifications to be previously made, and approved by the Secretary of the Treasury, shall not exceed the cost of \$200,000: *Provided*, That no money to be appropriated for this purpose shall be available until a valid title to the site shall be vested in the United States, and the State of New Hampshire shall have ceded her jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than fifty feet, including streets and alleys. That the sum of \$100,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be used and expended for the purpose provided in this act.

Mr. RANDALL. I move to amend by making it \$100,000.

Mr. RAY, of New Hampshire. I wish to say a word.

Mr. WARNER, of Ohio. I made an inquiry a few moments ago of the Chair whether this amendment was open to debate.

Mr. RANDALL. I demand the previous question.

Mr. CASSIDY. Everything has been waived.

Mr. WARNER, of Ohio. Did the order of the House cut off debate?

The SPEAKER *pro tempore*. The Chair understood they were not to be debated.

Mr. CASSIDY. There was to be no demand for a quorum, and no yeas and nays insisted upon.

The SPEAKER *pro tempore*. The Chair must construe this order to accomplish what it was intended to accomplish, and debate would defeat that purpose.

Mr. McMILLIN. I call for the reading of that part of the Journal which pertains to this understanding.

Mr. WARNER, of Ohio. I appeal from the decision of the Chair.

Mr. CASSIDY. No appeal is in order under the new rule of the House.

Mr. CONNOLLY. I rise to a point of order. I insist that members on the floor shall take their seats, so as to let us have a chance to know what is going on.

Mr. WARNER, of Ohio. I do not wish to take unnecessarily a single minute of our precious time this morning in making an appeal to the House. To load this bill up means the defeat of this bill and an extra session.

Mr. CASSIDY. I make the point of order that everything was waived except the single proposition of voting on amendments.

The SPEAKER *pro tempore*. If gentlemen wish to have amendments to the bill considered they must observe the rule of the House.

Mr. WARNER, of Ohio. It must be apparent to every gentleman on this floor that this method of offering amendments and loading this bill down will lead to its destruction.

Mr. CASSIDY. That is the order of the House, if the gentleman will permit me to inform him, which was unanimously agreed to.

The SPEAKER *pro tempore*. That is not a question of order.

Mr. WARNER, of Ohio. I did not rise to a question of order, but to appeal from the decision of the Chair.

Mr. CASSIDY. The gentleman is out of order.

The SPEAKER *pro tempore*. The gentleman from Ohio is not in order.

Mr. WARNER, of Ohio. I rose to take an appeal from the decision of the Chair that these amendments were not open to debate. If these amendments are to go on it means an extra session. I ask gentlemen not to insist upon it. If there were three or four or half a dozen I would not say a word, but there are not twenty minutes left, and the large

number here can not be voted on in an hour. Having said so much, I will not insist on my appeal from the decision of the Chair.

The SPEAKER *pro tempore*. The question is on the amendment of the gentleman from New Hampshire.

Mr. WELLER. I rise to a parliamentary inquiry. I wish to know if there is a new rule which prohibits any member making the point of no quorum, or demanding the yeas and nays, or offering other amendments or substitutes. If so it precludes the House from doing that which our conscience and our judgment dictate in the interest of our constituents. [Cries of "Vote!" "Vote!"]

Mr. CASSIDY. That is the new rule. [Cries of "Vote!" "Vote!"]

The SPEAKER *pro tempore*. The House is operating under special agreement and the Chair is proceeding to carry it out.

The House divided; and there were—ayes 53, noes 43.

Mr. WELLER demanded tellers.

Tellers were not ordered—not one-fifth voting in the affirmative.

So the amendment was agreed to.

Mr. BLACKBURN. I move that the House recede from its disagreement to the Senate amendments, and agree to the same with the following amendment:

The Clerk read as follows:

That the Secretary of the Treasury be, and he hereby is, authorized and directed to purchase at private sale, or by condemnation in pursuance of the statute of the State of Kentucky, such lot or lots of land in the city of Lexington, in the State of Kentucky, as he may consider necessary as a convenient and proper site for a public building, and to cause to be erected thereon a suitable building, with fire-proof vaults extending to each story, for the use and accommodation of the post-office, internal-revenue offices, and other Government offices in said city; the site and the building thereon, when completed according to plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed the cost of \$150,000; and for the purposes herein mentioned the sum of \$150,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, and the State of Kentucky shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

The motion was agreed to.

Mr. KEIFER. I move the following amendment:

The Clerk read as follows:

That the Secretary of the Treasury be, and he hereby is, authorized and directed to purchase or otherwise provide a suitable site, and cause to be erected thereon, at the city of Springfield, in the State of Ohio, a substantial and commodious public building, with fire-proof vaults, for the use and accommodation of the post-office, internal-revenue office, pension office, and for other Government uses. The site and the building thereon, when completed according to plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed the cost of \$100,000; and the site purchased shall leave the building unexposed to danger from fire in adjacent buildings by an open space of at least fifty feet, including streets and alleys; and for the purposes herein mentioned the sum of \$100,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States; and the State of Ohio shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

Mr. KEIFER. This bill passed the Senate, as I am informed, without opposition.

The amount proposed to be appropriated will be more than realized from the net revenues of the post-office at the city of Springfield, Ohio, within the time it will require for the erection of the building. I can not give the exact population of this city, but some estimate may be made from its voting population.

At the last November election the aggregate vote cast in Springfield was 7,905. The population of the city may from this be fairly estimated at about 40,000.

The gross post-office receipts for the year 1884 was \$56,205.93, and the net revenue for same year was \$37,204.67, although the letter-carrier system is maintained there.

The number of money-orders and postal notes issued in 1884 was 11,824, and the amount received for the same was \$104,477.24.

The number of money-orders and postal notes received and paid in that year was 38,203, and the amount of the same for same time was \$178,377.24. Registered letters to the number of 21,068 were received in that year.

Carriers delivered 2,577,073 pieces, collected from boxes 1,123,482 pieces, and handled 3,700,555 pieces in 1884.

The number of letters and postal cards dispatched was 2,338,344, and of pieces of second, third, and fourth class matter was 6,777,751.

This large amount of revenue received from and the immense business done at the Springfield office shows the necessity for having good and ample accommodations for mail matter, clerks, letter-carriers, &c. Springfield is a rapidly growing city both in population and business. In seven years the business of the post-office has increased more than 100 per cent. The population of the city is only a part of the post-office patrons, for there is a thickly settled region all around it.

Mr. Chairman, the rent paid or required to be paid for a suitable post-office and other Government offices at this place would more than pay the interest on the cost of the building.

The city of Springfield has had no appropriation for anything at any time, nor has any part of my district; but it has paid in internal-revenue, in net post-office revenue, and in other ways large sums into the United States Treasury.

Springfield is in the Miami or Mad River Valley, the richest portion of the United States, and it is rapidly becoming a great interior city. It is a manufacturing city. Above 50 per cent. of all the reapers and mowers made on the continent are made there.

There is also manufactured there grain-drills, corn plows and drills, thrashers, hay-rakes, turbine water-wheels, sewing machines, and numerous other articles in common use throughout the United States. Many things manufactured there are sold in Europe and South America.

It will be economy to erect a suitable public building at Springfield, at a cost for site and building not exceeding \$100,000, and I hope no person will object to this bill.

Mr. WELLER. I move that amendment be laid on the table.

Mr. KEIFER. This, a city of 40,000 inhabitants— [Cries of "Regular order!"]

The SPEAKER *pro tempore*. Debate is not in order.

Mr. WELLER. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WELLER. I submitted a motion that this amendment do lie on the table.

Mr. CASSIDY. By unanimous consent we waived every motion of that kind in the agreement.

The SPEAKER *pro tempore*. The Chair thinks that would not be in accordance with the agreement. The motion of the gentleman, if adopted, would take the amendment and the bill itself to the table.

The question is on agreeing to the amendment of the gentleman from Ohio.

The question was taken; and on a division there were—ayes 53, noes 42.

Mr. THOMPSON. I make the point of order that a quorum has not voted.

Mr. CASSIDY and others. That point of order can not be made.

Mr. THOMPSON. I make the point of order that no quorum has voted.

Mr. RANDALL. I desire to make a statement.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania desires to make a statement to the House.

Mr. THOMPSON. I do not waive the point of no quorum on this question; I insist on it.

Mr. CASSIDY. But that can not be made, it having been expressly waived by unanimous consent in the agreement.

Mr. RANDALL. I ask the calm attention of the House for a few moments. I desire to say with perfect respect to every member here that this is a most unseemly procedure at this late hour in the session. We are proceeding in a manner that if persisted in will inevitably prevent the sundry civil appropriation bill from becoming a law, thereby forcing an extra session.

It is being endangered by the demands of individual members for public buildings. [Applause.] I therefore ask gentlemen to cease and let me get possession of this bill that I may get it to the Senate, secure a conference, and avoid an extra session. [Applause.]

Mr. THOMPSON. I rise to a question of order. [Cries of "Regular order!"]

Mr. RANDALL. I have given all of the time that could have been allowed to these different amendments. The Senate, as I am informed, will have to have its desks removed and changed in other respects with reference to furniture so as to provide for the inauguration ceremonies; and I beg of gentlemen here to let me have possession of the bill and cease offering these amendments.

Mr. BUDD. I desire right here to rise to a question of privilege.

Mr. BROWN, of Pennsylvania. We are taking up more time in this than would be occupied in adopting the amendments.

Mr. BUDD. I desire simply to state to the House in a very few moments one or two facts. [Cries of "Regular order!"]

Mr. THOMPSON. The point of order I make is that no quorum has voted.

Mr. KEIFER. That point of order can not be made under the agreement.

Mr. CASSIDY. I submit that no such point of order can be raised except upon two questions.

Mr. THOMPSON. If I can have the ear of the Speaker, and if the Speaker can hear me, I will try to state the point of order. Upon the last vote the Speaker announced 53 voting in the affirmative and 43 voting in the negative. I rose at once and demanded the presence of a quorum before that amendment should be adopted.

Mr. CASSIDY. But the House has already provided by unanimous consent substantially that no such point should be raised.

Mr. THOMPSON. The Constitution of the United States provides that this House can not discharge its duties unless there is a quorum on the floor, if any member shall demand it.

Mr. TALBOTT. The Constitution implies that when a motion is agreed to by unanimous consent it is supposed that every member is present.

Mr. THOMPSON. The whole House can not do away with the requirements of the Constitution.

Mr. WELLER. I would like to know if members of this House can override the Constitution.

Mr. THOMPSON. I desire to read from the Constitution—

Mr. RANDALL. Will the gentleman yield to me for a moment?

Mr. THOMPSON. Certainly.

Mr. RANDALL. I move to suspend the rules to concur in the amendments thus far inserted, and that a conference be appointed on the sundry civil bill.

Mr. CASSIDY. Well, you will have to get a quorum.

Mr. BUDD. I rise to a question of personal explanation.

The SPEAKER *pro tempore*. This question is not debatable.

Mr. BUDD. I understand I have the right to take the floor at any time on a question of privilege.

The SPEAKER *pro tempore*. The Chair will state the motion of the gentleman from Pennsylvania. The gentleman moves to suspend the rules and agree to the amendments thus far incorporated on this bill, and ask a committee of conference on the disagreeing votes of the two Houses.

Mr. RANDALL. This is the only relief I can get so as to secure control of this bill to get it to the Senate in time.

Mr. BUDD. On that motion I demand a second.

Now, if I can get two minutes to make a brief explanation I shall not press that demand.

Mr. THOMPSON. I ask unanimous consent that the gentleman be heard for two minutes.

Mr. BUDD. I will not occupy longer than that. [Cries of "Regular order!"]

Mr. THOMPSON. Can not the gentleman be heard for two minutes?

Several MEMBERS. Regular order.

Mr. BUDD. I withdraw the demand for a second.

Mr. CASSIDY. I renew it.

The SPEAKER. The Chair will appoint tellers.

Mr. CASSIDY and Mr. RANDALL were appointed tellers.

The House again divided; but before the announcement of the result of the vote,

Mr. CASSIDY withdrew the demand for a second.

The SPEAKER. Under the rules thirty minutes are allowed for debate.

Mr. RANDALL. I do not claim that time at present.

Mr. BUDD. I repeat, I will not occupy two minutes of the time of the House if it will give me its attention. I desire to state that this morning I asked the House to allow a vote to be taken on a bill which has been on the Speaker's table for nearly a year. That bill was unanimously passed by the Senate. I requested that it might be voted upon as an amendment to this bill. We went into this matter by common consent; there was no objection to it, and we passed other amendments.

There were certain agreements made on the floor solemnly that have been broken. I was on my feet at the first moment and offered an amendment, and members of this House went to the Speaker *pro tempore* and got him to recognize them, members who had not thought about it till after my amendment was offered.

A MEMBER. That was clever.

Mr. BUDD. And it was honorable, I suppose the gentleman will say. All I have to say is, that I understand this matter ought to be expedited and I want it expedited. The gentleman from Pennsylvania desires to get this matter to the Senate. He is the gentleman that demanded a separate vote upon each of the amendments. Let these amendments be considered as in the bill. But strike out the San Francisco post-office bill then, if you can, and I will not say a word about it.

Mr. STOCKSLAGER rose.

Mr. BUDD. I am not objecting to the amendment of the gentleman. I make this proposition to the gentleman from Pennsylvania [Mr. RANDALL]. Let all amendments offered be sent to the desk and be considered as in the bill, and if the gentleman wants to strike out San Francisco, and can do it, if I get a vote thereon I will not say a word. I do not wish to filibuster longer. We have now secured the \$100,000 appropriation for the Sacramento public building, as well as other needed appropriations, and California has now over half a million appropriated by this bill. I ask the gentleman will he accept my proposition. It is in his power to strike these amendments out in conference, if the Senate conferees will agree and he does not wish an extra session. It is a fair proposition.

A MEMBER. You mean to strike them out in the conference.

Mr. BUDD. Yes; if you can. I mean the new amendments. Or take them all in if you do not want an extra session. We are putting the question of extra session or no extra session on the shoulders of the gentleman from Pennsylvania. Will the gentleman accept this proposition?

Mr. RANDALL. I will accept nothing.

Mr. BUDD. Then you can take the responsibility of the extra session.

Mr. RANDALL. What I want is to get this bill through, and the

men who are standing here preventing this bill going to the Senate simply because they want to secure public buildings are the men who will have the responsibility of an extra session, if there should be one.

Mr. BROWN, of Pennsylvania. It is the gentleman himself who is preventing the bill going to the Senate.

Mr. BUDD. I ask the gentleman from Pennsylvania, who was it that stated in my hearing on Saturday that he did not want a session on Sunday?

Mr. RANDALL. I did not want a session on Sunday, and did not vote for it.

Mr. BUDD. You did not want a session on Sunday?

Mr. RANDALL. That is what I say; and I am on record.

Mr. BUDD. And I ask the gentleman from Pennsylvania who, on Monday night, broke the quorum but himself? And who forced this bill through the House without debate?

The SPEAKER. The gentleman from California will discuss the subject before the House under the rule.

Mr. BUDD. I was trying to make an agreement that would not be broken. I ask the gentleman from Pennsylvania, if he wants this bill put through, whether he will take the bill and strike out these buildings. I want to get to a vote on the San Francisco bill. I have been working hard for it. It has been on the Speaker's table for a year. It passed the Senate unanimously, yet it has not had a hearing here. My colleague, after deferring long to parliamentary etiquette and usage, has for a long time been working hard for its passage, as have I. It was understood and unanimously agreed in open House to-night that we should have a vote on this San Francisco building. If we had a vote it would pass surely. We offered it first of all these amendments. It should have been first in order of recognition. This was due it.

But the temporary chairman [Mr. SPRINGER] has persistently refused to recognize my colleague [Mr. SUMNER], who has the measure in charge. Influential members have gone to him and got him to overlook the demands of San Francisco and to ignore the fact that this amendment was first in the hands of the Clerk and should have been first in order. We have no remedy. The Speaker *pro tempore* may recognize whom he will. Give us a vote according to agreement, then in conference you may vote on striking out.

Mr. KING. Why strike them out after you put them in?

Mr. BUDD. If he can.

Mr. KING. And so prevent the passage of an act required to meet the necessities of the Government.

Mr. BUDD. I shall not force an extra session, as most of my objects have been accomplished, and I would not be justified in obstructing further. I have no fault to find with the gentleman from Pennsylvania [Mr. RANDALL], who is now working to prevent an extra session, nor the permanent Speaker [Mr. CARLISLE], who has been over-indulgent to our interests. I reserve the balance of my time.

Mr. RANDALL. I now ask a vote on my motion to suspend the rules.

Mr. SMITH, of Pennsylvania, addressed the Chair.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] declines to use his time. The gentleman from California who controls the time in opposition reserves such portion of his time as he has not used. Unless that gentleman yields for further debate there is nothing now in order but to take the vote. The question is on the motion of the gentleman from Pennsylvania [Mr. RANDALL] to suspend the rules and that the House recede from its disagreement to the Senate amendments that have been amended in the House, insist on further disagreement on those not yet disposed of, and ask a committee of conference.

The rules were suspended (two-thirds voting in favor thereof) and the motion was agreed to.

The SPEAKER. The Chair appoints as the conferees on the part of the House Mr. RANDALL, Mr. FORNEY, and Mr. RYAN.

LEGISLATIVE APPROPRIATION BILL.

Mr. HOLMAN. I submit the report of the committee of conference on the legislative appropriation bill.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments numbered 1 and 29 of the Senate to the bill of the House (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, having met, after full and free conference have been unable to agree.

W. S. HOLMAN,

J. G. CANNON,

Managers on the part of the House.

W. B. ALLISON,

H. L. DAWES,

F. M. COCKRELL,

Managers on the part of the Senate.

Mr. HOLMAN. The House is aware that two of the Senate amendments are still undisposed of. The one involves a mere matter of form and a question of computation; the other amendment, numbered 29, appropriating \$39,400 for clerks for Senators, involves the only substantial question presented by the conference report and by this disagreement.

At so late an hour, Mr. Speaker, I hardly feel justified in asking for

a further conference; for I could give no assurance that it would result in anything else than a disagreement. And yet, sir, I am disinclined for myself to move a concurrence in the Senate amendment. I think that with more time to go upon than we have, or upon a bill of less importance, I should still insist upon a further conference. I leave the matter with the House.

The SPEAKER. The question is on the adoption of this conference report.

A MEMBER. Who makes that motion?

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN]. The report leaves the amendments for action by the House. It proposes no action; it simply reports the facts.

Mr. HOLMAN (after a pause). Mr. Speaker, if no other motion is made, I shall move that the House still insist.

Mr. DOCKERY. Mr. Speaker, is it in order now to move to concur in the Senate amendments?

The SPEAKER. It is.

Mr. DOCKERY. Mr. Speaker, although wholly and utterly opposed to Senate amendment 29, yet, in view of the danger of an extra session, I now move that the House recede from its disagreement to that amendment and agree to the same.

The motion was agreed to.

Mr. REED, of Maine. I certainly hope, Mr. Speaker, that another year we may not have to vote on this matter three or four times.

Mr. HOLMAN. Mr. Speaker, I offer an amendment to the pending Senate amendment No. 1, which I send to the Clerk's desk to be read. The Clerk read as follows:

In lieu of the sum proposed in the amendment numbered 1 insert "\$344,113.10."

The amendment was agreed to.

Mr. HOLMAN. That will require the action of the Senate; but I suppose no conference will be required upon it, as it involves merely a matter of computation. Mr. Speaker, I now move that the House recede from its disagreement to the Senate amendment numbered 1 and agree to the same with the amendment just read.

The motion was agreed to.

TAX SALES IN THE DISTRICT OF COLUMBIA.

Mr. McCOMAS. Mr. Speaker, I move to take from the Speaker's table the bill (H. R. 8236) relating to sales of real estate for taxes in the District of Columbia. I move to take it up with a view of moving that the House insist upon its disagreement to the Senate amendments and accede to the request for a committee on conference.

The motion was agreed to.

The SPEAKER. The Chair will appoint as the conferees on the part of the House the gentleman from Ohio, Mr. FOLLETT, the gentleman from West Virginia, Mr. WILSON, and the gentleman from Maryland, Mr. McCOMAS.

ORDER OF BUSINESS.

Mr. WARNER, of Ohio. Mr. Speaker, I ask unanimous consent to concur in the following—

Mr. BROWN, of Pennsylvania. I object.

Mr. WARNER, of Ohio. Let it be read.

Mr. BROWN, of Pennsylvania. I object to its being read.

Mr. WARNER, of Ohio. This is a joint resolution authorizing the President to open communication with other nations with a view to establishing unlimited coinage, with silver a full legal tender.

Mr. BROWN, of Pennsylvania. I object.

Mr. DUNHAM. Mr. Speaker, I think the time for objection is after the resolution has been read.

The SPEAKER. A gentleman can announce that he will object to taking up a bill, and can also object to the reading of a bill.

Mr. TALBOTT. Mr. Speaker, I move to suspend the rules and take up the bill (H. R. 1146) to provide for the erection of a public building at Annapolis, capital of Maryland.

Several MEMBERS. Regular order.

Mr. ENGLISH. Mr. Speaker, I move to take up the bill (H. R. 1341) for the relief of John W. Blake.

Several MEMBERS. Regular order.

The SPEAKER. Objection is made. The regular order is called for.

Mr. WARNER, of Ohio. Mr. Speaker, is it in order to move to suspend the rules to pass this joint resolution?

The SPEAKER. It is in order. The Chair would entertain such a motion unless the point of order were made against it, but if the point of order were raised the Chair would be obliged to sustain it, because there are other matters now pending before the House.

Mr. WARNER, of Ohio. Mr. Speaker, I move to suspend the rules to take up and pass the following resolution—

Mr. BROWN, of Pennsylvania, and other members. Regular order.

Mr. WELLER. Mr. Speaker, I ask unanimous consent to have printed in the RECORD the following resolution, which I will read— [Cries of "Regular order!"]

The SPEAKER. Objection is made, and the regular order is demanded on both sides of the House.

Mr. WELLER. Gentlemen object who have not even read this joint

resolution or heard it read. Do they object to having it printed in the RECORD?

Mr. ENGLISH and others. Yes! Yes! [Renewed cries of "Regular order!"]

Mr. DUNHAM. Let us have a call of the House. I think it is perfectly proper that the people should know which of the members of the House attend to their duties here.

Mr. CASSIDY. Mr. Speaker, I ask unanimous consent to take up and pass a bill which involves only \$170.

The SPEAKER. But the gentleman from Nevada [Mr. CASSIDY] is perfectly aware that objection is made to all such requests and that the regular order has been demanded by several gentlemen. If the Chair should continue to recognize gentlemen to make requests by unanimous consent when the regular order is demanded, the demand for the regular order would amount to nothing whatever.

Mr. CASSIDY. If the demand for the regular order is made, that is all right; but I did not observe that anybody was insisting upon it.

The question was taken on the pending amendment of Mr. PETTIBONE offered yesterday (Tuesday) to the motion that the House should take a recess until 10 o'clock p. m. on that day.

The House divided; and there were—ayes 4, noes 25.

Mr. WELLER. No quorum.

The SPEAKER. The point is made that no quorum has voted. The Chair will appoint the gentleman from Pennsylvania [Mr. MILLER] and the gentleman from Tennessee [Mr. McMILLIN] to act as tellers.

The House again divided; and the tellers reported—ayes 4, noes 16.

Mr. PETERS. I move a call of the House.

The motion was agreed to.

The Clerk proceeded to call the roll. Before the names of the absentees were announced,

Mr. HOLMAN said: I move that further proceedings under the call be dispensed with by unanimous consent.

The SPEAKER *pro tempore* (Mr. HATCH, of Missouri). Before the Chair announces the result of this roll-call he will recognize the gentleman from Nebraska [Mr. LAIRD], who desires to submit a request for unanimous consent.

Mr. LAIRD. Would it be in order for me to ask unanimous consent for the consideration of House bill 1737?

The SPEAKER *pro tempore*. The Chair recognizes the gentleman.

Mr. LAIRD. I ask unanimous consent to take up for present consideration the bill which I send to the desk.

The bill was read, as follows:

A bill (H. R. 1737) for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of reimbursing persons, and the grantees, heirs, and devisees of persons, who, under the homestead, pre-emption, or other laws, settled upon or purchased lands within the grant made by an act entitled "An act for a grant of lands to the State of Kansas to aid in the construction of the Northern Kansas Railroad and Telegraph," approved July 23, 1866, and to whom patents have been issued therefor, but against which persons, or their grantees, heirs, or devisees, decrees have been or may hereafter be rendered by the United States circuit court on account of the priority of said grant made in the act above entitled, the sum of \$250,000, or so much thereof as shall be required for said purpose, is hereby appropriated: Provided, however, That no part of said sum shall be paid to any one of said parties until he shall have filed with the Secretary of the Interior a copy of the said decree duly certified, and also a certificate of the judge of said court rendering the same to the effect that such a decree was rendered in a bona fide controversy between a plaintiff showing title under the grant made in said act and a defendant holding the patent or holding by deed under the patentee, and that the decision was in favor of the plaintiff on the ground of the priority of the grant made by said act to the filing, settlement, or purchase by the defendant or his grantor; and said claimant shall also file with the said decree and certificate a bill of the costs in such case, duly certified by the clerk and judge of said court. Thereupon it shall be the duty of the Secretary of the Interior to adjust the amount due to each defendant on the basis of what he shall have paid, not exceeding \$3.50 per acre for the tract his title to which shall have failed as aforesaid, and the costs appearing by the bill thereof. He shall then make a requisition upon the Treasury for the sum found to be due to such claimant, or his heirs and devisees or assigns, and shall pay the same to him, taking such release, acquittance, or discharge as shall forever bar any further claim against the United States on account of the failure of the title as aforesaid: Provided further, That when any person, his grantees, heirs, assigns, or devisees, shall prove to the satisfaction of the Secretary of the Interior that his case is like the case of those described in the preceding portions of this act, except that he has not been sued and subjected to judgment as hereinbefore provided, and that he has in good faith paid to the person holding the prior title by the grant herein referred to the sum demanded of him, without litigation, such Secretary shall pay to such person such sum as he has so paid, not exceeding \$3.50 per acre, taking his release therefor as hereinbefore provided.

Mr. HOLMAN. I ask that an amendment to come in at the end of the bill may be read, and I hope the gentleman will accept it.

The Clerk read as follows:

Provided further, That the provisions of this act shall only extend to actual and bona fide settlers on the lands above specified and who settled on such lands prior to the said decision of the Supreme Court touching the title of said lands, and shall only entitle such settlers to the compensation already provided for to the extent of the lands so actually settled upon, not exceeding, however, one hundred and sixty acres.

Mr. HOLMAN. I trust this amendment will be accepted.

Mr. LAIRD. Very good; I will accept it.

Mr. BENNETT. I have been for some time on the floor to object to this bill.

The SPEAKER *pro tempore*. The gentleman from Nebraska [Mr. LAIRD] asked unanimous consent to present the bill which has just

been read. After the reading of the bill, without objection, the gentleman from Indiana [Mr. HOLMAN] offered an amendment; and the question is now on that amendment.

Mr. BENNETT. Do I understand the Chair to hold that my objection will not now be entertained?

Several MEMBERS. Too late.

Mr. BENNETT. I rose in my place and hallooed at the Chair for the purpose of making this objection.

Mr. DUNHAM. I submit the Chair is not a telephone to be hallooed at.

Mr. BENNETT. Heretofore without exception—and I want to speak within bounds—when a proposition of this sort has been made the Chair has said "The bill will be read subject to objection." I rose for the purpose of availing myself of the benefit of that custom. I am here now for that purpose, and I object.

Mr. DAVIS, of Illinois. The amendment was offered before objection had been made.

The SPEAKER *pro tempore*. Before the Chair had opportunity to present to the House the request of the gentleman from Nebraska for unanimous consent the gentleman from Indiana [Mr. HOLMAN] obtained recognition, and asked to offer an amendment, which was read at the Clerk's desk, and is now before the House. The Chair did not hear the gentleman from North Carolina object till after the reading of the amendment.

Mr. BENNETT. This bill was called up once under the new hour rule, and the gentleman from Alabama [Mr. OATES], in whose judicious judgment I have the fullest confidence, objected to the bill, and cogently presented his views. If his statement was correct, this is not a righteous measure, and I object.

The SPEAKER *pro tempore*. If the gentleman from North Carolina states that he rose to object before the amendment was offered by the gentleman from Indiana, the Chair will recognize the objection.

Mr. BENNETT. I rose to object when the name of the gentleman from Nebraska was announced, and I demanded the regular order.

The SPEAKER *pro tempore*. The Chair is bound to accept the statement of the gentleman from North Carolina, who now objects to the present consideration of this bill.

PEOPLE'S NATIONAL BANK OF LAWRENCEBURG, IND.

Mr. HOLMAN. I wish at this late moment of the session to ask a favor of my fellow-members; and I request that they listen to the reading of a bill which I hold in my hand. When they have heard it, I know every gentleman here will see the justice of the measure and the propriety of its immediate passage. It concerns a bank; but the measure is no less meritorious on that account.

The bill was read, as follows:

A bill (H. R. 7706) to authorize the Secretary of the Treasury to issue a duplicate certificate of deposit to the People's National Bank of Lawrenceburg, Ind.

Whereas the People's National Bank of Lawrenceburg, Ind., deposited with the assistant treasurer of the United States at Cincinnati, Ohio, on the 26th day of September, 1883, the sum of \$10,000 in United States legal-tender notes, and received therefor a certificate of deposit numbered E 35988, in accordance with section 5193 of the Revised Statutes (act of June 8, 1872), and the same was lost or destroyed by the overflow of the Ohio River which overwhelmed said town during the month of February, 1884, and said certificate never having been found, and payment on the same having been stopped March 13, 1884: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to issue and cause to be issued to the People's National Bank of Lawrenceburg, Ind., a duplicate to said certificate of deposit numbered E 35988, for the sum of \$10,000, so issued by the assistant treasurer of the United States at Cincinnati, upon such evidence of loss, and upon execution of such bonds of indemnity to the United States, and under such regulations in regard to issue and payment as he shall prescribe.

Mr. WELLER. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman is not in order. The Clerk will continue the reading of the bill.

The Clerk concluded the reading.

Mr. WELLER. I repeat the question of order.

The SPEAKER *pro tempore*. The gentleman is not in order.

Mr. WELLER. I appeal from the decision of the Chair to the House.

The SPEAKER *pro tempore*. The Chair does not recognize the gentleman's appeal. The Chair will state the question. The gentleman from Indiana [Mr. HOLMAN] asks unanimous consent for the present consideration of the bill which has just been read. Is there objection?

Mr. WELLER. I object.

Mr. CASSIDY. I object unless the gentleman stipulates he will not object to my bill.

Mr. HOLMAN. All right.

Mr. CASSIDY. The gentleman first stipulates and then capitulates. [Laughter.]

QUESTION OF PRIVILEGE.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. BAYNE] states that he rises to a question of privilege. The Chair has recognized the gentleman, and hopes the House will allow him to be heard.

Mr. BAYNE. I only ask for a moment.

Mr. HOLMAN. Allow me to have my question by unanimous consent first—

Mr. BAYNE. I wish to occupy the time of the House but for a moment. During the discussion to-day on the Post-Office appropriation bill—

Mr. ELLIS. The House is in such disorder that we can not hear either the gentleman from Pennsylvania or the gentleman from Indiana.

Mr. BAYNE. During the discussion of the conference report on the disagreeing votes of the two Houses on the Post-Office appropriation bill—

Mr. WHITE, of Kentucky. I make the point of order that I am occupying the floor on a similar question.

Mr. BAYNE. I do not yield the floor.

The SPEAKER *pro tempore*. The gentleman from Kentucky did claim the floor prior to the gentleman from Pennsylvania, who rises to ask the attention of the House to a question of personal privilege. The Chair will recognize the gentleman from Kentucky next.

Mr. BAYNE. Mr. Speaker, during the discussion of the report of the conference committee on the Post-Office appropriation bill I made some remarks on the provisions of the Senate amendment respecting foreign-mail service. I learned from various sources, from a number of gentlemen, that in the progress of that debate it was generally believed in what I said I by implication had reflected on members of this House. I desire to say, in anything I said I had no intention in the world to reflect on any member of this House. That thought was entirely out of my mind. I had no such purpose, no such feeling.

My association with the members of this Congress has been of a pleasing and agreeable character. I know of no single member of this body with whom I have not had pleasant relations. I believe this body is the most intelligent, the most capable, the most distinguished legislative body in the civilized world [applause], and I am indisposed by word or deed to say anything that would cast a reflection on any single individual member of this body, and if my remarks were so construed by anybody I failed to make myself understood or my remarks were misconstrued. [Applause.]

PEOPLE'S NATIONAL BANK, LAWRENCEBURG, IND.

The SPEAKER *pro tempore*. The Chair will state that he had recognized the gentleman from Indiana, who called a bill up to which objection was made, but it is now said that objection has been withdrawn.

Mr. TUCKER. I have not withdrawn my objection, and I desire to say to my friend from Indiana that if his measure can be heard and others can be heard, I will not object. I have been pressing for the consideration of a little bill for the week past. I am perfectly willing the gentleman's bill shall be considered, but I am not willing it shall be considered while all others are to be ruled out.

Mr. TOWNSHEND. Is it in order to move to go to the Speaker's table for the purpose of taking up the Mexican pension bill? [Laughter and applause.]

The SPEAKER *pro tempore*. The Chair has recognized the gentleman from Kentucky on a question of privilege.

Mr. TOWNSHEND. I understand the gentleman yields to me to call up the Mexican pension bill.

Mr. WHITE, of Kentucky. I will for that purpose.

Mr. TOWNSHEND. I move that the House go to the business on the Speaker's table for the purpose of taking up the Mexican pension bill.

Mr. TUCKER. I withdraw my objection to the bill of the gentleman from Indiana.

Mr. WHITE, of Kentucky. I only yielded to allow the Mexican pension bill to be called up.

The SPEAKER *pro tempore*. The Chair recognized the gentleman from Indiana. The objection made to his bill has been withdrawn. Is there further objection to the request of the gentleman from Indiana for the present consideration of the bill which has already been read from the Clerk's desk?

Mr. CASSIDY. It is on condition he will not object to our bills.

Mr. HEWITT, of Alabama. I demand the regular order of business.

Mr. HOLMAN. I believe it is in order, and I trust my friend will not object to my moving to suspend the rules and pass the bill.

Mr. MILLS. No quorum is present.

The SPEAKER *pro tempore*. Who objects to it?

Mr. HEWITT, of Alabama. I am perfectly willing to proceed under the new hour rule.

Mr. MILLS. We will all consent to that.

Mr. TOWNSHEND. Is my motion in order?

The SPEAKER *pro tempore*. The Chair decided it is not.

Mr. HOLMAN. I think the gentleman from Alabama withdraws his objection.

Mr. MILLS. I move to dispense with all further proceedings under the call of the House.

Mr. HOLMAN. I hope the gentleman from Alabama will not object.

Mr. HEWITT, of Alabama. I would withdraw my objection if I did not believe the gentleman from Indiana would renew it.

Mr. HOLMAN. I shall not.

Mr. HEWITT, of Alabama. I withdraw the objection.

Mr. CASSIDY. I ask unanimous consent to proceed under the order requiring ten objections until the further order of the House.

The SPEAKER *pro tempore*. There is a question of unanimous consent pending before the House now.

Mr. WHITE, of Kentucky. I object to further interruptions, and desire to proceed with my remarks.

The SPEAKER *pro tempore*. The Chair will state the question before the House. The gentleman from Indiana asks consideration of a bill which has been read from the Clerk's desk. The demand of the gentleman from Alabama for the regular order has been withdrawn, and the Chair now asks, is there further objection to the present consideration of the bill presented by the gentleman from Indiana?

There was no objection.

Mr. HOLMAN. This measure was referred to the Committee on Ways and Means, and was reported unanimously by that committee by the gentleman from New York [Mr. HEWITT]; it has been recommended by the Secretary of the Treasury, and I trust it will be found that the measure is not only a proper one but eminently just. I hope it will be adopted.

The bill was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

Mr. HOLMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. POST, of Pennsylvania. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. POST, of Pennsylvania. I desire to ask whether it is in order for this House under the order for a call of the House to transact any business.

The SPEAKER *pro tempore*. Except by unanimous consent.

Mr. STRAIT. I ask consent to take up a Senate bill for present consideration.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman from Minnesota to ask consent.

Mr. STRAIT. Then I ask unanimous consent that the Senate bill No. 1543, for the relief of Wilbur F. Steel, be taken from the Speaker's table and put upon its passage.

Mr. HEWITT, of Alabama. How does this bill get before the House?

Mr. BENNETT. Is that to be read subject to objection?

The SPEAKER *pro tempore*. It is.

The bill was read at length.

Mr. WELLER. I shall object to the consideration of that bill unless the gentleman be permitted to make a statement or explanation that will satisfy me as to its merits.

Mr. STRAIT. I apprehend that there will be no objection to the passage of the bill if I can have a very few moments for a brief explanation.

This gentleman purchased some years ago from a railroad company the portion of land referred to here; but it appeared when he was ordered by the railroad company to settle on the land and when a survey was made that it was not railroad land, but proved to be a school section of land.

Now this bill simply allows him to buy the lands while the territory is granted other lands in lieu of the lands thus taken up. It does not cost the Government anything. This has been recommended by the Commissioner of the Land Office, by the Secretary of the Interior, and has the indorsement of the Public Lands Committee of the House. This bill has also passed the Senate.

Mr. WELLER. I will ask the gentleman a question, whether this party was the original occupant of the land?

Mr. STRAIT. Yes, sir.

Mr. WELLER. And has continued so ever since?

Mr. STRAIT. Yes, sir.

Mr. WELLER. And made improvements on the land and cultivated it as his own?

Mr. STRAIT. Yes; he has improved these lands to the value of \$25,000.

Mr. WELLER. Then I have no objection.

Mr. COOK. I have said that no bill should pass by unanimous consent from that side as long as it was engaged in this filibustering against the election cases.

Mr. STRAIT. Then I move to suspend the rules and pass the bill.

Mr. COOK. I demand the regular order.

Mr. CASSIDY. I desire to take up Senate bill 723, for the relief of Eugene B. Rail and others, and put it upon its passage. I believe there will be no objection to this bill if the House will hear it read.

Mr. NELSON. I rise to a question of order.

The SPEAKER *pro tempore*. Does the gentleman object?

Mr. NELSON. I do. I want to raise the question of order, if the Chair will allow me.

Mr. CASSIDY. Do you object to the bill on its merits?

Mr. NELSON. Under the rule adopted some days ago, what is sometimes known as the "ten-men" rule, it is not competent for the Chair to entertain a motion for unanimous consent. I claim that it is not competent except within the period fixed by the rule itself, until after the reading of the Journal, and the only motion that the Chair can entertain now is the motion to suspend the rules.

Mr. CASSIDY. I move to suspend the rules and pass the bill. [Cries of "Regular order!"]

The SPEAKER *pro tempore* (Mr. HATCH, of Missouri). The regular order has been demanded.

Mr. BEACH. What is the regular order?

The SPEAKER *pro tempore*. The regular order is the second call of the roll, or the call of members who did not respond on the first call.

Mr. WHITE, of Kentucky. Pending that I rise to a question of personal privilege.

The SPEAKER *pro tempore*. The Chair will state that there is a motion pending to dispense with the call. As soon as the Clerk has called the names of those who were absent on the first roll-call the question will be taken on the motion to dispense with all further proceedings.

Mr. WHITE, of Kentucky. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WHITE, of Kentucky. My point of order is that when a motion was made for a call of the House by the gentleman from Pennsylvania it was then I rose to this question of personal privilege, and I was recognized by the Chair. I had proceeded with my remarks for some ten or fifteen minutes, when I yielded for appropriation bills, but I was to be recognized by the Chair as soon as the appropriation bills were disposed of. And I have yielded to gentlemen for unanimous consent. I do not wish to be dictatorial, or to take away from any gentleman his right of way to get unanimous consent. But since there is a determination not to yield for requests for unanimous consent by any one, I think I should now be allowed to proceed.

The SPEAKER *pro tempore*. The Chair recognizes the statement of the gentleman from Kentucky as correct, except that when the motion was made for a call of the House the gentleman from Kentucky did not assert his right to the floor. That matter is now pending, and as soon as it is disposed of the Chair will recognize the gentleman.

Mr. BAGLEY. I ask unanimous consent to call up for present consideration the bill S. 957.

Objection was made.

The SPEAKER *pro tempore*. The Chair can not recognize the gentleman for that purpose, the regular order being demanded. The Clerk will proceed to call the roll of absentees.

Mr. WHITE, of Kentucky. I ask the Chair if it is not manifestly unjust when a man rises and asks for unanimous consent on this floor and another member is not permitted to address the Chair on a question of personal privilege.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Kentucky that a motion has been made by the gentleman from Texas [Mr. MILLS] to dispense with all proceedings under the call. But the names of absentees have not been called, and until that has been done the question can not be taken on the motion to dispense with further proceedings under the call.

Mr. WHITE, of Kentucky. But the gentleman from Texas can not take me off my feet to make a motion except by unanimous consent.

The SPEAKER *pro tempore*. That motion was made, and the gentleman from Kentucky was not at that time seeking recognition from the Chair. There is no question about the gentleman's right. The Clerk will call the roll.

The Clerk proceeded with the second call of the roll, when the following members failed to answer:

Anderson,	Dunn,	Lyman,	Singleton,
Atkinson,	Elliott,	Millard,	Skinner, C. R.
Barbour,	Ellwood,	Morrison,	Slocum,
Belmont,	Finerty,	Morse,	Smith, A. Herr
Bieber,	Geddes,	Muller,	Smith, H. Y.
Blount,	George,	Murray,	Spooner,
Bowen,	Glascock,	Nutting,	Spriggs,
Brainerd,	Graves,	Oates,	Steele,
Bratton,	Hammond,	Ochiltree,	Stewart, J. W.
Breitung,	Hanback,	O'Hara,	Stone,
Brewer, F. B.	Henderson, D. B.	O'Neill, J. J.	Sumner, D. H.
Brewer, J. H.	Henley,	Peel,	Taylor, E. B.
Bunker,	Herbert,	Phelps,	Taylor, J. D.
Burleigh,	Hewitt, A. S.	Potter,	Throckmorton,
Campbell, Felix	Hitt,	Rankin,	Tully,
Campbell, J. M.	Holmes,	Ranney,	Valentine,
Chalmers,	Hooper,	Ray, G. W.	Wadsworth,
Clardy,	Hopkins,	Reese,	Wait,
Cobb,	Houk,	Rice,	Ward,
Covington,	Howey,	Robertson,	Wemple,
Cox, W. R.	Hutchins,	Robinson, J. S.	Wilkins,
Crisp,	Johnson,	Robinson, W. E.	Williams,
Culbertson, W. W.	Jones, J. H.	Rockwell,	Wise, J. S.
Cutcheon,	Jones, J. T.	Roswell,	Wood,
Dargan,	Kelley,	Russell,	York,
Davis, R. T.	Kellogg,	Ryan,	Young,
Dorshelmer,	Lacey,	Seney,	
Dowd,	Lore,	Shaw,	

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate agreed to the amendment of the House to the

first amendment of the Senate to the bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

The message further announced that the Senate disagreed to the amendment of the House of Representatives to the sixty-sixth amendment of the Senate to the bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes; agreed to the conference asked by the House thereon, and had appointed Mr. ALLISON, Mr. HALE, and Mr. BACK to be the conferees on the part of the Senate.

ORDER OF BUSINESS.

During the second call of the roll,

Mr. HISCOCK said: I ask that all proceedings be suspended except the consideration of conference reports.

The SPEAKER *pro tempore*. The roll-call is almost completed, and there is a motion to dispense with all further proceedings under the call, which will be put to the House when the call is completed.

The call of the roll having been completed, the question was taken on the motion to dispense with all further proceedings under the call, and it was agreed to.

Mr. DUNHAM. I demand the regular order, Mr. Speaker.

Mr. CASSIDY. Mr. Speaker, I understand that the objection offered a moment ago to the matter I desire to call up has been withdrawn.

The SPEAKER *pro tempore*. The gentleman from Nevada is not in order. The Chair recognizes the gentleman from Kentucky [Mr. WHITE], who rises to a question of personal privilege.

Before the gentleman from Kentucky [Mr. WHITE] proceeds the Chair will lay before the House a report from the Committee on Enrolled Bills.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

JAIL AT FORT SMITH, ARK.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Attorney-General, transmitting a report of the grand jury in regard to the jail at Fort Smith, Ark.; which was referred to the Committee on Appropriations, and ordered to be printed.

WITHDRAWAL OF PAPERS.

By unanimous consent leave to withdraw papers was granted in the following cases:

To Mr. HEPBURN, in the case of M. C. Ridenour, without leaving copies, there having been no adverse report.

To Mr. MILLER, of Pennsylvania, in the case of House bill 6201 for the relief of Louisa J. Ray, there having been a favorable report.

To Mr. JONES, of Wisconsin, in the case of W. W. Wiggins for increase of pension, there being no adverse report.

To Mr. CONNOLLY, in the case of John C. Geyer, without leaving copies, there having been no adverse report.

LEAVE TO PRINT.

Mr. ELLIOTT, by unanimous consent, was granted leave to print in the RECORD some remarks on the contested-election case of Massey vs. Wise.

Mr. HART asked unanimous consent to print in the RECORD some remarks upon the legal questions involved in the case of Pool vs. Skinner.

Mr. RANNEY and Mr. PETTIBONE. I ask for the same privilege.

Mr. COOK. I object.

Mr. COX, of North Carolina. I object. The objection also applies to the request of the gentleman from Ohio [Mr. HART].

QUESTION OF PERSONAL PRIVILEGE.

Mr. WHITE, of Kentucky, addressed the House. [See Appendix.]

Mr. YOUNG. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. YOUNG. How much time has the gentleman from Kentucky?

Mr. WHITE, of Kentucky. I do not desire to occupy any more time.

The SPEAKER *pro tempore*. The gentleman from Kentucky has eight minutes of his time remaining.

Mr. YOUNG. I understand the gentleman from Kentucky is kind enough to yield to me.

Mr. WHITE, of Kentucky. Not just now. I desire to call the attention of the House and of the country to the fact that I am warranted by the encouragements of these whisky rings to move the abolition of the whole internal-revenue system. When only 16,000,000 gallons were made in 1863 there were \$16,000,000 of taxes.

Mr. YOUNG. I must insist if the gentleman from Kentucky declines to yield to others that he must confine himself to the point of order which he got the right from the House to discuss.

The SPEAKER *pro tempore*. The gentleman from Kentucky is not discussing the point of order, but is discussing the bill.

Mr. YOUNG. Exactly; he is not discussing the point of order. I make the point his remarks are too wide a departure from the leave which he received to state his question of privilege.

The SPEAKER *pro tempore*. The gentleman from Kentucky has now seven minutes of his time remaining.

Mr. YOUNG. The Chair has not yet ruled on the question of order, and I ask him to rule whether the gentleman is in order in the discussion which he is now following.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced the adoption of the conference report on the disagreeing votes of the two Houses on the bill (H. R. 8239) making appropriations for the naval service for the fiscal year ending June 30, 1886, and for other purposes.

QUESTION OF PERSONAL PRIVILEGE.

The SPEAKER *pro tempore*. The gentleman from Kentucky is entitled to the floor on his question of personal privilege.

Mr. YOUNG. I insist that the Chair shall rule on my point of order.

The SPEAKER *pro tempore*. The Chair will suggest to the gentleman frankly that the point of order made by the gentleman from Tennessee, in the opinion of the Chair, is well taken as to a part of the remarks, but that for a portion of the time the gentleman has confined himself to the statement of facts. The Chair hopes the gentleman for the remainder of his time will confine himself to the appeal.

Mr. RANDALL. I ask the gentleman to yield to me for the purpose of submitting a privileged question.

The SPEAKER *pro tempore*. Does the gentleman yield for that purpose?

Mr. WHITE, of Kentucky. Certainly. Before yielding the floor, however, I ask permission of the House to extend my remarks and print some papers and extracts which I will not detain the House by reading.

There was no objection, and it was ordered accordingly. [See Appendix.]

NAVAL APPROPRIATION BILL.

Mr. HUTCHINS. I now call up the report of the committee of conference on the disagreeing votes of the two Houses on the naval appropriation bill.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill of the House 8239, making appropriations for the naval service for the fiscal year ending June 30, 1886, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 8, 12, 13, 15, 18, 19, 30, 32.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 7, 9, 11, 16, 21, 22, 23, 24, 27, 29, 31, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: At the end of said amendment insert the following: "Provided, That nothing herein contained shall be construed to continue the existence of the naval advisory board or to prevent the Secretary of the Navy from constituting such other advisory board as he may deem necessary to aid in determining the plans of structure of said cruisers."

And the Senate agree to the same.

WALDO HUTCHINS,

SAML. J. RANDALL,

JNO. D. LONG,

Managers on the part of the House.

EUGENE HALE,

F. B. PLUMB,

J. B. BECK,

Managers on the part of the Senate.

Mr. RANDALL. It is proper, Mr. Speaker, to state to the House the substance of the agreement between the two Houses as reported by the conference committee. The final conclusion leaves the new vessel at the Brooklyn navy-yard without any appropriation to complete her. It leaves the 20 per cent. as the figure for the limit of repairs to wooden vessels of the Navy. It provides for the building of two cruisers, one heavy gunboat and one light gunboat, leaving the responsibility for their construction with the Secretary of the Navy without interference by the existing advisory board, but permitting the President to create an advisory board if he may see fit.

It provides for the armament to the amount of \$500,000 for these vessels. It leaves the monitors unappropriated for. The Senate recedes from the purchase of what is known as the Ericsson Destroyer, which involved an appropriation of \$212,000. The Senate recedes from that position.

Mr. COX, of New York. I was not able to understand what the committee had done with reference to the monitors.

Mr. RANDALL. We did nothing; no appropriation was made for them.

I now ask the previous question upon the adoption of the report.

The previous question was ordered, and under the operation thereof the conference report was adopted.

Mr. RANDALL moved to reconsider the vote by which the report

was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EUGENE B. BAIL AND OTHERS.

Mr. CASSIDY. Mr. Speaker, the gentleman who objected to the bill (S. 723) has withdrawn the objection, and I now ask consent for its present consideration.

The SPEAKER *pro tempore*. The bill will be read subject to objection.

The bill is as follows:

Be it enacted, &c., That Eugene B. Bail, James H. Hardy, John M. Gearhart, George W. Hopkins, Lloyd Frizell, and Archibald N. Smith, sureties upon the official bond of David L. Gregg, given as security for the faithful performance by said Gregg of his duties as receiver of public moneys at Carson City, Nev., and dated June 17, 1865, be, and the said sureties and their personal representatives are hereby, upon the payment to the United States of the sum of \$1,000, released and discharged of and from all and every obligation and liability whatsoever on account of said bond, or any breach thereof.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

There being no objection, the bill was taken from the Speaker's table, read a first and second time, ordered to a third reading, read the third time, and passed.

Mr. CASSIDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table. The latter motion was agreed to.

ENROLLED BILL SIGNED.

Mr. PERKINS, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 7938) granting a pension to Amanda Allen.

THANKS TO THE SPEAKER.

Mr. KEIFER. I rise to submit a privileged resolution.

Mr. REED, of Maine. I wish to offer a resolution.

Mr. KEIFER. My resolution relates to the Speaker of the House. I ask its present consideration, while the Speaker is out of the Hall, and I hope every person will give attention while it is being read.

The SPEAKER *pro tempore* (Mr. HATCH, of Missouri). The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the thanks of this House are hereby tendered to Hon. JOHN G. CARLISLE, the Speaker, for the courtesy with which he has treated all its members, and for the ability and fairness with which he has presided over the deliberations of the House during the Forty-eighth Congress.

[Applause.]

Mr. KEIFER. I rise to ask that in taking this vote it be done by a rising vote, as a distinguished mark of respect to the gentleman whom it is intended to compliment.

Mr. WHITE, of Kentucky. I second the motion.

The SPEAKER *pro tempore*. The present occupant of the chair takes great pleasure in stating the question to the Representatives of the Forty-eighth Congress. All who are in favor of the resolution just read will rise and stand until counted. [After a pause.] Three hundred and twenty-four Representatives have voted, and the resolution is unanimously agreed to. [Loud and prolonged applause.]

THANKS TO HON. J. C. S. BLACKBURN.

The SPEAKER *pro tempore*. The Chair recognizes the gentleman from Vermont [Mr. POLAND].

Mr. POLAND. I offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the thanks of this House are hereby tendered to the Hon. J. C. S. BLACKBURN, the Speaker *pro tempore*, for the ability and courtesy with which he presided over the deliberations of the House during the period he occupied the Speaker's chair.

The question being taken on the resolution, it was unanimously adopted.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. I present a report from a committee of conference. The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 12, 49, 59, 130, 142, 195, and 198.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 13, 14, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 47, 48, 50, 51, 52, 53, 54, 55, 56, 57, 61, 62, 63, 64, 124, 132, 140, 166, 173, 193, 194, 196, 197, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$100,000;" and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 66, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment as follows: Strike out of said amendment the words "to be used for an advance course of instruction

of naval officers;" and in lieu of the sum proposed insert "\$8,000." Strike out also, after the word "dollars," the following: "For pay of one clerk to officer in charge of building, \$1,000; in all, \$12,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 141, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$200,000;" and the Senate agree to the same.

SAM. J. RANDALL,

W. H. FORNEY,

THOMAS RYAN,

Managers on the part of the House.

W. B. ALLISON,

EUGENE HALE,

JAMES B. BECK,

Managers on the part of the Senate.

Mr. RANDALL. For the purpose of saving time and with a view to the quick transmission of this report to the Senate I refrain from making any other remarks than to announce to the House that when this conference report has been adopted this House will have finally acted upon every appropriation bill. [Applause.]

The SPEAKER. The question is on the adoption of the report.

The report was adopted.

Mr. RANDALL moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TAX SALES IN DISTRICT.

Mr. McCOMAS. I present a report by a committee of conference.

The Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8256) entitled "An act relating to sales for taxes in the District of Columbia," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment substituting for the words stricken out by the Senate the words "and the affidavits hereinafter required;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows:

"Provided further, That where the commissioners are satisfied that any lot is the actual homestead of the owner and that it comprises the principal portion of his property, they may accept a sum in full payment of the same, not less than one-half of the assessed value of the lot."

And insert the following:

"Provided, That nothing contained in this act shall be construed to affect pending suits."

And the Senate agree to the same.

L. E. McCOMAS,

JOHN F. FOLLETT,

W. L. WILSON,

Managers on the part of the House.

N. W. ALDRICH,

J. J. INGALLS,

Managers on the part of the Senate.

Mr. McCOMAS. I move the adoption of the report.

The SPEAKER. The question is on the adoption of the report.

The report was adopted.

Mr. McCOMAS moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MAGINNIS. Mr. Speaker, I ask unanimous consent to take up and put on its passage the Senate bill 2609, to provide permanent reservations for the Indians in Northern Montana, and for other purposes.

Mr. McMILLIN. Mr. Speaker, I rise to make a privileged report. The SPEAKER. The gentleman from Montana [Mr. MAGINNIS] asks consent to take from the Speaker's table and put upon its passage a bill the title of which he has indicated.

Mr. MAGINNIS. This bill has been recommended by the Committees on Indian Affairs of both Houses and by all who are familiar with the subject.

The Clerk proceeded to read the bill.

Mr. BENNETT. Mr. Speaker, this is read subject to objection, is it not?

The SPEAKER. Of course.

Before the reading of the bill was concluded several members called for the regular order.

Mr. McMILLIN. Mr. Speaker, I rise to make a privileged report, which I will send to the Clerk's desk. It is a report of those claims referred by the Committee on Claims to the Court of Claims under the act of March 3, 1883. The Speaker entertained it and ordered it entered upon the Journal at the close of the last Congress, and I present it here now.

The SPEAKER. That was done by unanimous consent. There is no rule at all upon the subject.

Mr. RANDALL. Mr. Speaker, I move to suspend the rules and to take from the Speaker's table the Senate bill (No. 2530) known as the bill for the retirement of General Grant. [Applause on the Republican side.]

Mr. BENNETT and other members. Regular order.

Mr. WELLER. Mr. Speaker, I object to the consideration of that bill.

Mr. RANDALL. I move to suspend the rules and pass the bill.

The SPEAKER. The Chair has ruled repeatedly during the last two or three days that a motion to suspend the rules is not in order if objected to while other motions are pending before the House.

Mr. TOWNSHEND. I think that if the gentleman from Pennsylvania [Mr. RANDALL] will allow me to attach an amendment to that bill pensioning every Mexican soldier he may get it passed. [Cries of "Regular order!"]

Mr. COVINGTON. Mr. Speaker, I rise to make a privileged report.

The SPEAKER. The gentleman from Maryland [Mr. COVINGTON] rises to submit a privileged report.

Mr. RANDALL. Mr. Speaker, has the Chair decided that unanimous consent is required to entertain a motion to suspend the rules for the purpose of taking up and passing the bill that I have indicated?

The SPEAKER. The Chair has decided that under the rules of the House a motion to suspend the rules is simply a motion which, like any other parliamentary motion, is in order only when there is not another matter pending before the House.

Mr. RANDALL. Will the Chair please indicate what subject is now pending before the House which interferes with the opportunity I desire to have to move to suspend the rules for the purposes I have stated? [Cries of "Regular order!"]

The SPEAKER. The Chair will state that the report of the Committee on Elections in a contested-election case is pending.

Mr. RANDALL. I appeal to my friend from North Carolina [Mr. BENNETT] to take that obstruction out of the way. [Cries of "Regular order!"]

Mr. RANDALL. Then, Mr. Speaker, I move to suspend the rules and to lay on the table the report of the Committee on Elections. [Renewed cries of "Regular order!"]

The SPEAKER. The Chair does not think that motion to suspend the rules, if objected to, is any more privileged than other motions to suspend the rules.

Mr. STOCKSLAGER. There are several other motions pending before the House, motions to take a recess and for other purposes.

The SPEAKER. Yes; there are motions for a recess upon which the House has been trying to vote for nearly two days. The Chair has consistently ruled that a motion to suspend the rules is not in order while another motion is pending.

Mr. WILLIS. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

IOWA CONTESTED ELECTION.

Mr. WILLIS. If the House should take a vote on this contested-election case, then would not the motion of the gentleman from Pennsylvania be in order?

The SPEAKER. If the contested-election case were out of the way, the motion of the gentleman from Pennsylvania would be in order.

Mr. BENNETT. If this House will now consider the contested-election case of Frederick vs. Wilson, all objection to the motion of the gentleman from Pennsylvania [Mr. RANDALL] will be withdrawn. [Applause on the Republican side, and noisy demonstrations throughout the Hall.]

The SPEAKER. The Chair will entertain no motion and will recognize no gentleman until the House is in order. The Sergeant-at-Arms will see that gentlemen take their seats and order is restored.

The deputy sergeant-at-arms proceeded through the Hall bearing the mace. While he was attempting to restore order Mr. BENNETT addressed the Chair.

The SPEAKER. Gentlemen on the floor must be aware of the fact that it is utterly impossible to transact business unless we can have order.

Mr. WILSON, of Iowa (standing on a chair). Mr. Speaker—

Mr. BENNETT. Mr. Speaker, I want it distinctly understood (because I keep faith with men and women) [laughter] that the objection to the motion of the gentleman from Pennsylvania will be withdrawn if we can have this election case considered. I do not say more. I do not keep the individual consciences of members. God Almighty has made the human mind free, and gentlemen can vote as they please.

Mr. RANDALL. I appeal to the gentleman from North Carolina to take a vote on the election case at once, so that I may have an opportunity to call up this other bill.

Mr. BENNETT. I demand the previous question on the motion to proceed to the consideration of the contested-election case of Frederick vs. Wilson.

Mr. WILSON, of Iowa, rose and held up his hand as if seeking recognition from the Speaker.

Mr. ROBERTSON. The gentleman from Iowa [Mr. WILSON] desires to make a statement. I trust the Chair will recognize him.

The SPEAKER. The gentleman from Iowa [Mr. WILSON] desires to make a statement, and is recognized for that purpose.

Mr. WILSON, of Iowa. Mr. Speaker, if this House will vote to put General Grant on the retired-list, I am willing to be sacrificed after that. [Loud applause.]

Mr. BENNETT. I demand the previous question upon the resolutions reported by the Committee on Elections in the case of Frederick vs. Wilson.

The SPEAKER. But there are motions pending to take a recess, and amendments to such motions.

Mr. BENNETT. They are withdrawn by the gentlemen over the way.

Mr. MILLER, of Pennsylvania. I will state to the House that if they will permit a vote on the proposition of the gentleman from Pennsylvania we will withdraw all objection and take a vote immediately upon the proposition of the gentleman from North Carolina. [Cries of "Oh, no!"]

Mr. MILLER, of Pennsylvania. Well, then, in order that there may be no excuse, I withdraw my motion in order to permit a vote on the proposition of the gentleman from North Carolina, and I ask this House to act with fairness upon both votes.

Mr. BENNETT. I demand the previous question on the resolutions reported by the Committee on Elections in the case of Frederick vs. Wilson. [Cries of "Vote!" "Vote!"]

The SPEAKER. There can be no vote unless gentlemen will preserve order. [Renewed cries of "Vote!" "Vote!"] The Chair will not entertain any motion or recognize any gentleman until order is restored. The Chair will state the question. The gentleman from North Carolina demands the previous question upon the adoption of the resolutions reported by the Committee on Elections in the contested-election case of Frederick vs. Wilson.

Mr. BARKSDALE. I move to take a recess until fifteen minutes before 12 o'clock. [Cries of "Oh, no!"]

Mr. SPRINGER. I submit the point that a motion for a recess is not in order pending the demand for the previous question.

The SPEAKER. Under what rule does the gentleman make that point of order?

Mr. BARKSDALE. I withdraw the motion for a recess.

The SPEAKER. Then the question is on ordering the previous question upon the resolutions reported by the Committee on Elections. The previous question was ordered.

The SPEAKER. The question is now upon the adoption of the resolutions, which the Clerk will read.

The Clerk read as follows:

Resolved, That James Wilson was not elected as a Representative in Congress from the fifth district of Iowa, and is not entitled to a seat on the floor of this House.

Resolved, That Benjamin T. Frederick was duly elected as a Representative in Congress from the fifth district of Iowa, and is entitled to be sworn in as a member of this House.

The question being taken, the resolutions were adopted. [Loud applause.]

Mr. BENNETT moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BENJAMIN T. FREDERICK presented himself at the bar of the House and was duly qualified by taking the oath prescribed by law.

RETIREMENT OF GENERAL GRANT.

Mr. RANDALL. I now move to suspend the rules to take from the Speaker's table and pass Senate bill 2530.

The bill is as follows:

A bill (S. 2530) to authorize an additional appointment on the retired-list of the Army.

Be it enacted, &c., That the President of the United States be, and he hereby is, authorized, by and with the advice and consent of the Senate, to appoint on the retired-list of the Army of the United States, from among those who have been generals commanding the armies of the United States, or generals-in-chief of said Army, one person with the rank and full pay of such general or general-in-chief as the case may be, and the total number now allowed by law to compose said retired-list shall be, on such appointment, increased accordingly.

Mr. McMILLIN. I demand a second on the motion to suspend the rules. [Derisive cries on the Republican side.]

The SPEAKER. The gentleman from Tennessee [Mr. McMILLIN] demands a second. The Chair appoints as tellers the gentleman from Tennessee, Mr. McMILLIN, and the gentleman from Pennsylvania, Mr. MILLER. The tellers will take their places.

The House proceeded to divide; but before the result of the count by tellers was announced,

Mr. McMILLIN said: We agree to consider a second as ordered.

The SPEAKER. There are now thirty minutes allowed for debate, fifteen minutes in support of the proposition and fifteen against it.

Mr. RANDALL. I waive my right to debate.

The SPEAKER. The gentleman from Pennsylvania declines to occupy any time in support of the motion; and unless some gentleman takes the floor in opposition— [Cries of "Vote!" "Vote!"] Gentlemen by these interruptions are simply delaying the consideration of the very measures they desire to advance.

Mr. McMILLIN. Mr. Speaker, in demanding a second I had no purpose to defeat action on this bill. As the Speaker and many other gentlemen will bear witness, I sought an opportunity to make a bare statement before it came to the point of demanding a second. Failing in that, my only remedy was to demand a second. I shall not occupy all the time assigned me. I simply ask the attention of the House

now to state that my opposition to General Grant's retirement heretofore and now has not arisen from any want of appreciation of his distinguished services, nor from any want of sympathy with his present physical condition. But through six years of service here, as all gentlemen who remember anything of my action will bear witness, I have in the case not only of Grant but of every other man I believe save one (who had been expelled from the Army)—certainly in the case of every one who voluntarily left the Army—I have entered my protest against putting him back in the military service for the purpose of retiring him on high pay.

It is a bad policy to adopt. It is one that can result in no good to the discipline of the Army—an Army which last year, I think the Secretary of War reports, had 30 per cent. of deserters. I do not speak of officers. But I oppose it because I think sound public policy demands that when a man of this Army for political honors leaves it and wears himself out in the political arena the Government is not under any obligation to give him a compensation of fifteen or twenty thousand dollars a year when he can not and does not render any service therefor.

Thus much, Mr. Speaker, I thought it proper to say. I have no feeling, as I have already said, against General Grant, but I think sound public policy dictates a different course from that which is proposed here to-day.

I now yield whatever time I have left to the gentleman from Indiana [Mr. MATSON].

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced the adoption of the conference report on the disagreeing votes of the two Houses on the bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

RETIREMENT OF GENERAL GRANT.

Mr. MATSON. Mr. Speaker, it has not been demonstrated to this House that General Grant is in actual need of this relief. There is no proof of that fact, while there are tens of thousands of men who served their country who are at this very hour in distress and in sore need of relief, and the pension of this Congress had better be given to them than to one who already has a sufficient income. When they have been relieved it will be time enough to relieve General Grant and others who are not in distress.

And, sir, for that reason I shall object to the passage of this bill. I have voted against retiring General Pleasanton, who it was alleged was forced out of the Army, and I have also voted against the retirement of General Averill, who was similarly required to leave the Army—he certainly did not leave it voluntarily. I could not, therefore, vote to retire General Grant after having made that record against these very gallant and meritorious officers.

Mr. GOFF. Is not this an exceptional case?

Mr. MATSON. The other is an exceptional case.

Mr. GOFF. And these cases are not alike.

Mr. MATSON. Will you pension one man and refuse to pension the others?

Mr. COX, of New York. I would pension him.

Mr. MATSON. Can you give it to him and refuse it to the others? [Cries of "Vote!"]

The SPEAKER. The question is on suspending the rules and passing the bill.

Mr. McMILLIN demanded the yeas and nays.

The House divided; and there were—yeas 42, nays 133.

So (one-fifth having voted in the affirmative) the yeas and nays were ordered.

The question was taken; and there were—yeas 198, nays 79, not voting 46; as follows:

YEAS—198.

Adams, G. E.	Cox, S. S.	George	Johnson
Adams, J. J.	Culbertson, W. W.	Glascok	Jones, B. W.
Anderson	Cullen	Goff	Jones, J. K.
Atkinson	Curtin	Graves	Jordan
Bagley	Cutcheon	Greenleaf	Kean
Barr	Dargan	Guenther	Keifer
Bayne	Davis, G. R.	Hanback	Kelley
Beach	Davis, R. T.	Hancock	Kellogg
Bingham	Deuster	Hardy	King
Bisbee	Dibble	Hart	Kleiner
Boutelle	Dingley	Hatch, H. H.	Lacey
Brainerd	Dorshamer	Haynes	Laird
Bratton	Dunham	Henderson, D. B.	Lamb
Breckinridge	Elliott	Hepburn, T. J.	Lawrence
Brewer, F. B.	Ellis	Hewitt, A. S.	Le Fevre
Broadhead	Engliah	Hiscock	Libbey
Browne, T. M.	Ermentrout	Hitt	Long
Brown, W. W.	Evans	Hobbsell	Lore
Brumm	Everhart	Holmes	Lovring
Budd	Ferrell	Holton	Lowry
Campbell, Felix	Fiedler	Hopkins	Lyman
Campbell, J. E.	Findlay	Horr	McAdoo
Campbell, J. M.	Finerty	Houseman	McCoid
Cannon	Follett	Howey	McComas
Carlson	Foran	Hurd	McCormick
Cassidy	Frederick	Hutchins	Maybury
Clardy	Fyan	James	Millard
Collins	Garrison	Jeffords	Miller, S. H.
Conolly			Milliken
Converse			Mitchell

Morgan,
Morrell,
Moulton,
Mueller,
Murphy,
Murray,
Mutchler,
Nelson,
Nicholls,
Nutting,
O'Neill,
O'Hara,
O'Neill, Charles
Paige,
Parker,
Payne,
Payson,
Perkins,
Peters,
Pettibone,

Phelps,
Poland,
Post,
Potter,
Pusey,
Randall,
Ranney,
Ray, Osmian
Reed, T. B.
Riggs,
Robinson, W. E.
Rockwell,
Rogers, W. F.
Rowell,
Russell,
Ryan,
Seney,
Seymour,
Skinner, C. R.
Small,

Snyder,
Spooner,
Spriggs,
Steele,
Stephenson,
Stevens,
Stewart, J. W.
Stone,
Storm,
Strait,
Struble,
Sumner, C. A.
Talbot,
Taylor, J. D.
Thomas,
Thompson,
Tillman,
Townsend,
Tully,
Van Alostyne,

Vance,
Wadsworth,
Wait,
Wakefield,
Wallace,
Ward,
Washburn,
Weaver,
Wemple,
White, J. D.
White, Milo
Whiting,
Wilkins,
Willis,
Wilson,
Winans, John
Wise, J. S.
Worthington.

NAYS—79.

Alexander,
Ballentine,
Barbour,
Barksdale,
Belmont,
Bennett,
Blackburn,
Blanchard,
Blount,
Buchanan,
Buckner,
Cabell,
Caldwell,
Clay,
Clements,
Cobb,
Cook,
Covington,
Cox, W. H.

Crisp,
Culbertson, D. B.
Davidson,
Davis, L. H.
Dibrell,
Dockery,
Dowd,
Easton,
Edredge,
Formey,
Geddes,
Gibson,
Green,
Halseell,
Hammond,
Hatch, W. H.
Hemphill,
Hewitt, G. W.
Hill,
Jones, J. H.

Lanham,
McMillin,
Malson,
Miller, J. F.
Mills,
Money,
Muldrow,
Necce,
Oates,
O'Ferrall,
Pattson,
Pierce,
Price,
Pryor,
Reagan,
Reid, J. W.
Reese,
Rogers, J. H.
Rosecrans,
Shively,

Singleton,
Skinner, T. G.
Smith, A. Herr
Stewart, Charles
Stockslager,
Swope,
Taylor, J. M.
Tucker,
Turner, H. G.
Turner, Oscar
Van Eaton,
Warner, Richard
Wellborn,
Winans, E. B.
Wise, G. D.
Wolford,
Wood,
Woodward,
Yaple.

NOT VOTING—46.

Aiken,
Arnot,
Belford,
Bland,
Bowen,
Boyle,
Breitung,
Brewer, J. H.
Burleigh,
Burnes,
Candler,
Chalmers,

Dixon,
Dunn,
Hardeman,
Harmer,
Henley,
Herbert,
Holman,
Hooper,
Houk,
Jones, J. T.
Ketchem,
Lewis,

Morrison,
Morse,
O'Neill, J. J.
Peel,
Rankin,
Ray, G. W.
Rice,
Robertson,
Robinson, J. S.
Shaw,
Slocum,
Smith, H. Y.

Springer,
Sumner, D. H.
Taylor, E. B.
Throckmorton,
Valentine,
Warner, A. J.
Weller,
Williams,
York,
Young.

So (two-thirds voting in the affirmative) the bill was passed.

Mr. WASHBURN. I ask unanimous consent to dispense with the reading of the names.

Mr. STOCKSLAGER. I object.

The Clerk proceeded to recapitulate the names, but before concluding the objection was withdrawn.

The following additional pairs were announced:

Mr. SLOCUM with Mr. YOUNG, on this vote.

Mr. HARMER with Mr. ROBERTSON, on this vote. Mr. ROBERTSON would vote "no."

Mr. MORSE. Mr. Speaker, I ask unanimous consent to record my vote.

The SPEAKER. Was the gentleman in the Hall when his name was called.

Mr. MORSE. I was unavoidably out of the Hall.

The SPEAKER. The Chair can not entertain the gentleman's request for unanimous consent under the rule.

Mr. MORSE. I wish to state that if I had been here I should have voted for the bill.

The result of the vote was then announced as above recorded, and was received with cheers and loud and prolonged applause.

Mr. SKINNER, of New York. Mr. Speaker, I ask unanimous consent that the Speaker of the House be directed to send a telegraphic dispatch to General Grant announcing the result of the vote just taken.

The SPEAKER. Is there objection to the motion of the gentleman from New York?

Mr. COBB (from his seat). I object.

Mr. MILLER, of Pennsylvania. Nobody rose in his seat to object.

Mr. KEIFER. The Speaker can send that dispatch anyway.

Mr. COBB. I withdraw the objection.

So the motion was agreed to.

LEAVE TO PRINT.

Mr. BARKSDALE. I ask unanimous consent to print some remarks on the bill for the retirement of General Grant.

Mr. SINGLETON. I also make the same request.

Mr. POST, of Pennsylvania. I ask unanimous consent that all gentlemen who desire to do so may have leave to print remarks on this bill. There was no objection, and it was ordered accordingly.

PAYMENT OF STENOGRAPHER.

Mr. COVINGTON, from the Committee on Accounts, reported back favorably the following resolution; which was read, considered, and agreed to:

Resolved, That there is hereby appropriated out of the contingent fund of the House a sum sufficient to pay for the service of stenographer to the Committee

on Public Buildings and Grounds in investigation in relation to purchase of site for post-office in Brooklyn, N. Y., as directed by resolution of the House; said payment of said stenographer to be upon vouchers approved by the chairman of said committee and by the chairman of the Committee on Accounts.

PUBLIC BUILDING, OPELOUSAS, LA.

Mr. LEWIS. Mr. Speaker, I move to suspend the rules, take from the Speaker's table Senate bill 634, for the erection of a public building at Opelousas, La., and pass it.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, authorized and directed to purchase or otherwise procure a suitable site, and cause to be erected thereon, at the city of Opelousas, in the State of Louisiana, a substantial and commodious public building, with fire-proof vaults, for the use of the United States district and circuit courts, post-office, internal-revenue and office, for other Government uses; the plans and estimates for said building to be prepared, examined, and approved as required by section 3734 of the Revised Statutes of the United States, and at a cost which shall not exceed the sum of \$50,000 when finally completed, including both the cost of site and building: *Provided*, That no money to be appropriated for said building shall be used until a valid title to the site selected (which site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of at least fifty feet, including streets and alleys) shall be vested in the United States, nor until the State of Louisiana shall have ceded jurisdiction over the same for all purposes, during the time the United States shall be or remain the owner thereof, except for the enforcement of the criminal laws of the State and the service of civil process therein.

The SPEAKER. Is a second demanded on the motion of the gentleman from Louisiana to suspend the rules and pass this bill?

A second was not demanded.

The question was taken; and on a division there were—ayes 90, noes 11.

Mr. MORRILL. No quorum.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. MORRILL and Mr. LEWIS were appointed tellers.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed the bill (H. R. 7706) to authorize the Secretary of the Treasury to issue duplicate certificate of deposit to the People's National Bank of Lawrenceburg, Ind.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. 723) for the relief of Eugene B. Rail and others.

COMMITTEE TO WAIT UPON THE PRESIDENT.

Mr. SPRINGER. Mr. Speaker, I ask consent to offer a resolution which is customary and necessary at this time in closing the session of the House.

The resolution was read, as follows:

Ordered, That a committee of three members be appointed on the part of the House, to join such committee as may be appointed by the Senate, to wait upon the President of the United States and inform him that Congress, having finished its business, is now ready to close its session by adjournment.

The resolution was agreed to.

The SPEAKER appointed Mr. SPRINGER, Mr. COX of New York, and Mr. REED of Maine as such committee on the part of the House.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. 3530) to authorize an additional appointment on the retired-list.

[Applause.]

Several MEMBERS. That is quickly done.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had appointed Mr. MORRILL and Mr. HARRIS a committee, to join such committee as may be appointed by the House, to wait upon the President of the United States and inform him that Congress, having finished its business, is now ready to close this session by adjournment.

PUBLIC BUILDING AT OPELOUSAS.

Mr. PAIGE. I move to suspend the rules—

The SPEAKER. The House is voting now on a motion to suspend the rules.

The tellers (Mr. LEWIS and Mr. MORRILL) reported that there were—ayes 167, noes 4.

So (two-thirds voting in favor thereof) the rules were suspended and the bill was passed.

ORDER OF BUSINESS.

Mr. WINANS, of Michigan. I ask unanimous consent to call up for present consideration the bill (S. 671) for the relief of Elone A. Marsh and M. La Fevre. I beg to state that all the parties interested assent to the settlement made by this bill.

The bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ANDERSON. I object.

GENERAL U. S. GRANT.

Mr. BOUTELLE addressed the Chair.

The SPEAKER. For what purpose does the gentleman from Maine rise?

Mr. BOUTELLE. I ask unanimous consent to make an announcement that will occupy but a few seconds, and that I know will be of great interest.

There was no objection.

Mr. BOUTELLE. Mr. Speaker, I have the great pleasure of announcing to the representatives of the people that the Senate of the United States, in open session and by a unanimous vote, has confirmed the nomination of Ulysses S. Grant as General of the Army of the United States on the retired-list. [Applause.]

ORDER OF BUSINESS.

Mr. TUCKER. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. 895) for the relief of J. D. Morrison, surviving partner of C. M. & J. D. Morrison.

Mr. BREWER, of New York. I object.

Mr. ANDERSON. I withdraw the objection to the bill S. 671.

The SPEAKER. The Chair desires to lay before the House some personal requests of members.

WITHDRAWAL OF PAPERS.

Mr. BOYLE, by unanimous consent, obtained leave to withdraw from the files of the House the papers in the case of S. Dillinger & Sons, there having been no adverse report thereon.

Mr. STOCKSLAGER, by unanimous consent, obtained leave to withdraw petitions filed by him for the passage of the Mexican pension bill with the Senate amendments without leaving copies.

Mr. WELLER, by unanimous consent, obtained leave to withdraw petitions filed by him in favor of the Mexican war pension bill.

Mr. HARDY, by unanimous consent, obtained leave to withdraw the papers in the case of Martin Van Ness; no adverse report having been made thereon.

LEAVE TO PRINT.

Mr. ELLIOTT, by unanimous consent, obtained leave to print in the RECORD some remarks on the contested-election case of Massey vs. Wise.

NOTIFICATION OF THE PRESIDENT.

Mr. SPRINGER. The committee appointed on the part of the House to wait upon the President of the United States in conjunction with the committee appointed on behalf of the Senate have performed that duty, and report that the President has requested them to inform the two Houses of Congress that he has no further communication to make to them.

ENROLLED BILLS AND JOINT RESOLUTIONS.

During various periods of the last day's session the following reports were made from the Committee on Enrolled Bills, but not announced at the Clerk's desk:

By Mr. WARNER, of Tennessee:

A bill (H. R. 5692) to adopt the "Revised International Regulations for Preventing Collisions at Sea."

By Mr. HOLMES:

Joint resolution (S. R. 114) to provide for printing the annual reports of the Smithsonian Institution; and

Joint resolution (S. R. 100) authorizing the printing of certain naval and military reports.

By Mr. SNYDER:

A bill (H. R. 7572) granting a pension to Amos McDowell;
A bill (H. R. 7836) for the relief of Mrs. Ida B. Belcher;
A bill (H. R. 7933) granting a pension to Henry Biederbick;
A bill (H. R. 6982) granting a pension to W. H. H. Coleman;
A bill (H. R. 7000) for the relief of Clark G. Maine;
A bill (H. R. 7034) to increase the salary of the clerk of the Court of Alabama Claims;

A bill (H. R. 7169) granting a pension to Elizabeth Kaler;
A bill (H. R. 7447) granting a pension to Sebert Toney;
A bill (H. R. 7485) granting a pension to Alexander Weide;
A bill (H. R. 3947) granting a pension to Joseph Raible;
A bill (H. R. 5191) granting an increase of pension to Augustus Jones;
A bill (H. R. 5330) granting a pension to Octavia A. Newhall;
A bill (H. R. 5378) granting a pension to Henry Milkey;
A bill (H. R. 6220) regulating appeals from the supreme court of the District of Columbia and the supreme courts of the several Territories;
A bill (H. R. 6357) granting a pension to Christian Bauman;
A bill (H. R. 389) granting a pension to John Boyle;
A bill (H. R. 691) for the relief of William W. Thomas;
A bill (H. R. 1004) relating to the Chinese indemnity fund;
A bill (H. R. 2100) granting a pension to Mary Allen;
A bill (H. R. 2154) for the benefit of the legal representatives of A. J. Guthrie, deceased;

A bill (H. R. 2975) granting a pension to Marion D. Egbert;
A bill (H. R. 8120) making appropriations for the support of the Army for the fiscal year ending June 30, 1886, and for other purposes;

A bill (H. R. 8155) granting a pension to Addie L. Moore;
 A bill (H. R. 7502) granting a pension to Richard W. Barnes;
 A bill (H. R. 7522) for the relief of Joseph F. Wilson;
 A bill (H. R. 7938) granting a pension to Amanda Allen;
 A bill (H. R. 7618) granting a pension to Henry H. G. Kislisbury, Walter F. Kislisbury, Wheeler Schofield Kislisbury, and Douglas E. L. Kislisbury, respectively, children of the late Frederick F. Kislisbury, a lieutenant in the Eleventh Regiment United States Infantry;

A bill (H. R. 7990) granting a pension to Joseph Sansom;
 A bill (H. R. 8030) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1886, and for other purposes;

A bill (H. R. 5713) to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States;

A bill (H. R. 5740) for the relief of Grigsby Foster;
 A bill (H. R. 6173) for the relief of Rose Dougherty;
 A bill (H. R. 6940) granting a pension to Sarah M. Bissell;
 A bill (H. R. 7047) granting a pension to Patrick Murphy;
 A bill (H. R. 7334) granting a pension to Judson Bostwick;
 A bill (H. R. 577) to donate a cemetery site on the public lands to the city of Kirwin, Kans.;

A bill (H. R. 603) granting a pension to Rachel Nickell;
 A bill (H. R. 2158) for the benefit of John C. Herndon;
 A bill (H. R. 3058) to amend section 1889 of chapter 1, title 23 of Revised Statutes of the United States, relative to general incorporation acts of Territories; and
 A bill (H. R. 4382) for the relief of William H. Davis.

By Mr. NEECE:

Joint resolution (H. Res. 341) to authorize the printing of 50,000 copies of the second annual report of the Bureau of Animal Industry for the year 1885;

Joint resolution (H. Res. 342) to authorize the printing of 310,000 copies of the annual report of the Commissioner of Agriculture for the year 1885;

A bill (H. R. 7993) for the relief of William Stansberry;
 A bill (H. R. 8091) granting a pension to David Sears;
 A bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes;

A bill (H. R. 8255) making appropriations to supply deficiencies in the appropriations for the year ending June 30, 1885, and prior years, and other purposes;

A bill (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes;

A bill (H. R. 8279) making appropriations for fortifications and other works of defense, and for the armament thereof, for the year ending June 30, 1886;

A bill (H. R. 7340) granting a pension to John Sparr;
 A bill (H. R. 7728) for the relief of Patten H. Morey;
 A bill (H. R. 7803) granting pension to D. W. Pitts;
 A bill (H. R. 7863) granting a pension to Thomas M. McChesney;
 A bill (H. R. 7938) granting a pension to Amanda Allen;
 A bill (H. R. 7992) for the relief of Christian Arndt;
 A bill (H. R. 5691) amending section 764 of the Revised Statutes;
 A bill (H. R. 6960) for the relief of Charles L. Alden;
 A bill (H. R. 7170) for the relief of Fredrick Hutten;
 A bill (H. R. 7177) granting a pension to William H. Kinman;
 A bill (H. R. 7178) granting an increase of pension to John O. Gardner;

A bill (H. R. 7248) to increase the pension of Jane D. Brent;
 A bill (H. R. 445) to empower the Secretary of War to permit the establishment, under certain conditions, of a horse-railway upon and over the island of Rock Island and the bridges erected by the United States connecting the cities of Davenport and Rock Island;

A bill (H. R. 4216) granting a pension to David N. Bryan;
 A bill (H. R. 6760) to authorize the construction of a bridge across the Mississippi River at Rock Island, Ill., and Davenport Iowa, and to establish it as a post-route;

A bill (H. R. 5146) granting a pension to Jesse C. Buck;
 A bill (H. R. 5304) for the relief of Mary Royal;
 A bill (H. R. 5509) for the benefit of soldiers and sailors who have lost an arm at the shoulder-joint; and

A bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1886, and for other purposes.

By Mr. PETERS:

A bill (H. R. 8237) granting a pension to Mary J. Dickson;
 A bill (H. R. 5747) to authorize the increase of the capital stock of the First National Bank of Larned, Kans., not to exceed \$250,000;

A bill (H. R. 6089) for the relief of Moses F. Carleton;
 A bill (H. R. 6824) authorizing the President of the United States to appoint Passed Assistant Engineer Nathan B. Clark, United States Navy, a chief engineer on the retired-list of the Navy;

A bill (H. R. 7655) granting an increase of pension to the widow of Maj. Thomas T. Thornburgh, late of the United States Army;

A bill (H. R. 7907) granting a pension to Matilda Cody;

A bill (H. R. 8034) for the relief of the estates of Hugh and Byrd Douglas, deceased;

A bill (H. R. 3593) for the erection of a public building at Chicago, Ill.;

A bill (H. R. 4067) to change the limit of appropriation for the public building at Louisville, Ky.;

A bill (H. R. 4684) for the relief of certain citizens of Marion County, Tennessee;

A bill (H. R. 4686) for the relief of Fendall Carpenter;

A bill (H. R. 4856) granting a pension to Bvt. Col. C. A. Cilley, of North Carolina;

A bill (H. R. 5452) for the relief of John W. Martin;

A bill (H. R. 1567) for the relief of the legal representatives of the late Capt. John G. Tod, of the Texas navy;

A bill (H. R. 1618) to provide for the construction of a court-house and post-office at Clarksburg, W. Va.;

A bill (H. R. 2123) for the erection of a public building at Wichita, Kans.;

A bill (H. R. 2872) granting a pension to Jacob Funkhouser;

A bill (H. R. 2949) for the erection of a public building at Port Townsend, Wash.;

A bill (H. R. 3343) for the erection of a public building in the city of Auburn, N. Y.;

Joint resolution (H. Res. 347) to provide for the printing of additional copies of the report of the Committee on Military Affairs on the investigation of the National Home for Disabled Volunteer Soldiers;

A bill (H. R. 851) for the relief of the heirs of Mary Jane Veazie, deceased;

A bill (H. R. 948) for the relief of John M. Dorsey and William F. Shepard;

A bill (H. R. 1132) to place J. Washington Brank on the muster-rolls of Company B, Second North Carolina Mounted Infantry;

A bill (H. R. 1321) for the erection of a public building at Reading, Pa.; and

A bill (H. R. 1566) for the relief of O. L. Cochran, late postmaster at Houston, Tex., reimbursing him for money erroneously collected from him by the Post-Office Department.

By Mr. PERKINS:

A bill (H. R. 4055) granting a pension to Sarah Tyler;

A bill (H. R. 5148) granting a pension to Jacob Lafferty;

A bill (H. R. 5554) granting a pension to Sarah Parry;

A bill (H. R. 5998) granting an increase of pension to Jonathan C. Harrison;

A bill (H. R. 7805) granting a pension to Capt. Vincent Phelps;

A bill (H. R. 8090) granting a pension to Albert Harper;

A bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes;

A bill (H. R. 200) granting a pension to Thomas Jeffries;

A bill (H. R. 1198) for the relief of John Taylor & Son;

A bill (H. R. 1235) granting a pension to Annie E. Bailey;

A bill (H. R. 1327) for the relief of J. H. Hammond;

A bill (H. R. 1901) for the relief of Harrison Mitchell;

A bill (H. R. 2085) granting a pension to Joseph McIntosh;

A bill (H. R. 8142) granting a pension to Mrs. Lucy Parr;

A bill (H. R. 8152) for the relief of William D. Farnsworth;

A bill (H. R. 8187) granting a pension to Chancey G. Darrah;

A bill (H. R. 8229) to grant a pension to James Dye;

Joint resolution (H. Res. 170) in relation to the claim made by Dr. John B. Read against the United States for the alleged use of projectiles claimed as the invention of said Read, and by him alleged to have been used pursuant to a contract or arrangement made between him and the War Department, and for which no compensation has been made;

A bill (H. R. 6270) for the relief of John P. Peterson;

A bill (H. R. 6533) for the relief of Dr. Thomas J. Jones;

A bill (H. R. 6775) granting a pension to Edward Wilcox;

A bill (H. R. 6904) for the relief of John F. Chase;

A bill (H. R. 8069) granting a pension to Catharine Helton;

A bill (H. R. 8132) to restore to the pension-roll the name of Rachael A. Quenn;

A bill (H. R. 8136) for the relief of Addison M. Copen;

A bill (H. R. 4021) granting a pension to Abraham Cover;

A bill (H. R. 4458) granting a pension to Harlan Jackson;

A bill (H. R. 4668) for the relief of Nathaniel Pond, Jr.;

A bill (H. R. 4679) for the relief of Sarah E. Webster, administratrix;

A bill (H. R. 4878) granting a pension to Emma O. Zeigler;

A bill (H. R. 5103) granting a pension to Joshua F. Justice;

A bill (H. R. 5728) granting a pension to Anna Beck;

A bill (H. R. 1587) granting a pension to Mrs. Elizabeth A. Randall, widow of Capt. Fernando Randall;

A bill (H. R. 1873) for the relief of Edward Kraemer;

A bill (H. R. 2263) for the relief of the State National Bank of Boston, Mass.;

A bill (H. R. 2457) granting a pension to Richard Dillon;

A bill (H. R. 3340) granting a pension to James M. Pike;
 A bill (H. R. 3556) granting a pension to Mrs. Lucretia G. Ripley;
 A bill (H. R. 3735) granting a pension to Mary A. Greannon;
 A bill (H. R. 78) to provide for the retirement of Col. Henry J. Hunt as a major-general of the United States Army;
 A bill (H. R. 383) granting a pension to Creet H. Dougherty;
 A bill (H. R. 411) granting a pension to Elizabeth Conner;
 A bill (H. R. 552) granting a pension to Lemuel J. Bennett;
 A bill (H. R. 1142) granting a pension to Nelly Roberts;
 A bill (H. R. 1401) to amend section 1553 Revised Statutes, giving longevity-pay to certain officers of the Navy;
 A bill (H. R. 7830) granting a pension to the widow of the late Commander S. Dana Green;
 A bill (H. R. 7938) granting a pension to Amanda Allen;
 A bill (H. R. 7659) granting a pension to Mrs. Emily L. Alvord;
 A bill (H. R. 2722) for the relief of Martha Turner;
 A bill (H. R. 3008) for the relief of certain settlers on the Duck Valley Indian reservation, in Nevada;
 A bill (H. R. 838) granting a pension to Mrs. Lydia S. Huggins;
 A bill (H. R. 870) to provide for the erection of a public building at Aberdeen, Miss., for use as a post-office, United States court, and for United States internal-revenue offices, and for other Government purposes;
 A bill (H. R. 1091) granting an increase of pension to Sophia A. Morgan, widow of the late Charles H. Morgan, a brevet brigadier-general in the United States Army, and brigadier-general of volunteers;
 A bill (H. R. 1615) for the relief of the heirs of the late Langley B. Culley; and
 A bill (H. R. 1813) granting an increase of pension to Ann Cornelia Lanhan.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, one of his secretaries, announced he had approved and signed bills and joint resolutions of the following titles, namely:

An act (H. R. 48) providing for the erection of a building to contain the records, library, and museum of the Medical Department, United States Army;
 Joint resolution (H. Res. 339) providing for printing the sixth and seventh annual reports of the Director of the Bureau of Ethnology;
 Joint resolution (H. Res. 320) authorizing the printing of the report of the Commissioner of Education for 1883 and 1884;
 Joint resolution (H. Res. 338) providing for printing additional copies of the sixth and seventh annual reports of the Director of the United States Geological Survey;
 Joint resolution (H. Res. 340) providing for printing monograph 2 of the publications of the United States Geological Survey;
 An act (H. R. 5938) to pension Julia A. Marcum;
 An act (H. R. 3108) to protect the fish in the Potomac River in the District of Columbia, and to provide a spawning-ground for shad and herring in the said Potomac River;
 An act (H. R. 6087) authorizing the payment by the Secretary of the Treasury of the United States to Charles H. Getman, the firm of E. W. Rathbun & Co., the firm of Kinyon, Wright & Co., the firm of Bond & Jenkins, and the firm of Page, Fairchild & Co. certain duties paid by them on imported lumber accidentally burned while in custody of officers of customs, and before the same had entered into consumption;
 An act (H. R. 6824) authorizing the President of the United States to appoint one passed assistant engineer, now on the retired-list of the Navy, a chief engineer on the retired-list of the Navy;
 An act (H. R. 8120) making appropriations for the support of the Army for the fiscal year ending June 30, 1886, and for other purposes;
 An act (H. R. 948) for the relief of John M. Dorsey and William F. Shepard;
 An act (H. R. 5713) to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States;
 An act (H. R. 2158) for the benefit of John C. Herndon;
 An act (H. R. 8034) for the relief of the estates of Hugh and Byrd Douglas, deceased;
 An act (H. R. 4382) for the relief of William H. Davis;
 An act (H. R. 4686) for the relief of Fendall Carpenter;
 An act (H. R. 1132) to place J. Washington Brank on the muster-rolls of Company B, Second North Carolina Mounted Infantry;
 An act (H. R. 851) for the relief of the heirs of Mary Jane Venzie, deceased;
 An act (H. R. 1266) for the relief of Alexander D. Schenck;
 An act (H. R. 2722) for the relief of Martha Turner;
 An act (H. R. 441) for the completion of a public building at Council Bluffs, Iowa;
 An act (H. R. 1618) to provide for the construction of a court-house and post-office at Clarksburg, W. Va.;
 An act (H. R. 870) to provide for the erection of a public building at Aberdeen, Miss., for use as post-office, United States court, and for United States internal-revenue officials, and for other Government purposes;

An act (H. R. 2949) for the erection of a public building at Port Townsend, Wash.;
 An act (H. R. 1321) for the erection of a public building at Reading, Pa.;
 An act (H. R. 3343) for the erection of a public building in the city of Auburn, N. Y.;
 An act (H. R. 2123) for the erection of a public building at Wichita, Kans.;
 An act (H. R. 1813) granting an increase of pension to Ann Cornelia Lanman;
 An act (H. R. 4280) to increase the pension of Mrs. Martha C. Breese;
 An act (H. R. 6011) granting an increase of pension to Robert Cary;
 An act (H. R. 7659) granting a pension to Mrs. Emily L. Alvord;
 An act (H. R. 5543) granting a pension to David M. Nagle;
 An act (H. R. 5798) granting a pension to John E. Denham;
 An act (H. R. 7617) granting a pension to Mrs. Ann E. Gridley;
 An act (H. R. 5364) granting a pension to William H. Whitcomb;
 An act (H. R. 6029) for the relief of Jeremiah McCarty;
 An act (H. R. 6940) granting a pension to Sarah M. Bissell;
 An act (H. R. 1091) granting an increase of pension to Sophia A. Morgan, widow of the late Charles H. Morgan, a brevet brigadier-general in the United States Army;
 An act (H. R. 7830) granting a pension to the widow of the late Commander S. Dana Greene, United States Navy;
 An act (H. R. 7655) granting an increase of pension to the widow of Maj. Thomas T. Thornburgh, late of the United States Army;
 An act (H. R. 4088) to incorporate the Luther Statue Association, to erect and maintain a monument or statue in memory of Martin Luther in the District of Columbia;
 An act (H. R. 577) to donate a cemetery site on the public lands to the city of Kirwin, in the State of Kansas;
 An act (H. R. 2185) for the relief of Rosa Vertner Jeffrey and others;
 An act (H. R. 8030) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1886, and for other purposes;
 An act (H. R. 847) for the relief of Francis B. Van Haesen;
 An act (H. R. 2263) for the relief of John F. Severance;
 An act (H. R. 1566) for the relief of O. S. Cochran, late postmaster at Houston, Tex., reimbursing him for money erroneously collected from him by the Post-Office Department;
 An act (H. R. 6658) to provide for the sale of the Sac and Fox and Iowa Indian reservations, in the States of Nebraska and Kansas, and for other purposes;
 An act (H. R. 3008) for the relief of certain settlers on the Duck Valley Indian reservation in Nevada;
 An act (H. R. 3593) for the erection of a public building at Chicago, Ill.;
 An act (H. R. 4067) to change the limit of appropriation for the public building at Louisville, Ky.;
 An act (H. R. 5452) for the relief of John W. Martin;
 An act (H. R. 6089) for the relief of Moses F. Carleton;
 An act (H. R. 5747) to authorize the increase of the capital stock of the first National Bank of Larned, Kans., not to exceed \$250,000;
 An act (H. R. 3058) to amend section 1889 of chapter 1, title 23 of the Revised Statutes of the United States, relative to general incorporation acts of Territories;
 Joint resolution (H. Res. 124) authorizing the collector of the port at New York to deliver, free of duty, a silver cup won by Sergt. A. B. Van Heusen, as a member of the American rifle team, at Wimbledon, in July, 1883;
 An act (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes;
 An act (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1886, and for other purposes;
 An act (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes;
 An act (H. R. 8239) making appropriations for the naval service for the fiscal year ending June 30, 1886, and for other purposes;
 An act (H. R. 7785) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1886, and for other purposes;
 An act (H. R. 8279) making appropriations for fortifications and other works of defense and for the armament thereof for the fiscal year ending June 30, 1886, and for other purposes;
 An act (H. R. 8255) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1885, and for prior years, and for other purposes;
 An act (H. R. 8256) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes;
 An act (H. R. 652) for the relief of Brannin Summers & Co.;
 An act (H. R. 453) for the relief of John B. Davis;
 An act (H. R. 691) for the relief of William W. Thomas;

- An act (H. R. 1198) for the relief of John Taylor & Son;
 An act (H. R. 1327) for the relief of J. H. Hammond;
 An act (H. R. 1873) for the relief of Edward Kraemer;
 An act (H. R. 4393) for the relief of Lieut. Nathaniel Johnson Coffin;
 An act (H. R. 4668) for the relief of Nathaniel Pond, Jr.;
 An act (H. R. 5086) for the relief of Elizabeth W. Creighton;
 An act (H. R. 5304) for the relief of Mary Royal;
 An act (H. R. 5309) for the relief of Charles Milk;
 An act (H. R. 5740) for the relief of Grigsby Foster;
 An act (H. R. 6173) for the relief of Rose Dougherty;
 An act (H. R. 6270) for the relief of John P. Peterson;
 An act (H. R. 6533) for the relief of Dr. Thomas J. Jones;
 An act (H. R. 6904) for the relief of John F. Chase;
 An act (H. R. 6960) for the relief of Charles L. Alden;
 An act (H. R. 7000) for the relief of Clark G. Maine;
 An act (H. R. 7170) for the relief of Frederick Hutten;
 An act (H. R. 7503) for the relief of Daniel McAlpin;
 An act (H. R. 7522) for the relief of Joseph F. Wilson;
 An act (H. R. 7728) for the relief of Parton H. Morey;
 An act (H. R. 7836) for the relief of Mrs. Ida P. Belcher;
 An act (H. R. 7992) for the relief of Christian Arndt;
 An act (H. R. 7993) for the relief of William Stansberry;
 An act (H. R. 8136) for the relief of William M. Copen;
 An act (H. R. 8152) for the relief of William D. Farnsworth;
 An act (H. R. 4679) for the relief of Sarah E. Webster, administratrix;
 An act (H. R. 2263) for the relief of the State National Bank of Boston, Mass.;
 An act (H. R. 754) for the relief of Nathan H. Dunphe, of Bridgewater, in the State of Massachusetts;
 An act (H. R. 4684) for the relief of certain citizens of Marion County, Tennessee;
 An act (H. R. 1901) for the relief of Harrison Mitchell, late of Company K, Forty-eighth Indiana Volunteers;
 An act (H. R. 200) granting a pension to Thomas Jeffries;
 An act (H. R. 383) granting a pension to Creet H. Dougherty;
 An act (H. R. 389) granting a pension to John Boyle;
 An act (H. R. 411) granting a pension to Elizabeth Connor;
 An act (H. R. 552) granting a pension to Lemuel J. Bennett;
 An act (H. R. 603) granting a pension to Rachel Nickell;
 An act (H. R. 838) granting a pension to Mrs. Lydia S. Huggins;
 An act (H. R. 1142) granting a pension to Nelly Roberts;
 An act (H. R. 1235) granting a pension to Annie E. Bailey;
 An act (H. R. 1710) granting a pension to George W. Bean;
 An act (H. R. 1868) granting a pension to Calvin L. Knick;
 An act (H. R. 2085) granting a pension to Joseph McIntosh;
 An act (H. R. 2100) granting a pension to Mary Allen;
 An act (H. R. 2377) granting a pension to James Stockton;
 An act (H. R. 2457) granting a pension to Richard Dillon;
 An act (H. R. 2872) granting a pension to Jacob Funkhouser;
 An act (H. R. 2975) granting a pension to Marion D. Egbert;
 An act (H. R. 3340) granting a pension to James M. Pike;
 An act (H. R. 3556) granting a pension to Mrs. Lucretia G. Ripley;
 An act (H. R. 3735) granting a pension to Mary A. Gremmon;
 An act (H. R. 3947) granting a pension to Joseph Raible;
 An act (H. R. 4021) granting a pension to Abraham Cover;
 An act (H. R. 4055) granting a pension to Sarah Tyler;
 An act (H. R. 4216) granting a pension to David M. Bryan;
 An act (H. R. 4458) granting a pension to Harlan Jackson;
 An act (H. R. 4605) granting a pension to Ellen Edmiston;
 An act (H. R. 4856) granting a pension to Bvt. Col. C. A. Gilley, of North Carolina;
 An act (H. R. 4878) granting a pension to Emma O. Zeigler;
 An act (H. R. 5103) granting a pension to Joshua F. Justice;
 An act (H. R. 5146) granting a pension to Jesse C. Buck;
 An act (H. R. 5148) granting a pension to Jacob Lafferty;
 An act (H. R. 5330) granting a pension to Octavia A. Newhall;
 An act (H. R. 5378) granting a pension to Henry Milkey;
 An act (H. R. 5554) granting a pension to Sarah Parry;
 An act (H. R. 5728) granting a pension to Anna Beck;
 An act (H. R. 6357) granting a pension to Christian Bauman;
 An act (H. R. 6775) granting a pension to Edward Wilcox;
 An act (H. R. 6982) granting a pension to W. H. H. Coleman;
 An act (H. R. 7047) granting a pension to Patrick Murphy;
 An act (H. R. 7169) granting a pension to Elizabeth Kaler;
 An act (H. R. 7177) granting a pension to William H. Kinman;
 An act (H. R. 7334) granting a pension to Judson Bostwick;
 An act (H. R. 7340) granting a pension to John Sparr;
 An act (H. R. 7434) granting a pension to Sylvester Greenough;
 An act (H. R. 7447) granting a pension to Sebert Toney;
 An act (H. R. 7485) granting a pension to Alexander Weide;
 An act (H. R. 7502) granting a pension to Richard W. Barnes;
 An act (H. R. 7572) granting a pension to Amos McDowell;
 An act (H. R. 7803) granting a pension to L. W. Pitts;
 An act (H. R. 7805) granting a pension to Capt. Vincent Phelps;
 An act (H. R. 7810) granting a pension to Rosanna Riley;
 An act (H. R. 7853) granting a pension to Margaret Flaherty;
 An act (H. R. 7863) granting a pension to Thomas M. McChesney;
 An act (H. R. 7907) granting a pension to Matilda Cody;
 An act (H. R. 7933) granting a pension to Henry Biederbick;
 An act (H. R. 7938) granting a pension to Amanda Allen (enrolled and signed three times);
 An act (H. R. 7990) granting a pension to Joseph Sansom;
 An act (H. R. 8069) granting a pension to Catharine Helton;
 An act (H. R. 8082) granting a pension to Lina J. Sterns;
 An act (H. R. 8090) granting a pension to Albert Harper;
 An act (H. R. 8091) granting a pension to David Sears;
 An act (H. R. 8142) granting a pension to Mrs. Lucy Parr;
 An act (H. R. 8155) granting a pension to Addie L. Moore;
 An act (H. R. 8187) granting a pension to Chancey G. Darrah;
 An act (H. R. 8189) granting a pension to Mrs. F. M. Norton;
 An act (H. R. 8229) granting a pension to James Dye;
 An act (H. R. 8237) granting a pension to Mary J. Dickson;
 An act (H. R. 5191) granting an increase of pension to Augustus Jones;
 An act (H. R. 5998) granting an increase of pension to Jonathan C. Harrison;
 An act (H. R. 7178) granting an increase of pension to John O. Gardner;
 An act (H. R. 8048) to increase the pension of Ferdinand Hercher;
 An act (H. R. 7248) to increase the pension of Jane D. Brent;
 An act (H. R. 8132) to restore to the pension-roll the name of Rachel A. Queen;
 An act (H. R. 7718) restoring John Snyder to the pension-roll;
 An act (H. R. 2645) granting a pension to Esther Hudson, mother of William H. Hudson, deceased, late of Company G, Twenty-sixth Regiment Pennsylvania Volunteers, and Company E, One hundred and ninety-first Regiment Pennsylvania Volunteers;
 An act (H. R. 1587) granting a pension to Mrs. Elizabeth A. Randall, widow of Capt. Fernando Randall;
 An act (H. R. 7618) granting a pension to Harry H. G. Kislinsky, Walter F. Kislinsky, Wheeler Schofield Kislinsky, and Douglas E. L. Kislinsky, respectively, children of the late Frederick F. Kislinsky, a lieutenant in the Eleventh Regiment United States Infantry;
 An act (H. R. 1615) for the relief of the heirs of the late Langley B. Culley;
 An act (H. R. 445) to empower the Secretary of War to permit the establishment under certain conditions of a horse-railway upon and over the island of Rock Island, and the bridges erected by the United States connecting the cities of Davenport and Rock Island therewith;
 An act (H. R. 449) to provide for the appraisement and sale of lots in the town of Peru, Dubuque County, Iowa;
 An act (H. R. 1567) for the relief of the legal representatives of the late Capt. John G. Tod, of the Texas navy;
 An act (H. R. 5692) to adopt the Revised International Regulations for Preventing Collisions at Sea;
 An act (H. R. 6760) to authorize the construction of a bridge across the Mississippi River at Rock Island, Ill., and Davenport, Iowa, and to establish it as a post-route;
 An act (H. R. 8102) to give the assent of Congress to the construction of a railroad bridge by the East and Middle Tennessee Railroad Company over the Cumberland and Caney Fork Rivers;
 An act (H. R. 5691) amending section 764 of the Revised Statutes;
 An act (H. R. 4089) to empower the commissioners of the District of Columbia to examine the claim of, and providing for the payment of, Outerbridge Horsey, assignee;
 An act (H. R. 6220) regulating appeals from the supreme court of the District of Columbia and the supreme courts of the several Territories;
 Joint resolution (H. Res. 347) to provide for the printing of additional copies of the report of the Committee on Military Affairs on the investigation of the National Home for Disabled Volunteer Soldiers;
 An act (H. R. 2154) for the benefit of the legal representatives of A. J. Guthrie, deceased;
 Joint resolution (H. Res. 341) to authorize the printing of 50,000 copies of the second annual report of the Bureau of Animal Industry for the year 1885;
 An act (H. R. 8183) to remove the political disabilities of W. H. Murdaugh, of Virginia;
 An act (H. R. 1004) relative to the Chinese indemnity fund;
 An act (H. R. 7034) to increase the salary of the clerk of the Court of Alabama Claims;
 An act (H. R. 5509) for the benefit of soldiers and sailors who have lost an arm at the shoulder-joint;
 An act (H. R. 1401) to amend section 1556 of the Revised Statutes, giving longevity-pay to certain officers of the Navy; and
 Joint resolution (H. Res. 342) to authorize the printing of 310,000 copies of the annual report of the Commissioner of Agriculture for the year 1885.
 On motion of Mr. HAMMOND, by unanimous consent, it was ordered that all members having reports authorized by committees may file and have the same referred to appropriate Committees, with leave to the minority, if any, to submit their views on said reports.

Under the foregoing order reports were submitted and disposed of as follows:

Mr. SPRINGER, from the Committee on Expenditures in the Department of Justice, submitted a report (No. 2645) in writing, relating to defalcations of public officers and unsettled accounts; which, with an accompanying resolution, was ordered to be printed.

Mr. VAN ALSTYNE, from the Committee on Claims, reported back the bill (H. R. 8281) for the relief of Thomas P. Westmoreland; which was read twice, and, with the accompanying report, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. VAN ALSTYNE, from the Committee on Claims, also reported back without amendment the bill (S. 1035) to authorize the Secretary of the Interior to settle the claims of S. W. Marston, late United States Indian agent at Union agency, Indian Territory, for services and expenditures; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

Mr. STEVENS, from the Committee on Indian Affairs, reported, as a substitute for H. R. 5427, a bill (H. R. 8282) to provide permanent reservations for the Indians in Northern Montana, and for other purposes; which was read twice, and, with the accompanying report, referred to the Committee of the Whole House on the state of the Union, and ordered to lie on the table and be printed.

Mr. RAY, of New Hampshire, from the Committee on Claims, reported back with an amendment the bill (H. R. 919) for the relief of Edward S. Armstrong; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

Mr. RAY, of New Hampshire, from the Committee on Claims, also reported, as a substitute for H. R. 4507, a bill (H. R. 8283) referring to the Court of Claims the claims for property seized by General Johnston on the Utah expedition; which was read twice, and, with the accompanying report, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

On motion of Mr. PEEL, the Committee on Indian Affairs was discharged from the further consideration of House Executive Document No. 14, on the subject of the claim of the Old Settlers, or Western Cherokees, against the United States; and the same was ordered to lie on the table, and the accompanying report ordered to be printed.

Mr. COSGROVE, from the Committee on Private Land Claims, reported back with amendments the bill (H. R. 5746) authorizing the Commissioner of the General Land Office to issue a land-warrant for one hundred and twenty acres of land to the holder of warrant No. 51466, with certain provisions and upon certain conditions; which, with the accompanying report, was referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. DAVIS, of Illinois, from the Committee on Commerce, reported back without amendment the bill (H. R. 7591) relating to the licensing of vessels engaged in towing to carry persons in addition to their crews; which, with the accompanying report, was referred to the House Calendar, and ordered to be printed.

Mr. STEWART, of Texas, from the Committee on Foreign Affairs, to which was referred the resolution requesting the President to take all proper measures to induce the Government of Chili to pay to Wells, Fargo & Co. the value of certain bank-note forms and other property belonging to them, reported a joint resolution (H. Res. 345) for the relief of Wells, Fargo & Co.; which was read twice, and, with the accompanying report, referred to the House Calendar, and ordered to be printed.

Mr. CURTIN, from the Committee on Foreign Affairs, to which were referred certain messages of the President of the United States in relation to the participation of the United States Government in the Congo conference, submitted a report in writing thereon, accompanied by the following resolution, which was referred to the House Calendar, namely:

Resolved, That no prospect of commercial advantage warrants a departure from the traditional policy of this Government which forbids all entangling alliances with the nations of the Old World, and that the participation of the delegates of the United States in the so-called Congo conference, while carefully guarded, as your committee is informed, in the purpose to confine their powers to the consideration of commercial interests exclusively, is unfortunate in so far as it is a departure from the policy which forbids the Government of the United States to participate in any political combination or movement outside of the American continent.

Mr. BELMONT submitted the views of the minority of the said committee; which were ordered to be printed with said report.

Mr. HITT, from the Committee on Foreign Affairs, reported back without amendment H. R. 4002; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

Mr. FERRELL, from the Committee on War Claims, reported a bill (H. R. 8284) for the relief of Mrs. Elizabeth M. Johnson; which was read twice, and, with the accompanying report, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. HOPKINS, from the Committee on Public Buildings and Grounds, reported back without amendment the bill (H. R. 996) for the erection of a public building at Camden, N. J.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. MILLIKEN, from the Committee on Public Buildings and Grounds, reported back bills of the House of the following titles, with amendments (except the bill numbered H. R. 8020, which was reported without amendment); which were referred to the Committee of the Whole House on the state of the Union, and, with accompanying reports, ordered to be printed:

A bill (H. R. 3700) to provide for the erection of a public building in the city of Manchester, in the State of New Hampshire;

A bill (H. R. 8020) to provide for the erection of a public building at Montpelier, Vt.; and

A bill (H. R. 6957) providing for the erection of a public building at Springfield, Mass.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, reported without amendment the joint resolution (H. Res. 207) providing for the erection of a public building at the city of Texarkana, situate on both sides of the boundary line between the States of Arkansas and Texas; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, also reported, as a substitute for H. R. 2825, a bill (H. R. 8285) for the erection of a public building at the city of El Paso, in the State of Texas; which was read twice, and, with the accompanying report, referred to the Committee of the Whole House on the state of the Union, and ordered to lie on the table and be printed.

Mr. WEMPLE, from the Committee on Public Buildings and Grounds, reported back without amendment the bill (H. R. 7729) to change the limit of appropriation for the public building at Rochester, N. Y.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. WEMPLE, from the Committee on Public Buildings and Grounds, to which was referred the letter of the Secretary of the Treasury transmitting report and accompanying papers of the commissioners appointed to appraise the premises, with the buildings and improvements thereon, bounded by West, Laight, Hubert, and Washington streets, in the city of New York, also submitted a report in writing thereon; which, with the accompanying papers, was referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. WORTHINGTON, from the Committee on Public Buildings and Grounds, reported back without amendment the bill (H. R. 7800) to amend an act entitled "An act for the erection of a public building at Quincy, Ill.," approved May 9, 1892; which, with the accompanying report, was referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. SEYMOUR, from the Committee on Commerce, reported, as a substitute for H. R. 8265, a bill (H. R. 8287) authorizing the construction of a bridge over the Mississippi River at or near Alton, Ill., and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed and lie on the table.

Mr. GREENLEAF, from the Committee on Payment of Pensions, Bounty, and Back Pay, reported back without amendment the bill (H. R. 8235) for the relief of Ferdinand Plocher; which, with the accompanying report, was referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. GREENLEAF, from the Committee on Patents, also reported a bill (H. R. 8288) for the relief of James Albert Bonsack; which was read twice, and, with the accompanying report, referred to the Committee of the Whole House, and ordered to be printed.

Mr. HENLEY, from the Committee on the Public Lands, reported a bill (H. R. 8239) to declare forfeited certain lands granted to the Southern Pacific Railroad Company by the act of Congress approved July 27, 1866; which was read twice, and, with the accompanying report, referred to the House Calendar, and ordered to be printed.

Mr. YOUNG, from the Committee on Public Buildings and Grounds, reported back bills of the following titles, without amendment, accompanied by reports in writing thereon:

A bill (H. R. 8290) for the erection of a public building at Owensborough, Ky.; and

A bill (S. 505) for the erection of a public building at Huntsville, Ala.

Mr. BRAINERD, from the Committee on Public Buildings and Grounds, reported back the bill (H. R. 3621) in relation to the public building at Leavenworth, Kans.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, to which was referred the bill of the Senate S. 2617, reported the same with amendments, accompanied by a report in writing thereon; which were referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. HEMPHILL, from the Committee on Expenditures in the Department of Justice, to which were referred certain charges against William Lawrence, First Comptroller of the Treasury, submitted a report (No. 2675) in writing thereon; which was ordered to be printed, and laid on the table.

Mr. ROSECRANS, from the Committee on Military Affairs, under instruction, by resolution of the House of May 26, 1884, to investigate the management of the National Home for Disabled Volunteer Soldiers, submitted a report in writing thereon; which was ordered to be printed, and laid on the table.

Mr. TULLY, from the Committee on War Claims, reported back with an amendment the bill (H. R. 1466) for the relief of the heirs of Thomas Black; which, with the accompanying report, was referred to the Committee of the Whole House, and ordered to be printed.

Mr. TILLMAN, from the Committee on Claims, reported back without amendment the bill (H. R. 1089) for the relief of the heirs of the late Solomon Spitzer; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

Mr. HART, from the Committee on Elections, to which was referred the preamble and resolution relative to the case of Hon. JAMES S. ROBINSON, a Representative from the ninth Congressional district of the State of Ohio, submitted a report in writing thereon; which was ordered to be printed, and laid on the table.

Mr. TUCKER, from the Committee on the Judiciary, under the resolution of January 15, 1884, instructing said committee to inquire whether the President, by and with the advice and consent of the Senate, can negotiate treaties with foreign governments by which the duties levied by Congress on importations can be changed or abrogated, submitted a report in writing thereon; which was ordered to be printed, and laid on the table.

Mr. SPRINGER, from the Committee on Expenditures in the Department of Justice, under instruction to investigate certain charges against Lot Wright, United States marshal for the southern district of Ohio, in relation to the election at Cincinnati, submitted a report in writing thereon.

Mr. EATON, from the Committee on Foreign Affairs, under instruction by resolution of the 23d ultimo to inquire into the alleged discrimination against American products by the German Empire, submitted a report in writing thereon, accompanied by the following resolution; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed:

Resolved, That it is the sense of the House of Representatives that the President of the United States be requested to take immediate steps to secure to the United States equal benefits in the German Empire with other nations as to all articles of commerce of the United States under the most-favored-nation clause of the treaty of 1828, made with Prussia, and now in force between the United States and the German Empire.

Mr. WARNER, of Ohio, from the Select Committee on the Payment of Pensions, Bounty, and Back Pay, under resolution of the House of January 12, 1880, continued by resolutions in the Forty-seventh and Forty-eighth Congresses respectively, submitted a report in writing in relation to claim agents and the administration of the Pension Office; which was ordered to be printed, and laid on the table.

Mr. BREWER, of New York, from the Select Committee on the Payment of Pensions, Bounty, and Back Pay, to which were referred bills of the House of the following titles, reported the same severally without amendment, accompanied by reports in writing thereon; which were referred to the Committee of the Whole House, and, with the accompanying reports, ordered to be printed:

A bill (H. R. 1595) for the relief of Mary Ann King, mother of Andrew King; and

A bill (H. R. 8015) for the relief of Edward G. Pendleton.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back without amendment the bill (H. R. 7051) granting a pension to Mrs. Garrett H. Pierce; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

Mr. RAY, of New Hampshire, from the Committee on Invalid Pensions, reported back without amendment the bill (S. 2061) granting a pension to Miss Amelia J. Gill; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

On motion of Mr. STEVENS, the Committee on Indian Affairs was discharged from the further consideration of the bill (H. R. 3945) for the relief of A. L. Dickerman and others; which was ordered to lie on the table, and the accompanying report to be printed.

Mr. EATON, from the Committee on Foreign Affairs, to which was referred the message of the President of the United States, with the correspondence on file in the Department of State relative to the claim of William J. Hale against the Argentine Republic, submitted a report in writing thereon, accompanied by the following resolution; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed:

Resolved, That the President of the United States be advised to demand the attention of the Government of the Argentine Republic to the claim of William J. Hale, and to take such measures as in his judgment will assure the speedy settlement thereof.

On motion of Mr. EATON, the Committee on Foreign Affairs was discharged from the further consideration of certain resolutions submitted by Mr. BELMONT, Mr. FINDLAY, and Mr. ABRAHAM S. HEWITT in relation to the recent dynamite explosions in London; which were severally ordered to lie on the table and the accompanying report to be printed.

Mr. YOUNG, from the Committee on Public Buildings and Grounds, reported back without amendment the bill (H. R. 677) for a public building at Monroe, La.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. BLACKBURN, from the Committee on Rules, to which was referred the subject of the preparation of a general index of the Journals of Congress, submitted a report in writing thereon; which was ordered to be printed, and laid on the table.

UNITED STATES SURVEYS, ETC.

The SPEAKER announced the appointment of Mr. WAIT as a member of the joint commission on the part of the House to consider the present organizations of the Signal Service, Geological Survey, Coast and Geodetic Survey, and the Hydrographic Office of the Navy Department, in place of Mr. LYMAN, whose term of office expires with the Forty-eighth Congress.

INDIAN SCHOOLS.

The SPEAKER announced the appointment of Mr. HOLMAN, Mr. W. H. HATCH, Mr. PEEL, Mr. CANNON, and Mr. RYAN as the committee of five members-elect of the Forty-ninth Congress to inquire into and investigate the expenditure of appropriations for Indian schools, &c., and also to inquire into the expenditure of public money and the administration of laws relating to the Yellowstone Park as provided in the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, approved March 3, 1885.

FINAL ADJOURNMENT.

The SPEAKER (at ten minutes before 12 o'clock noon). Gentlemen of the House of Representatives: The work of the Forty-eighth Congress is now completed, and the time has come for the performance of my last official act as the presiding officer of this House. I should do violence to my own feelings and be guilty of the grossest ingratitude if I should declare a final adjournment without returning to you, individually and collectively, my sincere thanks for the complimentary resolution passed this morning. I thank you also, gentlemen, with equal warmth and sincerity, not only for the confidence reposed in me at the beginning of our labors here, but for the respect and courtesy which have characterized all your personal and official intercourse with me since that time.

The membership of this House is so large, its business is so great, and the struggle on the floor for priority in the consideration of measures is so earnest that without your cordial co-operation and support it would have been utterly impossible to conduct our proceedings in an orderly or regular manner. It is but simple justice to say that your support and co-operation have been promptly and cheerfully given in every emergency, and to that fact, more than to anything else, must be attributed whatever measure of success has attended my efforts to preserve order and facilitate the transaction of the public business. Very few, even among those who are best acquainted with our legislative history, have an adequate conception of the increased labors and responsibilities devolved upon Congress by the events of the last quarter of a century, and none, I am sure, who have not had actual experience can fully appreciate the difficulties attending the transaction of business in a body so large as this.

In the first Congress the House of Representatives consisted of only sixty-seven members—less than the present membership of the Senate. Now there are three hundred and twenty-five, besides the Delegates from the Territories. From the organization of the Government to the close of the Twenty-fifth Congress, a period of fifty years, there were introduced into the House, as shown by its records, 8,777 bills and joint resolutions; while during the two sessions of the present Congress, 8,630 bills and joint resolutions have been introduced—almost as many as during that half century. At present each one of our principal general appropriation bills embraces as much money as the whole amount of the net ordinary expenditures of the Government during the first nine or ten years of its existence, and the specific objects to be investigated and provided for in those bills have so increased in number that it has become a very considerable task even to enumerate them.

Although this House has passed a larger number of bills than any of its predecessors, except, perhaps, one or two which sat for a longer time, it is not at all strange, gentlemen, in view of the facts just mentioned, that it should be compelled to leave unfinished a very large percentage of the measures presented. It is evident that unless some constitutional or legislative provision can be adopted which will relieve Congress from the consideration of all, or at least a large part, of the local and private measures which now occupy the time of the committees and fill the Calendars of the two Houses, the percentage of business left undisposed of at each adjournment must continue to increase from year to year. It is not reasonable to suppose that an alteration of the Constitution can be effected, but it is worthy of serious consideration whether a general law might not be enacted which would authorize the several Executive Departments and the courts of justice to hear and determine these matters under such rules and regulations as

would amply protect the interests of the Government and at the same time secure to the citizen a more expeditious and appropriate remedy than is now afforded. If this shall be done time and opportunity will be afforded here for the deliberate consideration of those great public questions which the Constitution has committed to the legislative department, and something might be done to promote the welfare of the whole people without neglecting the special interests of any.

I congratulate you, gentlemen, upon the spirit of harmony and good feeling which has prevailed throughout your deliberations. It is true that wide differences of opinion have been developed and the largest liberty of debate has been exercised, but each member has honestly endeavored to respect and to protect the rights and privileges of his associates, and I am sure that no personal animosities have been engendered that will survive the close of your official relations. We shall part to-day better friends than when we met, and hereafter, I trust, we will all recall with pleasure the fact that we were associated as members of the House in the Forty-eighth Congress.

For my part I shall always consider myself indebted to you for the highest honor of my life, the honor of presiding over the deliberations of the American House of Representatives—a legislative body which, while it has always respected the just authority of the Government, has never failed to assert the rights of the people. When it ceases to do either it will no longer be an honor to preside over it.

Gentlemen, renewing my profound thanks for your assistance, for your forbearance, and for the expressions of esteem and confidence which you have just placed upon your record, and assuring each one of you of my best wishes for his success in every honorable aspiration, I now declare this House adjourned *sine die*.

[Loud and prolonged applause in all parts of the Hall and in the galleries.]

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BLANCHARD: Petition of citizens of Bienville Parish, La., for increase of widows' pensions—to the Committee on Pensions.

By Mr. BRAINERD: Petition of citizens of Oil City, Pa., relating to the Mormon question—to the Committee on the Judiciary.

By Mr. W. W. BROWN: Joint resolution of the Legislature of Pennsylvania, protesting against the abolition of the National Board of Health—to the Select Committee on the Public Health.

Also, joint resolution of the Legislature of Pennsylvania, urging the placing of General U. S. Grant on the retired-list—to the Committee on Military Affairs.

By Mr. EVERHART: Petition of manufacturers of vinegar under

act of March 1, 1879, denying allegations of New York State Cider Vinegar Association—to the Committee on Ways and Means.

By Mr. GUENTHER: Memorial of the Legislature of the State of Wisconsin, asking for the maintenance of the Sturgeon Bay and Lake Michigan Ship Canal—to the Committee on Rivers and Harbors.

By Mr. HALSELL: Petition of the Madison Female Institute; of the estate of John G. Holloway *et al.*, Thomas W. Campbell, assignee; of the estate of Albert Buford, J. W. McKnight, administrator, for reference of their respective claims to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. JEFFORDS: Petition of W. L. Gay, trustee of Mary D. Gay, L. W. Downs, and A. Verrett, asking that their several claims be referred to the Court of Claims—severally to the same committee.

By Mr. MILLARD: Petition of citizens of Waverly, N. Y., urging legislation for the suppression of Mormonism—to the Committee on the Judiciary.

By Mr. PRYOR (by request): Petitions of the following persons for reference of their claims to the Court of Claims, namely: T. T. Tabb, trustee, and James T. King, of Virginia; James W. Geo, Eli N. Leay, Sarah Wright, W. A. Davis, administrator, R. R. Hightower, Horace H. Hamner, J. J. Wherry, Alfred Blackman, John A. Curtis, Madison Porter, Thomas J. Johnson, Joshua W. Elder, Allie A. Trice, Thomas L. Porter, administrator, Nimrod Porter, and John McQuiddy's estate, of Tennessee; Walter Rosser, Jesse Tilly, Thomas N. Allison, Archibald Rutherford, Maria Barrier, Elizabeth Wallace, John Sullivan, William Hays, William Russell, Eliza J. Rudder, Israel Russell, and W. H. Christian, of Tennessee—to the Committee on War Claims.

By Mr. STEPHENSON: Joint resolution of the Legislature of Wisconsin, against the importation of foreign-contract labor—to the Committee on Labor.

By Mr. J. D. TAYLOR: Petition of Joseph Buchanan and 27 others, citizens of Steubenville, Jefferson County, Ohio, praying for the passage of one of the two bills now before Congress for the suppression of polygamy, declaring the so-called Mormon Church to be utterly alien and treasonable—to the Committee on the Judiciary.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. W. W. BROWN: Joint resolution of the Legislature of Pennsylvania.

By Mr. KEIFER: Of William H. Kennedy and 124 others, citizens of New Holland; and of Joseph W. Davis and 70 others, citizens of Mechanicsburg, Ohio.